

**COUNCIL OF THE TOWN OF LA PLATA**  
**Ordinance 09-2**

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**Introduced By:** Mayor Roy Hale

**Date Introduced:** February 24, 2009

**Planning Commission Public Hearing:** [Not required]

**Town Council Public Hearing:** [Not required]

**Amendments Adopted:**

**Date Adopted:** March 24, 2009

**Date Effective:** April 9, 2009

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1  
2 **AN ORDINANCE** concerning

3  
4 **LIMITATIONS ON OUTDOOR IRRIGATION**

5  
6 **FOR** the purpose of limiting the daily hours during which the irrigation or other watering of  
7 outdoor plant material may occur within the Town of La Plata, with certain exceptions;  
8 removing the requirement of installing a moisture sensor in the spray zone; specifying  
9 penalties for violations; authorizing the suspension or revocation of an irrigation system  
10 permit under certain circumstances; and all matters generally relating thereto.

11  
12 **BY** adding  
13 Chapter 1 – GENERAL PROVISIONS  
14 Article III. General Penalty  
15 § 1-22.K.(33)  
16 Code of the Town of La Plata  
17 (1998 Edition and Supplements)

18  
19 **BY** adding  
20 Chapter 186 – WATER AND SEWERS  
21 § 186-20 New Irrigation System Installation  
22 Code of the Town of La Plata  
23 (1998 Edition and Supplements)

24  
25

26 **BY** repealing and reenacting, with amendments  
 27 Chapter 186 – WATER AND SEWERS  
 28 § 186-19.A.(2) and E. New Irrigation System Installation  
 29 Code of the Town of La Plata  
 30 (1998 Edition and Supplements)

31  
 32 **SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA**  
 33 that Section 1-22.K.(33) be and it is hereby added to the Code of the Town of La Plata (1998 Edition  
 34 and Supplements) Chapter 1, General Provisions, Article III, General Provisions, to follow immediately  
 35 after Section 1-22.K.(32) and to read as follows:

36  
 37 **Chapter 1 – GENERAL PROVISIONS**

38  
 39 **1-22 Municipal infractions.**

40  
 41 K. The fines for violations of the provisions of this Code designated as infractions are as  
 42 set forth in this subsection.

43 \* \* \* \* \*

44  
 45 (33) THE FINE FOR A VIOLATION OF § 186-20 IS TWENTY-FIVE DOLLARS (\$25) FOR  
 46 THE FIRST OFFENSE, ONE HUNDRED DOLLARS (\$100) FOR THE SECOND OFFENSE, AND  
 47 TWO HUNDRED DOLLARS (\$200) FOR THE THIRD AND EACH SUBSEQUENT OFFENSE.

48  
 49 **SECTION 2. AND BE IT FURTHER ENACTED** that a new Section 186-20 be and it is  
 50 hereby added to the Code of the Town of La Plata (1998 Edition and Supplements), Chapter 186,  
 51 Waters and Sewers, to follow immediately after Section 186-19 and to read as follows:

52  
 53 **Chapter 186 – WATER AND SEWERS**

54  
 55 **186-20 IRRIGATION SYSTEM INSTALLATION.**

56  
 57 A. EXCEPT AS HEREAFTER PROVIDED, A PERSON MAY NOT OPERATE AN  
 58 IRRIGATION SYSTEM OR OTHERWISE ENGAGE IN OR PROVIDE FOR IN THE  
 59 APPLICATION OF WATER TO OUTDOOR PLANTED MATERIAL IN THE TOWN EXCEPT  
 60 BETWEEN THE HOURS OF 6:00 P.M. AND 10:00 A.M. THIS RESTRICTION DOES NOT  
 61 APPLY TO THE APPLICATION OF WATER TO OUTDOOR PLANTED MATERIAL BY  
 62 MEANS OF A HAND-HELD HOSE OR BY A WATERING DEVICE, SUCH AS A HAND-HELD  
 63 WATERING CAN, THAT IS NOT ATTACHED TO A PUBLIC WATER SUPPLY.

64  
 65 B. IF A PERSON RESPONSIBLE FOR ENFORCING THIS SECTION OBSERVES THE  
 66 IRRIGATION OR WATERING OF OUTDOOR PLANTED MATERIAL DURING HOURS

67 PROSCRIBED BY SUBSECTION A. OF THIS SECTION, THE ENFORCEMENT OFFICIAL  
 68 MAY ISSUE A WRITTEN NOTICE AND DIRECTIVE TO THE OWNER OR OCCUPANT OF  
 69 THE PROPERTY TO CEASE AND DESIST THE PROHIBITED IRRIGATION OR WATERING  
 70 IMMEDIATELY. THE ENFORCEMENT OFFICIAL MAY NOT ISSUE AN INITIAL  
 71 INFRACTION CITATION UNLESS THE ENFORCEMENT OFFICIAL HAS ISSUED SUCH A  
 72 WRITTEN NOTICE AND DIRECTIVE AND THE OWNER OR OCCUPANT OF THE  
 73 PROPERTY DOES NOT CEASE THE PROHIBITED IRRIGATION OR WATERING  
 74 IMMEDIATELY AFTER THE NOTICE AND DIRECTIVE. AFTER AN ENFORCEMENT  
 75 OFFICIAL HAS ISSUED A FIRST INFRACTION CITATION AN ENFORCEMENT OFFICIAL  
 76 MAY ISSUE SUBSEQUENT INFRACTION CITATIONS IN THAT SAME CALENDAR YEAR  
 77 FOR THAT SAME PROPERTY WITHOUT PROVIDING FURTHER WRITTEN NOTICES AND  
 78 DIRECTIVES TO CEASE AND DESIST.

79  
 80 C. VIOLATIONS AND PENALTIES.

81  
 82 (1) VIOLATIONS OF THIS SECTION ARE DECLARED TO BE INFRACTIONS. ANY  
 83 PERSON WHO VIOLATES THIS SECTION IS GUILTY OF AN INFRACTION, THE FINE FOR  
 84 WHICH IS SET FORTH IN § 1-22 OF THIS CODE. THE OWNER OF PROPERTY IS  
 85 STRICTLY LIABLE FOR VIOLATIONS OF THIS SECTION THAT OCCUR ON THE  
 86 OWNER’S PROPERTY.

87  
 88 (2) THE FOLLOWING OFFICIALS ARE HEREBY EMPOWERED AND AUTHORIZED TO  
 89 ENFORCE THE PROVISIONS OF THIS SECTION.

- 90
- 91 A) ANY CODE ENFORCEMENT OFFICER OF THE TOWN;
- 92
- 93 B) ANY OFFICER OF THE LA PLATA POLICE DEPARTMENT;
- 94
- 95 C) THE TOWN CHIEF EXECUTIVE OFFICER;
- 96
- 97 D) THE TOWN INSPECTOR.
- 98

99 **SECTION 3. AND BE IT FURTHER ENACTED** that Section 186-19.E. of the Code of  
 100 the Town of La Plata (1998 Edition and Supplements) be and it is hereby repealed and reenacted,  
 101 with amendments, to read as follows:

102  
 103 **Chapter 186 – WATER AND SEWERS**

104  
 105 **186-19 Irrigation System Installation.**

106  
 107 A. Permit required. An owner of property may not install or construct, or allow the installation or

108 construction of, an irrigation system on the owner’s property without first obtaining an irrigation  
 109 system permit from the Town. An owner shall apply for an irrigation system permit on such form,  
 110 and shall provide such supporting documentation, as the Town Chief Executive Officer reasonably  
 111 may prescribe. In addition to other supporting documentation, unless waived or modified by the  
 112 Town Chief Executive Officer for good cause shown an application shall be accompanied by an  
 113 irrigation plan, acceptable to the Chief Executive Officer, which shows the boundaries of the owner’s  
 114 property and the location, design (including water spray patterns), and demonstrates that the  
 115 irrigation system will comply with all other requirements of this chapter. The Town may not issue  
 116 an irrigation system permit without:

117 \* \* \* \* \*

118  
 119 (2) An approved irrigation plan unless the requirement for a plan has been waived by the town Chief  
 120 Executive Officer, showing the location of the system, the backflow preventer, ((the moisture sensor  
 121 in the spray zone,)) the rain control sensor, irrigation automatic control system, and the water tap  
 122 after the water meter;

123 \* \* \* \* \*

124  
 125 E. Cessation orders, correction notices, permit suspension and revocation. The Town may issue an  
 126 order directing the immediate cessation of the installation, construction or operation of an irrigation  
 127 system for which an irrigation system permit has not been issued or which is being constructed or  
 128 installed in violation of an irrigation system permit. The Town also may issue a correction notice  
 129 specifying what corrective measures the owner must undertake to bring the installation, construction  
 130 or operation of an irrigation system into compliance with the permit or the provisions of this Section.  
 131 The Town Chief Executive Officer may suspend or revoke an irrigation system permit for any of the  
 132 following reasons:

133  
 134 (1) The irrigation system is not installed, constructed or being operated in accordance with the  
 135 approved irrigation plan.

136  
 137 (2) The owner has not complied with correction notice(s) or cessation order(s) issued for the  
 138 installation, construction or operation of the irrigation system.

139  
 140 (3) The irrigation automatic control system is not installed and programmed.

141  
 142 (4) The irrigation automatic control system is not programmed to water only between the hours of  
 143 6:00 pm and 10:00 am.

144  
 145 (5) THE IRRIGATION SYSTEM IS BEING OPERATED BETWEEN THE HOURS OF 10:00  
 146 A.M. AND 6:00 P.M. IN VIOLATION OF SECTION 186-20 OF THIS CODE.

147  
 148 Before suspending or revoking an irrigation system permit, the Town Chief Executive Officer shall

149 give the owner written notice setting forth the violation for which the suspension or revocation of the  
 150 permit is proposed and any action that the owner may take to avoid the suspension or revocation, and  
 151 providing the owner with a reasonable opportunity to be heard in person or in writing, at the owner's  
 152 election, before the Town Chief Executive Officer makes a final determination regarding the  
 153 suspension or revocation. Any order of suspension shall state the corrective action that the owner  
 154 must undertake to have the suspension lifted and the permit reinstated and that, the owner's failure to  
 155 do so within a reasonable period of time set forth in the notice will result in proceedings to revoke  
 156 the irrigation system permit. When an irrigation system permit is revoked, the owner shall remove  
 157 the system, disconnect the irrigation system so as to render the system non-functional, or take such  
 158 other steps as the Town Chief Executive Officer reasonably may order.

159  
 160 **SECTION 4: AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE**  
 161 **TOWN OF LA PLATA** that this Ordinance shall become effective at the expiration of fifteen (15)  
 162 calendar days after its approval by the Council.

163  
 164 **ADOPTED** this 24<sup>th</sup> day of March, 2009.

**SEAL:**

**COUNCIL OF THE TOWN OF LA PLATA**

\_\_\_\_\_  
 Roy Hale, Mayor

\_\_\_\_\_  
 James Goldsmith, Councilman

\_\_\_\_\_  
 Scot D. Lucas, Councilman

\_\_\_\_\_  
 Paretta D. Mudd, Councilwoman

\_\_\_\_\_  
 Vic E. Newman, Councilman

**ATTEST:**

\_\_\_\_\_  
 Judith T. Frazier, Town Clerk

Date: \_\_\_\_\_

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.