

**CITY OF SAN ANTONIO** AGENDA ITEM NO. 20  
**INTERDEPARTMENTAL CORRESPONDENCE**  
**DEVELOPMENT SERVICES DEPARTMENT**

**TO:** Mayor and City Council

**FROM:** Florencio Peña, Director Development Services

**THROUGH:** Terry M. Brechtel, City Manager

**COPY:** Christopher J. Brady, Assistant City Manager, File

**SUBJECT:** Chapter 16 Licenses and Business Regulations; Registration of Irrigation Contractors

**DATE:** February 27, 2003

**SUMMARY AND RECOMMENDATIONS**

This ordinance will require Licensed Irrigation Contractors to register annually with the Development Services Department in order to obtain permits to install irrigation systems. The ordinance will also amend the budget to allow for the collection of fees and expenditure of funds in order to hire two additional plumbing inspectors. This ordinance was prepared as the result of a six-signature memo, at the request of Councilman Bobby Perez.

The intent of this ordinance is to provide protection for consumers from the installation of faulty, water wasting, or inferior irrigation systems by requiring permitting and inspection of irrigation systems. Currently, Irrigation Contractors are licensed by the State of Texas to install commercial and residential irrigation systems. This ordinance will require Licensed Irrigation Contractors to register annually with the Development Services Department in order to obtain permits to install irrigation systems. These irrigation systems are installed in accordance with Chapter 34 of the Texas Water Code. The applicable section of the Texas Water Code is also referenced in section 35-510(j) of the Unified Development Code.

Staff recommends approval.

**BACKGROUND INFORMATION**

A six signature memo directed staff to bring forward an irrigation ordinance that:

- Requires registration of licensed irrigation contractors.
- Creates two additional Plumbing Inspector Positions.
- Establishes fees to pay for additional Plumbing Inspector Positions.

The Green Industry Alliance (GIA) worked closely with SAWS to develop the initial draft of the ordinance.

## **POLICY ANALYSIS**

This ordinance is consistent with council policies that promote water conservation. Irrigation systems will require inspection to ensure that they are installed to the applicable standards that provide for the use of water conservation features.

This ordinance will continue to allow a homeowner to install an irrigation system for their residence, by obtaining an irrigation permit. Also licensed Plumbers, who are also currently registered with the city, will be able to obtain irrigation permits. This is consistent with the provisions of the State Plumbing Law.

## **FISCAL IMPACT**

The proposed ordinance will have an impact on the cost of housing construction, only when irrigation systems are installed at the option of the homeowner.

The implementation of this ordinance will require at least two additional inspections. To account for these additional inspections, two (2) additional plumbing inspectors at a first year cost of \$94,453 (six-month funding) are proposed. The recommended fees will provide funding for the additional positions. The fees are as follows:

Annual Irrigation Contractor Registration Fee	\$75.00
Commercial Landscape Irrigation System Permit Fee	\$100.00
Residential Landscape Irrigation System Permit Fee	\$50.00
Irrigation System Inspection Fee	\$34.00


We anticipate that the proposed fees will generate \$119,569 the first year (7 month of revenue) and \$294,975 annually.

## **COORDINATION**

The development of this ordinance has been coordinated with SAWS.

## **SIGNATURES**

  
Florencio Peña, Director  
Development Services Department

  
Christopher J. Brady  
Assistant City Manager

Approved:

  
Terry M. Brechtel  
City Manager

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**CITY OF SAN ANTONIO  
OFFICE OF THE CITY COUNCIL**

**INTERDEPARTMENTAL CORRESPONDENCE SHEET**

**TO:** Mayor and Councilmembers

**FROM:** Councilmember Bobby Perez, District 1

**COPIES TO:** Terry M. Brechtel, City Manager; Steve Arronge, Acting City Attorney; Christopher Brady, Interim Director of Development Services; Robert Stricker; Chief Plumbing Inspector; Norma Rodriguez, City Clerk; Gayle McDaniel, Assistant to City Council; File

**SUBJECT:** Amendment to City Code Requiring Registration of Irrigation Contractors

**DATE:** January 24, 2002

Please join with me in directing staff to have placed on the first available City Council agenda, for final consideration and action, the adoption of an ordinance that protects the City's water source and consumers from the adverse effects of faulty irrigation system installation.

The attached draft ordinance would amend Chapter 16 Licenses and Business Regulations of the City Code, by adding a new article entitled Article XV. Irrigation Contractors relating to registration of irrigation contractors. The Ordinance would protect both the City's water supply and consumers by:

1. Requiring irrigation contractors to register annually through the Development Services Department of the City in order to obtain an irrigation system permit for the installation of an irrigation system or a plumbing permit for the installation of an irrigation back-flow prevention device;
2. Creating two additional City Plumbing Inspector positions;
3. Designating the fees generated by the Irrigation Inspection Fee, Landscape Irrigation System Permit Fee, and Irrigation Contractor Registration Fees to be designated to fund the two additional City

Plumbing Inspector positions and for a City Irrigation System Education Fund.

4. Create a fee schedule adopting a Landscape Irrigation Inspection Fee of \$22.00, a Landscape Irrigation System Permit Fee of \$75.00 and an Irrigation Contractor Registration Fee of \$75.00.

This ordinance is necessary to protect the City's water supply by preventing waste through requiring irrigation contractors to register annually as well as allow for inspections of irrigation systems installed within the limits of the City.

Your concurrent is greatly appreciated.



BOBBY PEREZ, COUNCIL MEMBER  
DISTRICT 1



ED GARZA, MAYOR



JOHN SANDERS, DISTRICT 2



TONI MOORHOUSE, DISTRICT 3



ENRIQUE MARTIN, DISTRICT 4



DAVID GARCIA, DISTRICT 5




ENRIQUE BARRERA, DISTRICT 6



JULIAN CASTRO, DISTRICT 7

BONNIE CONNER, DISTRICT 8



CARROLL SCHUBERT, DISTRICT 9



DAVID CARPENTER, DISTRICT 10

## **AN ORDINANCE**

### **AMENDING CHAPTER 16 LICENSES AND BUSINESS REGULATIONS OF THE CITY CODE BY ADDING A NEW ARTICLE ENTITLED ARTICLE XV IRRIGATION CONTRACTORS RELATING TO THE REGISTRATION OF IRRIGATION CONTRACTORS; CREATING TWO (2) ADDITIONAL CITY PLUMBING INSPECTOR POSITIONS.**

**WHEREAS**, City Council desires to promote and protect the health and general welfare of the City by protecting the City's water sources by ensuring the proper installation of irrigation systems and backflow prevention devices;

**WHEREAS**, City Council also desires to protect consumers from the installation of faulty or inferior irrigation systems;

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

**SECTION 1.** Section 16 Licenses and Business Regulations of the City Code is amended by adding a new article entitled Article XV. Irrigation Contractors having the sections and containing the language as set forth in the Appendix I of this ordinance which is hereby adopted and approved as if fully set forth herein.

**SECTION 2.** There are hereby created two additional City Plumbing Inspector positions.

**SECTION 3.** All fees authorized by Section 16-417 of Appendix I hereto shall be used to fund the two additional City Plumbing Inspector positions:

Any surplus, after funding the two additional City Plumbing Inspector positions, will be placed in the City Irrigation System Education Fund and maintained separately from the General Fund

**SECTION 4.** The two City Plumbing Inspector positions funded by the fees described above shall either be filled by licensed irrigators under Chapter 34 of the Texas Water Code or persons who shall obtain such licensure within six (6) months of being employed by the City.

Any surplus, after funding the two additional City Plumbing Inspector positions, will be placed in the City Irrigation System Education Fund and maintained separately from the General Fund.

**SECTION 5.** The City Irrigation System Education Fund will be used to provide education regarding water conservation methods related to irrigation systems.

The City Irrigation System Education Fund will be managed by a committee made up of the following members:

- a. One (1) member of the City Legal Department;
- b. The Chief City Plumbing Inspector; and
- c. Two (2) Licensed Irrigators under Chapter 34 of the Texas Water Code.

**SECTION 6.** The Lawn Sprinkler (per Head) fee of \$2.85 is eliminated.

**SECTION 7.** Should any Articles, Section, Parts, Paragraph, Sentence, Phrase, Clause or Word of this Ordinance or the appendix thereof, for any reason be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held unconstitutional, invalid or ineffective, the remainder shall, nevertheless, stay effective and invalid as if it had been enacted and ordained without the portion held to be held unconstitutional, or invalid, or ineffective.

**SECTION 8.** It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public, and public notice, the time, place, and subject matter of the public business to be considered at such meeting, including, this ordinance was given, all as is required by Texas Revised Civil Statute annotated as amended Title 5, Chapter 551 Government Code. A public hearing was held prior to the adoption of this ordinance as required by V.T.C.A., Local Government Code Section 212.003.

**SECTION 9.** The City Clerk is directed to publish public notice of this ordinance in accordance with State Law.

**SECTION 10.** The publishers of the City and the Unified Development Code are authorized to amend said Codes to reflect the change as adopted herein.

**SECTION 11.** This ordinance should become effective, \_\_\_\_\_, 200\_\_, past and approved this \_\_\_\_\_ day of 200\_\_.

**ATTEST:**

\_\_\_\_\_  
**Mayor Ed Garza**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Attorney**

## **Article XV. Irrigation Contractors**

### **Section 16-411. Definitions**

"Irrigation Contractor" means a licensed irrigator under Chapter 34 of the Texas Water Code.

"Irrigation System" 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.

"Installation" or "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 components; or lawn sprinkler system site preparation, including digging, trenching, Vibratory Flow operation, and final grading.

### **Section 16-412. Registration**

In order to obtain an irrigation system permit for the installation of an irrigation system or a plumbing permit for the installation of an irrigation back flow prevention device from the Development Services Department of the City, an irrigation contractor shall register annually with the Development Services Department of the City. Registration must be submitted on forms available from the Development Services Department and shall include the following information:

- a. The irrigation contractor's full name, state irrigator's license number, business name, business address, business telephone number and fax numbers.
- b. The names and license numbers of all licensed irrigation contractors or licensed plumbers that the irrigation contractor employs or with whom the irrigation contractor enters into a contract for the lawn sprinkler connection and inspection services.

Such registration shall expire December 31<sup>st</sup> of each year. Registration may be renewed for a period of one year from each succeeding December 31<sup>st</sup> upon submission by the irrigation contractor of the registration form. It shall be unlawful to obtain an irrigation system permit, or a plumbing permit to install a back flow prevention device without first registering annually with the Development Services Department of the City.

### **Section 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 director of the Development Services Department of the City.

### **Section 16-414. Inspection and Testing of Irrigation Systems**

All irrigation systems installed in the City, on or after the effective date of this ordinance, shall be permitted with the Development Services Department on forms provided by the Department.

Upon the completion of the installation of an irrigation system a City Plumbing Inspector shall inspect and determine the following before completing the Irrigation System Installation Permit:

1. The irrigation contractor is currently registered with the City;
2. The irrigation contractor obtained a permit prior to the installation;
3. If applicable , the system complies with the requirements of the Unified Development Code;
4. The system complies with the requirements of Chapter 34 of the Texas Water Code.

Any defects in the installation determined during the inspection shall be corrected before the inspection is considered complete. The City Plumbing Inspector shall also include on the Irrigation System Installation Permit information on the system including static pressure and water source.

### **Section 16-415.**

It shall be unlawful to install an irrigation system with the City, without obtaining an irrigation system permit from the Development Services Department of the City.

### **Section 16-416. Fines and Penalties.**

Any violation of this Article shall be a Class C misdemeanor punishable by a fine not to exceed \$1,000.00 per violation.

**Section 16-417.**

The following fee schedule is hereby adopted:

Irrigation Contractor Registration Fee	\$75.00
Landscape Irrigation System Permit Fee	\$75.00
Irrigation System Inspection Fee	\$22.00

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# **RioSA** Lawncare, Inc.

4393 STAHL ROAD • SAN ANTONIO, TX 78217  
(210) 599-1814 • FAX #(210) 599-1854

January 17, 2002

Mr. Bobby Perez  
Council Member District 1  
P.O. Box 839966  
San Antonio, Texas 78283-3966

Re: Ordinance Amending the City of San Antonio Code to Require Registration of  
Landscape Irrigators

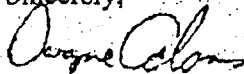
Dear Councilman Perez:

I am writing you to provide my support for the above referenced ordinance. I believe local regulation of Irrigators within the City of San Antonio to be the most important step in providing responsible irrigation within our community. The goals are distinct; to conserve water through responsible irrigation, a practice we must embrace to allow continued growth of our community, and fair trade practices for our citizens purchasing irrigation systems and services.

Our industry has been regulated at the State level since adoption of the Irrigator's Act, Article 8752, V.C.S., which came into law in 1974. The purpose of the Act is to protect water supplies from contamination and to provide a means for acceptable irrigation methods that properly irrigate lawns in a conservative manner.

Our water supplies are generally well protected. This is solely due to the professional inspectors at the City of San Antonio Plumbing Inspection Division. I have every confidence that we can achieve water conservation by adoption of this proposed ordinance. Local regulations are a means to these important goals.

Sincerely,



Dwayne Adams

# The Irrigation Designer

25310 Danna Marie  
S.A., Texas 78257

Mr. Bobby Perez  
Council Member District 1  
P.O. Box 839966  
San Antonio, Texas 78283-3966

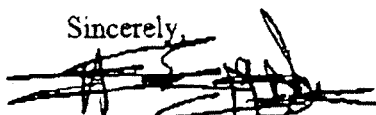
Date: 1-17-2002

Re: City Code Amendment Requiring Registration of Landscape Irrigators.

Dear  
Councilman Perez

I understand the Green Industry Alliance has been working with you concerning the local registration of Licensed Irrigators within the City of San Antonio limits. I certainly support this task to provide local governmental controls for this industry. It is my opinion that conserving water by enforcing water conservative irrigation practices in accordance with state laws is necessary. This registration will help with the quality of irrigation being installed on a daily basis.

Sincerely,



Stephen Cook  
LI 8155

January 18, 2002

Mr. Bobby Perez  
Council Member District 1  
P.O. Box 839966  
San Antonio, Texas 78283-3966

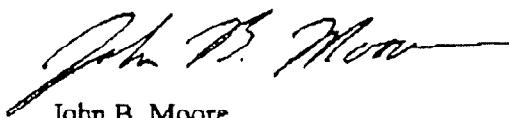
Re: Ordinance amending the City of San Antonio code to require registration of  
Landscape Irrigators.

Councilman Perez:

I am writing you to acknowledge my full support of the above referenced ordinance. As a Licensed Irrigator I believe the City of San Antonio has needed an ordinance of this nature for some time now. Enforcement on a local level will greatly enhance the quality of irrigation installations thereby inducing more water conservative irrigation systems and irrigation designs. Licensed Irrigators that are not willing or not capable of complying with this ordinance can then be dealt with from a legal footing.

Every year our industry continues to experience substantial growth. In my opinion high quality contractors are still the minority especially in the residential market. This is usually reflected in their job pricing. The unwary homeowner needs protection on a local level from unscrupulous irrigation contractors who will take advantage of them. An ordinance such as this will only benefit an industry that is in dire need of such regulation.

Sincerely,



John B. Moore  
Texas Irrigator License # 4523



January 11, 2002

Mr. Bobby Perez  
Council Member District 1  
P.O. Box 839966  
San Antonio, Texas 78283-3966

Re: Ordinance Amending the City of San Antonio Code to Require Registration of  
Landscape Irrigators

Dear Councilman Perez:

I am aware that the Green Industry Alliance, Inc. has been consulting with you concerning the registration of Licensed Landscape Irrigators within the City of San Antonio. I fully support the endeavor to provide local controls for the industry. In my opinion, the conservation of water resulting from proper irrigation practices will be worth the effort.

Sincerely,



Al Honigblum

403 W. Nakoma  
San Antonio, TX 78216



210-340-3516  
Fax 210-340-7189  
800-284-0203

January 14, 2002

Councilman Bobby Perez  
City Councilman District 1  
P.O. Box 839966  
San Antonio, TX 78283

Dear Councilman Perez,

Longhorn, Inc is a wholesale distributor of irrigation and landscape equipment throughout Texas. Our San Antonio store supports the Green Industry Alliance in their efforts to promote professional standards and responsible conservation practices in the San Antonio area. We support their position on "Registration of Irrigation Contractors". We feel an ordinance requiring registration as outlined in the proposed draft would promote such standards and practices and allow the City of San Antonio to provide increased consumer protection for it's citizens.

We appreciate your interest and support in this concern.

Don Weiss  
Longhorn, Inc.

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Experience The *Longhorn* Difference

Dallas  
10035 Gilman Lane  
Dallas, TX 75229  
972-496-0222

Plano  
1201 Capital Ave  
Plano, TX 75074  
972-423-0534

Frisco  
8701 E. Main St.  
Frisco, TX 75034  
972-377-7077

Denton  
1220 Shady Oaks  
Denton, TX 76201  
940-381-3663

Chaparral  
141 Central Ave.  
Chaparral, TX 76021  
817-421-0661

FT Worth  
3417 Kalamazoo  
FT Worth, TX 76119  
817-478-6638

San Antonio  
403 W. Nakoma  
San Antonio, TX 78216  
210-340-3516

Hickam  
15439 Bardonia Rd  
Hickam, TX 78023  
210-495-3516

**SPRINKLER KING OF TEXAS**

STK

10038 Iota Drive • San Antonio, Texas 78217  
(210) 599-3832 • Fax (210) 599-3869

January 11, 2002

Mr. Bobby Perez  
Council Member District 1  
P.O. Box 839966  
San Antonio, Texas 78283-3966

Re: Ordinance Amending the City of San Antonio Code to Require Registration of  
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Dear Councilman Perez:

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Our industry has been regulated at the State level since adoption of the Licensed Irrigators Act, Article 8751, V.T.C.S. signed into law in 1974. The purpose of the Act is to protect water supplies from contamination and to provide criteria for acceptable irrigation methods that properly irrigate landscapes in a conservative manner.

Our water supplies are generally well protected. This is solely due to the professional inspectors at the City of San Antonio Plumbing Inspection Division. I have every confidence that we can achieve water conservation by adoption of this proposed ordinance. Local regulation are a means to these important goals.

Sincerely,



Michael C. Wilkinson

## Just Add Water

January 18, 2002

Mr. Bobby Perez  
Council Member District 1  
P.O. Box 839966  
San Antonio, Texas 78283-3966

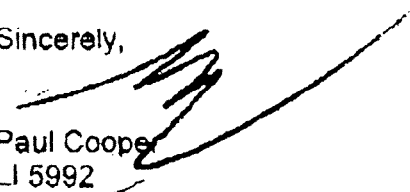
*Tom - All we  
ready w/ industry  
letter?*

Re: Ordinance Amending the City of San Antonio Code to Require Registration of Landscape Irrigators

Dear Councilman Perez:

I am aware that the Green Industry Alliance, Inc. has been consulting with you concerning the registration of Licensed Landscape Irrigators within the City of San Antonio. I fully support the endeavor to provide local controls for the industry. In my opinion the conservation of water resulting from proper irrigation practices will be worth the effort.

Sincerely,

  
Paul Cooper  
LI 5992