

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.

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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.

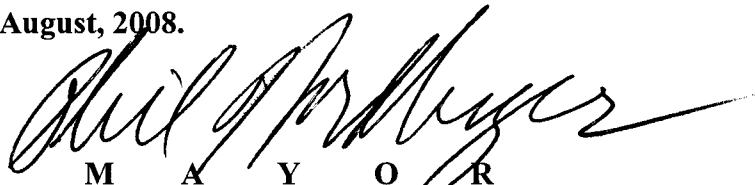
SECTION 6. There is no financial impact realized through the passage of this Ordinance.

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.

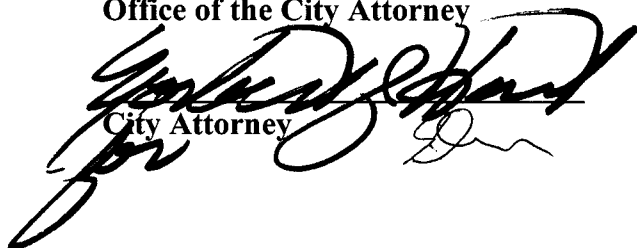
SECTION 9. This Ordinance shall be effective on the 17th day of August, 2008.

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