

Adopted: 04/08/08  
Published: 04/23/08

## ORDINANCE NO. 1932

**AN ORDINANCE REQUIRING INSTALLATION AND MAINTENANCE OF A WORKING RAIN SENSOR DEVICE IN ALL AUTOMATIC IRRIGATION SYSTEMS INSTALLED OR LOCATED ON COMMERCIALY DEVELOPED PROPERTY AND ALL SUCH SYSTEMS HEREAFTER INSTALLED ON RESIDENTIALLY DEVELOPED PROPERTY; AND PROVIDING PENALTIES AND OTHER SANCTIONS FOR VIOLATION.**

**BE IT ORDAINED** by the Governing Body of the City of Derby, Kansas:

**Section 1. Definitions.** For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them in this section:

a. “Automatic irrigation system” means a device or combination of devices having a hose, pipe or other conduit installed in the landscape and that automatically applies water to irrigate lawns, landscapes or greenspace.

b. “Rain sensor” means an electronic device that measures rainfall and overrides the irrigation cycle and turns off an automatic irrigation system when a predetermined amount of rain has fallen and is mounted according to the manufacturer’s specifications outdoors in an open area, above ground and in an unobstructed location well suited for gauging rain.

### **Section 2. System and operating requirements.**

a. Except as otherwise provided by section 7 hereof, all automatic irrigation systems shall be equipped with a properly installed, maintained and functional rain sensor.

b. All rain sensors required by this ordinance shall be set such that the irrigation system is turned off when 1/2 inch or more rain has fallen.

c. Neither a rain sensor nor automatic irrigation system to which such sensor is connected shall be set so that the rain sensor is not able to override and turn off the automatic irrigation system after 1/2 inch of rain has fallen.

### **Section 3. Responsibilities of owners of property served by automatic irrigation system.**

a. Automatic irrigation systems connected to public water supply system:

1. It shall be the duty of each person owning property upon which is located an automatic irrigation system connected to the public water supply system to ensure that

each such system located is equipped with a properly installed and operational rain sensor.

2. Each person having an automatic irrigation system connected to the public water supply system shall be deemed to have consented to inspection of such irrigation system by a City code enforcement officer at reasonable times and upon reasonable notice; provided, notice of such inspections shall not be required if the customer cannot be located after reasonable effort or if there is a reasonable basis to believe that his or her automatic irrigation system is not equipped with a required rain sensor or, if so equipped, that the rain sensor is not properly set, has been disabled or is otherwise failing to function properly.

b. Automatic irrigation systems not connected to public water supply system:

1. It shall be the duty of each owner of property upon which is located an automatic irrigation system not connected to the public water supply system to ensure that each such system is equipped with a properly installed and operational rain sensor.

2. Any City code enforcement officer may, at reasonable times and upon reasonable notice, enter upon private property upon which is located an automatic irrigation system that is not connected to the public water supply system for the purpose of inspecting such system whenever there is a reasonable basis to believe that such system is not equipped with a required rain sensor or, if so equipped, that the rain sensor is not properly set, has been disabled or is otherwise failing to function properly.

**Section 4. Violations.** It shall be unlawful for any person to operate an automatic irrigation system without a properly installed and operating rain sensor.

**Section 5. Penalties for violation.** Any person convicted of violating this ordinance shall be punished by a fine of not less than \$25 nor more than \$500.

**Section 6. Cessation of public water supply service.** In addition to other penalties provided by this ordinance, the City may order cessation of public water supply service in the event a person whose automatic irrigation system is connected to the public water supply system fails or refuses to install a required rain sensor or to maintain such rain sensor in good operating condition. In the event public water supply service is discontinued pursuant to this section such person shall pay, in addition to any other charges authorized by City ordinance, the reasonable cost of discontinuing water service and resumption of water service following correction of all violations of this ordinance.

**Section 7. Application to new and existing automatic irrigation systems.** This ordinance shall apply:

a. from and after May 24, 2008, to all automatic irrigation systems installed or substantially replaced on or after that date; and

b. from and after July 1, 2009, to all other automatic irrigation systems.

**Section 8. Effective date.** This Ordinance shall take effect and be in force from and after the sixty-first day following its publication once in the official City newspaper.

**ADOPTED BY THE GOVERNING BODY** this 8th day of April, 2008.

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Dion P. Avello, Mayor

ATTEST:

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Jean Epperson, City Clerk