

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SUBSECTION (d) OF SECTION 6.06.005, "SPECIFIC CONDITIONS AND CROSS-CONNECTION CONTROL," OF ARTICLE 6.06, "IRRIGATION SYSTEMS," OF CHAPTER 6, "HEALTH AND SANITATION," OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, the Town Council of the Town of Prosper, Texas ("Town Council"), has investigated and determined that water conservation and environmental protection are important issues and concerns affecting the Town; and

**WHEREAS**, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is protective of the Town's water supply and provides an enhanced quality of life for the citizens of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:**

### **SECTION 1**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

### **SECTION 2**

From and after the effective date of this Ordinance, existing Subsection (d) of Section 6.06.005, "Specific conditions and cross-connection controls," of Article 6.06, "Irrigation Systems," of Chapter 6, "Health and Sanitation," of the Town's Code of Ordinances is hereby repealed in its entirety and replaced with a new Subsection (d), to read as follows:

- "(d) If an irrigation system is designed or installed on a property that is served by an on-site sewage facility, as defined in Chapter 285 of Title 30, Texas Administrative Code, then:
- (1) All irrigation piping and valves shall meet the separation distances from the on-site sewage facility system as required for a private water line in Texas Administrative Code, Title 30, Section 285.91(10).
  - (2) The irrigation system is designated a health hazard and any connections using a private or public potable water source shall be connected to the water source through a reduced pressure principle backflow prevention assembly, as defined in Texas Administrative Code, Title 30, Section 344.50.
  - (3) Any water from the irrigation system that is applied to the surface of the area utilized by the on-site sewage facility system shall be controlled on a separate irrigation zone or zones so as to allow complete control of any irrigation to that area so that there will not be excess water that would prevent the on-site sewage facility system from operating effectively."

### **SECTION 3**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

### **SECTION 4**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

### **SECTION 5**

This Ordinance shall take effect and be in full force from January 1, 2023, and after its publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 13TH DAY OF DECEMBER, 2022.**

**APPROVED:**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Terrence S. Welch, Town Attorney**