

AGENDA ITEM NO. 40

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Florencio Peña, Director Development Services

SUBJECT: Chapter 16 Article XV Irrigation Code Amendments

DATE: November 4, 2004

SUMMARY AND RECOMMENDATIONS

An ordinance amending Chapter 16 Article XV of the City Code, titled "Irrigation Contractors", regarding insurance requirements or bonding for licensed irrigators.

Staff recommends approval.

BACKGROUND INFORMATION

In February of 2003 Chapter 16 Article XV of the City Code was amended to require permits and inspections for irrigation systems. The intent of the ordinance was to provide protection for consumers from the installation of faulty, water wasting, or inferior systems by requiring permitting and inspection of irrigation systems. The ordinance required Licensed Irrigation Contractors to register annually with the Development Services Department in order to obtain permits to install irrigation systems. The Green Industry Alliance (GIA) worked closely with the City and SAWS to develop the ordinance. The permit and registration fees were projected to fund two plumbing inspector positions to help support the irrigation inspection provision.

The ordinance has been well received and a success in the first year of implementation. The initial projected revenue from permits and irrigation license registration to fund the two plumbing inspector positions was \$204,975. The actual revenue for Fiscal year 2004 was \$243,800. The GIA is recommending that an insurance requirement be added to the registration provisions to strengthen the ordinance and better protect consumers. The GIA is recommending \$300,000 of public liability per occurrence and \$300,000 property damage with product/completed operations or a \$5,000 bond that will help protect the consumer for any damages incurred to the financial limits set forth.

POLICY ANALYSIS

This ordinance is consistent with Council policies that promote water conservation and safeguard public health, safety and welfare. These provisions are consistent with the provisions of the State Plumbing Law.

FISCAL IMPACT

The proposed ordinance will have no financial impact on the City's general fund.

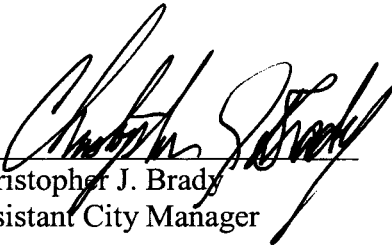
COORDINATION

This issue has been coordinated with the City Attorney's Office, SAWS, and representatives of the irrigation industry.




Florencio Peña, Director
Development Services Department

Approved:



Christopher J. Brady
Assistant City Manager



J. Rolando Bono
Interim City Manager

AN ORDINANCE

**AMENDING SECTION 16-412 OF THE CITY CODE TO REQUIRE
INSURANCE OR BONDING FOR IRRIGATION CONTRACTORS.**

* * * * *

WHEREAS, In February 2003, chapter 16 of the city code was amended to require permits and inspections for irrigation systems along with registration of licensed irrigation contractors; and

WHEREAS, insurance for licensed irrigation contractors has been recommended to strengthen the city's regulations and to provide better protection for consumers; **NOW THEREFORE**

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

SECTION 1. Section 16-412 of the City Code is amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

Sec. 16-412. Registration.

(a) 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) ~~state irrigator's~~ 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~~ fax numbers.

(b) 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) public liability per occurrence; and

(2) three hundred thousand dollars (\$300,000) property liability per occurrence and product/completed operations.

In lieu of insurance, the irrigation contractor may provide a bond in the amount of five thousand dollars (\$5,000) for liability and conditioned that the irrigation contractor shall faithfully observe all applicable laws.

(c) The irrigation contractor shall renew registration annually upon submission of the registration form.

(d) A licensed plumber may be issued an irrigation permit.

SECTION 2. This Ordinance shall be effective on November 14, 2004.


PASSED AND APPROVED this 4th day of November 20004.

M A Y O R

ATTEST:

City Clerk

APPROVED AS TO FORM:


City Attorney