

ORDINANCE NO. 06-04-02

AN ORDINANCE TO AMEND TITLE 15 BY ADDING THERETO PROVISIONS REGULATING THE INSTALLATION AND USE OF IN-GROUND IRRIGATION OR SPRINKLER SYSTEMS; TO REQUIRE A PERMIT TO INSTALL SUCH SYSTEMS; TO REQUIRE THE INSTALLATION AND USE OF CERTAIN TECHNOLOGICAL DEVICES ON SUCH SYSTEMS; TO ESTABLISH PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

SECTION I. BE IT RESOLVED, ENACTED AND ORDAINED by the Town of Middletown that Title 15 of the Middletown Municipal Code be, and hereby is, amended by adding thereto the following to be designated as Section 15.18.

15.18 IN-GROUND IRRIGATION AND SPRINKLER SYSTEMS

A. NO IN-GROUND IRRIGATION OR SPRINKLER SYSTEM SHALL BE INSTALLED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE WITHOUT FIRST OBTAINING FROM THE TOWN A PERMIT AUTHORIZING SUCH INSTALLATION. THE PERMIT FEE SHALL BE TWO HUNDRED DOLLARS (\$200.00). ADDITIONALLY THE APPLICANT SHALL OBTAIN A PLUMBING PERMIT FROM FREDERICK COUNTY.

B. ALL IN-GROUND IRRIGATION OR SPRINKLER SYSTEMS INSTALLED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE EQUIPPED WITH AND SHALL ONLY BE OPERATED WITH TECHNOLOGICAL DEVICES WHICH PRECLUDE OR PREVENT THE SYSTEM FROM BEING USED DURING UNNECESSARY PERIODS OR DURING PERIODS OF WATER

RESTRICTIONS. SUCH TECHNOLOGICAL DEVICES, SOMETIMES REFERRED TO AS “SMART CONTROLLERS”, SHALL INCLUDE:

(A) RAIN SENSORS WHICH PREVENT THE USE OF THE SYSTEMS DURING RAIN OR OTHER PRECIPITATION EVENTS.

(B) GROUND SENSORS WHICH MEASURE THE MOISTURE IN THE SOIL TO AVOID UNNECESSARY USE OF THE SYSTEM WHEN THE GROUND MOISTURE IS HIGH; AND

A. PROGRAMMABLE TIMER SYSTEMS TO PREVENT THE USE OF THE SYSTEM DURING TIMES OF WATER RESTRICTIONS AS ESTABLISHED BY ORDINANCE OR BY THE BURGESS AND COMMISSIONERS PURSUANT TO TITLE 13 OF THIS CODE.

(B) INSTALLER SHALL PROVIDE EVIDENCE OF TRAINING OR CERTIFICATION FOR THE DESIGN AND INSTALLATION OF IRRIGATION SYSTEMS.

C. THE BURGESS AND COMMISSIONERS SHALL PERIODICALLY, BUT AT NO LESS THAN ONCE EVERY FIVE (5) YEARS, REVIEW WATER CONSERVATION TECHNOLOGIES AND RECONSIDER THE REQUIREMENTS OF THIS SECTION IN LIGHT OF THE THEN CURRENT TECHNOLOGIES.

D. (A) THE TOWN ADMINISTRATOR MAY ISSUE A CEASE AND DESIST ORDER PRECLUDING THE USE OF ANY IN-GROUND IRRIGATION OR SPRINKLER SYSTEM WHICH HAS BEEN INSTALLED WITHOUT THE

PERMIT REQUIRED BY THIS SECTION HAVING FIRST BEEN ISSUED. APPLICATION MAY THEN BE MADE FOR A PERMIT, AND BEFORE SUCH PERMIT IS ISSUED, THE REQUIRED PERMIT FEE, PLUS A PENALTY OF TWO HUNDRED DOLLARS (\$200.00), SHALL BE PAID TO THE TOWN. UPON FAILURE TO COMPLY WITH THE CEASE AND DESIST ORDER, APPLICATION MAY BE MADE BY THE TOWN TO THE CIRCUIT COURT FOR FREDERICK COUNTY FOR INJUNCTIVE OR OTHER APPROPRIATE RELIEF.

(B) THE INSTALLATION OR USE OF ANY IN-GROUND IRRIGATION OR SPRINKLER SYSTEM IN VIOLATION OF THIS SECTION SHALL BE A MUNICIPAL INFRACTION AND IS PUNISHABLE BY A FINE OF FIVE HUNDRED DOLLARS (\$500.00). EACH DAY THAT A VIOLATION OCCURS OR CONTINUES SHALL BE A SEPARATE INFRACTION.

SECTION II. BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE 13TH DAY OF MARCH, 2006.

PASSED ON THE 10TH DAY OF APRIL, 2006.

EFFECTIVE DATE: APRIL 30, 2006.

ATTEST:

TOWN OF MIDDLETOWN

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess