

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 18, BUILDING AND BUILDING REGULATIONS, ARTICLE IV, PLUMBING CODE, SECTION 18-199, LANDSCAPE IRRIGATION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR A SEVERABILITY CLAUSE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES.

WHEREAS, when private water sprinklers are installed it is not unusual for the installer to place some of the sprinkler system within public right of way; and

WHEREAS, the City is planning a number of street reconstruction projects to rehabilitate city streets; and

WHEREAS, the street reconstruction projects may include construction of utilities, sidewalks, and other infrastructure that will involve using more of the City's available right-of-way; and

WHEREAS, street construction projects are not designed to include locating or repairing private water sprinkler systems; and

WHEREAS, in managing construction, including expenditure of public funds, sound policy demands that property owner be responsible for their water sprinklers that have been installed within City right-of-way.

NOW THEREFORE BE IT ORDAINED, by the City Council of Seguin, Texas:

**SECTION ONE.** The Seguin Code of Ordinances, Chapter 18, Building and Building Regulations, Article IV, Plumbing Code, Division II, Plumber's License, Section 18-199 is hereby amended (underlining indicates added text, strikethrough indicates deleted text) as follows:

Sec. 18-199. - Landscape irrigation.

(a) All landscape irrigation designs, installations, specifications and operating systems, within the corporate city limit and the City of Seguin extraterritorial jurisdiction, shall be in accordance with standards set forth in Texas Occupations Code 1903.053 and rules adopted by the Texas Commission on Environmental Quality and found in Texas Administrative Code, Title 30, part 1, Chapter 344, Subchapter D.

(b) If any part of a sprinkler system or related appurtenances are located within the City's right-of-way it shall be the property owner's responsibility and sole expense to remove the sprinkler system prior to City construction within the right-of-way.

(c) The City shall give the property owner reasonable notice, of not less than 30 days, that construction will involve the abutting right-of-way and the sprinklers must be removed prior to the start of construction. Should the property owner fail to remove the sprinkler(s) and

appurtenances the actual cost of removal evidenced by invoice from the City's contractor shall be billed to the property owner as part of their utility bill.

**SECTION TWO.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION THREE.** All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION FOUR.** City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

**SECTION FIVE.** This ordinance shall be effective upon ten (10) days following passage on second reading.

**PASSED AND APPROVED** on first reading on the 7<sup>th</sup> day of June, 2016.

**PASSED AND APPROVED** on second reading on the 21<sup>st</sup> day of June, 2016.

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DON KEIL  
Mayor

ATTEST:

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Thalia Stautzenberger  
City Secretary