

ORDINANCE NO. 1837

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EULESS, TEXAS, CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II, "INTERNATIONAL RESIDENTIAL CODE," SECTION 14-25, "AMENDMENTS," AND ARTICLE IV, "INTERNATIONAL PLUMBING CODE," SECTION 14-63, "AMENDMENTS," AND CHAPTER 30, "FEES," SECTION 30-13, "BUILDING FEES," BY ADDING LOCAL AMENDMENTS TO THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS AND THE 2003 INTERNATIONAL PLUMBING CODE, AS PREVIOUSLY ADOPTED, IN ORDER TO ESTABLISH THE MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF EULESS AND PERMIT FEES, THEREFORE; PROVIDING FOR RECORDING OF SUCH CODE AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Euless is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Euless, Texas has determined that water conservation and environmental protection are important issues and concerns affecting the city; and

WHEREAS, properly-installed irrigation systems will conserve water, help avoid wasteful use, and improve the overall quality of life for the citizens of Euless, Texas; and

WHEREAS, during the 2007 legislative session, the Texas Legislature adopted House Bill 1656; and

WHEREAS, House Bill 1656 amended Chapter 401 of the Texas Local Government Code to require a city with a population of 20,000 or more to regulate the installation of irrigation systems within the corporate limits of the city as well as the city's extraterritorial jurisdiction; 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 Euless.

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

SECTION 1

That Chapter 14, "Buildings and Building Regulations," Article II, "International Residential Code," Section 14-25, "Amendments," be amended by adding Section P2609, "*Landscape Irrigation. Minimum Standards for Landscape Irrigation Systems,*" amending the International Residential Code for one and two-family dwellings, 2003 Edition, published by the International Code Council to hereafter be and read as follows:

P 2609. *Landscape Irrigation. Minimum Standards for Landscape Irrigation Systems.* The landscape irrigation rules promulgated by the Texas Commission on Environmental Quality and contained in Chapter 344, Subchapters E and F, §§344.50-344.65, TEXAS ADMINISTRATIVE CODE, are hereby adopted by reference as the landscape irrigation rules of the City.

SECTION 2

That Chapter 14, "Buildings and Building Regulations," Article IV, "International Plumbing Code," Section 14-63, "Amendments," be amended by adding Section 315, "*Landscape Irrigation. Minimum Standards for Landscape Irrigation Systems,*" amending the International Plumbing Code, 2003 Edition, published by the International Code Council to hereafter be and read as follows:

315. *Landscape Irrigation. Minimum Standards for Landscape Irrigation Systems.* The landscape irrigation rules promulgated by the Texas Commission on Environmental Quality and contained in Chapter 344, Subchapters E and F, §§344.50-344.65, TEXAS ADMINISTRATIVE CODE, are hereby adopted by reference as the landscape irrigation rules of the City.

SECTION 3

The city council hereby establishes the fee for the plan review and inspection of each irrigation system as set forth in Chapter 30, "Fees," Section 30-13, "Building Fees," Subsection (g).

SECTION 4

That Chapter 30, "Fees," Section 30-13, "Building Fees," be amended by the addition of Subsection (g) to hereafter be and read as follows:

- (g) Irrigation system plan review and inspection ... \$100.00 plus applicable permit fee

SECTION 5

This ordinance shall be cumulative of all provisions of ordinances of the City of Euless, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 6

All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulation and control of the use, occupancy, maintenance, repair, design, construction and quality of materials for buildings and structures within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7

SAVING CLAUSE. That the Code of Ordinances, City of Euless, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8

PENALTY FOR VIOLATION. Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions," Section 1-12, "General Penalty," Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 9

SEVERABILITY CLAUSE. That 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, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 10

EFFECTIVE DATE. This ordinance shall be in full force and effect from January 1, 2009.

PRESENTED AND GIVEN FIRST READING AND FINAL READING at a regular meeting of the Euless City Council on the 9th day of December, 2008, by a vote of _____ ayes, _____ nays and _____ abstentions.

APPROVED:

Mary Lib Saleh, Mayor

ATTEST:

Susan Crim, TRMC, City Secretary

APPROVED AS TO FORM:

Bob McFarland, City Attorney