

By: Puente

H.B. No. 2914

A BILL TO BE ENTITLED

AN ACT

relating to requirements and permits for irrigation systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 401, Local Government Code, is amended by adding Section 401.005 to read as follows:

Sec. 401.005. IRRIGATION SYSTEMS. (a) To protect the public health, safety, and welfare, a municipality with a population of 5,000 or more by ordinance shall require an installer of an irrigation system to obtain a permit before installing a system within the territorial limits or extraterritorial jurisdiction of the municipality.

(b) The ordinance shall include minimum standards and specifications for designing, installing, and operating irrigation systems in accordance with Section 1903.0535, Occupations Code, and any rules adopted by the Texas Commission on Environmental Quality or its successor agency under that section.

(c) A municipality may employ or contract with a licensed plumbing inspector or a registered irrigator to enforce the ordinance.

SECTION 2. Subchapter B, Chapter 1903, Occupations Code, is amended by adding Sections 1903.0535 and 1903.0536 to read as follows:

Sec. 1903.0535. IRRIGATION SYSTEM REQUIREMENTS: NEW SYSTEMS. (a) Notwithstanding Section 1903.053, an irrigation

1 system installed on or after January 1, 2007, must meet the  
2 requirements of this section.

3 (b) An irrigation system must have:

4 (1) pressure regulation components if the operating  
5 pressure at the sprinkler head, emitter, or watering outlet exceeds  
6 the manufacturer's recommended operating range;

7 (2) check valves on each sprinkler head if an  
8 elevation differential may cause more than minimal head drainage;  
9 and

10 (3) adjustable flow controls on zone valves and on the  
11 master valve.

12 (c) The zone valves and zones of an irrigation system must  
13 be separated based on water use so that areas that have plants with  
14 different watering requirements can be watered independently.

15 (d) The emission devices within an irrigation system zone  
16 must:

17 (1) have matched precipitation rates; and

18 (2) be installed in a manner that meets the needs of  
19 the plant material at maturity.

20 (e) An irrigation system zone may have more than one type of  
21 emission device.

22 (f) The sprinkler heads of an irrigation system must be  
23 spaced:

24 (1) in a manner that provides for a minimum of head to  
25 head coverage; or

26 (2) according to the manufacturer's recommendation.

27 (g) An irrigation system must be designed for zero runoff.

1 The system must be designed so that a sprinkler arc does not pass  
2 across a paved area. The commission may impose requirements  
3 regarding irrigating near sidewalks, bike paths, and other  
4 impervious surfaces.

5 (h) An irrigation system must have an automatic irrigation  
6 controller capable of dual or multiple programming. The controller  
7 must:

8 (1) have at least three start times for each  
9 irrigation program;

10 (2) contain a water budgeting feature;

11 (3) be programmable to irrigate with a frequency of  
12 every one to seven days; and

13 (4) have a method to allow rain detection, automatic  
14 delay, and suspension or termination of the irrigation cycle.

15 (i) An automatic irrigation controller that controls  
16 electrically activated valves must have a rain shut-off switch or  
17 other similarly effective technology installed. The commission may  
18 exempt areas of the state that receive less than 10 inches of annual  
19 average precipitation from this requirement.

20 (j) An irrigation system for a nonresidential property in an  
21 area of the state where freezing occurs frequently, as determined  
22 by the commission, must have a freeze sensor.

23 (k) The commission shall set appropriate soil depth  
24 coverage for pipes and valves for freeze protection and for  
25 maintenance and service practices.

26 (l) An irrigation system for a property other than a  
27 single-family residential property, as defined by the commission,

1 may not spray water on a median, buffer strip between a sidewalk and  
2 a street or between a sidewalk and a parking lot, or parking lot  
3 island that is less than four feet wide.

4 (m) An irrigation system for a single-family residential  
5 property, as defined by the commission, may irrigate the area  
6 between a sidewalk and a street in the manner determined by the  
7 commission.

8 (n) An installer shall provide the owner of an irrigation  
9 system with:

10 (1) an efficient watering schedule by season or month  
11 based on 80 percent of historic evapotranspiration or an  
12 alternative method determined by the commission; and

13 (2) any other information as determined by the  
14 commission.

15 (o) An installer shall offer to provide, and shall provide  
16 on request, the owner of an irrigation system for residential  
17 property with an as-built plan of the irrigation system that shows,  
18 at a minimum, the location of the mainlines, valves, and sprinkler  
19 heads.

20 (p) An installer shall provide the owner of an irrigation  
21 system for nonresidential property with an as-built plan of the  
22 irrigation system that shows, at a minimum, the location of the  
23 mainlines and valves.

24 (q) The commission by rule may:

25 (1) adopt other requirements that the commission  
26 determines would increase the efficiency of an irrigation system;  
27 and

1           (2) require the use of new advanced technology to  
2 accomplish the purposes of this section.

3           Sec. 1903.0536. IRRIGATION SYSTEM REQUIREMENTS: EXISTING  
4 SYSTEMS. Notwithstanding Section 1903.053, an owner of an  
5 irrigation system installed before January 1, 2007, that has an  
6 automatic irrigation controller that controls electrically  
7 activated valves must have a rain shut-off switch or other  
8 similarly effective technology installed not later than June 1,  
9 2008. The commission may exempt areas of the state that receive  
10 less than 10 inches of annual average precipitation from this  
11 requirement.

12           SECTION 3. Not later than June 1, 2006, the Texas Commission  
13 on Environmental Quality shall adopt the rules necessary to  
14 implement Section 1903.0535, Occupations Code, as added by this  
15 Act, to take effect January 1, 2007.

16           SECTION 4. Not later than January 1, 2007, a municipality  
17 with a population of 5,000 or more shall adopt an ordinance under  
18 Section 401.005, Local Government Code, as added by this Act.

19           SECTION 5. This Act takes effect September 1, 2005.