



215338

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/03/2009	.	
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	.	
	.	

The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete lines 19 - 59

and insert:

automatic landscape irrigation ~~lawn sprinkler~~ system after ~~May 1, 1991,~~ shall properly install, and ~~must~~ maintain, and operate technology, ~~a rain sensor device or switch~~ that inhibits or interrupts operation of ~~will override the irrigation cycle of the sprinkler system~~ during periods of sufficient moisture ~~when adequate rainfall has occurred.~~

(2) A licensed contractor who performs work on an automatic



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12 landscape irrigation system shall test for the correct operation
13 of each inhibiting or interrupting device or switch on that
14 system. If such devices or switches are not installed in the
15 system or are not in proper operating condition, the contractor
16 must install new ones or repair the existing ones and confirm
17 that each device or switch is in proper operating condition
18 before completing any other work on the system.

19 (3) The department shall create a model ordinance by
20 January 15, 2010, to be adopted and enforced by local
21 governments. Such ordinance must, at a minimum, provide:

22 (a) Penalties for operators of automatic landscape
23 irrigation systems who do not properly install and maintain the
24 required devices or switches. The minimum penalty must be \$50
25 for a first offense, \$100 for a second offense, and \$250 for a
26 third or subsequent offense.

27 (b) A requirement that licensed contractors report
28 automatic irrigation systems that are not in compliance with
29 this section to the appropriate authority.

30 (c) Penalties for licensed contractors who do not comply
31 with the provisions of this section. The minimum penalty must be
32 \$50 for a first offense, \$100 for a second offense, and \$250 for
33 a third or subsequent offense.

34
35 Regular maintenance and replacement of worn or broken technology
36 that interrupts or inhibits the operation of an automatic
37 irrigation system is not a violation of this section if such
38 repairs are conducted within a reasonable time.

39 (4) Local governments shall adopt the model ordinance by
40 October 1, 2010. Local governments that impose requirements that



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41 are more stringent than the minimum requirements of the model
42 ordinance are exempt from adopting the ordinance.

43 (5) Funds generated by penalties imposed under the
44 ordinance shall be used by the local government for the
45 administration and enforcement of this section and to further
46 water-conservation activities.

47 (6) For purposes of this section, a licensed contractor also
48 includes an individual who holds a specific irrigation
49 contractor's license issued by a county.

50
51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete lines 4 - 9

54 and insert:

55 landscape irrigation systems; requiring irrigation contractors
56 to test for the correct operation of system devices or switches
57 and ensure their proper operation before completing other work
58 on the system; requiring the Department of Environmental
59 Protection to create a model ordinance for adoption by local
60 governments; providing penalties; exempting counties having more
61 stringent requirements from adopting the model ordinance;
62 providing for the disposition of funds