

AN ORDINANCE 2008-08-07-0653

AMENDING CHAPTER 16 "LICENSES AND BUSINESS REGULATIONS" OF THE CITY CODE OF SAN ANTONIO, TEXAS, TO COMPLY WITH STATE LAW AMENDMENTS BY EXPANDING IRRIGATION REGULATION INTO THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO AND PROVIDING FOR PUBLICATION.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 16, Article XV entitled "Irrigation Contractors" is amended to reflect changes as underlined (added) and set forth below:

ARTICLE XV. IRRIGATION SYSTEMS AND IRRIGATORS.
~~{CONTRACTORS.}~~

Sec. 16-411. Definitions.

The following terms shall have the following meaning, unless the context clearly indicates otherwise:

Department shall mean the Development Services Department.

Director shall mean the Director of the Development Services Department or duly authorized designee.

Installation ~~for install~~ means fabrication of an irrigation system using components that include piping, fittings, valves, sprinkler heads and pumps; replacement, repair, alteration or maintenance of a lawn sprinkler system component; or lawn sprinkler system site preparation including digging, trenching, Vibratory Flow operation, and final grading.

Irrigation contractor means a person licensed under Chapter 37 ~~[34]~~ of the Texas Water Code and Chapter 1903 of the Texas Occupations Code.

Irrigation system shall mean an assembly of component parts permanently installed for the controlled distribution and conservation of water to irrigate landscape vegetation, reduce dust, or control erosion. The term does not include a system used on or by an agricultural operation as defined by Section 251.002 of the Texas Agriculture Code.
~~[means any in-ground irrigation system of lawn, shrubbery, and other vegetation from any water source including the water supply piping, valves and sprinkler heads or other~~

~~irrigation outlets but does not include the back flow prevention device or the final connection of the irrigation system to the back flow prevention device. Irrigation system does not include an irrigation system used primarily for agricultural purposes.]~~

Sec. 16-412. License required.

An irrigation contractor is required to hold a license issued under Chapter 37 of the Texas Water Code and the Texas Occupations Code §1903.251.

Sec. 16-413. Registration. ~~{Sec. 16-412. Registration.}~~

- (a) All irrigation contractors, prior to doing any irrigation system installation in the territorial limits or extraterritorial jurisdiction (ETJ) of the City shall be required to be registered with the Development Services Department of the City. ~~{In order to obtain an irrigation system permit for the installation of an irrigation system from the development services department of the city, an irrigation contractor shall be registered with the development services department of the city.}~~
- (b) An irrigation contractor's registration must be submitted on forms available from the Development Services Department and shall include the following information:
- (1) the irrigation contractor's full name;
 - (2) the irrigation contractor's license number;
 - (3) the irrigation contractor's business name;
 - (4) the irrigation contractor's business address;
 - (5) the irrigation contractor's business telephone number; and
 - (6) the irrigation contractor's telefax number.
- (c) The irrigation contractor shall provide a certificate of insurance by an insurance company authorized in the State of Texas certifying that the irrigation contractor is insured to the limit of at least:
- (1) Three hundred thousand dollars (\$300,000.00) public liability per occurrence; and
 - (2) Three hundred thousand dollars (\$300,000.00) property liability per occurrence and product/completed operations.

In lieu of insurance, the irrigation contractor may provide a bond in the amount of ten thousand dollars (\$10,000.00) conditioned that the irrigation contractor shall faithfully observe all applicable laws.

- (d) The irrigation contractor shall renew registration annually upon submission of the registration form and payment of the fee.
- (e) A licensed plumber may be issued an irrigation permit.

Sec. 16-413. Permits and Inspections.

All irrigation contractors, prior to doing any irrigation system installation in the territorial limits or extraterritorial jurisdiction (ETJ) of the City shall apply and be issued permits from the Development Services Department on forms provided by said Department.

The irrigation system shall be installed in accordance with the following:

- (1) City Code of San Antonio, Texas;
- (2) Local Government Code;
- (3) Texas Water Code;
- (4) Texas Occupations Code; and.
- (5) Texas Commission on Environmental Quality (TCEQ)

The irrigation system shall be inspected prior to covering the sprinkler heads as requested by the installer.

Any defects in the installation determined during the inspection shall be corrected before the inspection is considered approved. The City plumbing inspector shall document on the inspection records the static pressure and water source of the irrigation system. If the irrigation system is being constructed as part of the building permit, a certificate of occupancy shall not be issued until all inspections have been approved.

{Sec. 16-413. Fees.

~~The registration fee shall be as set forth in the fee schedule in section 16-417 and paid annually. All registration fees shall be paid to the city.]~~

Sec. 16-414. Minimum standards and specifications.

Texas Occupations Code, §1903.053 entitled "Standards" and the rules adopted by the Texas Commission on Environmental Quality (TCEQ) Page 1 Chapter 344 - Landscape Irrigation Rule Project No. 2007-027-344-CE are hereby incorporated by reference as minimum standards and specifications for the design, installation, and the operation of irrigation systems.

{Sec. 16-414. Permits and inspections.

All irrigation systems installed in the city, on or after March 9, 2003, shall be permitted with the development services department on forms provided by the department.

The irrigation system shall be installed in accordance with the following:

- (1) ~~As required by the Unified Development Code.~~
- (2) ~~Chapter 34 of the Texas Water Code.~~

~~The irrigation system shall be inspected prior to covering the sprinkler heads as requested by the installer. Any defects in the installation determined during the inspection shall be corrected before the inspection is considered approved. The City plumbing inspector shall document on the inspection records the static pressure and water source of the irrigation system. If the irrigation system is being constructed as part of the building permit, a certificate of occupancy shall not be issued until all inspections have been approved.]~~

Sec. 16-415. Violations and Enforcement ~~{Fines and penalties.}~~

- (a) It shall be a violation to install an irrigation system in the City without first obtaining an irrigation system permit from the Development Services Department.

Any violation of this Article shall be a Class C misdemeanor punishable by a fine not to exceed five hundred (\$500.00) dollars per violation. Each day or portion thereof during which a violation of any of the provisions of this Article is committed shall constitute a separate offense.

A fine or criminal penalty prescribed by this section does not apply to a violation in the ETJ. ~~{It shall be unlawful to install an irrigation system in the city, without obtaining an irrigation system permit from the development services department of the city.}~~

~~Any violation of this article shall be a class C misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation.]~~

- (b) Civil Enforcement

- (1) The City may seek civil enforcement against such violators in the corporate limits of the City and in the ETJ. Enforcement in the ETJ is authorized pursuant to and under the authority granted by V.T.C.A. Local Government Code § 212.001 et seq.

- (2) Any person who commits a violation under this Article shall be subject to a civil penalty of up to one thousand dollars (\$1,000.00) per violation per day.

Sec. 16-416. Staffing.

The Development Services Department shall employ at least one (1) person who shall hold an irrigation contractor's license issued by the state of Texas. Such person shall have a minimum of five (5) years of experience in the installation of irrigation systems.

All City plumbing inspectors shall receive a minimum of six (6) hours of irrigation/water conservation instruction per year.

Sec. 16-417. Fee schedule.

Irrigation related fees shall be as set forth in the City of San Antonio fee schedule. [The following fee schedule is hereby adopted.]

[Annual irrigation contractor registration fee	\$85.00
Irrigation system inspection fee	\$50.00
Residential landscape irrigation system permits fee	\$50.00
Commercial landscaping irrigation system permits fee	\$100.00
Commercial irrigation plan review	\$100.00
Commercial irrigation plan re-review, per hour (one hour minimum)	\$100.00

Secs. 16-418-16-899. Reserved.

SECTION 2. To the extent there is a conflict with another Ordinance or provision of the City Code, this Ordinance shall supersede.

SECTION 3. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix of this Ordinance, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision of this Ordinance be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 4. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Revised Civil Statutes Annotated as amended Title 5, Chapter 551, Government Code.

SECTION 5. No other provision of the City Code is amended. All other provisions shall remain in effect.

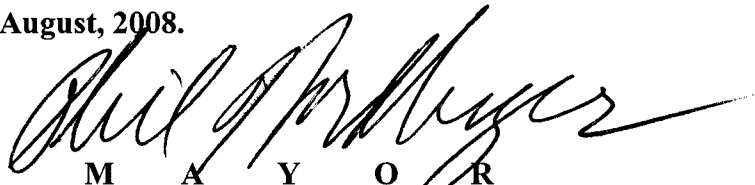
SECTION 6. There is no financial impact realized through the passage of this Ordinance.

SECTION 7. The City Clerk is directed to publish notice of this Ordinance in accordance with Section 17 of the City Charter.

SECTION 8. The publishers of the City Code are authorized to amend the City Code to reflect the changes adopted herein.

SECTION 9. This Ordinance shall be effective on the 17th day of August, 2008.

PASSED AND APPROVED this 7th day of August, 2008.

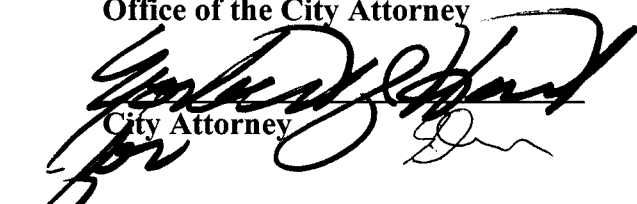

M A Y O R
PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:

Office of the City Attorney


City Attorney

Agenda Item:	26 (in consent vote: 8, 11, 12, 14, 15, 16, 17A, 17B, 18, 20, 21, 23, 24, 26, 28, 29, 31, 32, 34A, 34B, 34C, 34D, 34E, 34F, 34G, 34H, 34I, 34J, 34K, 35, 36A, 36B, 36C, 36D, 36E, 36F, 36G, 36H, 36I, 36J)						
Date:	08/07/2008						
Time:	03:08:26 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 16 “Licenses and Business Regulations” of the City Code of San Antonio, Texas, to extend irrigation regulations into the extra-territorial jurisdiction of the City of San Antonio; and providing for publication. [T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Development Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				x
Philip A. Cortez	District 4		x			x	
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				



AFFIDAVIT OF PUBLICATION

(COUNTY OF BEXAR)
(STATE OF TEXAS)

I, **Lynette Nelson** do solemnly swear that
the notice was published 1 time(s) in
the following publication(s):

Daily Commercial Recorder

A free weekly newspaper of general
circulation published at San Antonio, Bexar
County, Texas on the following dates:

August 11, 2008

Lynette Nelson

Lynette Nelson
Subscribed and sworn before me, this

8th day of December, 2008

Olivia D. Chaverria

NOTARY PUBLIC SIGNATURE

Olivia D. Chaverria

Notary Public Printed/Typed Name

My Commission Expires: 07/17/2010



PUBLIC NOTICE

AN ORDINANCE 2008-08-07-0653

AMENDING CHAPTER 16 "LICENS-
ES AND BUSINESS REGULATIONS" OF
THE CITY CODE OF SAN ANTONIO,
TEXAS, TO COMPLY WITH STATE LAW
AMENDMENTS BY EXPANDING IRRIGA-
TION REGULATION INTO THE EXTRA-
TERRITORIAL JURISDICTION OF THE
CITY OF SAN ANTONIO AND PROVID-
ING FOR PUBLICATION.

PASSED AND APPROVED THIS 7TH
DAY OF AUGUST, 2008.

/S/ PHIL HARDBERGER
MAYOR

ATTEST: LETICIA VACEK
CITY CLERK
8/11



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 26
Council Meeting Date: 8/7/2008
RFCA Tracking No: R-3651

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
City Wide

SUBJECT:
Chapter 16 Amendment- HB 1656 Irrigation Systems in ETJ

SUMMARY:
Amendment to the City's Code, Chapter 16, "Licenses and Business Regulations", to incorporate HB 1656, regarding regulation of Irrigation Systems within municipalities' Extra-territorial Jurisdictions (ETJ).

BACKGROUND INFORMATION:

During the 2007 Texas 80th Legislative Session, HB 1656, Irrigation Systems, was adopted and approved for municipalities with a population of 20,000 or greater.

Sub-Chapter H, Chapter 49, Water Code, is amended by adding Section 49.238, which requires municipalities to adopt, via ordinance, specific rules, that will better facilitate oversight of designing, installing, and operating irrigation systems within its City's ETJ.

Excluded from these new rules are sewage disposal systems identified within Section 366.0022 of the Health and Safety Code, an irrigation system used on or by an agricultural operation, or groundwater wells used by the property owner for domestic use.

ISSUE:

The City currently requires items 1-5. This legislation mandates that these requirements also extend to the ETJ. Irrigation installers must:

- (1) Hold a license issued under Section 1903.251.
- (2) Obtain a permit before installing a system within the boundaries of the district.
- (3) Establish rules regarding minimum standards and specifications for designing, installing, and operating irrigation systems in accordance with Section 1903.053, Occupations Code, and any rules adopted by the Texas Commission on Environmental Quality under that section.

- (4) Employ or contract with a licensed plumbing inspector, licensed irrigation inspector, the district's operator, or another governmental entity to enforce the rules.
- (5) Charge an installer of an irrigation system a fee for obtaining or renewing a permit under Subsection (a)(2). The district shall set the fee in an amount sufficient to enable the district to recover the cost of administering this section.

ALTERNATIVES:

Since this rule is State mandated, an alternative would be to employ or contract with a licensed plumbing inspector, licensed irrigation inspector, the district's operator, or another governmental entity to enforce the new rules.

FISCAL IMPACT:

Additional fees will cover the added cost of enforcing HB 1656 within the ETJ area.

RECOMMENDATION:

Staff recommends approval of the amendment to Chapter 16 regarding the regulation of Irrigation Systems within the ETJ.

ATTACHMENT(S):

File Description	File Name
Voting Results	
Ordinance/Supplemental Documents	200808070653.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager