

**CITY OF CELINA, TEXAS
ORDINANCE 2021-39**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 13: UTILITIES, BY AMENDING ARTICLE 13.11 IRRIGATION SYSTEMS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY, PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina, Texas, is a Home Rule Municipality located in Collin County and Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and the Texas Constitution and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Celina, Texas is a home rule municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the City; and

WHEREAS, the City Council does hereby find and determine that the adoption of this Ordinance is in the best interest of the public health, safety, morals and general welfare of the City to adopt rules for irrigation systems as set forth herein;

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

**SECTION 1
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2
FINDINGS**

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

**SECTION 3
AMENDMENTS**

Article 3.01. That the Code of Ordinances of the City of Celina, Texas Chapter 13: Utilities; Article 13.11: Irrigation Systems; Sec. 13.11.002: License and Permit Required; Subsection (b): Permit Required is hereby amended to read as follows:

“(b) Permit required. Any person installing an irrigation system, replacing a backflow prevention device and / or making additions to an existing irrigation system within the territorial limits or extraterritorial jurisdiction of the city is required to obtain a permit from the city. Permits required for additions to an existing system applies to Commercial and Right-Of-Way systems,

and when adding an additional zone to residential applications, repairs to existing systems do not require a permit. Copy of an irrigation plan must be submitted to the building official or the official city representative in conjunction with the permit application with plan set being in **PDF format**. A set of plans is required must be given to the property owner on completion of the irrigation system. Any plan approved for a permit must be in compliance with the requirements of this division.

Article 3.02 That the Code of Ordinances of the City of Celina, Texas, Chapter 13 Utilities, Article 13.11 Irrigation Systems, Sec. 13.11.003 Backflow Prevention Methods and Devices, subsection (a)(1)(D) shall be amended to read as follows:

“D. Spill-Resistant pressure vacuum breakers may be used if:

- i. No back-pressure condition will occur, and
- ii. The device is installed at a minimum of twelve (12) inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler;
- iii. freeze protection is provided with insulated enclosures or other method approved by Building Official, Assistant Building official or Chief Building Inspector.”

Article 3.03 That the Code of Ordinances of the City of Celina, Texas, Chapter 13 Utilities Irrigation Systems, Article 13.11, Sec. 13.11.008 Initial Inspection shall be amended to read as follows:

“Sec. 13.11.008 Initial Inspection

The city will conduct an initial inspection of all piping, valves, and other irrigation system components from the water source, up to and including the master valve prior to backfilling any part of the system for Commercial and Right-of-Way installations only. For additions to an existing Commercial system or Right-of Way installation, the point of connection shall be exposed for inspection.”

SECTION 4
CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5
SAVINGS CLAUSE

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations

of the provisions of any other ordinance affecting irrigation systems which have secured 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 court.

SECTION 6
SEVERABILITY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 7
PENALTY

Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs and continues.

If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8
PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 9
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 10
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.


AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 11th day of May, 2021.



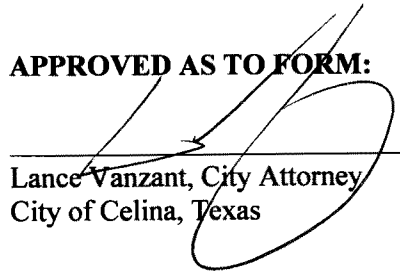
Sean Terry, Mayor
City of Celina, Texas

ATTEST:


Vicki Tarrant, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:


Lance Vanzant, City Attorney
City of Celina, Texas

