

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING CHAPTER 28, ARTICLE XI (“IRRIGATION SYSTEMS”) OF THE CODE OF THE CITY OF DENTON, TEXAS TO ALIGN WITH STATE REGULATIONS, CLARIFY IRRIGATOR OBLIGATIONS, AND REVISE ENFORCEMENT PROVISIONS; ESTABLISHING THE MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEMS WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF DENTON, TEXAS; PROVIDING A PENALTY UP TO \$2,000 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 551 of the Texas Local Government Code states that municipalities with a population of 20,000 or more must by ordinance require an installer of an irrigation system to (1) hold a valid irrigator’s license issued by the Texas Commission on Environmental Quality (“TCEQ”) and (2) obtain a permit prior to installation of an irrigation system within the municipality’s city limits or extraterritorial jurisdiction; and

WHEREAS, the Texas Occupations Code provides exemptions from state licensing requirements in certain circumstances, for example, when homeowners install their own irrigation system; and

WHEREAS, Chapter 551 of the Texas Local Government Code further provides that an irrigation system ordinance must include minimum standards and specifications for designing, installing, and operating irrigation systems in accordance with state law and TCEQ rules; and

WHEREAS, Chapter 551 of the Texas Local Government Code allows licensed irrigation system inspectors and licensed plumbing inspectors to enforce municipal irrigation system ordinances; and

WHEREAS, the TCEQ rules governing landscape irrigation can be found in Chapter 344 of Title 30 of the Texas Administrative Code; and

WHEREAS, the City Council has determined that Chapter 28, Article XI of the Code of the City of Denton, Texas, regulating irrigation systems, needs certain amendments to protect public health, safety, and welfare; to promote water conservation; and to protect the environment; and

WHEREAS, properly installed irrigation systems conserve water and improve the overall quality of life for the citizens of Denton, Texas; and

WHEREAS, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is protective of the City's water supply and provides an enhanced quality of life for the citizens of the City of Denton, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. Chapter 28, Article XI ("IRRIGATION SYSTEMS") of the Code of the City of Denton, Texas is hereby amended to read as provided in Exhibit "A", attached hereto and incorporated for all purposes.

SECTION 3. Any person, firm, or corporation found to be violating any provision of this ordinance shall, upon conviction, be found guilty of a Class "C" misdemeanor and fined a sum not to exceed two thousand dollars (\$2,000) for each violation. Every day a violation occurs or continues shall constitute a separate offense.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, or section of this ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph, or section of this ordinance.

SECTION 5. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City of Denton under any section or provisions at the time of passage of this ordinance.

SECTION 6. Except as expressly amended herein, the provisions of Chapter 28, Article XI ("IRRIGATION SYSTEMS") of the Code of the City of Denton, Texas shall remain in full force and effect.

SECTION 7. All provisions of the Code of the City of Denton, Texas codified or uncoded, in direct conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the Code of the City of Denton, Texas, codified or uncoded, not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 8. The City Secretary is hereby directed to record and publish the regulations in Exhibit "A" in the City's Code of Ordinances.

SECTION 9. Pursuant to Section 2.09(c) of the Charter for the City of Denton, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this Ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_, the Ordinance was passed and approved by the following vote [\_\_ - \_\_]:

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

ATTEST:

INGRID REX, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

MACK REINWAND, CITY ATTORNEY

BY: Christopher Mullino

## EXHIBIT “A”

### Sec. 28-441. - Definitions.

The following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise.

*Backflow* means an undesirable reversal of flow of water or a mixture of water and other liquids, gases, or other substances, from any source or sources, into distribution pipes containing Potable Water supply.

*Backflow Prevention Assembly* means a mechanical plumbing device that, when properly installed and maintained, prevents Backflow from a private water system into the Public Water System. Backflow prevention is necessary to stop potentially contaminated or polluted water from entering the public water supply due to either a backpressure or backsiphonage event.

*City* means the City of Denton, Texas.

*Completion of Irrigation System Installation* means when the Landscape Irrigation System has been installed, all standards under this Article XI and state law have been met, all tests have been performed, and the Irrigator is satisfied that the Landscape Irrigation System is operating correctly.

*Consulting* means the act of providing advice, guidance, review, or recommendations related to Landscape Irrigation Systems.

*Cross-Connection* means any actual or potential connection or structural arrangement between the PWS and any other source or system through which it is possible to introduce to the PWS any used water, industrial fluid, gas, or substance other than Potable Water. The term “Cross-Connection” includes, but is not limited to, bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and any other temporary or permanent devices.

*Design* means the act of determining the various elements of a Landscape Irrigation System. The term includes, but is not limited to, collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out Emission Devices, locating system components, conducting Hydraulics calculations, identifying any local regulatory requirements, and scheduling irrigation work at a site.

*Design Pressure* means the pressure needed for an Emission Device to operate correctly and with the Head-To-Head Spacing required under this Article XI. Design Pressure is the sum of the minimum operating pressure of an Emission Device and the total of all pressure losses accumulated from the Emission Device to the water source.

*Emission Device* means any device that is contained within an Irrigation System and used to apply water. Common Emission Devices in an Irrigation System include, but are not limited to, spray sprinkler heads, rotary sprinkler heads, and drip irrigation emitters.

*Head-To-Head Spacing* means the spacing of Emission Devices such that the distance between them is within the manufacturer's published radius range and the water spray reaches from Emission Device to Emission Device. Deviation from the manufacturer's published radius range shall not be more than ten (10) percent.

*Hydraulics* means the science of dynamic and Static Water and the mathematical computation of determining pressure losses and pressure requirements of an Irrigation System.

*Impervious Surface* means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

*Irrigation Inspector* means (a) a water district operator, governmental entity, or licensed Irrigation Inspector who inspects Irrigation Systems and performs other enforcement duties for a municipality or water district and who is licensed under Title 30, Chapter 30 of the Texas Administrative Code or (b) a licensed plumbing inspector.

*Irrigation Plan* means a scaled drawing of a new Irrigation System submitted in accordance with this Article XI prior to installation of the Landscape Irrigation System. An Irrigation Plan shall (i) meet all the requirements in 30 TEX. ADMIN. CODE §§ 344.60 - 344.65 (relating to Water Conservation; Minimum Standards for the Design of the Irrigation Plan; Minimum Design and Installation Requirements; Completion of Irrigation System Installation; Maintenance, Alteration, Repair, or Service of Irrigation Systems; and Reclaimed Water) and (ii) be provided as an as-built drawing to the owner or owner's representative upon completion of the Irrigation System.

*Irrigation Services* means any activities involving an Irrigation System including, without limitation, selling, designing, installing, maintaining, altering, repairing, servicing, permitting, Consulting services, or connecting an Irrigation System to a water supply.

*Irrigation System* means a system permanently installed on a site and composed of an assembly of component parts for the controlled distribution and conservation of water to irrigate, reduce dust, and control erosion in any type of landscape in any location. This term does not include a system that is used on or by an Agricultural Operation, as defined by TEX. AGRIC. CODE § 251.002.

*Irrigation Technician* means a Person who works under the Supervision of an Irrigator licensed under 30 TEX. ADMIN CODE § 30.120(b) to perform Irrigation Services, including the connection of an Irrigation System to a private or public, raw or Potable, Water supply system or any other water supply, and who is required to be licensed under Title 30, Chapter 30 of the Texas Administrative Code.

*Irrigation Zone* means a subdivision of an Irrigation System with a Matched Precipitation Rate based on plant type (such as turf, shrubs, or trees), microclimate (such as sun/shade ratio), topographic features (such as slope), soil type (such as sand, loam, clay, or a combination of any type), and hydrological control.

*Irrigator* means a Person who performs Irrigation Services and/or engages in the Supervision of the installation of an Irrigation System, including the connection of such system to a private or public, raw or Potable, Water supply system or any water supply, and who is licensed under Title 30, Chapter 30 of the Texas Administrative Code or exempted from licensing requirements by the same.

*Landscape Irrigation* means the science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

*License* means an occupational license that:

- (a) is required by Chapter 1903 of the Texas Occupations Code, is issued by TCEQ under Title 30, Chapter 30 of the Texas Administrative Code, and authorizes an individual to engage in an activity covered by this Article XI; or
- (b) is required by Chapter 1301 of the Texas Occupations Code and governed by Title 22, Chapter 365 of the Texas Administrative Code.

*Licensed Irrigator* means an Irrigator who possesses a License.

*Mainline* means a pipe within an Irrigation System that delivers water from the water source to the individual Zone Valves.

*Maintenance, Alteration, Repair, or Service* means any activity that involves opening to the atmosphere the irrigation Mainline at any point prior to the discharge side of any Irrigation Zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

*Maintenance Checklist* means a document made available to the Irrigation System's owner or owner's representative that contains information regarding the operation and maintenance of the Irrigation System including, but not limited to, checking and repairing the Irrigation System, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the Irrigation System, the precipitation rates of each Irrigation Zone within the system, any Water Conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.

*Master Valve* means a remote control valve located after the Backflow Prevention Assembly that controls the flow of water to the Irrigation System Mainline.

*Matched Precipitation Rate* means the condition in which all sprinkler heads within an Irrigation Zone apply water at the same rate.

*Person* means any individual, firm, partnership, joint venture, association, club, fraternal organization, joint stock company, corporation, cooperative, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

*Plumbing Code or IPC* means the International Plumbing Code adopted in the Code of the City of Denton Texas, Chapter 28, Article VII, as amended.

*Potable Water* means water that is suitable for human consumption and meets the definition of Drinking water in 30 TEX. ADMIN. CODE § 290.38(25).

*Public Water System or System or PWS* means the City of Denton's publicly owned water system and the Potable Water supply contained therein. This term includes all services, reservoirs, facilities, lines, and equipment associated with the production, treatment, storage, or conveyance of water for public consumption.

*PVC* means polyvinyl chloride.

*Reclaimed Water* means wastewater collected and treated at a wastewater treatment plant to a quality that meets or exceeds the requirements of 30 TEX. ADMIN. CODE CH. 210, as amended, and the City of Denton's authorization pursuant to that chapter. Reclaimed Water is not Potable Water.

*Records* means Irrigation Plans, contracts, warranty information, invoices, copies of permits, and all other documents that relate to Irrigation Services.

*Static Water* means water that is not moving.

*Supervision* means on-the-job oversight and direction by a Licensed Irrigator who is fulfilling their professional responsibility to the client and/or employer in compliance with local and state requirements. Supervision may also be performed by an Irrigation Technician who is working under the direction of an Irrigator licensed under 30 TEX. ADMIN CODE § 30.120(b) to perform Irrigation Services. Irrigators that do not possess a license shall not engage in Supervision.

*Supervisor* means a Person who engages in Supervision in accordance with this Article XI.

*TCEQ* means the Texas Commission on Environmental Quality or its successor agency with jurisdiction over matters covered by this Article XI.

*Water Conservation* means the Design, installation, service, and operation of an Irrigation System in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

*Zone Flow* means a measurement, in gallons per minute or gallons per hour, of the actual flow of water through a Zone Valve, calculated by individually opening each Zone Valve and obtaining a valid reading after the pressure has stabilized. For Design purposes, the Zone Flow is the total flow of all nozzles in the zone at a specific pressure.

*Zone Valve* means an automatic valve that controls a single zone of a Landscape Irrigation System.

If a word or term related to the regulation of Backflow or Cross-Connections is not defined in this Article XI, unless the context clearly indicates otherwise, it shall have the definition provided in the Code of the City of Denton, Texas, Chapter 26, Article XIII, as amended. All definitions that are singular also include the plural form of the term being defined. Named City positions include any applicable successor position.

**Sec. 28-442. - Valid License required.**

Any Person who connects an Irrigation System to a water supply must hold a valid License.

*Exemptions:*

A property owner is not required to hold a valid License if they are performing irrigation work in a building or on a premise owned or occupied by the person as the person's home. A home or property owner who installs an Irrigation System pursuant to an exemption must meet the standards contained in Title 30, Chapter 344, of the Texas Administrative Code regarding spacing, water pressure, spraying water over Impervious Surfaces, rain or moisture shut-off devices or other technology, Backflow prevention, and isolation valves. The City may, at any point, adopt more stringent requirements for exempt home or property owners who install their own Irrigation Systems. Other exemptions to the licensing requirements of this Article XI are in TEX. OCC. CODE § 1903.002(b)(2) and (c). A Person who is exempt from the licensing requirements of this Article XI shall comply with the rules and standards established by this Article XI and any other applicable provisions of the Code of the City of Denton, Texas, unless otherwise exempted.

**Sec. 28-443. - Permit required.**

Any Person installing an Irrigation System within the territorial limits or extraterritorial jurisdiction of the City must obtain a permit from the City Building Safety Department. All Irrigation Plans approved for a permit must comply with the requirements of Chapter 28 of the Code of the City of Denton, Texas and all other applicable provisions of the Code of the City of Denton, Texas.

*Exemptions:*

- (1) An Irrigation System that is part of an On-site sewage disposal system, as defined by TEX. HEALTH & SAFETY CODE § 366.002;

- (2) An Irrigation System used on or by an Agricultural Operation, as defined by TEX. AGRIC. CODE § 251.002; or
- (3) An Irrigation System connected to a groundwater well used by the property owner for domestic use.

**Sec. 28-444. - Backflow prevention methods and devices.**

Any Irrigation System that is connected to the PWS or any Potable Water supply must be connected through a Backflow Prevention Assembly and comply with all the requirements of the Code of the City of Denton, Texas, Chapter 26, Article XIII, as amended.

**Sec. 28-445. - Water Conservation.**

All Irrigation Systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that promotes Water Conservation and adheres to Sections 26-233 and 26-234 of the Code of the City of Denton, Texas and the City of Denton Water Conservation and Drought Contingency Plan, as amended, including, without limitation, those portions of the City of Denton Water Conservation and Drought Contingency Plan relating to Denton's mandatory twice-weekly irrigation schedule and Landscape Management Ordinance.

**Sec. 28-446. - Irrigation Plan Design: minimum standards.**

- (a) All Irrigation Plans must be prepared by an Irrigator licensed under 30 TEX. ADMIN CODE § 30.120(b). An Irrigator shall prepare or arrange for the preparation of an Irrigation Plan for each site where a new Irrigation System will be installed. The Irrigator shall present the plan with a permit application to the City Building Safety Department for review. During the installation of the Irrigation System, variances from the original Irrigation Plan may be authorized by the Irrigator if the variances do not:
  - (1) Diminish the operational integrity of the Irrigation System;
  - (2) Violate any requirements of this Article XI; or
  - (3) Go unnoted in red on the Irrigation Plan.
- (b) The Irrigation Plan must include complete coverage of the area to be irrigated. If an Irrigation System does not provide complete coverage of the area to be irrigated, it must be noted in the Irrigation Plan.
- (c) All Irrigation Plans submitted for review by the City Building Safety Department must be legible and include the following information:
  - (1) The seal and signature of the Irrigator licensed under 30 TEX. ADMIN CODE § 30.120(b) and the date sealed;

- (2) Physical features (For example, and without limitation, property lines, trees, streets, sidewalks, driveways, fences, flower bed lines, buildings, and boundaries of the areas to be watered);
- (3) A North arrow;
- (4) The scale used and a legend showing the symbols used in the Irrigation Plan and an accurate description of what each symbol represents;
- (5) The Zone Flow measurement for each zone which includes the zone/controller station number and the Zone Valve size;
- (6) The location and type of every controller and sensor (For example, and without limitation, rain, moisture, wind, flow, and freeze);
- (7) The Design Pressure; and
- (8) The location, type, and size of each:
  - a. Water source (For example, and without limitation, each municipal water meter or Reclaimed Water source);
  - b. Backflow Prevention Assembly;
  - c. Emission Device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, and micro-sprays;
  - d. Valve, including, but not limited to, Zone Valves, Master Valves, and isolation valves;
  - e. Pressure regulation component (For example, and without limitation, pressure regulation valves and pressure regulating emitters); and
  - f. Main line and lateral piping.

**Sec. 28-447. - Design and installation: Minimum requirements.**

- (a) No irrigation Design or installation shall require the use of any component, including the water meter, in a way that exceeds the manufacturer's published performance limitations for the component.
- (b) Spacing.
  - (1) The maximum spacing between Emission Devices must not exceed the manufacturer's published radius or spacing of the Emission Devices. The proper

radius or spacing is determined by referring to the manufacturer's published specifications for a specific Emission Device at a specific operating pressure.

- (2) Irrigation Systems shall not utilize above-ground spray Emission Devices in landscapes that are (i) less than forty-eight (48) inches not including the Impervious Surfaces in either length or width or (ii) that have sidewalks, driveways, or streets on two or more sides.
  - (3) If pop-up sprays or rotary sprinkler heads are used in an Irrigation System, the sprinkler heads must direct flow away from adjacent surfaces and shall not be installed closer than four (4) inches from a hardscape (For example, and without limitation, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar). Narrow paved walkways, jogging paths, golf cart paths, or other small areas located in cemeteries, parks, golf courses, or other public areas are exempted from this subsection (b)(3) if runoff from the Irrigation System drains into a landscaped area.
- (c) Emission Devices must be installed to operate between the minimum and the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.
  - (d) Irrigation Systems shall have separate zones based on plant type, microclimate factors (such as shade), topographic features (such as slope or elevation), type of soil, and the hydrological requirements of plant types.
  - (e) All Emission Devices in a zone should irrigate at the same precipitation rate. An Irrigator must determine the appropriate length of time to run an Irrigation System based on head selection and spacing. The Irrigator must also consider the soil's infiltration rate to make sure the Irrigation System is operating efficiently to conserve water.
  - (f) Water may not be sprayed over Impervious Surfaces including, but not limited to, concrete, asphalt, brick, wood, stones set with mortar, walls, fences, sidewalks, and streets.
  - (g) If a Master Valve is provided, it must be installed on the discharge side of the Backflow Prevention Assembly.
  - (h) All new Irrigation Systems that are installed using PVC pipe and fittings shall be installed in accordance with the IPC.
  - (i) All new automatically controlled Irrigation Systems must include sensors or other technology designed to inhibit or interrupt operation of the Irrigation System during periods of moisture or rainfall. Rain or moisture shut-off technology must be installed

according to the manufacturer's published recommendations. Repairs to existing automatic Irrigation Systems that require replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt operation of the Irrigation System during periods of moisture or rainfall.

(j) All new Irrigation Systems must include an isolation valve between the water meter and the Backflow Prevention Assembly.

(k) Piping.

(1) Piping in all Irrigation Systems must be installed according to the manufacturer's published specifications for depth of pipe coverage. If the manufacturer has not published specifications, the pipe must be buried at least six inches deep and it must be covered with six (6) inches of select backfill between its top and the natural grade of the topsoil.

(2) Mounding with select backfill may be employed if the area being irrigated is rock but, if mounding is used, that fact must be noted on the Irrigation Plan and any safety issues must be addressed with the owner.

(3) If utilities, manmade structures, or roots create an unavoidable obstacle that makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two (2) inches of select backfill between the top of the pipe and the natural grade of the topsoil.

(4) All trenches and holes created during installation of an Irrigation System must be backfilled and compacted to the original grade.

(5) The velocity of water through PVC pipe in an Irrigation System may not exceed five feet per second.

(l) The wiring used to connect an automatic controller to any electrical components must be listed by Underwriters Laboratories as acceptable for burial. The wiring connected to an Irrigation System must be sized according to the manufacturer's recommendations. Electrical splices that may be exposed to moisture must be waterproofed as certified by the wire-splice manufacturer. Underground electrical wire used in an Irrigation System must be buried with at least six inches of select backfill.

(m) Connections to an Irrigation System for drinking or domestic use (For example, and without limitation, filling a swimming pool or decorative fountain) are prohibited. If a hose bib (an outdoor water faucet that has hose threads on the spout) is connected to an Irrigation System for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered, purple valve box. The hose bib and any hoses connected to it must be labeled

"non-potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an Irrigation System.

- (n) Either a Licensed Irrigator or an Irrigation Technician must be on-site during the installation of an Irrigation System, unless the Irrigation System is being installed by a Person exempted under Sec. 28-442 of the Code of the City of Denton, Texas.
- (o) All Irrigation Systems must be designed, installed, and operated in a manner that promotes Water Conservation.

**Sec. 28-448. - Completion of Irrigation System Installation by a Licensed Irrigator and Final Walkthrough.**

- (a) An Irrigation System is complete when the Irrigation System has been installed, minimum standards for the Irrigation System under this Article XI have been met, and all Irrigation System tests have been performed without failure. When the Irrigation System is complete and it operates correctly, the Licensed Irrigator, or Irrigation Technician, who served as Supervisor on-site must conduct a final walkthrough to show the owner or owner's representative how to operate the Irrigation System correctly to maintain a healthy landscape and conserve water. The owner or owner's representative must receive the following documents during the final walkthrough:
  - (1) The manufacturer's manual for any automatic controllers;
  - (2) A seasonal watering schedule;
  - (3) A list of Irrigation System components that require maintenance and the recommended frequency of service;
  - (4) The Irrigation Plan showing the actual installation of the Irrigation System; and
  - (5) A Maintenance Checklist, containing:
    - a. The signature of the Irrigation System owner or the owner's representative;
    - b. The Irrigator's seal, signature, and the date; and
    - c. The statement, "This Irrigation System has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations, and orders. I have tested the System and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time."
- (b) When the Irrigation System is complete and it operates correctly, the Licensed Irrigator or Irrigation Technician, who served as Supervisor on-site must affix a permanent sticker, printed with waterproof ink, that contains the Licensed Irrigator or Irrigation Technician's name, License number, company name, telephone number, and the dates of the warranty period to each automatic controller installed by the Irrigator or Irrigation

Technician. If the Irrigation System is manual, the sticker shall be affixed to the original Maintenance Checklist.

- (c) The Licensed Irrigator must give the original Maintenance Checklist to the owner or owner's representative and maintain a copy of the Maintenance Checklist.
- (d) If the owner or owner's representative refuses or is unable to attend the final walkthrough in subsection (a) or refuses or is unable to sign the Maintenance Checklist, the Licensed Irrigator or Irrigation Technician must send the Irrigation System owner or owner's representative the following documents:
  - (1) The automatic controller manual;
  - (2) A seasonal watering schedule;
  - (3) A list of components requiring maintenance and the recommended frequency of service;
  - (4) The Irrigation Plan; and
  - (5) The Maintenance Checklist, as defined in this Article XI and described in subsection (a)(5).

The Licensed Irrigator or Irrigation Technician must record in the permit file with the City's Building Safety Division that the owner or owner's representative cannot or would not participate in the final walkthrough or sign the Maintenance Checklist and make note of the date and time they declined or refused to participate in the final walkthrough or sign the Maintenance Checklist on the owner or owner's representative's signature line. The Licensed Irrigator or Irrigation Technician must also record the method of delivery (For example, mail, left at site, etc.) of the documents to the owner or the owner's representative.

**Sec. 28-449. - Inspections.**

- (a) For residential systems, the Irrigator shall schedule a Backflow Prevention Assembly inspection and irrigation final inspection with the Building Safety Division.
- (b) For commercial Systems, the Licensed Irrigator shall schedule an irrigation underground inspection, Backflow Prevention Assembly inspection, and irrigation final inspection with the Building Safety Division. An irrigation underground inspection shall take place after the installation of the underground irrigation lines and devices, but before any trenches are backfilled. A Backflow Preventions Assembly inspection shall take place after the Backflow Prevention Assembly is installed and tested.
- (c) The irrigation final inspection shall include, but not be limited to, the freeze sensor and the rain sensor, with each mounted on permanent structure but not a fence. The Irrigator shall demonstrate each zone of the Irrigation System for the Irrigation Inspector.

**Sec. 28-450. - Maintenance, Alteration, Repair, or Service of Irrigation Systems.**

- (a) All trenches and holes created during the Maintenance, Alteration, Repair, or Service of an Irrigation System must be backfilled and returned to the original grade with suitable soil free of any objects that could damage the plumbing of the Irrigation System. The backfill must be compacted such that a depression does not develop.
- (b) If the Maintenance, Alteration, Repair, or Service of an Irrigation System involves excavation at the water meter or at a point upstream of the Backflow Prevention Assembly, an isolation valve must be installed if one is not already installed.
- (c) If an Irrigation System is connected to a Potable Water supply and the main line of the Irrigation System must be opened to the atmosphere at any point prior to the discharge side of the Irrigation Zone control valve, then the Irrigation System must be connected using a Backflow Prevention Assembly installed and approved in accordance with state law and the requirements of the Code of the City of Denton, Texas, Chapter 26, Article XIII.
- (d) If an existing controller is replaced, a rain or moisture sensor or other technology designed to interrupt System operation during periods of rain or moisture must be installed.
- (e) The Irrigator must identify in writing to the Irrigation System's owner or owner's representative the materials furnished in the maintenance of the Irrigation System.
- (f) All Maintenance, Alteration, Repair, or Service of an Irrigation System must comply with the Design and installation requirements provided in this Article XI.
- (g) All Maintenance, Alteration, Repair, or Service must promote Water Conservation.
- (h) The Irrigator is responsible for all work that the Irrigator performed during the Maintenance, Alteration, Repair, or Service of an irrigation system during the warranty period. The Irrigator or business owner is not responsible for the professional negligence of any other Irrigator who subsequently conducts any irrigation service on the same irrigation system
- (i) Colored PVC pipe primer solvent must be used on all pipes and fittings used in the Maintenance, Alteration, Repair, or Service of an Irrigation System in accordance with the IPC.

**Sec. 28-451. - Reclaimed Water.**

Reclaimed Water may be utilized in Landscape Irrigation Systems if:

- (a) There is no direct contact with edible crops, unless the crop is pasteurized before consumption;

- (b) The Irrigation System does not spray water across property lines that do not belong to the Irrigation System's owner;
- (c) The Irrigation System is installed using purple components;
- (d) The domestic Potable Water line is connected using a Backflow Prevention Assembly, in accordance with state law and the Code of the City of Denton, Texas, Chapter 26, Article XIII; and
- (e) A minimum of an eight-inch by eight-inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER - DO NOT DRINK" and "AGUA DE RECUPERACIÓN - NO BEBER".

**Sec. 28-452. - Advertisement requirements for Licensed Irrigators.**

- (a) A Licensed Irrigator's License number in the form of "LI \_\_\_\_\_" must be displayed on:
  - (1) All vehicles used in the installation, Maintenance, Alteration, Repair, or Service of Irrigation Systems;
  - (2) Trailers that advertise Irrigation Services;
  - (3) All forms of advertisement for Irrigation Services, regardless of the type of media, including, without limitation, business cards and estimates; and
  - (4) All Contracts, proposals, bids, and invoices.
- (b) All vehicles and trailers must display the License number required in subsection (a) in a contrasting color and in block letters at least two inches high. License numbers must be visible on both outward sides of a vehicle. Magnetic signs are acceptable.
- (c) In addition to the License number required in subsection (a), all forms of advertisement for Irrigation Services, regardless of the type of media, including, without limitation, business cards and estimates must display the Licensed Irrigator's name.
- (d) At the location of the permanent structure where the irrigation business is primarily conducted and irrigation records are kept, the name, mailing address, and telephone number of the TCEQ must be prominently displayed on a legible sign in plain view for the purpose of addressing complaints.

**Sec. 28-453. - Duties and responsibilities of City Irrigation Inspectors.**

An Irrigation Inspector employed by the City shall enforce this Article XI and shall be responsible for:

- (a) Verifying that the appropriate permits have been obtained for an Irrigation System;

- (b) Verifying that the Irrigator or Irrigation Technician, as applicable, are Licensed;
- (c) Inspecting the Irrigation System;
- (d) Determining that the Irrigation System complies with the requirements of this Article XI and applicable state laws and regulations;
- (e) Determining that the appropriate Backflow Prevention Assembly was installed, tested, and the test results were provided to the City;
- (f) Investigating complaints related to the installation, Maintenance, Alteration, Repairs, or Service of an Irrigation System and the advertisement of Irrigation Services; and
- (g) Maintaining Records according to Article XI and applicable state laws and regulations.

**Sec. 28-454. - Items not covered by this article.**

Any matter involving Irrigation Systems not covered by the Code of the City of Denton, Texas and required by law shall be governed by the Texas Occupations Code, the Texas Water Code, Title 30 of the Texas Administrative Code, and any other applicable state statute or rule.

**Sec. 28-455. - Fees.**

Prior to the issuance of any permit required by this Article XI, a fee established by the City Council and on file in the office of the City Secretary shall accompany the application for such permit, payable to the City, for the issuance of the permit and any inspections to be made.

**Sec. 28-456. - Enforcement.**

- (a) The City shall have the power to administer and enforce the provisions of this Article XI as may be required by governing law. Any Person who shall violate a provision of this Article XI is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Article XI is declared to be a nuisance.
- (b) A Person who violates any provision of this Article XI commits an offense and is guilty of a class C misdemeanor. Each day a violation continues shall be considered a separate offense.
- (c) If the definition of an offense under this Article XI does not prescribe a culpable mental state, then a culpable mental state is not required, and the offense is one of strict liability. A strict liability offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

- (d) If the definition of an offense under this Article XI prescribes a culpable mental state, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).
- (e) All penalties in this Article XI are in addition to and cumulative of any other remedies that may be available to the City at law and in equity, including, without limitation, injunctive relief.