



# **CITY OF AUSTIN**

# **DROUGHT**

# **CONTINGENCY PLAN**

Developed to Meet Requirements Outlined in 30 TAC § 288.20 and § 288.22



**Water Conservation Division  
City of Austin, Texas  
PWS # 2270001**

**May 2, 2024**

## Table of Contents

SECTION I: DECLARATION OF POLICY, PURPOSE AND INTENT .....	2
SECTION II: BACKGROUND .....	2
SECTION III: TRIGGER CONDITIONS AND GOALS.....	8
SECTION IV: DROUGHT RESPONSE MEASURES .....	11
SECTION V: WHOLESALE CONTRACT PROVISIONS .....	20
SECTION VI: PUBLIC INVOLVEMENT.....	20
SECTION VII: PUBLIC NOTIFICATION AND EDUCATION.....	21
SECTION VIII: COORDINATION WITH REGIONAL PLANNING GROUPS (RPG).....	21
SECTION IX: TCEQ NOTIFICATION .....	21
SECTION X: PLAN REVIEW AND UPDATES .....	21
APPENDIX A: WATER CONSERVATION CODE.....	22
APPENDIX B: WATER CONSERVATION PENALTY CODE.....	59
APPENDIX C: WATER USE TRIGGERS FOR WATER USE MANAGEMENT ORDINANCE .....	86
APPENDIX D: RESOLUTIONS IN SUPPORT OF ADOPTION OF THE DROUGHT CONTINGENCY PLAN.....	87
APPENDIX E: RESOLUTION ADOPTING THE 2024 DROUGHT CONTINGENCY PLAN.....	94
APPENDIX F: TRANSMITTAL LETTER TO REGIONAL PLANNING GROUP .....	95
APPENDIX G: PUBLIC RESPONSE TO NOVEMBER 2023 SURVEY.....	96

**DROUGHT CONTINGENCY PLAN**  
**City of Austin, Texas**  
**May 2024**

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## Section I: Declaration of Policy, Purpose and Intent

The City of Austin (the City) maintains a decades-long commitment to ensuring a sustainable water supply through demand management measures. The latest update to Austin's Drought Contingency Plan (the Plan) builds upon this legacy. This iteration of the Plan retains all measures from previous versions while incorporating new strategies to better address droughts in the future.

Designed as a comprehensive strategy, the Plan focuses on addressing water shortages and emergencies, with specific attention to domestic water use, sanitation, fire protection, and public well-being. In accordance with Section 11.1272 of the Texas Water Code and Chapter 288 of Title 30 of the Texas Administrative Code, the City regularly updates this plan, underscoring the importance of adaptability to evolving water supply dynamics.

This document outlines the City's strategic response to challenges posed by demand surges, infrastructure constraints, and droughts, including historical critical droughts. Through coordination with the Lower Colorado River Authority (LCRA), the Drought Contingency Plans of both the LCRA and the City are consistent in terms of targets and goals. The City's plan is more proactive, including the implementation activities necessary to conserve water.

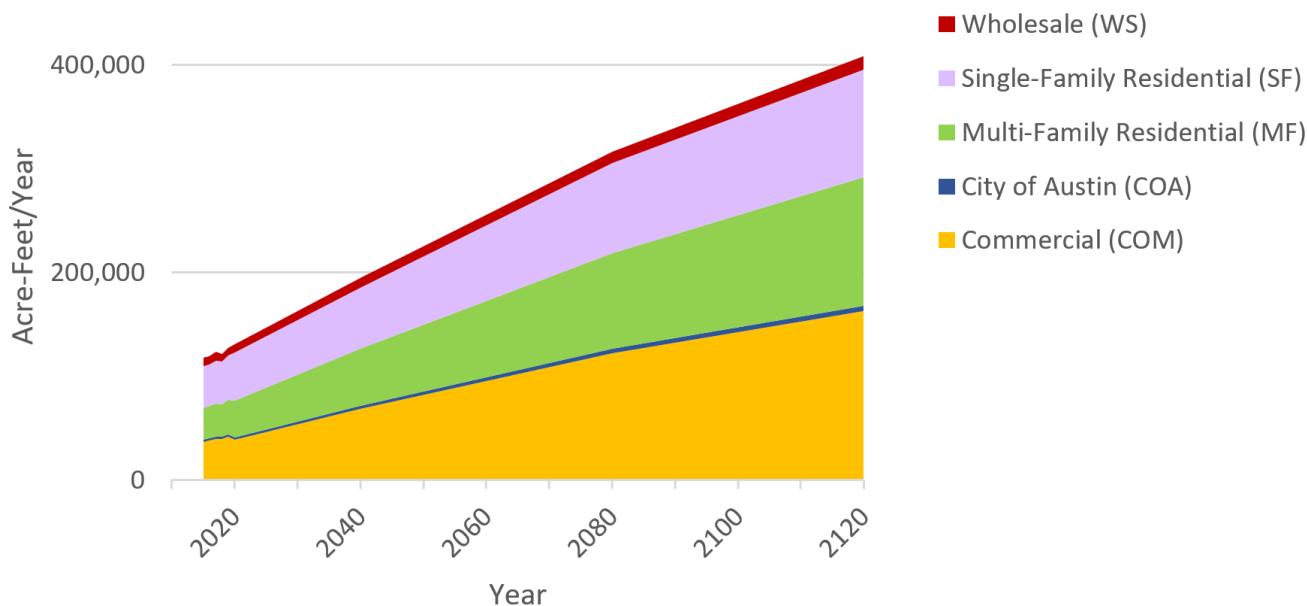
Detailed within the regulatory framework of the City of Austin's Municipal Code, the Water Conservation Code (updated in conjunction with this plan in May 2024) forms an integral part of our proactive water management actions. This Drought Contingency Plan serves not only to fulfill regulatory mandates but also as a detailed reference for effective drought management, with the amended Water Conservation Code accessible in Appendix A.

## Section II: Background

### A. Projected Water Demands

Austin Water's customer base is projected to increase from the current population of 1.1 million to 1.3 million by 2040, as outlined in the City of Austin's 2018 Water Forward Integrated Water Resources Plan. This growth in population and businesses is anticipated to result in a diversion of 67,600 million gallons in 2040, as projected in the 2018 Water Forward Plan (see **Figure 1**).

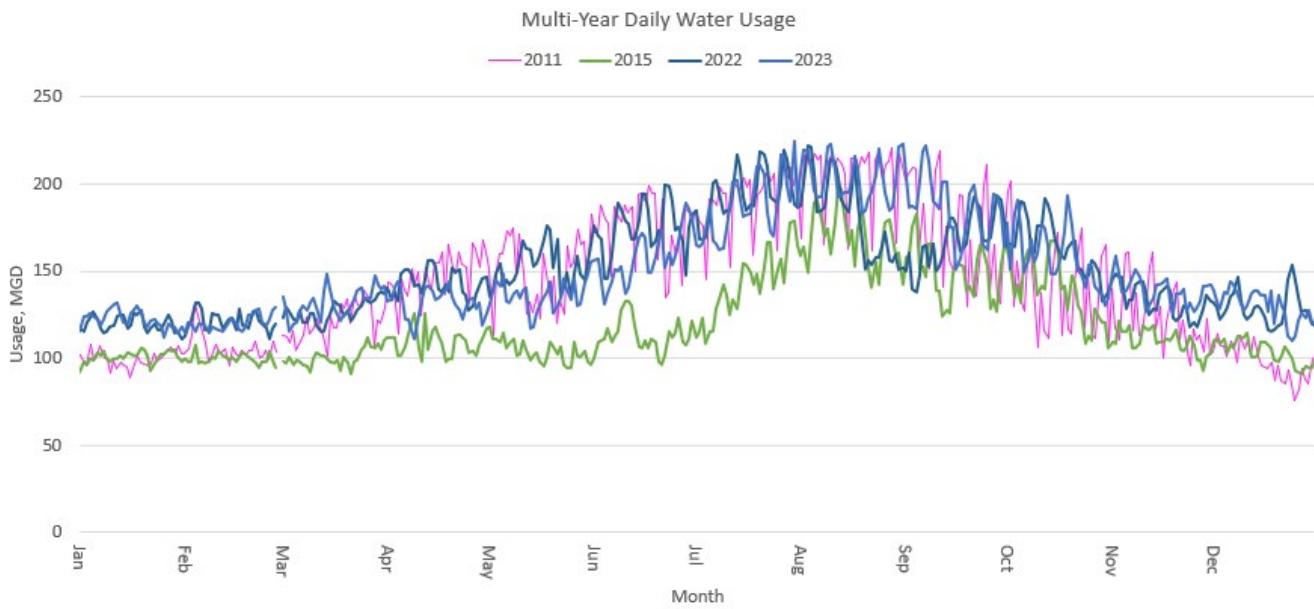
**Figure 1. Water demand projections from the 2018 Water Forward Plan**



Long-term projected water demands represent average usage, drawing from historical data on water consumption and projections of growth among various water users in the community. However, these projections do not account for short-term increases in water usage during hot, dry conditions typically associated with droughts. Such short-term increases of water use during drought can be seen in Figure 2. The figure depicts the daily water usage in millions of gallons per day (mgd) for Austin Water over a span of four years:

- 2011 (magenta) – the driest single year on record during the region's Drought of Record (2009-2014).
- 2015 (green) – a recent year with above-average precipitation and low water usage.
- 2022 (dark blue) and 2023 (blue) – years following the declaration of Drought Stage 1 on June 6, 2022.

**Figure 2. Historical daily water use during a wet year (2015) and dry years (2011, 2022, 2023).**



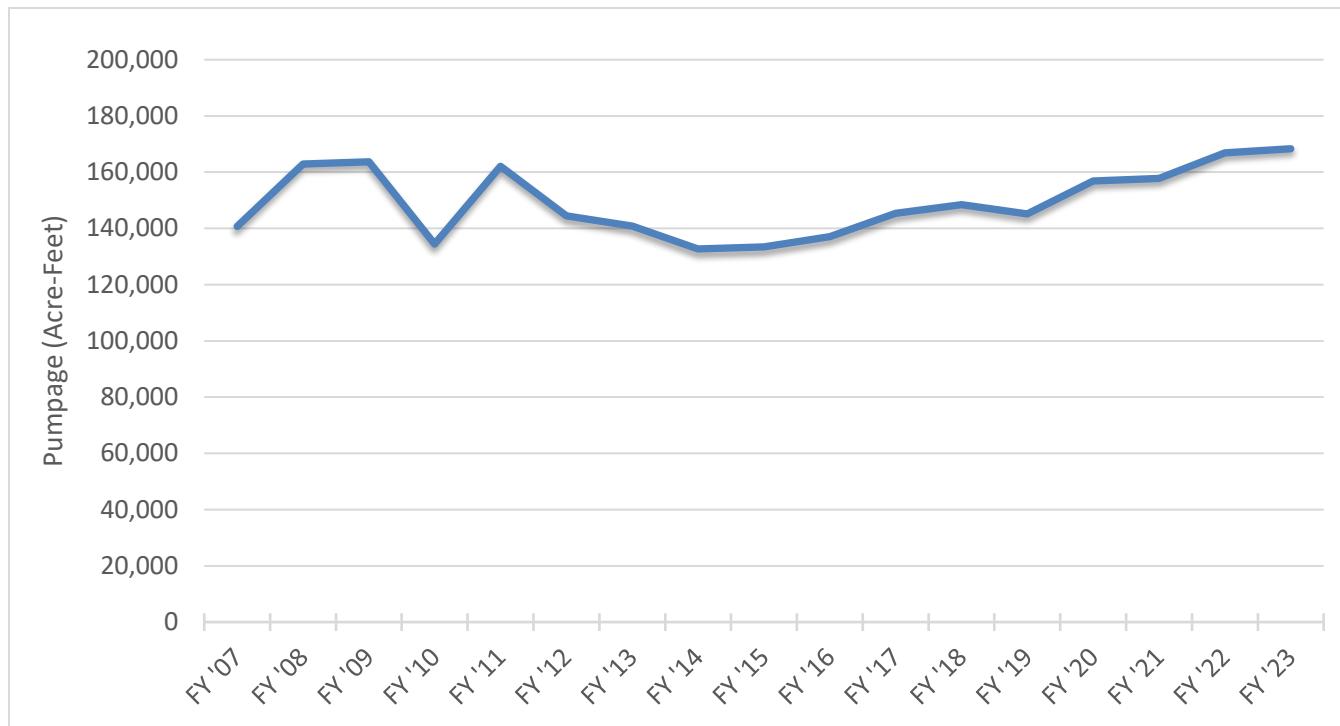
In all years, the surge in landscape irrigation can increase daily water demands in August by 50 to 60 percent compared to January, even in a wet year like 2015. While Austin remains committed to water stewardship year-round, the most significant potential for short-term water savings during a drought lies in reducing landscape irrigation between June and October, alongside other conservation measures offering substantial near-term savings. However, achieving an overall reduction in water usage during a drought is highly challenging using traditional methods of public outreach and enforcement patrols.

## B. Water Supply and Water Supply Contracts

The City holds permitted municipal water rights granted by the State of Texas, allowing a maximum diversion of 292,703 acre-feet per year (AF/yr) from the Colorado River for municipal use. These water rights operate within the State's priority water rights system as run-of-river rights. This means the City can divert water under these rights only if it's available after fulfilling other more senior water rights. While the City's water rights include some of the most senior rights in the river basin, there are conditions, particularly during dry weather, when this run-of-river water may not reliably be available. Consequently, the City has water supply contracts with LCRA to ensure water availability under various hydrologic conditions, including droughts.

In 1999, the City of Austin secured a firm water supply of 325,000 AF/yr through a contract with LCRA, utilizing stored water in the Highland Lakes and other sources to support the City's senior water rights. This contract is renewable by the City of Austin until the year 2100. In 2007, Austin entered into a supplemental water supply agreement with LCRA to provide an additional 250,000 AF/yr of firm water to be incrementally planned for future needs beyond the 1999 contract's 325,000 AF/yr level. The 325,000 AF/yr component of the City's firm municipal water supply is roughly double the peak annual diversion level of 174,781 AF/yr, which occurred in 2022. The most recent five-year average is approximately 164,409 AF/yr. (See Figure 3)

**Figure 3. Historic City of Austin Diversion Volumes**



According to its 2020 Water Management Plan, the LCRA intends to manage water supplies in the Colorado River to ensure that stored water for firm demands is available without shortage, even in a repeat of the Drought of Record (DOR). When the LCRA's Board declares a Drought Worse than the Drought of Record (DWDR), mandatory pro-rata curtailment of firm water demand is required. The declaration of a DWDR involves evaluating hydrologic and water supply conditions based on specific criteria, including drought duration, inflow volumes, and combined storage conditions. LCRA may also mandate curtailments of firm water demand in response to other water emergencies that significantly reduce the available firm water supply. If a DWDR declaration is issued, LCRA may, following notification and approval of a pro-rata curtailment plan, enforce mandatory curtailment of firm customers. The City has adopted a Water Conservation Code (Appendix A) that authorizes consideration and implementation of emergency conservation measures if water use needs to be curtailed during a DWDR declaration.

In 2023, the LCRA initiated work to revise the previous drought stage triggers, which were subsequently adopted by their board on March 26, 2024. In response to the addition of both a new drought stage and mechanism for determining drought stage triggers, the City has updated its triggers to align with both the LCRA and our community's strong commitment to water conservation.

### **C. Drought Conditions and Management Actions**

LCRA manages the Highland Lakes as a system, which include its water supply reservoirs, Lakes Travis and Buchanan, and results in a maximum combined storage capacity of approximately 2.0 million acre-feet. LCRA utilizes combined storage levels in Lakes Travis and Buchanan, inflows to the Highland Lakes, and other hydrologic factors as indicators of water supply conditions, including potential severe, long-term drought conditions. Combined storage levels also trigger the implementation of drought contingency plan stages. The historical Drought of Record for the Colorado River basin region, which encompasses the City of Austin, occurred during the years 1947-1957, when the combined water storage levels of Lakes Travis and Buchanan plummeted to a low of 621,221 acre-feet. Based on unprecedented conditions in February of 2015, LCRA declared that the basin entered a new "critical period," defined as a time period with the driest conditions and lowest inflows.

To mitigate adverse effects from periods of severe water shortages, Austin's Water Conservation Code (Section 6-4) outlines the City's water use stages within its service area during such periods caused by drought, water supply contamination, system outage due to failure or damage of the water system, or other emergency conditions. Additionally, if the available supply falls short of the anticipated demand, the City will assess and implement further emergency demand management measures, as detailed in the Water Conservation Code (Appendix A). All measures outlined in the Water Conservation Code are considered part of this Plan.

## D. Water System Capacity

Austin Water currently serves approximately 250,000 connections with over 4,044 miles of water mains. In 2023, Austin Water provided water to an approximate retail service area population of 1,096,486 and a wholesale customer population of 53,770, totaling approximately 1,150,256 individuals. All the City's drinking water is sourced from the Colorado River. Two water treatment plants, with a combined capacity to treat and distribute 285 million gallons per day (MGD), draw water from Lake Austin. A third water treatment plant, with a capacity of 50 MGD, draws water from Lake Travis. Table 1 summarizes the current plant capacities.

**Table 1. City of Austin Water Treatment Plants and Capacity**

Plant Name	Year Constructed	Treatment Capacity (million gallons/day)
Davis	1954	118 <sup>a</sup>
Ullrich	1969	167 <sup>b</sup>
Handcox	2014	50 <sup>c</sup>
<i>Total</i>		335

a) Expanded in 1963, 1977, 1987, and 1999.

b) Modernized in 1993 to meet the higher standards of the Safe Drinking Water Act and expanded in 1987 and 2000. Capacity expansion from 100 to 167 MGD was completed in 2008.

c) Capacity can be expanded to 300 MGD over time.

## Section III: Trigger Conditions and Goals

The City of Austin has established a baseline water conservation stage, which encompasses water efficiency measures that are in place regardless of the drought stage and apply to all retail water customers. In 2012, the city adopted a permanent Water Conservation Stage containing year-round water conservation measures, with additional measures enacted since then. The following measures are in effect during the baseline Conservation Stage, when our reservoirs hold more than 1.4 million acre-feet full:

- Residential and commercial facilities may irrigate only before 10:00 a.m. or after 7:00 p.m. on designated outdoor water use days.
- Automatic irrigation systems are restricted to one designated outdoor water use day per week, allowing up to fifteen hours of irrigation.
- Hose-end sprinklers are permitted on up to two designated outdoor water use days per week, allowing for a total of thirty hours of irrigation.
- Mandatory commercial irrigation, cooling tower, and car wash efficiency assessment programs are in place.
- Commercial pressure washing efficiency requirements are enforced.
- Restaurants are required to serve water only upon request.
- Hotels are mandated to offer linen reuse programs.
- Washing of vehicles and outdoor surfaces is permitted only with a hose equipped with a positive shut-off or using a bucket.
- Commercial patio misters may operate only between 4:00 p.m. and midnight.
- Irrigation design requirements exceed those set by the State of Texas.

Austin's City Manager or their designee monitors water supply, water system capacity, and demand conditions to determine when to consider implementing additional conservation actions for the City's retail water customers, as outlined in the demand, combined storage capacity, inflow into reservoirs, and emergency triggers listed in Table 2.

The decision to enact an inflow-based trigger will be made on March 1st and July 1st each year. This will involve assessing the previous three-month average inflows into the reservoirs. If that average inflow is less than the 25th percentile of the historic average for the same three-month period, the trigger condition will be met.

**Table 2. Demand, Supply and Emergency Triggers**

Demand Triggers					
Stage	Trigger	Goal	Action <sup>a</sup>	Irrigation Restriction <sup>a</sup>	End Condition
Stage 2	300 MGD for three consecutive days	Reduce water use by 15% of 300 MGD	Drought Response Stage Two Regulations	1x/week (10-15 hours)	City Manager ends based on daily supply and demand of water
Stage 2	320 MGD for one day	Reduce water use by 15% of 320 MGD	Drought Response Stage Two Regulations	1x/week (10-15 hours)	City Manager ends based on daily supply and demand of water

Inflow Trigger					
Stage	Trigger	Goal	Action <sup>a</sup>	Irrigation Restriction <sup>a</sup>	End Condition
Stage 2	Combined lake storage between 1.1 MAF – 900,000 AF Inflows less than 25% of historic average <sup>c</sup>	Reduce water use by 20%	Drought Response Stage Two Regulations	1x/week (10-15 hours)	Combined storage reaches 1.1 MAF and projected to stay above 900,000 AF for four months <sup>b</sup>

**Table 2. Demand, Supply and Emergency Triggers (continued)**

Capacity Triggers					
Stage	Trigger	Goal	Action <sup>a</sup>	Irrigation Restriction <sup>a</sup>	End Condition
Stage 1	Combined lake storage falls below 1.4 MAF	Reduce water use by 10%	Drought Response Stage One Regulations	1x/week (13 hours automatic) 2x/week (30 hours hose-end)	Combined storage reaches 1.4 MAF and expected to remain above 1.4 MAF for four months
Stage 2	Combined lake storage falls below 900,000 AF	Reduce water use by 20%	Drought Response Stage Two Regulations	1x/week (10 hour automatic) 1x week (15 hours hose end)	Combined storage reaches 1.1 MAF and projected to stay above 900,000 AF for four months <sup>b</sup>
Stage 3	Combined lake storage falls below 750,000 AF	Reduce water use by 25%	Drought Response Stage Three Regulations	1x/week (6 hours automatic and hose end)	Combined storage reaches 900,000 AF and projected to stay above 750,000 AF for four months <sup>b</sup>
Stage 4	Combined lake storage falls below 600,000 AF or a drought worse than the drought of record is declared	Reduce water use by a minimum of 30% from a baseline approved by LCRA, which may account for City's conservation measures	Drought Response Stage Four Regulations or Additional Restrictions as necessary to meet pro-rata curtailment requirements	No irrigation of nonfunctional turf; other irrigation 1x/week (6 hours)	City Manager determines that conditions no longer require meeting mandatory curtailment targets; combined storage expected to remain above 600,000 AF for four months
Emergency Stage 5	As determined by City Manager, system outage, equipment failure, contamination of water source or other emergencies	Reduce water use to levels deemed necessary	Emergency Stage Four Regulations or Additional Restrictions	Prohibited	City Manager ends based on daily water demand or the end of supply constraints

<sup>a</sup> Detailed information about watering schedules and additional conservation measures for each stage can be found in Appendix A.

<sup>b</sup> The City Manager may also end regulations based on other conditions or circumstances which merit such action.

<sup>c</sup> Inflow triggers will be checked on March 1 and July 1. If the previous three-months average inflows fall below 25% of the historic average for the same three-month period, the triggers will be enacted.

Procedures for granting variances to the watering regulations are outlined in Austin's Water Conservation Code and may be authorized if deemed necessary to safeguard public health and safety. Violations are subject to both criminal and administrative penalties as stipulated in City Code, Chapter 2-13. Additional requirements are incorporated within the Water Conservation Code, detailed in City Code Chapter 6-4, and in rules adopted pursuant to that chapter.

## Section IV: Drought Response Measures

Within each drought stage, Austin Water will enforce specific regulations, including outdoor watering restrictions. Additionally, Austin Water may undertake further discretionary non-regulatory water-saving measures, depending on the need and available resources, to encourage and assist residents and businesses in conserving water. The following tables outline the watering and other regulations cited in Chapter 6-4, as well as the non-regulatory measures that Austin Water may implement at each drought stage.

### Drought Response Stage 1

Outdoor Watering Restrictions	
<b>Automatic Irrigation</b>	Once per week (13-hours total) Midnight – 8:00 a.m. / 7:00 p.m. – midnight Assigned weekday
<b>Hose End</b>	Twice per week (30-hours total) Midnight – 10:00 a.m. / 7:00 p.m. - midnight Assigned weekday and weekend day

Additional Code Measures	
<b>Regulations</b>	<ol style="list-style-type: none"> <li>1. No water waste.</li> <li>2. No midday watering.</li> <li>3. Restaurants serve water on request.</li> <li>4. Cooling tower efficiency requirements and annual assessment.</li> <li>5. Commercial irrigation evaluation every two years.</li> <li>6. Car washing equipment certified annually.</li> <li>7. Charity car washes held at commercial car washes.</li> <li>8. Home car washing must use positive shutoff valve.</li> <li>9. Patio misters may not operate at commercial facility except between 4 p.m. and midnight.</li> <li>10. Power washers use efficient equipment.</li> <li>11. Ornamental fountains must recirculate.</li> </ol>
<b>Variances</b>	<ol style="list-style-type: none"> <li>1. Threat to primary source of income.</li> <li>2. Documented environmental requirement.</li> <li>3. Large property (unable to irrigate property during Conservation Stage).</li> <li>4. Medical hardship.</li> <li>5. Xeriscaping establishment.</li> <li>6. Alternative compliance.</li> </ol>

Additional Code Measures (continued)	
<b>Exemptions</b>	<ol style="list-style-type: none"> <li>1. Protection of public health, safety and welfare.</li> <li>2. Auxiliary water.</li> <li>3. Repair of water distribution lines.</li> <li>4. Testing and repair of irrigation systems.</li> <li>5. Hand watering any day any time or with refillable receptacle.</li> <li>6. Drip irrigation.</li> <li>7. Tree watering with automatic bubbler or soaker hose.</li> <li>8. Water use necessary for permit requirements including the establishment of new landscaping.</li> <li>9. Washing of garbage and food handling trucks.</li> <li>10. Athletic fields.</li> <li>11. Fire suppression.</li> <li>12. Irrigation of plant stock at commercial nursery.</li> <li>13. Watering commercially applied herbicide or pesticide.</li> </ol>

Discretionary Non-Regulatory Measures	
<b>Policy</b>	<ul style="list-style-type: none"> <li>• Expand temporary enforcement staff during irrigation season.</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>• Enhanced marketing of drought-related information to the public.</li> </ul>
<b>Incentives</b>	<ul style="list-style-type: none"> <li>• Enhanced outreach to other City departments to implement water conservation audits/projects.</li> <li>• Increase rebate amounts for select conservation programs.</li> <li>• Increase incentives for voluntary connection to centralized reclaimed water system.</li> </ul>

## Drought Response Stage 2

Outdoor Watering Restrictions	
<b>Automatic Irrigation</b>	Once per week (10-hours total) Midnight – 5:00 a.m. / 7:00 p.m. – midnight Assigned weekday
<b>Hose End</b>	Once per week (15-hours total) Midnight – 10:00 a.m. / 7:00 p.m. - midnight Assigned weekend day

Additional Code Measures	
<b>Regulations</b>	<ol style="list-style-type: none"> <li>1. No water waste.</li> <li>2. No midday watering.</li> <li>3. Restaurants serve water on request.</li> <li>4. Cooling tower efficiency requirements and annual assessment.</li> <li>5. Commercial irrigation evaluation every two years.</li> <li>6. Car washing equipment certified annually.</li> <li>7. Charity car washes prohibited.</li> <li>8. Home car washing must use single fill receptacle.</li> <li>9. Patio misters may not operate at commercial facility except between 4 p.m. and midnight.</li> <li>10. Power washers use efficient equipment.</li> <li>11. Ornamental fountains must recirculate.</li> <li>12. Ornamental fountains with a 4-inch emission or fall of water are prohibited, unless to preserve aquatic life.</li> <li>13. Golf course fairways irrigated on designated outdoor water use day; tees and greens irrigated every other day with notice to Austin Water.</li> </ol>
<b>Variances</b>	<ol style="list-style-type: none"> <li>1. Threat to primary source of income.</li> <li>2. Documented environmental requirement.</li> <li>3. Large property (<i>unable to irrigate property during Conservation Stage</i>).</li> <li>4. Medical hardship.</li> <li>5. Xeriscaping establishment.</li> <li>6. Alternative compliance.</li> </ol>

<b>Exemptions</b>	<ol style="list-style-type: none"> <li>1. Protection of public health, safety and welfare.</li> <li>2. Auxiliary water.</li> <li>3. Repair of water distribution lines.</li> <li>4. Testing and repair of irrigation systems.</li> <li>5. Hand watering any day any time or with refillable receptacle.</li> <li>6. Drip irrigation.</li> <li>7. Tree watering with automatic bubbler or soaker hose.</li> <li>8. Water use necessary for permit requirements including the establishment of new landscaping.</li> <li>9. Washing of garbage and food handling trucks.</li> <li>10. Athletic fields.</li> <li>11. Fire suppression.</li> <li>12. Irrigation of plant stock at commercial nursery.</li> <li>13. Watering commercially applied herbicide or pesticide.</li> </ol>
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Discretionary Non-Regulatory Measures	
<b>Policy</b>	<ul style="list-style-type: none"> <li>• Expand temporary enforcement staff during irrigation season.</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>• Enhanced marketing of drought-related information to the public.</li> </ul>
<b>Incentives</b>	<ul style="list-style-type: none"> <li>• Enhanced outreach to other City departments to implement water conservation audits/projects.</li> <li>• Increase rebate amounts for select conservation programs.</li> <li>• Increase incentives for voluntary connection to centralized reclaimed water system.</li> </ul>

## Drought Response Stage 3

Outdoor Watering Restrictions	
<b>Automatic Irrigation</b>	Once per week (10-hours total) Midnight – 5:00 a.m. / 7:00 p.m. - midnight Assigned weekday
<b>Hose End</b>	Once per week (15-hours total) Midnight – 10:00 a.m. / 7:00 p.m. - midnight Assigned weekend day

Additional Code Measures	
<b>Regulations</b>	<ol style="list-style-type: none"> <li>1. No water waste.</li> <li>2. No midday watering.</li> <li>3. Restaurants serve water on request.</li> <li>4. Cooling tower efficiency requirements and annual assessment.</li> <li>5. Commercial irrigation evaluation every two years.</li> <li>6. Car washing equipment certified.</li> <li>7. Charity car washes prohibited.</li> <li>8. Home car washing must use single fill receptacle.</li> <li>9. Patio misters may not operate at commercial facility except between 4 p.m. and midnight.</li> <li>10. Power washers use efficient equipment.</li> <li>11. Ornamental fountains must recirculate.</li> <li>12. Ornamental fountains with a 4-inch emission or fall of water are prohibited, unless to preserve aquatic life.</li> <li>13. Golf course fairways irrigated on designated outdoor water use day; tees and greens irrigated every other day with notice to Austin Water.</li> </ol>

Additional Code Measures (continued)	
<b>Variances</b>	<ol style="list-style-type: none"> <li>1. Threat to primary source of income.</li> <li>2. Documented environmental requirement.</li> <li>3. Large property (unable to irrigate property during Conservation Stage).</li> <li>4. Medical hardship.</li> <li>5. Xeriscaping establishment.</li> <li>6. Alternative Compliance.</li> <li>7. Athletic Fields.</li> </ol>
<b>Exemptions</b>	<ol style="list-style-type: none"> <li>1. Protection of public health, safety and welfare.</li> <li>2. Auxiliary water.</li> <li>3. Repair of water distribution lines.</li> <li>4. Testing and repair of irrigation systems.</li> <li>5. Hand watering any day any time or with refillable receptacle.</li> <li>6. Drip irrigation.</li> <li>7. Tree watering with automatic bubbler or soaker hose.</li> <li>8. Water use necessary for permit requirements including the establishment of new landscaping.</li> <li>9. Washing of garbage and food handling trucks.</li> <li>10. Fire suppression.</li> <li>11. Irrigation of plant stock at commercial nursery.</li> <li>12. Watering commercially applied herbicide or pesticide.</li> </ol>

Discretionary Non-Regulatory Measures	
<b>Policy</b>	<ul style="list-style-type: none"> <li>• Expand temporary enforcement staff during irrigation season.</li> <li>• No warning for irrigation water waste violations, but dismissal with completion of an irrigation course.</li> <li>• Drought Rate Surcharge of \$1.00 per thousand gallons of water billed.</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>• Enhanced marketing of drought-related information to the public.</li> <li>• Expanded voluntary water budgeting outreach through the My ATX Water portal.</li> </ul>
<b>Incentives</b>	<ul style="list-style-type: none"> <li>• Enhanced outreach to other City departments to implement water conservation audits/projects.</li> <li>• Increase rebate amounts for select conservation programs.</li> <li>• Increase incentives for voluntary connection to centralized reclaimed water system.</li> </ul>

## Drought Response Stage 4

Outdoor Watering Restrictions	
<b>Automatic Irrigation</b>	<u>Functional turf areas and beds only</u> Once per week (6-hours total) Midnight – 6:00 a.m. Assigned weekday
<b>Hose End</b>	<u>Functional turf areas and beds only</u> Once per week (15-hours total) 7 a.m. - 10 a.m. / 7 p.m. – 10 p.m. Assigned weekend day

Additional Code Measures	
<b>Regulations</b>	1. No water waste. 2. No midday watering. 3. No watering nonfunctional turf (except for hand watering). 4. Suspend approval of irrigation permits. 5. Suspend approval of single-family residential pool permits. 6. Restaurants serve water on request. 7. Cooling tower efficiency requirements and annual assessment. 8. Commercial irrigation evaluation every two years. 9. Car washing equipment must be certified. 10. Charity car washes prohibited. 11. Home car washing must use positive shutoff valve. 12. Patio misters may not operate at commercial facility except between 4 p.m. and 8 p.m. 13. Power washers use efficient equipment. 14. Ornamental fountains must recirculate. 15. Ornamental fountains with a 4-inch emission or fall of water are prohibited. 16. Golf course fairways irrigated on designated outdoor water use day; tees and greens irrigated every other day with notice to Austin Water. 17. The filling of spas is prohibited. 18. Operation of splash pads during limited hours.
<b>Variances</b>	1. Threat to primary source of income. 2. Documented environmental requirement. 3. Large property (unable to irrigate property during Conservation Stage). 4. Medical hardship. 5. Xeriscaping establishment. 6. Alternative Compliance. 7. Athletic fields.

Additional Code Measures (continued)	
<b>Exemptions</b>	<ol style="list-style-type: none"> <li>1. Protection of public health, safety and welfare.</li> <li>2. Auxiliary water.</li> <li>3. Repair of water distribution lines.</li> <li>4. Testing and repair of irrigation systems.</li> <li>5. Hand watering any day any time or with refillable receptacle.</li> <li>6. Drip irrigation.</li> <li>7. Tree watering with automatic bubbler or soaker hose.</li> <li>8. Water use necessary for permit requirements including the establishment of new landscaping.</li> <li>9. Washing of garbage and food handling trucks.</li> <li>10. Fire suppression.</li> <li>11. Irrigation of plant stock at commercial nursery.</li> <li>12. Watering commercially applied herbicide or pesticide.</li> </ol>

Discretionary Non-Regulatory Measures	
<b>Policy</b>	<ul style="list-style-type: none"> <li>• Expand temporary enforcement staff during irrigation season.</li> <li>• Allow for dismissal of first violation with completion of an irrigation course.</li> <li>• Drought Rate Surcharge of \$3.00 per thousand gallons of water billed.</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>• Enhanced marketing of drought-related information to the public.</li> <li>• Expanded voluntary water budgeting outreach through the My ATX Water portal.</li> </ul>
<b>Incentives</b>	<ul style="list-style-type: none"> <li>• Enhanced outreach to other City departments to implement water conservation audits/projects.</li> <li>• Increase rebate amounts for select conservation programs.</li> <li>• Increase incentives for voluntary connection to centralized reclaimed water system.</li> </ul>

## Emergency Stage 5

Irrigation & Additional Code Measures	
<b>Regulations</b>	<ol style="list-style-type: none"> <li>1. No irrigation of vegetation outdoors.</li> <li>2. Mandatory water budgeting.</li> <li>3. Suspend approval of new irrigation permits.</li> <li>4. Suspend approval of new single-family pool permits.</li> <li>5. No washing of vehicles or mobile equipment.</li> <li>6. No operation of fountains unless necessary to preserve aquatic life.</li> <li>7. No adding of water to swimming pool, pond, fountain or spa.</li> <li>8. No operation of splash pads or other similar recreational use of water (including Slip 'N Slide).</li> <li>9. No washing of outdoor surfaces.</li> <li>10. No operation of patio misters.</li> <li>11. No watering of chemical lawn applications unless authorized in a variance.</li> <li>12. No foundation watering.</li> </ol>
<b>Variances</b>	<ol style="list-style-type: none"> <li>1. Threat to primary source of income.</li> <li>2. Documented environmental requirement.</li> <li>3. Foundation watering.</li> <li>4. Athletic field irrigation when necessary to protect the health of the players.</li> <li>5. Watering in of prescribed tree disease treatment chemicals or pesticide.</li> <li>6. Alternative Compliance.</li> </ol>
<b>Exemptions</b>	<ol style="list-style-type: none"> <li>1. Protection of public health, safety and welfare.</li> <li>2. Auxiliary water.</li> <li>3. Repair of water distribution lines.</li> <li>4. Water use necessary for permit requirements, except for landscaping establishment.</li> <li>5. Washing of garbage and food handling trucks.</li> <li>6. Fire suppression.</li> </ol>

Discretionary Non-Regulatory Measures	
<b>Policy</b>	<ul style="list-style-type: none"> <li>• Expand temporary enforcement staff during irrigation season only if storage capacity driven declaration.</li> <li>• No warning for irrigation water waste violations, but dismissal with completion of an irrigation course.</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>• Enhanced marketing of drought-related information to the public.</li> <li>• Expanded voluntary water budgeting outreach through the My ATX Water portal.</li> </ul>
<b>Incentives</b>	<ul style="list-style-type: none"> <li>• Enhanced outreach to other City departments to implement water conservation audits/projects.</li> <li>• Increase rebate amounts for select conservation programs.</li> <li>• Increase incentives for voluntary connection to centralized reclaimed water system.</li> </ul>

## Section V: Wholesale Contract Provisions

New wholesale contracts incorporate standard language mandating adherence to the City's Water Conservation Code. Typically, customers entering new wholesale contracts are also obligated to establish a water conservation program like the one administered by the City. For customers with older contracts lacking water conservation provisions, voluntary implementation of similar water conservation measures is requested, and AW worked with each organization to assist with conservation outreach and shared AW materials and guidelines.

Pro-rata curtailment will be conducted in accordance with Texas Water Code §11.039. Additionally, all new, renewed, or extended wholesale supply contracts will include a provision stipulating that water distribution will occur on a pro-rata basis in the event of a water shortage resulting from drought.

Enforcement actions for non-compliance with either the Water Conservation Code or pro-rata water reductions by wholesale customers will be determined based on the specifics outlined in each wholesale customer's contract.

## Section VI: Public Involvement

Austin Water solicited input on this Plan update from both retail and wholesale water customers, as well as identified key stakeholder groups. Throughout the engagement process, Austin Water sought feedback for the development of revisions to the existing Water Conservation Code related to drought management using various methods:

- Utilizing advertising opportunities and multiple social media platforms to encourage feedback.
- Sending direct email notifications and meeting invites to key stakeholders.
- Conducting two surveys aimed at collecting public input on five potential additions to drought stage regulations, as well as gathering open feedback. One survey was accessible on the Drought Contingency Plan SpeakUpAustin page (with 67 respondents). The second survey was randomly emailed to Austin Water customers (with 43 respondents). Results from both surveys showed similar responses. Overall, a substantial majority supported the proposed additions to drought stage regulations. Refer to Appendix G for combined survey responses.
- Delivering presentations at meetings of the Water Forward Task Force, as well as other City advisory boards such as the Water and Wastewater Commission and the Resource Management Commission. Resolutions supporting the Plan from these advisory boards can be found in Appendix D.

## Section VII: Public Notification and Education

The City will disseminate information about the Plan to both its wholesale and retail water customers, including details about the conditions triggering each stage of the Plan and the corresponding drought response measures. This information will be distributed through various channels, such as press releases, newspaper advertisements, updates on the city's website, social media posts, presentations to community organizations and neighborhood groups, meetings with wholesale customers, and other appropriate outreach methods. Additionally, water conservation-related public information materials, including brochures and program information, will be made available to wholesale water customers for distribution to their retail customers.

The City will also notify the public of upcoming drought stage changes using the same communication methods and advertisements. The scope of these notifications will expand with each elevated drought stage. Additionally, marketing efforts will highlight increased rebate payments available during each drought stage.

## Section VIII: Coordination with Regional Planning Groups (RPG)

The City of Austin has provided a copy of this Plan to the Lower Colorado Regional Planning Group (Region K). A copy of the transmittal letter is included in Appendix F.

## Section IX: TCEQ Notification

The City will notify the executive director of the Texas Commission on Environmental Quality within five business days of implementing any mandatory provisions of the Drought Contingency Plan.

## Section X: Plan Review and Updates

This Plan was developed to fulfill the requirements outlined in 30 TAC § 288.20 and § 288.22, which mandate the submission of a Drought Contingency Plan and provision of essential drought contingency response information, regulations, and services to the community and water customers. The Plan will undergo review at least every five years and will be updated as necessary based on significant developments in Austin's water service area. The next scheduled plan review will take place in 2029.

## APPENDIX A: Water Conservation Code

TITLE 6. - ENVIRONMENTAL CONTROL AND CONSERVATION.  
CHAPTER 6-4. WATER CONSERVATION.

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### CHAPTER 6-4. WATER CONSERVATION.

#### ***ARTICLE 1. GENERAL PROVISIONS.***

##### **§ 6-4-1 WATER USE MANAGEMENT PLAN.**

This chapter establishes a Water Use Management Plan.

Source: Ord. 20120816-004.

##### **§ 6-4-2 DEFINITIONS.**

Unless a different definition is expressly provided, in this chapter:

- (1) ACTION OF THE UTILITY means an action taken by Austin Water pursuant to this chapter.
- (2) AQUATIC LIFE means a vertebrate organism dependent upon an aquatic environment to sustain its life.
- (3) AUTOMATIC IRRIGATION SYSTEM means any irrigation system connected to and being operated by a programmable controller, including a permanently or temporarily installed irrigation system.
- (4) AUSTIN WATER, AW, AWU, and the Utility mean the Austin Water Utility.
- (5) AUXILIARY WATER means a water supply from a source other than Austin Water's potable water supply.
- (6) AUSTIN WATER AUTHORIZED IRRIGATION INSPECTOR means an Irrigation Inspector licensed by the Texas Commission on Environmental Quality who has also both passed a director-approved class in landscape irrigation and has been awarded Austin Water Authorized Irrigation Inspector status in accordance with rules adopted pursuant to this chapter.
- (7) BLEED-OFF (BLOWDOWN) means the circulating water in a cooling tower which is discharged to help keep the dissolved solids concentrating in the water below a maximum allowable limit.
- (8) BLOWDOWN METER or discharge meter means a meter that tracks the amount of water discharged from a cooling tower system.
- (9) COMMERCIAL FACILITY means a site with five or more dwelling units, or a municipal, business, or industrial building and the associated landscaping, but does not include the fairways, greens, or tees of a golf course.
- (10) COMMERCIAL NURSERY means a facility where plant nursery stock, trees, seedlings, turf, shrubs, flowers, herbs, crops or other plant materials are cultivated, grown, stored, or maintained prior to retail consumer, installer, or reseller purchase, use, consumption, or installation of the materials at any location other than the commercial nursery.
- (11) COMMON AREA means an area held, designed, or designated for the common use of the owners or occupants of a townhouse project, planned unit development, apartment, condominium, mobile home park, or subdivision.

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- (12) CONCENTRATION means re-circulated water in a cooling tower that has elevated levels of total dissolved solids as compared to the original make-up water.
  - (13) CONDUCTIVITY CONTROLLER means a device used to measure the conductivity of total dissolved solids in the water of a cooling system and control the discharge of water in order to maintain efficiency.
  - (14) COOLING TOWER means an open water recirculation system that uses fans or natural draft to draw or force air to contact and cool water through the evaporative process that removes heat from water-cooled air conditioning systems and from industrial processes.
  - (15) COSMETIC POWER WASHING means treatment or cleaning of a surface with specialized equipment that uses a spray of or directed water for the cosmetic cleaning of buildings, vehicles or other mobile equipment, or outdoor surfaces. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or cleaning necessary to remove graffiti.
  - (16) CYCLES OF CONCENTRATION means the ratio of the dissolved solids in recirculating water to the dissolved solids in the make-up water.
  - (17) DESIGNATED OUTDOOR WATER USE DAY means the day during which a person is permitted to irrigate outdoors as prescribed in City Code Section 6-4-13(E) (*Water Conservation Guidelines*).
  - (18) DIRECTOR means the Director of Austin Water.
  - (19) DRIFT ELIMINATOR means a device that captures large water droplets caught in the cooling tower air stream to prevent the water droplets and mist from escaping the cooling tower.
  - (20) DRIP IRRIGATION means a method of irrigation which is typically installed below ground and consists of porous piping that allows the application of water at a slow and constant rate.
  - (21) DROUGHT CONTINGENCY PLAN means a strategy or combination of strategies for temporary supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code Title 30, Chapter 288, Subchapter B.
  - (22) FOUNDATION WATERING means an application of water to the soils directly abutting the foundation of a building, structure, or improvement on land.
  - (23) GOVERNMENT PROPERTY means property owned or operated by a federal, state, or local governmental unit, entity, agency, or a government subdivision for a public purpose.
  - (24) HOSE-END SPRINKLER means an above-ground water distribution device that may be attached to a garden hose.
  - (25) MAKE-UP means the amount of water required to replace normal losses caused by bleed-off (blowdown), drift, and evaporation.
  - (26) MAKE-UP METER or intake meter means a meter that measures the amount of water entering a cooling tower system.
  - (27) MANUAL IRRIGATION SYSTEM means an irrigation system designed to require the manual operation of valves or the attachment of a quick-coupling device.
  - (28) MULTI-FAMILY PROPERTY means property containing five or more dwelling units.
  - (29) NEW LANDSCAPE means vegetation:
    - (a) installed at the time of the construction of a residential or commercial facility;
    - (b) installed as part of a governmental entity's capital improvement project;
    - (c) installed to stabilize an area disturbed by construction; or

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- (d) that alters more than 500 contiguous square feet of an existing landscape.
- (30) **ONSITE ALTERNATIVE WATER SOURCE** means a water source including recycled manufacturing process water, air conditioner condensate, rainwater, stormwater, graywater, black water, cooling tower blow down, and foundation drain water.
- (31) **ORNAMENTAL FOUNTAIN** means an artificially created structure from which a jet, stream, or flow of water emanates and the water is not used for the preservation of aquatic life.
- (32) **OVERFLOW ALARM** means a system that includes a level switch and an electronic signaling device that sends an audible signal or provides an alert via the energy management control system to the tower operator in case of sump overflow.
- (33) **PERMANENTLY INSTALLED IRRIGATION SYSTEM** means a custom-made, site-specific system of delivering water generally for landscape irrigation via a system of pipes or other conduits installed below ground.
- (34) **PERSON** means any natural person or legal entity such as an individual, business, partnership, association, firm, corporation, governmental, or other natural, business, or legal entity that receives, requests, manages, uses, maintains, or is responsible for water utility service at a service address, whether or not the person or entity is a customer or account holder of Austin Water.
- (35) **PREMISE** means the outdoor area of property not enclosed by fencing or walls or containing living areas, and not including areas for storing vehicles or other motorized equipment.
- (36) **RECLAIMED WATER** means reclaimed municipal wastewater that is under the direct control of the City treatment plants, satellite facilities, or a treatment plant with which the City contracts, and that has been treated to a quality that meets or exceeds the minimum standards of the 30 Texas Administrative Code, Chapter 210.
- (37) **RESIDENTIAL FACILITY** means a site with four or fewer dwelling units.
- (38) **SOAKER HOSE** means a perforated or permeable garden-type hose or pipe that is laid above ground that provides irrigation at a slow and constant rate.
- (39) **TEMPORARILY INSTALLED IRRIGATION SYSTEM** means a universally applicable above ground irrigation system that uses a flexible hose or hardened pipe to deliver water to a moveable water distribution device.
- (40) **TON** means an evaporative cooling ton of 15,000 British Thermal Units (BTUs) per hour.
- (41) **VEHICLE WASH FACILITY** means a permanently-located business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventory.
- (42) **XERISCAPE** means a landscape which employs certain principles of design and installation which conserve water and energy and where the plant material, at mature growth, will provide at least 50% of the new landscape's areal coverage. The plant material must consist of plants identified on a plant list provided by Austin Water that are very low water usage and low water usage plants.

Source: Ord. 20120816-004; Ord. No. 20160505-003, Pt. 2, 5-16-16; Ord. No. 20201210-007, Pt. 2, 12-21-20.

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**§ 6-4-3 APPLICABILITY OF REGULATIONS; AFFIRMATIVE DEFENSES.**

- (A) This chapter applies to a person who uses, directs, manages, or allows the use of potable water supplied by Austin Water. The chapter does not apply to a person when the person only uses, directs, manages, or allows the use of auxiliary water or reclaimed water.
- (B) It is an affirmative defense to a violation of this chapter that the use of water that gave rise to the violation was consistent with the agreed upon terms and conditions of a water service contract with a wholesale water customer and that the use did not constitute water waste.
- (C) It is an affirmative defense to a violation of this chapter that the use of water that gave rise to the violation properly utilized solely auxiliary water, and did not endanger public health, safety, or property.
- (D) It is an affirmative defense to a violation of this chapter that the use of water that gave rise to the violation properly utilized solely reclaimed water, did not endanger public health, safety, or property, and did not constitute water waste in accordance with Section 6-4-12 (*Water Waste Prohibited*).
- (E) It is an affirmative defense to a violation of this chapter that the act or omission that gave rise to the violation occurred solely because a documented emergency that prevented strict compliance, and that the act or omission did not disrupt the availability of adequate water for other public emergency response or fire fighting or fire suppression purposes.

Source: Ord. 20120816-004; Ord. No. 20201210-007, Pt. 3, 12-21-20.

**§ 6-4-4 COMPLIANCE REQUIRED.**

A person may not use or permit the use of water in a manner that conflicts with the requirements of this chapter or in an amount greater than permitted by this chapter.

Source: Ord. 20120816-004.

**§ 6-4-5 FEES AND CHARGES.**

- (A) Fees and charges assessed pursuant to this chapter shall be set by City Council under a separate ordinance or, where permitted, by the director by rule.
- (B) Fees and charges associated with enforcement of this chapter shall be clearly identified on the customer's utility billing invoice or on the order assessing the fee or charge, except as where otherwise provided by local ordinance or adopted rule.

Source: Ord. 20120816-004.

**§ 6-4-6 INSPECTIONS AND RIGHT OF ENTRY.**

- (A) The Director or director's designee may:
  - (1) conduct an inspection of any property, equipment or improvement to determine compliance with this chapter; and
  - (2) require an owner, occupant, operator, manager, or user of a property, equipment, or improvement to correct a violation of this chapter.

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- (B) The Director or director's designee may enter a commercial facility or premise to inspect the facility upon probable cause that a violation of this chapter may have occurred at the location, provided the Director or designee:
    - (1) presents official identification to an employee of the facility and expressly requests entry to inspect;
    - (2) informs the employee of the facility of this section;
    - (3) makes a reasonable effort to locate the owner of unoccupied property to request entry; or
    - (4) limits the inspection of commercial properties not opened for business at the time of inspection to areas accessible by the public during periods of business closure.
  - (C) An inspection of a residential property shall be conducted from:
    - (1) areas accessible to the general public; or
    - (2) a restricted access area only after the Director or director's designee has presented official identification to the property manager, owner, occupant, or other representative, and obtained consent to enter a restricted access area.
  - (D) If consent for entry necessary to conduct an inspection to determine compliance with this chapter is required but denied, withdrawn, limited, or impaired, the Director or designee may seek any recourse available under applicable law to obtain entry and inspection.
  - (E) An employee may enter onto a privately owned common area for the purposes of conducting inspections. The designee may seek recourse to available law to obtain entry into areas with restricted access.
  - (F) A person seeking a variance pursuant to Article II, Division 3 (*Variances: Alternative Compliance*) or participation in an Austin Water Utility Conservation Program provides a designee of the director the right to enter the subject premise to conduct inspections and investigations necessary to determine compliance with this chapter.
  - (G) Conducting or failing to conduct an onsite inspection does not impose liability on the City, a City officer or employee, or a City representative for damage to a person or property.

Source: Ord. 20120816-004.

#### **§ 6-4-7 ADMINISTRATIVE RULES.**

- (A) The director may adopt administrative rules as necessary for the implementation of this chapter.
- (B) Before the director may adopt or amend a nonemergency rule, the director will present the proposed rule to the Water and Wastewater Commission and the Resource Management Commission. In cases of emergency rule adoption, the director will present the rule to the Water and Wastewater Commission and the Resource Management Commission as soon as practicable following emergency rule adoption.
- (C) The rules shall be available for inspection on Austin Water's website and at the Austin Water administrative offices during normal business hours.

Source: Ord. 20120816-004; Ord. No. 20160505-003, Pt. 3, 5-16-16; Ord. No. 20201210-007, Pt. 4, 12-21-20.

### **ARTICLE 2. WATER USE MANAGEMENT; REGULATED ACTIVITIES.**

#### *Division 1. Regulated Activities.*

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**§ 6-4-10 FACILITIES REGULATED.**

- (A) The owner or water account holder of a commercial or multi-family residential facility situated on property equal to or greater than 1.0 acre in size shall obtain and submit an evaluation of any permanently installed automatic irrigation system conducted at a frequency prescribed by rules adopted pursuant to this chapter. The irrigation evaluation shall, at a minimum:
  - (1) be conducted by an Austin Water authorized irrigation inspector who has been authorized in accordance with rules adopted pursuant to this chapter and whose authorization is reflected in records maintained by Austin Water;
  - (2) be documented on forms provided by Austin Water; and
  - (3) verify that the irrigation system operating on the property complies with all applicable requirements of this chapter, rules adopted pursuant to this chapter, and other applicable technical codes.
- (B) The owner or water account holder of a vehicle wash facility shall obtain and submit an evaluation of all vehicle washing equipment conducted at a frequency prescribed by rules adopted pursuant to this chapter. The vehicle wash facility evaluation shall, at a minimum:
  - (1) be conducted by a Texas-licensed plumber or an Austin Water authorized inspector chosen by the vehicle wash facility;
  - (2) be documented on forms provided by Austin Water; and
  - (3) establish that the equipment is operating in compliance with equipment standards prescribed by rules adopted pursuant to this chapter.
- (C) The owner or water account holder of a cooling tower must:
  - (1) register the tower with Austin Water using a form provided by Austin Water;
  - (2) register a new or replacement tower prior to operation; and
  - (3) submit a fully completed annual inspection of the tower to Austin Water by March 1 of each year using a form provided by Austin Water verifying that the cooling tower is properly permitted and complies with all applicable requirements of this chapter, rules adopted pursuant to this chapter, and applicable technical codes. The inspection must:
    - (a) be performed by an independent third-party Texas-licensed mechanical or chemical engineer, or a person holding a Texas Department of Licensing and Regulation Air Conditioning and Registration License (Class A) with a combined endorsement for process cooling and refrigeration; and
    - (b) be performed not more than 90 days before the March 1 due date.
- (D) A facility with 100 tons or greater of combined cooling capacity using an evaporative cooling tower must:
  - (1) have the make-up and blowdown meters and overflow alarm connected to the building's central energy management system or utility monitoring dashboard; and
  - (2) offset a minimum of 10% of the make-up water with reclaimed or onsite alternative water sources.
- (E) Restaurants, bars, and other commercial food or beverage establishments may not provide drinking water to customers unless a specific request is made by the customer for drinking water.
- (F) The owner or operator of a hotel, motel, short term rental, or other establishment that offers or provides lodging or rental accommodations for compensation shall offer a towel and linen reuse water conservation option to its lodgers, renters, or customers and maintain in each applicable guest room, suite, or property

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informational signage to communicate information relating to this requirement and to offer the opportunity for guest participation.

Source: Ord. 20120816-004; Ord. No. 20201210-007, Pt. 5, 12-21-20; Ord. No. 20220505-003, Pt. 4, 5-16-22.

#### § 6-4-11 GENERAL REGULATIONS.

- (A) A person may not conduct a charity car wash unless it occurs at an authorized vehicle washing facility meeting the requirements of Section 6-4-10(B) (*Facilities Regulated*) utilizing only the equipment of the facility that complies with this chapter and any associated rules.
- (B) A person may not use commercially operated cosmetic power/pressure washing equipment unless it is fitted with a water recycling unit and a spray nozzle using no more than 3.5 gallons of water per minute and employing a working trigger shut-off with a protective weep mechanism.
- (C) A person may not operate an ornamental fountain unless the fountain utilizes recirculated water.
- (D) A person may not engage in foundation watering unless the watering occurs on a designated outdoor water use day for the property during the irrigation time period prescribed by this chapter or by rule.
- (E) A person may not use potable water for roadway base preparation or dust abatement work, applications, or other activity on any project or at any location where reclaimed water is available within one mile of the location or project site if the use of nonpotable or reclaimed water will not jeopardize public or environmental health or safety, including the safety of the location or health and safety of the project workers or residents. A person using reclaimed or nonpotable water must do so in accordance with all applicable health, safety, and environmental regulations, and the rules adopted pursuant to this chapter.
- (F) The owner or water account holder of a cooling tower must:
  - (1) operate the cooling tower in a manner to achieve a minimum of five cycles of concentration if the cooling tower utilizes potable water as its primary source of make-up water;
  - (2) equip the cooling tower with:
    - (a) overflow sensors and alarms connected to the building's central energy management system or utility monitoring dashboard;
    - (b) make-up water and blowdown meters to manage water consumption;
    - (c) conductivity controllers; and
    - (d) a drift eliminator with a drift rate of not more than 0.005% of the circulated water flow rate for crossflow towers and 0.002% for counter flow towers;
- (G) The owner or water account holder of a cooling tower shall use a biocide to treat the cooling system recirculation water to minimize the growth of Legionella and other microorganisms.

Source: Ord. 20120816-004; Ord. No. 20201210-007, Pt. 6, 12-21-20; Ord. No. 20210930-117, Pt. 6, 12-1-21.

#### § 6-4-12 WATER WASTE PROHIBITED.

- (A) The section prohibits the waste of water.
- (B) A person may not:
  - (1) fail to repair a controllable leak, including a broken sprinkler head, a broken pipe or a leaking valve;
  - (2) operate an irrigation system with:

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- (a) a broken head;
  - (b) a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface; or
  - (c) a head that is misting because of high water pressure;
- (3) allow water flow during irrigation that:
    - (a) runs, flows, or streams in a way that extends into a street, parking area, or other impervious surface for a distance of 50 feet or greater; or
    - (b) allows water to pond to a depth greater than 0.25 inch in a street, parking area, or on other impervious surfaces; or
- (4) operate a cooling tower:
    - (a) in a manner that allows an overflow from the cooling tower basin to occur; or
    - (b) without a functioning drift eliminator.
- (c) It is an affirmative defense to a charge of a violation of Subsection (B) that the act or omission charged in the complaint occurred during necessary repair, testing, or calibration of a new or existing irrigation or plumbing system, that the person performing the system testing, repair, or calibration was present at the site at the time of the act or omission charged in the complaint, and that the irrigation or plumbing system and its testing, repair, or calibration work at issue complied at the time with all applicable regulations, permit and development approval requirements.
  - (d) It is an affirmative defense to a charge of a violation of Subsection (B)(1) that the property where the leak occurred has been officially accepted into a government-assisted housing repair program, the condition is within the scope of repairs the government has agreed to fund or repair, and the person charged with the violation or the property where the violation occurs is not in default of any obligation of the government-assistance housing repair program at the time of the violation charged.

Source: Ord. 20120816-004; Ord. No. 20201210-007, Pt. 7, 12-21-20.

### **ARTICLE 3. DROUGHT CONTINGENCY PLAN AND CONSERVATION STAGES.**

#### **§ 6-4-13 WATER CONSERVATION GUIDELINES.**

- (A) The director shall recommend and the city manager shall adopt water conservation guidelines that include:
  - (1) policies for compliance by city or other governmental departments; and
  - (2) the criteria for determining when a conservation stage takes effect or terminates.
- (B) The city manager shall update the guidelines if the city manager determines that changed conditions of the city's water supply system, regulatory obligations, or other environmental or situational factors warrant or necessitate guideline adjustment.
- (C) The city manager may order that the water use restrictions of Drought Response Stage One Regulations, Drought Response Stage Two Regulations, Drought Response Stage Three Regulations, or Emergency Stage Four Regulations take effect after determining that the order is necessary to protect the public health, safety, or welfare. The City Manager may base a conservation, drought, or emergency stage declaration or termination on any condition, occurrence, factor, or an assessment of all relevant circumstances that in the judgment of the City Manager support such action for any lawful purpose. The order is effective immediately following official public notice.

- (D) Water use regulations of Section 6-4-15 (*Water Conservation Stage*) remain in effect until such time as the city manager orders termination of the stage in accordance with Subsection (C) of Section 6-4-13, (*Water Conservation Guidelines*). Unless a drought or emergency stage is expressly declared by order of the city manager, water use regulations of the Section 6-4-15 (*Water Conservation Stage*) automatically resume by default immediately upon any ordered termination of any drought or emergency stage.
- (E) Any outdoor water use subject to the provisions of this chapter shall occur only on a day designated for the applicable water use activity, property/facility type, and street number address classification indicated in the following table. A person may not conduct, authorize, or permit outdoor water use except in accordance with the designation schedule set out in the following table. In the following table, "EVEN" or "ODD" correspond to the street number of the physical property address where the outdoor water use occurs. The table below shall be referred to as "the Outdoor Water Use Schedule".

Conservation Stage and Drought Response Stage 1 Watering Schedule	
Property Type	Watering Day
Residential Property - Hose-end EVEN	Sunday and Thursday
Public Schools	Monday
Commercial/Multi family - Automatic & Manual EVEN	Tuesday
Residential - Automatic & Manual ODD	Wednesday
Residential - Automatic & Manual EVEN	Thursday
Commercial/Multi Family - Automatic & Manual ODD	Friday
Residential Property - Hose-end ODD	Wednesday and Saturday

Drought Response Stage 2 and Stage 3 Watering Schedule	
Property Type	Watering Day
Residential Property - Hose-end EVEN	Sunday
Public Schools	Monday
Commercial/Multi family - Automatic & Manual EVEN	Tuesday
Residential - Automatic & Manual ODD	Wednesday
Residential - Automatic & Manual EVEN	Thursday
Commercial/Multi Family - Automatic & Manual ODD	Friday
Residential Property - Hose-end ODD	Saturday

- (F) The director may order temporary modification or adjustment to the Outdoor Water Use Schedule in the event of an unusual water system operational event, catastrophic occurrence, severe weather event, or other emergency, disaster situation, or occurrence necessitating the adjustment. A temporary modification or adjustment to the Outdoor Water Use Schedule shall be effective immediately upon official public notice and shall continue in effect for a period not to exceed fifteen (15) consecutive days. The director shall provide official public notice of the date upon which any temporary modification or adjustment to the Outdoor Water Use Schedule expires and the standard Outdoor Water Use Schedule resumes.

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- (G) The director shall monitor the daily supply and demand for water and make recommendations to the city manager about whether or when to implement or terminate water use restrictions in accordance with the Drought Contingency Plan in effect and kept on file with Austin Water Utility or when relevant to any other circumstances affecting continuity of service or public health, safety, or welfare.

Source: Ord. 20120816-004; Ord. No. 20160505-003, Pt. 4, 5-16-16; Ord. No. 20201210-007, Pts. 8, 17, 12-21-20.

#### § 6-4-14 EXEMPTIONS.

- (A) Exemptions under this subsection apply to Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*), Section 6-4-18 (*Drought Response Stage Three Regulations*), and Section 6-4-19 (*Emergency Stage Four Regulations*) and are:
- (1) The use of water necessary to protect the health, safety, or welfare of the public;
  - (2) The use of reclaimed or auxiliary water that is not supplemented by or mixed with potable water supplied by Austin Water Utility;
  - (3) Necessary use of water for lawful repair of a water distribution facility, flushing of utility lines or residential or commercial plumbing lines;
  - (4) Necessary use of water, other than for landscape irrigation, for a governmental entity performing a governmental function, including a capital improvement construction project;
  - (5) Use of water, other than for landscape irrigation, necessary to meet express requirements of federal, state, or local permits related to land development that include but are not limited to roadway base preparation, dust control, maintenance of trees subject to preservation restrictions or requirements, concrete or asphalt work, or modification or construction of improvements;
  - (6) Necessary washing or sanitizing to prevent public health or disease transmission risk associated with liquid, solid, or particulate residue in or on vehicles, containers, or equipment lawfully used to maintain, process, or transport food, perishables, garbage, liquid or solid waste, organic materials, or recyclables; or
  - (7) Water use immediately necessary for or related to fire fighting, fire prevention, or fire suppression activity or operations conducted because of actual risk to public or environmental health, safety, or welfare, life, or property associated with the presence of an uncontrolled fire on or approaching any person or property.
- (B) The following activities shall be exempt from the application of Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*), and Section 6-4-18 (*Drought Response Stage Three Regulations*):
- (1) Outdoor irrigation:
    - (a) using a hand-held hose or refillable watering vessel;
    - (b) using drip irrigation;
    - (c) of trees using an automatic bubbler system or soaker hose placed within the drip-line of the tree canopy;
    - (d) of vegetable gardens using a soaker hose;
    - (e) of athletic fields used for organized sports practice, competition, or exhibition events when the irrigation is necessary to protect the health and safety of the players, staff, or officials present for the athletic event;

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- (f) immediately following a commercial lawn treatment application by an applicator who possesses required licensure as applicable for use of such substances including fertilizer, pesticides, and herbicides, provided receipts documenting such application and the applicator's credentials are provided upon request to a designee of the director; or
  - (g) of plant material at a commercial nursery.
- (2) Water use:
    - (a) necessary for repair or installation of a permanently or temporarily installed landscape irrigation system when the person performing the irrigation work is present in the area of irrigation; or
    - (b) necessary for the repair, testing, or installation of an ornamental fountain when the person performing the testing, repair or installation is present.
  - (C) The following activities shall be exempt from the application of Section 6-4-15 (Water Conservation Stage), Section 6-4-16 (Drought Response Stage One Regulations) requirements:
    - (1) Water use necessary to comply with federal, state, or local land development permits requiring the establishment of new landscaping between the hours of 7:00 p.m. to 10:00 a.m.; and
    - (2) Irrigation of areas documented on a City approved and released site plan as golf course fairways, greens, or tees.

Source: Ord. 20120816-004;Ord. No. 20201210-007, Pts. 9, 17, 12-21-20.

#### § 6-4-15 WATER CONSERVATION STAGE.

- (A) This section prescribes water conservation regulations and applies during the periods prescribed by Section 6-4-13(D) (Water Conservation Guidelines).
- (B) A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors at a residential facility or a commercial facility between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on a designated outdoor water use day for the location.
- (D) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight.
- (E) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- (F) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

Source: Ord. 20120816-004;Ord. No. 20160505-003, Pt. 6, 5-16-16;Ord. No. 20201210-007, Pt. 17, 12-21-20.

**§ 6-4-16 DROUGHT RESPONSE STAGE ONE REGULATIONS.**

- (A) This section prescribes Drought Response Stage One regulations and applies during any Stage One period ordered by the city manager in accordance with Section 6-4-13(C) (*Water Conservation Guidelines*).
- (B) A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors at a residential facility or a commercial facility with an automatic irrigation system between the hours of 8:00 a.m. and 7:00 p.m., even if the irrigation occurs on the designated outdoor water use day for the location.
- (D) A person may not irrigate outdoors at a residential facility or a commercial facility with a hose-end or manual sprinkler system between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on the designated outdoor water use day for the location.
- (E) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight.
- (F) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- (G) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

Source: Ord. 20120816-004; Ord. No. 20160505-003, Pt. 6, 5-16-16; Ord. No. 20201210-007, Pts. 10, 17, 12-21-20.

**§ 6-4-17 DROUGHT RESPONSE STAGE TWO REGULATIONS.**

- (A) This section prescribes Drought Response Stage Two Regulations and applies during any Stage Two period ordered by the city manager in accordance with Section 6-4-13(C) (*Water Conservation Guidelines*).
- (B) A person may not irrigate outdoors at a residential facility or a commercial facility except on the designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors at a residential facility or a commercial facility with an automatic irrigation system between the hours of 5:00 a.m. and 7:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location.
- (D) A person may not irrigate outdoors at a residential facility or a commercial facility with a hose-end or manual sprinkler system between the hours of 10:00 a.m. and 7:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location.
- (E) Operation of a charity car wash is prohibited. It is not a defense to a violation of this section that the charity car wash occurred on the designated outdoor water use day for the location.
- (F) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It

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is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.

- (G) A person may not irrigate a golf fairway unless the irrigation occurs between the hours of midnight and 5:00 a.m. or between the hours of 7:00 p.m. and midnight on the designated outdoor water use day applicable to the property. A person may irrigate a golf course green or tee every other day only if the irrigation of the location is consistent with a noticed exception establishing the schedule for the property submitted on forms required by Austin Water Utility and approved by the director.
- (H) A person may not operate an ornamental fountain with an aerial emission of water or aerial fall of water greater than four inches other than for aeration necessary to preserve habitat for aquatic life.
- (I) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. until midnight.
- (J) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

Source: Ord. 20120816-004; Ord. No. 20160505-003, Pt. 7, 5-16-16; Ord. No. 20201210-007, Pts. 11, 17, 12-21-20.

#### § 6-4-18 DROUGHT RESPONSE STAGE THREE REGULATIONS.

- (A) This section prescribes Drought Response Stage Three Regulations and applies during a period ordered by the city manager in accordance with Section 6-4-13(C) (*Water Conservation Guidelines*).
- (B) A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors at a residential facility or a commercial facility with an automatic irrigation system between the hours of 6:00 a.m. and midnight even if the irrigation occurs on the designated outdoor water use day for the location.
- (D) A person may not irrigate outdoors at a residential facility or a commercial facility with a hose-end or manual sprinkler system except between the hours of 7:00 a.m. and 10:00 a.m. or between the hours of 7:00 p.m. and 10:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location.
- (E) Operation of a charity car wash is prohibited. It is not a defense to a violation of this section that the charity car wash occurred on a designated outdoor water use day for the location.
- (F) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- (G) A person may not irrigate a golf fairway unless the irrigation occurs between the hours of midnight and 5:00 a.m. or between the hours of 7:00 p.m. and midnight on the designated outdoor water use day applicable to the property. A person may irrigate a golf course green or tee every other day only if the irrigation of the location is consistent with a noticed exception establishing the schedule for the property submitted on forms required by the Utility and approved by the director.
- (H) The filling of spas is prohibited.
- (I) A person may not operate a splash pad except during the hours and subject to the restrictions set forth in a rule adopted pursuant to this chapter.

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(Supp. No. 158)

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- (J) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and 8:00 p.m.
  - (K) A person may not operate an ornamental fountain with an aerial emission of water or aerial fall of water greater than four inches in distance other than for aeration necessary to preserve habitat for aquatic life.
  - (L) A person may not use or allow the use of water to wash, rinse or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

Source: Ord. 20120816-004; Ord. No. 20160505-003, Pt. 8, 5-16-16; Ord. No. 20201210-007, Pts. 12, 17, 12-21-20.

#### § 6-4-19 EMERGENCY STAGE FOUR REGULATIONS.

This section prescribes Emergency Stage Four Regulations and applies during a time period ordered by the city manager in accordance with Section 6-4-13(C) (*Water Conservation Guidelines*).

- (A) A person may not use or allow the use of water to irrigate vegetation outdoors.
- (B) A person may not use or allow the use of water to test or repair a permanently or temporarily installed irrigation system or drip irrigation system.
- (C) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, or other mobile equipment.
- (D) A person may not use or allow the use of water to operate an ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic life.
- (E) A person may not use or allow the use of water to fill, clean, rinse, supplement, operate or maintain a tub, spa, fountain, pond, pool, or other container, feature, or improvement used, designed, maintained, or intended for aesthetic, athletic, or recreational purpose. This does not apply to the filling of non-aerating birdbaths or animal watering containers.
- (F) A person may not operate a splash pad or other similar aesthetic or recreational use of water.
- (G) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface.
- (H) A person may not use or allow the use of water to operate a patio mister.
- (I) A person may not use or allow the use of water in or related to a chemical lawn treatment unless specifically authorized in accordance with Section 6-4-30(G)(2) (*Variance*).
- (J) A person may not use or allow the use of water for watering the ground around a building foundation to prevent or address foundation cracking except as specifically authorized in accordance with Section 6-4-30(G)(1) (*Variance*).

Source: Ord. 20120816-004; Ord. No. 20201210-007, Pts. 13, 17, 12-21-20.

#### § 6-4-20 DIRECTOR'S AUTHORITY TO IMPOSE ADDITIONAL RESTRICTIONS.

- (A) The director may implement mandatory water restrictions in addition to those prescribed by Article II, Division 1 (*Regulated Activities*) to protect public health, safety, welfare, infrastructure or available resources

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in the event of an unusual water system operational event, catastrophic occurrence, severe weather event, or other emergency, disaster situation, or occurrence necessitating additional restrictions.

- (B) The director may require municipal wholesale customers to curtail water use on a pro rata basis, in accordance with Section 11.039 (*Distribution of Water During Shortage*) of the Texas Water Code and as determined by any rules or plans adopted pursuant to this chapter.
- (C) The director may implement additional mandatory water use restriction effective immediately upon official public notice.

Source: Ord. 20120816-004; Ord. No. 20201210-007, Pt. 17, 12-21-20.

#### **ARTICLE 4. VARIANCES AND ALTERNATIVE COMPLIANCE.**

##### **§ 6-4-30 VARIANCE.**

- (A) The director may grant a variance from a requirement of this chapter if the director determines that special circumstances exist and that:
  - (1) strict compliance with the provisions at issue adversely affects the health, safety, welfare or sanitation of the public, the applicant, or the environment; or
  - (2) strict compliance with the provisions at issue substantially threatens the applicant's primary source of income, the applicant is employing all reasonable water conservation measures, and approval of the variance will not result in water waste in accordance with Section 6-4-12 (*Water Waste Prohibited*).
- (B) The director may not grant a variance from a requirement of this chapter based on an alleged adverse impact to the environment unless the applicant submits an environmental impact study, hydrological analysis, and additional data or documentation as required by the director to establish that the specific variance requested is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature.
- (C) The director may grant a variance from a requirement of Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*), or Section 6-4-18 (*Drought Response Stage Three Regulations*) only if the applicant establishes at least one of the following:
  - (1) an AWU Authorized Irrigation Inspector has determined that, due to its site-specific conditions, a site cannot be watered with an average coverage of 0.5 inches within the time limits prescribed by this chapter; and as applicable, a current irrigation system evaluation required pursuant to Section 6-4-10(A) (*Facilities Regulated*) is on file with Austin Water Utility; or
  - (2) the property owner or operator has a documented medical hardship or qualifying disability that prevents the person's strict adherence to a requirement of this chapter; or
  - (3) watering in a manner or at a time inconsistent with a requirement of this chapter is necessary for treatment of tree diseases or for pest control prescribed by a licensed arborist or pest control professional.
- (D) The director may grant a variance from a requirement of Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*) or Section 6-4-18 (*Drought Response Stage Three Regulations*) for a newly installed landscape if:
  - (1) the new landscaping is classified as Xeriscaping in accordance with this chapter; and

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(Supp. No. 158)

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- (2) irrigation for the establishment of the Xeriscaping complies with the following:
    - (a) for the first 10 days following installation, irrigation is permitted daily before 10:00 a.m. and after 7:00 p.m.; and
    - (b) for the 11th through the 40th day following installation, irrigation is permitted twice per week before 10:00 a.m. and after 7:00 p.m.; and
    - (c) if the landscape installation is required in order to obtain a certificate of occupancy for a newly constructed single family home, the applicant shall provide a completed notice of irrigation variance to the director on the form provided by Austin Water at least one full business day before the landscape is installed.
  - (3) A one-time extension of the approved variance may be granted by the director only upon the submittal by the applicant of a written request which demonstrates a clear need for the extension to establish the new landscaping.
- (E) The director may grant a variance to Section 6-4-19 (*Emergency Stage Four Regulations*) when:
- (1) Watering is required to prevent or address foundation cracking. A variance approved pursuant to this subsection will specify a designated day for foundation watering and shall require the foundation watering to occur before 7:00 a.m. or after 7:00 p.m.
  - (2) Watering is necessary for the prescribed treatment of tree diseases or for pest control.
  - (3) Irrigation of athletic fields when irrigation is necessary to protect the health and safety of players and game officials.
- (F) A person may seek a variance by filing an application with the director and paying the associated fees established by separate rule. The director may require the applicant to provide information the director determines is necessary to evaluate the variance request. If the director approves a variance, the applicant shall keep a copy of the approval provided in a location on the subject property that is accessible and visible to the public.
- (G) A variance approved by the director must comply with Section 6-4-12 (*Water Waste Prohibited*).
- (H) A variance following its approval by the director may be immediately suspended or revoked by Austin Water Utility if the director or director's designee determines any of the following:
- (1) a violation of the terms of the variance occurs at the location during the effective period of the variance;
  - (2) the application submitted to the director upon which the variance approval was based included false, misleading, incomplete, or inaccurate information or attachments; or
  - (3) the director declares an emergency recall of variances to control use or preserve supply based on protracted drought, unusual operational event, or other public necessity.

Source: Ord. 20120816-004;Ord. No. 20160505-003, Pt. 9, 5-16-16;Ord. No. 20201210-007, Pts. 14, 18, 12-21-20; Ord. No.20210930-117, Pt. 7, 12-1-21.

#### § 6-4-31 EXPIRATION OF VARIANCE.

A variance from a requirement of this chapter expires immediately upon the termination, completion, or resolution of the event, occurrence, condition, or activity for which the variance is granted or at a time specified by the director or director's designee.

Source: Ord. 20120816-004;Ord. No. 20201210-007, Pt. 18, 12-21-20.

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#### § 6-4-32 ALTERNATIVE COMPLIANCE.

- (A) The director may permit a person to comply with alternative water use restrictions after determining that:
  - (1) the alternative compliance meets or exceeds the intent of this chapter;
  - (2) the alternative compliance is specifically requested by the applicant in writing and the request demonstrates how compliance will be achieved through the alternative methods; and,
  - (3) the alternative compliance is expressly approved by the director.
- (B) Alternative compliance approved by the director must comply with Section 6-4-12 (*Water Waste Prohibited*).
- (C) If the director approves alternative compliance water use restrictions, the applicant shall keep a copy of the approval in a location on the subject property that is accessible and visible to the public.
- (D) Alternative compliance approved by the director may be suspended or revoked if the director finds any of the following:
  - (1) violation of a term or condition of the approved alternative compliance authorization;
  - (2) false, misleading, incomplete, or inaccurate information or documentation was submitted by the applicant in connection with the alternative compliance request and approval; or
  - (3) emergency conditions or unusual operational event or weather situation requires immediate suspension or revocation of the approved alternative compliance.

Source: Ord. 20120816-004; Ord. No. 20201210-007, Pt. 18, 12-21-20.

#### ARTICLE 5. ENFORCEMENT.<sup>1</sup>

##### § 6-4-50 APPLICABILITY.

This article applies to all parts of this chapter.

Source: Ord. No. 20201210-007 , Pt. 15, 12-21-20.

##### § 6-4-51 OFFENSE.

- (A) A person commits an offense if the person:
  - (1) directs, performs, authorizes, requests, allows, assists, facilitates, or permits an act prohibited by this chapter;
  - (2) fails to perform an act required by this chapter;
  - (3) makes or transmits to the director a false registration, log, inspection, report or other document required by this chapter; or

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<sup>1</sup>Ord. No. 20201210-007 , Pts. 15, 18, effective December 21, 2020, repealed and renumbered the former Art. 3 as a new Art. 5 as herein set out. The former Art. 3 pertained to similar subject matter and derived from Ord. No. 2012816-004.

- (4) tampers with a conductivity controller, intake or discharge meter, readout device, read data transmittal equipment, or attached plumbing or electrical connections in a manner that causes inaccurate or false readings or reports of the water use or system operation to meet any inspection, evaluation or assessment required by this chapter.
- (B) Each day or part of the day during which the violation is committed or continued is a separate offense.

Source: Ord. No. 20201210-007 , Pt. 15, 12-21-20.

#### § 6-4-52 ENFORCEMENT.

- (A) This chapter may be enforced in:
  - (1) an administrative hearing process established in Chapter 2-13 (*Administrative Adjudication of Violations*);
  - (2) a civil action described in Subsection (B) of Chapter 54 of the Texas Local Government Code; or
  - (3) a criminal prosecution in Municipal Court.
- (B) In an administrative hearing conducted pursuant to Chapter 2-13 (*Administrative Adjudication of Violations*), a person in whose name a water service account is held is presumed to be responsible for a violation of this chapter that occurs at the water service account location.
- (C) In a Municipal Court prosecution:
  - (1) an offense under this chapter subject to the penalty prescribed by Section 1-1-99 (*Offenses; General Penalty*); and
  - (2) a culpable mental state is not required for fines of \$500 or less and need not be proved.
- (D) Nothing in this chapter shall preclude the City's pursuit of any and all enforcement remedies to address a violation of this chapter.

Source: Ord. No. 20201210-007 , Pt. 15, 12-21-20.

**ORDINANCE NO. 20240502-006****AN ORDINANCE AMENDING SECTION 2-13-24 OF THE CITY CODE  
RELATING TO WATER CONSERVATION PENALTIES, CHAPTER 6-4 OF  
THE CITY CODE RELATING TO WATER CONSERVATION AND DROUGHT  
STAGES, AND SECTION 15-9-191 OF THE CITY CODE RELATING TO  
ADMINISTRATIVE REVIEW USED FOR WATER CONSERVATION  
ACTIONS, POLICIES, AND DECISIONS.****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:****PART 1.** The City Council finds that:

1. Given the potential for severe and frequent drought conditions in Central Texas, it is essential that new water use policies to conserve water continue to be developed.
2. Water conservation efforts, including policies for responsible water conservation and regulations for cooling towers, help maximize limited resources as population grows while ensuring supply for critical public health and safety needs including adequate supplies necessary for emergency firefighting, fire suppression, and natural disaster or other emergency management or disaster response.
3. As water is essential to public health and sanitation and the City's water supply is the sole or primary water supply for over a million people, water conservation and drought condition measures that help assure the maintenance of a sufficient City water supply for the City's customers are necessary to protect public health and for the purposes of sanitation.

**PART 2.** Subsections (E) and (F) of City Code Section 2-13-24 (*Water Conservation Penalty*) are amended to read:

- (E) This subsection applies to a violation that occurs at a residential facility.
- (1) During Water Conservation Stage, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-15 (*Water Conservation Stage*) or Section 6-4-12 (*Water Waste Prohibited*) is:
- (a) not less than \$25.00 and not more than \$100.00 for a first violation;
  - (b) not less than \$50.00 and not more than \$200.00 for a second violation;

- (c) not less than \$200.00 and not more than \$400.00 for a third violation; and
  - (d) not less than \$300.00 and not more than \$600.00 for a fourth or subsequent violation.
- (2) During Drought Response Stage One, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-16 (Drought Response Stage One Regulations) or Section 6-4-12 (Water Waste Prohibited) is:
- (a) not less than \$50.00 and not more than \$200.00 for a first violation;
  - (b) not less than \$75.00 and not more than \$300.00 for a second violation;
  - (c) not less than \$250.00 and not more than \$600.00 [500.00] for a third violation; and
  - (d) not less than \$400.00 and not more than \$800.00 for a fourth or subsequent violation.
- (3) During Drought Response Stage Two, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-17 (Drought Response Stage Two Regulations) or Section 6-4-12 (Water Waste Prohibited) is:
- (a) not less than \$100.00 [75.00] and not more than \$300.00 for a first violation;
  - (b) not less than \$200.00 [150.00] and not more than \$500.00 [400.00] for a second violation;
  - (c) not less than \$300.00 and not more than \$800.00 for a third violation; and
  - (d) not less than \$500.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (4) During Drought Response Stage Three, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-18 (Drought Response Stage Three Regulations) or Section 6-4-12 (Water Waste Prohibited) is:
- (a) not less than \$150.00 and not more than \$400.00 for a first violation;

- (b) not less than \$300.00 and not more than \$600.00 for a second violation;
  - (c) not less than \$450.00 and not more than \$800.00 for a third violation; and
  - (d) not less than \$600.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (5) During Drought Response Stage Four, the penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-19 (Drought Response Stage Four Regulations) or Section 6-4-12 (Water Waste Prohibited) is:
- (a) not less than \$200.00 and not more than \$500.00 for a first violation;
  - (b) not less than \$325.00 and not more than \$700.00 for a second violation;
  - (c) not less than \$475.00 and not more than \$1,000.00 for a third violation; and
  - (d) not less than \$625.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (6[§]) During Emergency Stage Five, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-20 [49] (Emergency Stage Five Regulations) or Section 6-4-12 (Water Waste Prohibited) is:
- (a) not less than \$250.00 [200.00] and not more than \$650.00 [500.00] for a first violation;
  - (b) not less than \$500.00 [350.00] and not more than \$1,000.00 for a second violation;
  - (c) not less than \$700.00 [500.00] and not more than \$1,000.00 for a third violation; and
  - (d) not less than \$900.00 [650.00] and not more than \$1,000.00 for a fourth or subsequent violation.
- (F) This subsection applies to a violation that occurs at a commercial facility.

- (1) During Water Conservation Stage, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-15 (Water Conservation Stage) or Section 6-4-12 (Water Waste Prohibited) is:
  - (a) not less than \$150.00 and not more than \$300.00 for a first violation;
  - (b) not less than \$300.00 and not more than \$500.00 for a second violation;
  - (c) not less than \$450.00 and not more than \$700.00 for a third violation; and
  - (d) not less than \$500.00 and not more than \$800.00 for a fourth or subsequent violation.
- (2) During Drought Response Stage One, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-16 (Drought Response Stage One Regulations) or Section 6-4-12 (Water Waste Prohibited) is:
  - (a) not less than \$200.00 and not more than \$400.00 for a first violation;
  - (b) not less than \$350.00 and not more than \$600.00 for a second violation;
  - (c) not less than \$500.00 and not more than \$800.00 for a third violation; and
  - (d) not less than \$550.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (3) During Drought Response Stage Two, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-17 (Drought Response Stage Two Regulations) or Section 6-4-12 (Water Waste Prohibited) is:
  - (a) not less than \$250.00 and not more than \$500.00 for a first violation;
  - (b) not less than \$400.00 and not more than \$800.00 for a second violation;
  - (c) not less than \$600.00 and not more than \$1,000.00 for a third; and

- (d) not less than \$650.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (4) During Drought Response Stage Three, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-18 (*Drought Response Stage Three Regulations*) or Section 6-4-12 (*Water Waste Prohibited*) is:
- (a) not less than \$300.00 and not more than \$600.00 for a first violation;
  - (b) not less than \$500.00 and not more than \$1,000.00 for a second or subsequent violation;
  - (c) not less than \$650.00 and not more than \$1,000.00 for a third; and
  - (d) not less than \$700.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (5) During Drought Response Stage Four, the penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-19 (*Drought Response Stage Four Regulations*) or Section 6-4-12 (*Water Waste Prohibited*) is:
- (a) not less than \$400.00 and not more than \$1,000.00 for a first violation;
  - (b) not less than \$550.00 and not more than \$1,000.00 for a second or subsequent violation;
  - (c) not less than \$700.00 and not more than \$1,000.00 for a third; and
  - (d) not less than \$800.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (6) During Emergency Stage Five, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-20 [49] (*Emergency Stage Five Regulations*) or Section 6-4-12 (*Water Waste Prohibited*) is not less than \$500.00 and not more than \$1,000.00.

**PART 3.** City Code Section 2-13-24 (*Water Conservation Penalty*) is amended to delete Subsection (G) and to re-letter the remaining subsection accordingly.

**PART 4.** City Code Section 6-4-2 (*Definitions*) is amended to rename and amend the definition for “auxiliary water”; amend the definitions for “automatic irrigation system”,

"hose-end sprinkler", and "vehicle wash facility"; and add new definitions for "automatic bubbler", "broken head", "college/university", "functional turf", "nonfunctional turf", "potable water", and "public school"; and to renumber the remaining definitions accordingly.

#### § 6-4-2 DEFINITIONS.

- (2[5]) **ALTERNATIVE WATER AUXILIARY WATER** means a water supply from a source other than Austin Water's potable water supply, also called auxiliary water.
- (4) **AUTOMATIC BUBBLER** means a type of automatic irrigation head designed to bubble over and flood the ground surface around the base of a tree. Also referred to as "tree bubbler" or "flood head".
- (5[3]) **AUTOMATIC IRRIGATION SYSTEM** means any irrigation system connected to and being operated by a programmable controller, including a permanently or temporarily installed irrigation system, also called irrigation system.
- (10) **BROKEN HEAD** means a missing, damaged or malfunctioning emitter from an irrigation system, or drip line that is causing water use above what the component was designed to allow.
- (11) **COLLEGE/UNIVERSITY** means an educational institution of higher learning that is public and offers a course of study designed to culminate in the issuance of a degree in accordance with the Texas Education Code.
- (26) **FUNCTIONAL TURF** means turfgrass that is regularly used for community events, programmed recreational purposes, such as sports fields, golf course areas used directly for sport (greens, tees, fairways, and practice areas), maintaining the integrity of foundations, cemeteries, and areas designated to be part of a water quality treatment solution required for compliance with federal, state, or local agency water quality permitting requirements.
- (28)[24]) **HOSE-END SPRINKLER** means an above-ground water distribution device that may be attached to a garden hose, not designed to be held by a person while in operation.
- (33) **NONFUNCTIONAL TURF** means turfgrass that is not regularly used for community events, programmed recreational activities, such as sports fields, golf course areas used directly for sport (greens, tees, fairways, and practice areas). This also includes but is not limited to turf located at a residential

facility, in a street right-of-way, parking lot islands, medians, or transportation corridors.

- (39) POTABLE WATER means water that is treated to drinking water quality and distributed by Austin Water.
- (41) PUBLIC SCHOOL means a public school offering instruction at the elementary school level or the junior and senior high school levels and in the branches of learning and study required to be taught in the public schools of the state. The term includes an open enrollment charter school as defined under the Texas Education Code.
- (44)[44])VEHICLE WASH FACILITY means a permanently-located business that washes vehicles or other mobile equipment with water or water-based products as any part of their operations, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, apartments with vehicle wash equipment as an amenity, and facilities managing vehicle fleets or vehicle inventory.

**PART 5.** Subsections (A) and (C) of City Code Section 6-4-3 (*Applicability of Regulations; Affirmative Defenses*) are amended to read:

**§ 6-4-3 APPLICABILITY OF REGULATIONS; AFFIRMATIVE DEFENSES.**

- (A) This chapter applies to a person who uses, directs, manages, or allows the use of any potable water supplied by Austin Water whether the water is supplied by Austin Water on a retail basis or on a wholesale basis. This includes, but is not limited to, onsite alternative water systems that use potable water as a make-up, and ponds that are filled using potable water. This [The]chapter does not apply to a person when the person only uses, directs, manages, or allows the use of alternative [auxiliary]water or reclaimed water.
- (C) It is an affirmative defense to a violation of this chapter that the use of water that gave rise to the violation properly utilized solely alternative [auxiliary] water, and did not endanger public health, safety, or property.

**PART 6.** City Code Chapter 6-4 (*Water Conservation*) is amended to add a new Section 6-4-8 to read:

**§ 6-4-8 ADMINISTRATIVE REVIEW.**

Except for an action described in Section 6-4-52 (*Enforcement*), an action, policy, decision, or invoice relating to this chapter may be disputed following the processes

established in Article 12 (*Administrative Review and Hearing*) of Chapter 15-9 (*Utility Service Regulations*).

**PART 7.** City Code Section 6-4-10 (*Facilities Regulated*) is amended to add a new Subsection (E) to read:

**§ 6-4-10 FACILITIES REGULATED.**

(E) Non-Compliance Fees.

- (1) When an evaluation is not submitted by the deadline established by the director and the director sends a notice related to the past-due evaluation, the owner or water account holder subject to Subsection (A) or (B) shall pay a non-compliance fee each month until the evaluation is submitted.
- (2) When an inspection is not submitted by the deadline established in Subsection (C) and the director sends a notice related to the past-due inspection, the owner or water account holder subject to Subsection (C) shall pay a non-compliance fee each month until the evaluation is submitted.
- (3) The fee described in this subsection shall be set by separate ordinance, included on utility invoice, and based on the City's costs related to the failure to comply with the evaluation and inspection requirements established in Subsections (A), (B), and (C).

**PART 8.** Subsections (C) and (E) of City Code Section 6-4-13 (*Water Conservation Guidelines*) are amended to read:

**§ 6-4-13 WATER CONSERVATION GUIDELINES.**

- (C) The city manager may order that the water use restrictions established in a drought response stage or emergency stage [ef Drought Response Stage One Regulations; Drought Response Stage Two Regulations, Drought Response Stage Three Regulations, or Emergency Stage Four Regulations] take effect after determining that the order is necessary to protect the public health, safety, or welfare. The city manager [City Manager] may base an order [conservation, drought, or emergency stage declaration or termination] on any condition, occurrence, factor, or an assessment of all relevant circumstances that, in the judgment of the city manager [City Manager], support the order [such action for any lawful purpose]. The city manager may terminate an order issued under this section at any time. The order is effective immediately following official public notice.
- (E) Any outdoor water use subject to [the provisions of] this chapter shall occur only on a day designated for the applicable water use activity, property/facility type, and

street number address classification indicated in the following table. A person may not conduct, authorize, or permit outdoor water use except in accordance with the designation schedule set out in the following table. Except as provided in Section 6-4-14 (*Exemptions*) for hand-held hoses, a person irrigating using automatic or manual irrigation may not irrigate by hose-end in addition to operating their irrigation system on their designated day. In the following table, "EVEN" or "ODD" correspond to the street number of the physical property address where the outdoor water use occurs. The table below shall be referred to as "the Outdoor Water Use Schedule".

Conservation Stage and Drought Response Stage 1 Watering Schedule	
Property Type	Watering Day
Residential Property - Hose-end EVEN	Sunday and Thursday
Public Schools, <u>College/University, Home Owner Associations &amp; Golf Course Fairways</u>	Monday
Commercial/Multi-family - [Automatic & Manual] EVEN	Tuesday
Residential - Automatic & Manual ODD	Wednesday
Residential - Automatic & Manual EVEN	Thursday
Commercial/Multi-Family - [Automatic & Manual] ODD	Friday
Residential Property - Hose-end ODD	Wednesday and Saturday

Drought Response Stage 2, [and] Stage 3, and Stage 4 Watering Schedule	
Property Type	Watering Day
Residential Property - Hose-end EVEN	Sunday
Public Schools, <u>College/University, Home Owner Associations &amp; Golf Course Fairways</u>	Monday
Commercial/Multi-family - [Automatic & Manual] EVEN	Tuesday

Residential - Automatic & Manual ODD	Wednesday
Residential - Automatic & Manual EVEN	Thursday
Commercial/Multi-Family - [Automatic & Manual] ODD	Friday
Residential Property - Hose-end ODD	Saturday

**PART 9.** City Code Section 6-4-14 (*Exemptions*) is repealed and replaced to read:

**§ 6-4-14 EXEMPTIONS.**

- (A) A person is not required to comply with Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*), Section 6-4-18 (*Drought Response Stage Three Regulations*), Section 6-4-19 (*Drought Response Stage Four Regulations*), or Section 6-4-20 (*Emergency Stage Five Regulations*) when:
  - (1) using water is necessary to protect the health, safety, or welfare of the public;
  - (2) using reclaimed or alternative water that is not supplemented by or mixed with potable water supplied by Austin Water;
  - (3) using water is necessary:
    - (a) to make a lawful repair of a water distribution facility, flushing of utility lines or residential or commercial plumbing lines;
    - (b) to perform a governmental function, including a capital improvement construction project, but not including landscape irrigation;
    - (c) to meet express requirements of a federal, state, or local permit related to land development, including but not limited to roadway base preparation, dust control, maintenance of trees subject to preservation restrictions or requirements, concrete or asphalt work, or modification

- or construction of improvements, but not including landscape irrigation;
- (d) to wash or sanitize to prevent public health or disease transmission risk associated with liquid, solid, or particulate residue in or on vehicles, containers, or equipment lawfully used to maintain, process, or transport food, perishables, garbage, liquid or solid waste, organic materials, or recyclables; or
  - (e) to conduct firefighting, fire prevention, or fire suppression related activities or operations due to actual risk to public or environmental health, safety, or welfare, life, or property associated with the presence of an uncontrolled fire on or approaching any person or property.
- (B) A person is not required to comply with Section 6-4-19 (*Drought Response Stage Four Regulations*) when:
- (1) using a hand-held hose or refillable watering vessel to apply water within the drip-line of the tree canopy, planting beds, vegetable gardens, and along building foundations;
  - (2) using a hand-held hose or refillable watering vessel;
  - (3) using a soaker hose placed within the drip-line of the tree canopy;
  - (4) using a soaker hose for a vegetable garden;
  - (5) irrigating plant material at a commercial nursery; or
  - (6) irrigating immediately after the application of a commercial lawn treatment such as fertilizer, pesticides, and herbicides by an applicator who possesses an appropriate license and complies with a request from the director to provide:
    - (a) receipts that document the application; and
    - (b) the applicator's credentials.
- (C) A person is not required to comply with Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*), or Section 6-4-18 (*Drought Response Stage Three Regulations*) when:

- (1) using a hand-held hose or refillable watering vessel to apply water within the drip-line of the tree canopy, planting beds, vegetable gardens, and along building foundations;
  - (2) using a hand-held hose or refillable watering vessel;
  - (3) using a soaker hose placed within the drip-line of the tree canopy;
  - (4) using a soaker hose for a vegetable garden;
  - (5) irrigating plant material at a commercial nursery; or
  - (6) irrigating immediately after the application of a commercial lawn treatment such as fertilizer, pesticides, and herbicides by an applicator who possesses an appropriate license and complies with a request from the director to provide:
    - (a) receipts that document the application; and
    - (b) the applicator's credentials; or
  - (7) using water is necessary to test, repair, or install:
    - (a) a permanent or temporary landscape irrigation system and the person performing the irrigation work is present in the area of irrigation; or
    - (b) an ornamental fountain and the person testing, repairing, or installing the fountain is present.
- (D) A person is not required to comply with Section 6-4-15 (*Water Conservation Stage*) or Section 6-4-16 (*Drought Response Stage One Regulations*) when:
- (1) watering is necessary to comply with federal, state, or local land development permits requiring the establishment of new landscaping if the watering occurs between the hours of 7:00 p.m. to 10:00 a.m.; or
  - (2) irrigating areas documented on a City approved and released site plan as golf course fairways, greens, or tees.
- (E) During Water Conservation Stage, Drought Stage One, and Drought Stage Two, a person may irrigate athletic fields used for organized sports practice, competition, or exhibition events if necessary to protect the health and safety of the players, staff, or officials present for the athletic event and necessary to occur at a time or day not in accordance with the watering schedule established in this chapter.

**PART 10.** Subsections (B) and (C) of City Code Sections 6-4-15 (*Water Conservation Stage*) are amended to read:

**§ 6-4-15 WATER CONSERVATION STAGE.**

- (B) A person may not irrigate outdoors [at a residential facility or a commercial facility] except on a designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors [at a residential facility or a commercial facility] between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on a designated outdoor water use day for the location.

**PART 11.** Subsections (B), (C), and (D) of City Code Sections 6-4-16 (*Drought Response Stage One Regulations*), 6-4-17 (*Drought Response Stage Two Regulations*), and 6-4-18 (*Drought Response Stage Three Regulations*) are amended to read:

**§ 6-4-16 DROUGHT RESPONSE STAGE ONE REGULATIONS.**

- (B) A person may not irrigate outdoors [at a residential facility or a commercial facility] except on a designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors [at a residential facility or a commercial facility] with an automatic irrigation system between the hours of 8:00 a.m. and 7:00 p.m., even if the irrigation occurs on the designated outdoor water use day for the location.
- (D) A person may not irrigate outdoors [at a residential facility or a commercial facility] with a hose-end or manual sprinkler system between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on the designated outdoor water use day for the location.

**§ 6-4-17 DROUGHT RESPONSE STAGE TWO REGULATIONS.**

- (B) A person may not irrigate outdoors [at a residential facility or a commercial facility] except on the designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors [at a residential facility or a commercial facility] with an automatic irrigation system between the hours of 5:00 a.m. and 7:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location.
- (D) A person may not irrigate outdoors [at a residential facility or a commercial facility] with a hose-end or manual sprinkler system between the hours of 10:00 a.m. and 7:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location

**§ 6-4-18 DROUGHT RESPONSE STAGE THREE REGULATIONS.**

- (B) A person may not irrigate outdoors [at a residential facility or a commercial facility] except on a designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors [at a residential facility or a commercial facility] with an automatic irrigation system between the hours of 6:00 a.m. and midnight even if the irrigation occurs on the designated outdoor water use day for the location.
- (D) A person may not irrigate outdoors [at a residential facility or a commercial facility] with a hose-end or manual sprinkler system except between the hours of 7:00 a.m. and 10:00 a.m. or between the hours of 7:00 p.m. and 10:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location.

**PART 12.** City Code Sections 6-4-19 (*Emergency Stage Four Regulations*) and 6-4-20 (*Director's Authority to Impose Additional Restrictions*) are repealed and replaced to read:

**§ 6-4-19 DROUGHT RESPONSE STAGE FOUR REGULATIONS.**

- (A) This section prescribes Drought Response Stage Four Regulations and applies during a period ordered by the city manager in accordance with Section 6-4-13(C) (*Water Conservation Guidelines*).
- (B) A person may not irrigate outdoors except on a designated outdoor water use day for the location.
- (C) A person may not irrigate nonfunctional turf with automatic or manual irrigation system, drip irrigation, or hose-end sprinkler.
- (D) A person may not irrigate outdoors with an automatic irrigation system between the hours of 6:00 a.m. and midnight even if the irrigation occurs on the designated outdoor water use day for the location.
- (E) A person may not irrigate outdoors with a hose-end sprinkler except between the hours of 7:00 a.m. and 10:00 a.m. or between the hours of 7:00 p.m. and 10:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location.
- (F) A person may not operate a charity car wash. It is not a defense to a violation of this section that the charity car wash occurred on a designated outdoor water use day for the location.

- (G) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- (H) A person may not fill a spa.
- (I) A person may not operate a splash pad except during the hours and subject to the restrictions set forth in a rule adopted pursuant this chapter.
- (J) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and 8:00 p.m.
- (K) A person may not operate an ornamental fountain with an aerial emission of water or aerial fall of water greater than four inches in distance other than for aeration necessary to preserve habitat for aquatic life.
- (L) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.
- (M) On or after the city manager orders that Drought Response Stage Four Regulations are in effect, the director of Development Services may not approve new permits to install:
  - (1) irrigation systems, or
  - (2) swimming pools, or spas at single-family residential properties.

#### **§ 6-4-20 EMERGENCY STAGE FIVE REGULATIONS.**

This section prescribes Emergency Stage Five Regulations and applies during a time period ordered by the city manager in accordance with Section 6-4-13(C) (*Water Conservation Guidelines*).

- (A) A person may not use or allow the use of water to irrigate vegetation outdoors.
- (B) A person may not use or allow the use of water to test or repair a permanently or temporarily installed irrigation system or drip irrigation system.

- (C) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, or other mobile equipment.
- (D) A person may not use or allow the use of water to operate an ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic life.
- (E) A person may not use or allow the use of water to fill, clean, rinse, supplement, operate or maintain a tub, spa, fountain, pond, pool, or other container, feature, or improvement used, designed, maintained, or intended for aesthetic, athletic, or recreational purpose. This does not apply to the filling of non-aerating birdbaths or animal watering containers.
- (F) A person may not operate a splash pad or other similar aesthetic or recreational use of water.
- (G) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface.
- (H) A person may not use or allow the use of water to operate a patio mister.
- (I) A person may not use or allow the use of water in or related to a chemical lawn treatment unless specifically authorized in accordance with Section 6-4-30 (*Variance*).
- (J) A person may not use or allow the use of water for watering the ground around a building foundation to prevent or address foundation cracking except as specifically authorized in accordance with Section 6-4-30 (*Variance*).
- (K) On or after the city manager orders that Emergency Stage Five Regulations are in effect, the director of Development Services may not approve new permits to install:
  - (1) irrigation systems; or
  - (2) swimming pools, or spas at single-family residential properties.

**PART 13.** Article 3 (*Drought Contingency Plan and Conservation Stage*) of City Code Chapter 6-4 (*Water Conservation*) is amended to add a new Section 6-4-21 to read:

**§ 6-4-21 DIRECTOR'S AUTHORITY TO IMPOSE ADDITIONAL RESTRICTIONS.**

- (A) The director may implement mandatory water restrictions in addition to those prescribed by Division 1 (*Regulated Activities*) of Article 2 to protect public health, safety, welfare, infrastructure or available resources in the event of an unusual water system operational event, catastrophic occurrence, severe weather event, or other emergency, disaster situation, or occurrence necessitating additional restrictions.
- (B) The director may implement additional mandatory water use restrictions that are effective immediately upon official public notice.

**PART 14.** City Code Section 6-4-30 (*Variance*) is amended to amend Subsections (A), (B), (C), and (E) and to add a new Subsection (I) to read:

#### **§ 6-4-30 VARIANCE.**

(A) Authority.

- (1) The director may grant a variance from a requirement of this chapter if the director determines that special circumstances exist and that:
  - (a) [1]strict compliance with the provisions at issue adversely affects the health, safety, welfare or sanitation of the public, the applicant, or the environment; or
  - (b) [2]strict compliance with the provisions at issue substantially threatens the applicant's primary source of income, the applicant is employing all reasonable water conservation measures, and approval of the variance will not result in water waste in accordance with Section 6-4-12 (Water Waste Prohibited).
- (2) [(B)] The director may not grant a variance from a requirement of this chapter based on an alleged adverse impact to the environment unless the applicant submits an environmental impact study, hydrological analysis, and additional data or documentation as required by the director to establish that the specific variance requested is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature.

(B)[C])The director may grant a variance from a requirement of Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*), [or] Section 6-4-18 (*Drought Response Stage Three Regulations*), or Section 6-4-19 (*Drought*

Response Stage Four Regulations) only if the applicant establishes at least one of the following:

- (1) an AWU Authorized Irrigation Inspector has determined that, due to its site-specific conditions, a site cannot be watered with an average coverage of 0.5 inches within the time limits prescribed by this chapter; and as applicable, a current irrigation system evaluation required pursuant to Section 6-4-10(A) (*Facilities Regulated*) is on file with Austin Water Utility; [or]
  - (2) the property owner or operator has a documented medical hardship or qualifying disability that prevents the person's strict adherence to a requirement of this chapter; or
  - (3) watering in a manner or at a time inconsistent with a requirement of this chapter is necessary for treatment of tree diseases or for pest control prescribed by a licensed arborist or pest control professional.
- (C) During Stage Three and Stage Four, the director may grant an applicant a variance to irrigate athletic fields used for organized sports practice, competition, or exhibition events if the applicant establishes that irrigating is necessary to protect the health and safety of the players, staff, or officials present for the athletic event and necessary to occur at a time or day not in accordance with the watering schedule established in this chapter.
- (E) The director may grant a variance to Section 6-4-20[19] (*Emergency Stage Five [Four] Regulations*) when:
- (1) watering [Watering] is required to prevent or address foundation cracking; or [A variance approved pursuant to this subsection will specify a designated day for foundation watering and shall require the foundation watering to occur before 7:00 a.m. or after 7:00 p.m.]
  - (2) watering [Watering] is necessary for the prescribed treatment of tree diseases or for pest control. [(3) — Irrigation of athletic fields when irrigation is necessary to protect the health and safety of players and game officials.]
- (I) A variance approved pursuant to Subsection (E) will specify a designated day for foundation watering and shall require the foundation watering to occur before 7:00 a.m. or after 7:00 p.m.

**PART 15.** Subsection (D) of City Code Section 15-9-191 (*Administrative Review*) is amended to read as follows:

(D) [A customer who disputes an action, policy, or decision related to compliance with Chapter 6-4 (*Water Conservation*) of the Code shall follow the procedures prescribed in Article 3 of that chapter.] A customer who disputes an action, policy, or decision related to compliance with Chapter 15-5 (*On-Site Sewage Facilities*) of the Code shall follow the procedures prescribed in that chapter. A customer who disputes an action, policy, or decision related to compliance with Chapter 15-11 (*Private Lateral Sewer Lines*) of the Code shall follow the procedures prescribed in that chapter.

**PART 16.** Part 2 of this ordinance only applies to a violation that occurs on or after the effective date of this ordinance.

**PART 17.** This ordinance takes effect on May 13, 2024.

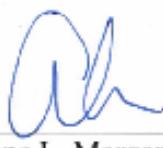
**PASSED AND APPROVED**

May 2 \_\_\_\_\_, 2024

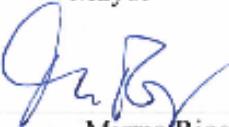
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§  
§ 

Kirk Watson  
Mayor

**APPROVED:**

  
Anne L. Morgan  
City Attorney

**ATTEST:**

  
Myrna Rios  
City Clerk

# APPENDIX B: Water Conservation Penalty Code

TITLE 2. - ADMINISTRATION.  
CHAPTER 2-13. ADMINISTRATIVE ADJUDICATION OF VIOLATIONS.

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## CHAPTER 2-13. ADMINISTRATIVE ADJUDICATION OF VIOLATIONS.

### ARTICLE 1. GENERAL PROVISIONS.

#### § 2-13-1 DEFINITIONS.

In this chapter:

- (1) CODE OFFICIAL means the city employee designated by the City Manager as the Director of the Austin Code Department.
- (2) HEARING COORDINATOR means the Code Official's designee that manages the administrative hearing process created by this chapter.
- (3) ISSUING OFFICER means a city employee with the authority to issue administrative citations for violations described in Section 2-13-3 (*Violations Subject to Administrative Adjudication*).
- (4) VIOLATOR means the person charged with violating an ordinance described in Section 2-13-3 (*Violations Subject to Administrative Adjudication*).

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14 .

#### § 2-13-2 PURPOSE; ESTABLISH ADMINISTRATIVE HEARING PROCESS.

- (A) The purpose of this chapter is to protect the health, safety, and welfare of the citizens of the City, by providing for an administrative hearing process for violations of ordinances described in Local Government Code Section 54.032 (*Ordinances Subject to Quasi-Judicial Enforcement*).
- (B) This chapter establishes a procedure for administrative hearings pursuant to and consistent with Local Government Code Section 54.044 (*Alternative Procedure for Administrative Hearing*).

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14 .

#### § 2-13-3 VIOLATIONS SUBJECT TO ADMINISTRATIVE ADJUDICATION.

- (A) The administrative hearing process established in this chapter may be used to enforce ordinances:
  - (1) for the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;
  - (2) relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
  - (3) relating to dangerously damaged or deteriorated buildings or improvements;
  - (4) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;

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- (5) relating to a building code or to the condition, use, or appearance of property in a municipality; or
  - (6) relating to water conservation measures.
- (B) Nothing in this chapter shall preclude the City's pursuit of any and all other remedies allowed under the civil and criminal statutes, and in equity, to address violations of ordinances described in this section.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14 ; Ord. No. 20201210-006 , Pt. 3, 12-21-20.

#### **§ 2-13-4 HEARING OFFICER.**

- (A) One or more hearing officers must be appointed to administratively adjudicate violations of ordinances described in Section 2-13-3 (*Violations Subject to Administrative Adjudication*).
- (B) A hearing officer may:
  - (1) administer oaths;
  - (2) issue orders that compel the attendance of witnesses and the production of documents;
  - (3) issue an order that includes the disposition of the hearing and the amount of penalties and costs; and
  - (4) act pursuant to the authority granted in Texas Local Government Code Section 54.044 (*Alternative Procedure for Administrative Hearing*).
- (C) A hearing officer must be a licensed attorney in good standing with the State Bar of Texas.
- (D) An order to compel the attendance of witnesses and the production of documents is enforceable by the Municipal Court.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14 .

#### **§ 2-13-5 ADMINISTRATIVE CITATIONS.**

- (A) An administrative citation must be on a form prescribed by the Code Official and must include:
  - (1) the nature, date, and location of the violation;
  - (2) a notification that the violator has the right to a hearing;
  - (3) the time and place of the hearing;
  - (4) a notification that failure to appear for a hearing is considered an admission of liability for the violation charge and will result in the assessment of penalties and costs; and
  - (5) the name of the individual issuing the citation.
- (B) The original or copy of an administrative citation is kept in the ordinary course of City business and is rebuttable proof of the facts it states.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14 .

### **ARTICLE 2. HEARINGS.**

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**§ 2-13-21 HEARING FOR AN ADMINISTRATIVE CITATION.**

- (A) A hearing to adjudicate an administrative citation described in this chapter shall be conducted by a hearing officer appointed pursuant to Section 2-13-4 (*Hearing Officer*).
- (B) The Texas Rules of Evidence do not apply to a hearing under this chapter.
- (C) The hearing officer shall hear and consider:
  - (1) evidence presented by the person charged;
  - (2) presumptions and *prima facie* evidence established by this chapter or other applicable law;
  - (3) evidence presented by the issuing officer, if required to attend the hearing; and
  - (4) evidence presented by individuals who attend the hearing.
- (D) The hearing officer shall make a decision based on a preponderance of the evidence.
- (E) The testimony at the hearing shall be recorded. If an audio recording is made, each voice shall be identified.
- (F) The recorded testimony, documents, and other evidence shall constitute the record for appeal. The acceptance of documents or other evidence shall be noted on the record.
- (G) The issuing officer is not required to attend a hearing.
- (H) The issuing officer shall attend a hearing:
  - (1) if requested in writing by the violator; and
  - (2) the request is filed with the hearing coordinator at least seven business days before the scheduled hearing date.
- (I) A scheduled hearing may be reset for cause if the violator submits a written request for a reset to the hearing coordinator at least five days before the scheduled hearing date. If the hearing coordinator does not respond to a request for a reset, the request is denied, and the violator must appear as scheduled.
- (J) At the conclusion of the hearing, the hearing officer shall issue an order that:
  - (1) finds the violator liable and assesses penalties and costs; or
  - (2) finds the violator not liable for the violation.
- (K) The hearing officer's order shall be filed with the City Clerk in a separate index and file.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14 ; Ord. No. 20170413-002 , Pt. 1, 4-24-17.

**§ 2-13-22 FAILURE TO APPEAR AT A HEARING.**

If a violator fails to attend a scheduled hearing, including an appeal hearing, the violator is considered to admit liability for the violation charged.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14 .

**§ 2-13-23 ESTABLISHING A PENALTY.**

- (A) Except as provided in Subsections (D) and (G) and Section 2-13-24 (*Water Conservation Penalty*), the penalty range that may be assessed against a violator found liable under this chapter shall be no more than \$1,000.00 and:

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- (1) not less than \$250.00 for a first violation;
  - (2) not less than \$500.00 for a second violation; and
  - (3) not less than \$750.00 for a third or subsequent violation.
- (B) In addition to the penalty assessed, the hearing officer must require the violator found liable under this chapter to pay costs set by separate ordinance.
- (C) In determining the amount of penalty to be assessed, the hearing officer shall consider the following factors:
- (1) the gravity of the violation;
  - (2) any actions taken by the violator to correct the violation;
  - (3) any previous violations committed by the violator;
  - (4) indigence of the violator; and
  - (5) any other relevant evidence.
- (D) Except as provided in Subsection (G), the penalty range that may be assessed against a violator found liable under this chapter for violating Chapter 25-2 (Zoning) of the City Code shall be no more than \$1,000.00 and:
- (1) not less than \$500.00 for a first violation;
  - (2) not less than \$750.00 for a second violation; and
  - (3) not less than \$1,000.00 for a third or subsequent violation.
- (E) A violator who has been found liable for a violation may assert a financial inability to pay the penalty. If a violator asserts a financial inability to pay the penalty, the hearing officer must make a determination of financial inability to pay. The determination must be made based on documentary evidence provided to the hearing officer.
- (F) A violator claiming a financial inability to pay the penalty:
- (1) must have an income that does not exceed 60 percent of the United States Department of Housing and Urban Development (HUD) median family income (MFI) in the Austin-Round Rock-San Marcos area; or
  - (2) must participate in the City of Austin's Customer Assistance Program (CAP) for utility discounts; and
  - (3) must be a resident of the property or premises subject of the administrative citation and the sole owner of the property or premises, except that a violator may be a co-owner of the property or premises if all other co-owners cannot be located or are financially unable to pay the penalty.
- (G) If the hearing officer determines that the violator does not have the financial ability to pay the penalty, the hearing officer must make the finding in writing and must reduce the penalty to an amount that is within the violator's ability to pay.
- (H) A violator cannot appeal the hearing officer's determination related to the violator's financial inability to pay.
- (I) A violator who has been found liable for a violation may request to pay the penalty in equal installments during the six months from the date the hearing officer issues an order. A violator must request to pay the penalty in installments within 20 calendar days from the date the hearing officer issues the order and must waive the appeal described in Section 2-13-31 (Appeal From a Hearing). The Code Official is authorized to grant a request to pay the penalty as described in this subsection. This subsection does not apply to a violation of a provision of Chapter 15-3 (Onsite Water Reuse Systems).
- (J) The code official and the director of Austin Water may establish by administrative rule the penalty a violator shall pay when the violator admits liability without a hearing described in Section 2-13-21 (Hearing for an

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*(Administrative Citation).* A penalty established under this subsection must comply with the penalty ranges established in this chapter.

- (K) A violator who admits liability or is found liable for a violation described in Section 2-13-24 (Water Conservation Penalty) may request in writing to pay the applicable penalty and costs as an assessment on the violator's next monthly utility statement.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14 ; Ord. No. 20170413-002 , Pt. 2, 4-24-17; Ord. No. 20201210-006 , Pt. 4, 12-21-20; Ord. No. 20220505-003 , Pt. 1, 5-16-22.

#### **§ 2-13-24 WATER CONSERVATION PENALTY.**

- (A) The penalties established in this section apply to a violation of Chapter 6-4 (Water Conservation) and Chapter 15-13 (Regulation of Onsite Water Reuse Systems).
- (B) Unless otherwise provided for this section, the penalty range for violating Chapter 6-4 (Water Conservation) is not less than \$25.00 and not more than \$100.00.
- (C) This subsection applies to a violation of Section 6-4-10 (Facilities Regulated).
- (1) The penalty range that may be assessed against a violator found liable under this chapter for violating Subsection (A), (B), or (C) is:
    - (a) not less than \$500.00 and not more than \$1,000.00 for a first violation; and
    - (b) not less than \$750.00 and not more than \$1,000.00 for a second or subsequent violation.
  - (2) The penalty range that may be assessed against a violator found liable under this chapter for violating Subsection (D), (E), or (F) is:
    - (a) not less than \$150.00 and not more than \$500.00 for a first violation; and
    - (b) not less than \$300.00 and not more than \$1,000.00 for a second or subsequent violation.
- (D) This subsection applies to a violation of Section 6-4-11 (General Regulations).
- (1) The penalty range that may be assessed against a violator found liable under this chapter for violating Subsection (A), (B), (C), or (D) is:
    - (a) not less than \$150.00 and not more than \$500.00 for a first violation; and
    - (b) not less than \$300.00 and not more than \$1,000.00 for a second or subsequent violation.
  - (2) The penalty range that may be assessed against a violator found liable under this chapter for violating Subsection (E), (F), (G), or (H) is:
    - (a) not less than \$500.00 and not more than \$1,000.00 for a first violation; and
    - (b) not less than \$750.00 and not more than \$1,000.00 for a second or subsequent violation.
- (E) This subsection applies to a violation that occurs at a residential facility.
- (1) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-15 (Water Conservation Stage) is:
    - (a) not less than \$25.00 and not more than \$100.00 for a first violation;
    - (b) not less than \$50.00 and not more than \$200.00 for a second violation;
    - (c) not less than \$200.00 and not more than \$400.00 for a third violation; and
    - (d) not less than \$300.00 and not more than \$600.00 for a fourth or subsequent violation.

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- (2) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-16 (*Drought Response Stage One Regulations*) is:
- not less than \$50.00 and not more than \$200.00 for a first violation;
  - not less than \$75.00 and not more than \$300.00 for a second violation;
  - not less than \$250.00 and not more than \$500.00 for a third violation; and
  - not less than \$400.00 and not more than \$800.00 for a fourth or subsequent violation.
- (3) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-17 (*Drought Response Stage Two Regulations*) is:
- not less than \$75.00 and not more than \$300.00 for a first violation;
  - not less than \$150.00 and not more than \$400.00 for a second violation;
  - not less than \$300.00 and not more than \$800.00 for a third violation; and
  - not less than \$500.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (4) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-18 (*Drought Response Stage Three Regulations*) is:
- not less than \$150.00 and not more than \$400.00 for a first violation;
  - not less than \$300.00 and not more than \$600.00 for a second violation;
  - not less than \$450.00 and not more than \$800.00 for a third violation; and
  - not less than \$600.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (5) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-19 (*Emergency Stage Regulations*) is:
- not less than \$200.00 and not more than \$500.00 for a first violation;
  - not less than \$350.00 and not more than \$700.00 for a second violation;
  - not less than \$500.00 and not more than \$800.00 for a third violation; and
  - not less than \$650.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (F) This subsection applies to a violation that occurs at a commercial facility.
- (1) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-15 (*Water Conservation Stage*) is:
- not less than \$150.00 and not more than \$300.00 for a first violation;
  - not less than \$300.00 and not more than \$500.00 for a second violation;
  - not less than \$450.00 and not more than \$700.00 for a third violation; and
  - not less than \$500.00 and not more than \$800.00 for a fourth or subsequent violation.
- (2) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-16 (*Drought Response Stage One Regulations*) is:
- not less than \$200.00 and not more than \$400.00 for a first violation;
  - not less than \$350.00 and not more than \$600.00 for a second violation;
  - not less than \$500.00 and not more than \$800.00 for a third violation; and

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- (d) not less than \$550.00 and not more than \$1,000.00 for a fourth or subsequent violation.
  - (3) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-17 (*Drought Response Stage Two Regulations*) is:
    - (a) not less than \$250.00 and not more than \$500.00 for a first violation;
    - (b) not less than \$400.00 and not more than \$800.00 for a second violation;
    - (c) not less than \$600.00 and not more than \$1,000.00 for a third; and
    - (d) not less than \$650.00 and not more than \$1,000.00 for a fourth or subsequent violation.
  - (4) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-18 (*Drought Response Stage Three Regulations*) is:
    - (a) not less than \$300.00 and not more than \$600.00 for a first violation;
    - (b) not less than \$500.00 and not more than \$1,000.00 for a second or subsequent violation;
    - (c) not less than \$650.00 and not more than \$1,000.00 for a third; and
    - (d) not less than \$700.00 and not more than \$1,000.00 for a fourth or subsequent violation.
  - (5) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-19 (*Emergency Stage Regulations*) is not less than \$500.00 and not more than \$1,000.00.
- (G) For a violation related to irrigating a golf fairway, the penalty range during:
- (1) Drought Response Stage Two is the same as the penalty range established in Subsection (F)(3); and
  - (2) Drought Response Stage Three is the same as the penalty range established in Subsection (F)(4); and
  - (3) Emergency Stage is the same as the penalty range established in Subsection (F)(5).
- (H) The penalty range that may be assessed against a violator found liable under this chapter for violating Chapter 15-13 (*Regulation of Onsite Water Reuse Systems*) is:
- (1) not less than \$300.00 and not more than \$600.00 for a first violation; and
  - (2) not less than \$500.00 and not more than \$1,000.00 for a second or subsequent violation.

Source: Ord. No. 20220505-003 , Pt. 2, 5-16-22.

Editor's note(s)—Part 3 of Ord. No. 20220505-003 states, "The penalty ranges established in § 2-13-24 are only applicable to an administrative citation issued after the effective date of this ordinance."

### **ARTICLE 3. APPEALS AND ENFORCEMENT.**

#### **§ 2-13-31 APPEAL FROM A HEARING.**

- (A) A violator found liable by a hearing officer may appeal the determination by:
  - (1) filing a petition with the Clerk of the Municipal Court before the 31<sup>st</sup> day after the hearing officer's determination is filed with the City Clerk; and
  - (2) paying a non-refundable filing fee.
- (B) A violator that fails to appear at a hearing described in Section 2-13-21 (*Hearing for an Administrative Citation*) is not entitled to an appeal hearing.

- (C) An appeal hearing is conducted by a municipal court judge.
- (D) The judge shall review the record and hear oral arguments of the parties at the appeal hearing.
- (E) The judge may receive evidence of procedural irregularities alleged to have occurred at the hearing that are not reflected in the record.
- (F) The judge may not substitute his or her judgment for that of the hearing officer as to the weight of the evidence given by the hearing officer for questions that fall within the hearing officer's discretion.
- (G) The court may reverse the hearing officer's order or remand the case for a rehearing if the appellant's substantial rights have been violated because the administrative findings or orders:
  - (1) violate constitutional or statutory provisions;
  - (2) exceed statutory authority;
  - (3) are made upon unlawful procedure;
  - (4) are affected by other error of law;
  - (5) are not supported by substantial evidence, as that term is used in Local Government Code Section 54.039 (*Judicial Review*), in light of the reliable and probative evidence in the record as a whole; or
  - (6) are arbitrary, capricious, characterized by abuse of discretion, or clearly unwarranted exercise of discretion.
- (H) If the findings of the hearing officer are affirmed, the penalties and costs may not be modified except that additional costs may be added.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14 .

#### **§ 2-13-32 ENFORCEMENT OF ORDER.**

- (A) An order issued under this chapter may be enforced by:
  - (1) filing a civil suit for the collection of a penalty assessed against the violator; and
  - (2) obtaining an injunction that:
    - (a) prohibits specific conduct that violates the ordinance; or
    - (b) requires specific conduct necessary for compliance with the ordinance.
- (B) Unless the violator posts a bond with the Austin Code Department before filing an appeal, an appeal of an order issued under this chapter does not stay enforcement and collection of the penalties and costs.
- (C) The amount of the bond shall equal to all penalties and costs assessed against the violator.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14 .

**ORDINANCE NO. 20240502-006****AN ORDINANCE AMENDING SECTION 2-13-24 OF THE CITY CODE  
RELATING TO WATER CONSERVATION PENALTIES, CHAPTER 6-4 OF  
THE CITY CODE RELATING TO WATER CONSERVATION AND DROUGHT  
STAGES, AND SECTION 15-9-191 OF THE CITY CODE RELATING TO  
ADMINISTRATIVE REVIEW USED FOR WATER CONSERVATION  
ACTIONS, POLICIES, AND DECISIONS.****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:****PART I.** The City Council finds that:

1. Given the potential for severe and frequent drought conditions in Central Texas, it is essential that new water use policies to conserve water continue to be developed.
2. Water conservation efforts, including policies for responsible water conservation and regulations for cooling towers, help maximize limited resources as population grows while ensuring supply for critical public health and safety needs including adequate supplies necessary for emergency firefighting, fire suppression, and natural disaster or other emergency management or disaster response.
3. As water is essential to public health and sanitation and the City's water supply is the sole or primary water supply for over a million people, water conservation and drought condition measures that help assure the maintenance of a sufficient City water supply for the City's customers are necessary to protect public health and for the purposes of sanitation.

**PART 2.** Subsections (E) and (F) of City Code Section 2-13-24 (*Water Conservation Penalty*) are amended to read:

- (E) This subsection applies to a violation that occurs at a residential facility.
- (1) During Water Conservation Stage, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-15 (Water Conservation Stage) or Section 6-4-12 (Water Waste Prohibited) is:
- (a) not less than \$25.00 and not more than \$100.00 for a first violation;
  - (b) not less than \$50.00 and not more than \$200.00 for a second violation;

- (c) not less than \$200.00 and not more than \$400.00 for a third violation; and
  - (d) not less than \$300.00 and not more than \$600.00 for a fourth or subsequent violation.
- (2) During Drought Response Stage One, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-16 (Drought Response Stage One Regulations) or Section 6-12 (Water Waste Prohibited) is:
- (a) not less than \$50.00 and not more than \$200.00 for a first violation;
  - (b) not less than \$75.00 and not more than \$300.00 for a second violation;
  - (c) not less than \$250.00 and not more than \$600.00 [500.00] for a third violation; and
  - (d) not less than \$400.00 and not more than \$800.00 for a fourth or subsequent violation.
- (3) During Drought Response Stage Two, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-17 (Drought Response Stage Two Regulations) or Section 6-12 (Water Waste Prohibited) is:
- (a) not less than \$100.00 [75.00] and not more than \$300.00 for a first violation;
  - (b) not less than \$200.00 [150.00] and not more than \$500.00 [400.00] for a second violation;
  - (c) not less than \$300.00 and not more than \$800.00 for a third violation; and
  - (d) not less than \$500.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (4) During Drought Response Stage Three, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-18 (Drought Response Stage Three Regulations) or Section 6-12 (Water Waste Prohibited) is:
- (a) not less than \$150.00 and not more than \$400.00 for a first violation;

- (b) not less than \$300.00 and not more than \$600.00 for a second violation;
  - (c) not less than \$450.00 and not more than \$800.00 for a third violation; and
  - (d) not less than \$600.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (5) During Drought Response Stage Four, the penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-19 (Drought Response Stage Four Regulations) or Section 6-4-12 (Water Waste Prohibited) is:
- (a) not less than \$200.00 and not more than \$500.00 for a first violation;
  - (b) not less than \$325.00 and not more than \$700.00 for a second violation;
  - (c) not less than \$475.00 and not more than \$1,000.00 for a third violation; and
  - (d) not less than \$625.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (6[5]) During Emergency Stage Five, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-20 [49] (Emergency Stage Five Regulations) or Section 6-4-12 (Water Waste Prohibited) is:
- (a) not less than \$250.00 [200.00] and not more than \$650.00 [500.00] for a first violation;
  - (b) not less than \$500.00 [350.00] and not more than \$1,000.00 for a second violation;
  - (c) not less than \$700.00 [500.00] and not more than \$1,000.00 for a third violation; and
  - (d) not less than \$900.00 [650.00] and not more than \$1,000.00 for a fourth or subsequent violation.
- (F) This subsection applies to a violation that occurs at a commercial facility.

- (1) During Water Conservation Stage, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-15 (Water Conservation Stage) or Section 6-4-12 (Water Waste Prohibited) is:
  - (a) not less than \$150.00 and not more than \$300.00 for a first violation;
  - (b) not less than \$300.00 and not more than \$500.00 for a second violation;
  - (c) not less than \$450.00 and not more than \$700.00 for a third violation; and
  - (d) not less than \$500.00 and not more than \$800.00 for a fourth or subsequent violation.
- (2) During Drought Response Stage One, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-16 (Drought Response Stage One Regulations) or Section 6-4-12 (Water Waste Prohibited) is:
  - (a) not less than \$200.00 and not more than \$400.00 for a first violation;
  - (b) not less than \$350.00 and not more than \$600.00 for a second violation;
  - (c) not less than \$500.00 and not more than \$800.00 for a third violation; and
  - (d) not less than \$550.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (3) During Drought Response Stage Two, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-17 (Drought Response Stage Two Regulations) or Section 6-4-12 (Water Waste Prohibited) is:
  - (a) not less than \$250.00 and not more than \$500.00 for a first violation;
  - (b) not less than \$400.00 and not more than \$800.00 for a second violation;
  - (c) not less than \$600.00 and not more than \$1,000.00 for a third; and

- (d) not less than \$650.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (4) During Drought Response Stage Three, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-18 (*Drought Response Stage Three Regulations*) or Section 6-4-12 (*Water Waste Prohibited*) is:
  - (a) not less than \$300.00 and not more than \$600.00 for a first violation;
  - (b) not less than \$500.00 and not more than \$1,000.00 for a second or subsequent violation;
  - (c) not less than \$650.00 and not more than \$1,000.00 for a third; and
  - (d) not less than \$700.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (5) During Drought Response Stage Four, the penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-19 (*Drought Response Stage Four Regulations*) or Section 6-4-12 (*Water Waste Prohibited*) is:
  - (a) not less than \$400.00 and not more than \$1,000.00 for a first violation;
  - (b) not less than \$550.00 and not more than \$1,000.00 for a second or subsequent violation;
  - (c) not less than \$700.00 and not more than \$1,000.00 for a third; and
  - (d) not less than \$800.00 and not more than \$1,000.00 for a fourth or subsequent violation.
- (6) During Emergency Stage Five, the [The] penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-20 [49] (*Emergency Stage Five Regulations*) or Section 6-4-12 (*Water Waste Prohibited*) is not less than \$500.00 and not more than \$1,000.00.

**PART 3.** City Code Section 2-13-24 (*Water Conservation Penalty*) is amended to delete Subsection (G) and to re-letter the remaining subsection accordingly.

**PART 4.** City Code Section 6-4-2 (*Definitions*) is amended to rename and amend the definition for “auxiliary water”; amend the definitions for “automatic irrigation system”,

"hose-end sprinkler", and "vehicle wash facility"; and add new definitions for "automatic bubbler", "broken head", "college/university", "functional turf", "nonfunctional turf", "potable water", and "public school"; and to renumber the remaining definitions accordingly.

#### § 6-4-2 DEFINITIONS.

- (2[5]) **ALTERNATIVE WATER AUXILIARY WATER** means a water supply from a source other than Austin Water's potable water supply, also called auxiliary water.
- (4) **AUTOMATIC BUBBLER** means a type of automatic irrigation head designed to bubble over and flood the ground surface around the base of a tree. Also referred to as "tree bubbler" or "flood head".
- (5[34]) **AUTOMATIC IRRIGATION SYSTEM** means any irrigation system connected to and being operated by a programmable controller, including a permanently or temporarily installed irrigation system, also called irrigation system.
- (10) **BROKEN HEAD** means a missing, damaged or malfunctioning emitter from an irrigation system, or drip line that is causing water use above what the component was designed to allow.
- (11) **COLLEGE/UNIVERSITY** means an educational institution of higher learning that is public and offers a course of study designed to culminate in the issuance of a degree in accordance with the Texas Education Code.
- (26) **FUNCTIONAL TURF** means turfgrass that is regularly used for community events, programmed recreational purposes, such as sports fields, golf course areas used directly for sport (greens, tees, fairways, and practice areas), maintaining the integrity of foundations, cemeteries, and areas designated to be part of a water quality treatment solution required for compliance with federal, state, or local agency water quality permitting requirements.
- (28)[24]) **HOSE-END SPRINKLER** means an above-ground water distribution device that may be attached to a garden hose, not designed to be held by a person while in operation.
- (33) **NONFUNCTIONAL TURF** means turfgrass that is not regularly used for community events, programmed recreational activities, such as sports fields, golf course areas used directly for sport (greens, tees, fairways, and practice areas). This also includes but is not limited to turf located at a residential

facility, in a street right-of-way, parking lot islands, medians, or transportation corridors.

- (39) POTABLE WATER means water that is treated to drinking water quality and distributed by Austin Water.
- (41) PUBLIC SCHOOL means a public school offering instruction at the elementary school level or the junior and senior high school levels and in the branches of learning and study required to be taught in the public schools of the state. The term includes an open enrollment charter school as defined under the Texas Education Code.
- (44)[44])VEHICLE WASH FACILITY means a permanently-located business that washes vehicles or other mobile equipment with water or water-based products as any part of their operations, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, apartments with vehicle wash equipment as an amenity, and facilities managing vehicle fleets or vehicle inventory.

**PART 5.** Subsections (A) and (C) of City Code Section 6-4-3 (*Applicability of Regulations; Affirmative Defenses*) are amended to read:

**§ 6-4-3 APPLICABILITY OF REGULATIONS; AFFIRMATIVE DEFENSES.**

- (A) This chapter applies to a person who uses, directs, manages, or allows the use of any potable water supplied by Austin Water whether the water is supplied by Austin Water on a retail basis or on a wholesale basis. This includes, but is not limited to, onsite alternative water systems that use potable water as a make-up, and ponds that are filled using potable water. This [The]chapter does not apply to a person when the person only uses, directs, manages, or allows the use of alternative [auxiliary]water or reclaimed water.
- (C) It is an affirmative defense to a violation of this chapter that the use of water that gave rise to the violation properly utilized solely alternative [auxiliary] water, and did not endanger public health, safety, or property.

**PART 6.** City Code Chapter 6-4 (*Water Conservation*) is amended to add a new Section 6-4-8 to read:

**§ 6-4-8 ADMINISTRATIVE REVIEW.**

Except for an action described in Section 6-4-52 (*Enforcement*), an action, policy, decision, or invoice relating to this chapter may be disputed following the processes

established in Article 12 (*Administrative Review and Hearing*) of Chapter 15-9 (*Utility Service Regulations*).

**PART 7.** City Code Section 6-4-10 (*Facilities Regulated*) is amended to add a new Subsection (E) to read:

**§ 6-4-10 FACILITIES REGULATED.**

(E) Non-Compliance Fees.

- (1) When an evaluation is not submitted by the deadline established by the director and the director sends a notice related to the past-due evaluation, the owner or water account holder subject to Subsection (A) or (B) shall pay a non-compliance fee each month until the evaluation is submitted.
- (2) When an inspection is not submitted by the deadline established in Subsection (C) and the director sends a notice related to the past-due inspection, the owner or water account holder subject to Subsection (C) shall pay a non-compliance fee each month until the evaluation is submitted.
- (3) The fee described in this subsection shall be set by separate ordinance, included on utility invoice, and based on the City's costs related to the failure to comply with the evaluation and inspection requirements established in Subsections (A), (B), and (C).

**PART 8.** Subsections (C) and (E) of City Code Section 6-4-13 (*Water Conservation Guidelines*) are amended to read:

**§ 6-4-13 WATER CONSERVATION GUIDELINES.**

- (C) The city manager may order that the water use restrictions established in a drought response stage or emergency stage [of Drought Response Stage One Regulations, Drought Response Stage Two Regulations, Drought Response Stage Three Regulations, or Emergency Stage Four Regulations] take effect after determining that the order is necessary to protect the public health, safety, or welfare. The city manager [City Manager] may base an order [conservation, drought, or emergency stage declaration or termination] on any condition, occurrence, factor, or an assessment of all relevant circumstances that, in the judgment of the city manager [City Manager], support the order [such action for any lawful purpose]. The city manager may terminate an order issued under this section at any time. The order is effective immediately following official public notice.
- (E) Any outdoor water use subject to [the provisions of] this chapter shall occur only on a day designated for the applicable water use activity, property/facility type, and

street number address classification indicated in the following table. A person may not conduct, authorize, or permit outdoor water use except in accordance with the designation schedule set out in the following table. Except as provided in Section 6-4-14 (*Exemptions*) for hand-held hoses, a person irrigating using automatic or manual irrigation may not irrigate by hose-end in addition to operating their irrigation system on their designated day. In the following table, "EVEN" or "ODD" correspond to the street number of the physical property address where the outdoor water use occurs. The table below shall be referred to as "the Outdoor Water Use Schedule".

Conservation Stage and Drought Response Stage 1 Watering Schedule	
Property Type	Watering Day
Residential Property - Hose-end EVEN	Sunday and Thursday
Public Schools, College/University, Home Owner Associations & Golf Course Fairways	Monday
Commercial/Multi-family - [Automatic & Manual] EVEN	Tuesday
Residential - Automatic & Manual ODD	Wednesday
Residential - Automatic & Manual EVEN	Thursday
Commercial/Multi-Family - [Automatic & Manual] ODD	Friday
Residential Property - Hose-end ODD	Wednesday and Saturday

Drought Response Stage 2, [and] Stage 3, and Stage 4 Watering Schedule	
Property Type	Watering Day
Residential Property - Hose-end EVEN	Sunday
Public Schools, College/University, Home Owner Associations & Golf Course Fairways	Monday
Commercial/Multi-family - [Automatic & Manual] EVEN	Tuesday

Residential - Automatic & Manual ODD	Wednesday
Residential - Automatic & Manual EVEN	Thursday
Commercial/Multi-Family - [Automatic & Manual] ODD	Friday
Residential Property - Hose-end ODD	Saturday

**PART 9.** City Code Section 6-4-14 (*Exemptions*) is repealed and replaced to read:

**§ 6-4-14 EXEMPTIONS.**

- (A) A person is not required to comply with Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*), Section 6-4-18 (*Drought Response Stage Three Regulations*), Section 6-4-19 (*Drought Response Stage Four Regulations*), or Section 6-4-20 (*Emergency Stage Five Regulations*) when:
  - (1) using water is necessary to protect the health, safety, or welfare of the public;
  - (2) using reclaimed or alternative water that is not supplemented by or mixed with potable water supplied by Austin Water;
  - (3) using water is necessary:
    - (a) to make a lawful repair of a water distribution facility, flushing of utility lines or residential or commercial plumbing lines;
    - (b) to perform a governmental function, including a capital improvement construction project, but not including landscape irrigation;
    - (c) to meet express requirements of a federal, state, or local permit related to land development, including but not limited to roadway base preparation, dust control, maintenance of trees subject to preservation restrictions or requirements, concrete or asphalt work, or modification

- or construction of improvements, but not including landscape irrigation;
- (d) to wash or sanitize to prevent public health or disease transmission risk associated with liquid, solid, or particulate residue in or on vehicles, containers, or equipment lawfully used to maintain, process, or transport food, perishables, garbage, liquid or solid waste, organic materials, or recyclables; or
  - (e) to conduct firefighting, fire prevention, or fire suppression related activities or operations due to actual risk to public or environmental health, safety, or welfare, life, or property associated with the presence of an uncontrolled fire on or approaching any person or property.
- (B) A person is not required to comply with Section 6-4-19 (*Drought Response Stage Four Regulations*) when:
- (1) using a hand-held hose or refillable watering vessel to apply water within the drip-line of the tree canopy, planting beds, vegetable gardens, and along building foundations;
  - (2) using a hand-held hose or refillable watering vessel;
  - (3) using a soaker hose placed within the drip-line of the tree canopy;
  - (4) using a soaker hose for a vegetable garden;
  - (5) irrigating plant material at a commercial nursery; or
  - (6) irrigating immediately after the application of a commercial lawn treatment such as fertilizer, pesticides, and herbicides by an applicator who possesses an appropriate license and complies with a request from the director to provide:
    - (a) receipts that document the application; and
    - (b) the applicator's credentials.
- (C) A person is not required to comply with Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*), or Section 6-4-18 (*Drought Response Stage Three Regulations*) when:

- (1) using a hand-held hose or refillable watering vessel to apply water within the drip-line of the tree canopy, planting beds, vegetable gardens, and along building foundations;
  - (2) using a hand-held hose or refillable watering vessel;
  - (3) using a soaker hose placed within the drip-line of the tree canopy;
  - (4) using a soaker hose for a vegetable garden;
  - (5) irrigating plant material at a commercial nursery; or
  - (6) irrigating immediately after the application of a commercial lawn treatment such as fertilizer, pesticides, and herbicides by an applicator who possesses an appropriate license and complies with a request from the director to provide:
    - (a) receipts that document the application; and
    - (b) the applicator's credentials; or
  - (7) using water is necessary to test, repair, or install:
    - (a) a permanent or temporary landscape irrigation system and the person performing the irrigation work is present in the area of irrigation; or
    - (b) an ornamental fountain and the person testing, repairing, or installing the fountain is present.
- (D) A person is not required to comply with Section 6-4-15 (*Water Conservation Stage*) or Section 6-4-16 (*Drought Response Stage One Regulations*) when:
- (1) watering is necessary to comply with federal, state, or local land development permits requiring the establishment of new landscaping if the watering occurs between the hours of 7:00 p.m. to 10:00 a.m.; or
  - (2) irrigating areas documented on a City approved and released site plan as golf course fairways, greens, or tees.
- (E) During Water Conservation Stage, Drought Stage One, and Drought Stage Two, a person may irrigate athletic fields used for organized sports practice, competition, or exhibition events if necessary to protect the health and safety of the players, staff, or officials present for the athletic event and necessary to occur at a time or day not in accordance with the watering schedule established in this chapter.

**PART 10.** Subsections (B) and (C) of City Code Sections 6-4-15 (*Water Conservation Stage*) are amended to read:

**§ 6-4-15 WATER CONSERVATION STAGE.**

- (B) A person may not irrigate outdoors [at a residential facility or a commercial facility] except on a designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors [at a residential facility or a commercial facility] between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on a designated outdoor water use day for the location.

**PART 11.** Subsections (B), (C), and (D) of City Code Sections 6-4-16 (*Drought Response Stage One Regulations*), 6-4-17 (*Drought Response Stage Two Regulations*), and 6-4-18 (*Drought Response Stage Three Regulations*) are amended to read:

**§ 6-4-16 DROUGHT RESPONSE STAGE ONE REGULATIONS.**

- (B) A person may not irrigate outdoors [at a residential facility or a commercial facility] except on a designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors [at a residential facility or a commercial facility] with an automatic irrigation system between the hours of 8:00 a.m. and 7:00 p.m., even if the irrigation occurs on the designated outdoor water use day for the location.
- (D) A person may not irrigate outdoors [at a residential facility or a commercial facility] with a hose-end or manual sprinkler system between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on the designated outdoor water use day for the location.

**§ 6-4-17 DROUGHT RESPONSE STAGE TWO REGULATIONS.**

- (B) A person may not irrigate outdoors [at a residential facility or a commercial facility] except on the designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors [at a residential facility or a commercial facility] with an automatic irrigation system between the hours of 5:00 a.m. and 7:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location.
- (D) A person may not irrigate outdoors [at a residential facility or a commercial facility] with a hose-end or manual sprinkler system between the hours of 10:00 a.m. and 7:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location

**§ 6-4-18 DROUGHT RESPONSE STAGE THREE REGULATIONS.**

- (B) A person may not irrigate outdoors [at a residential facility or a commercial facility] except on a designated outdoor water use day for the location.
- (C) A person may not irrigate outdoors [at a residential facility or a commercial facility] with an automatic irrigation system between the hours of 6:00 a.m. and midnight even if the irrigation occurs on the designated outdoor water use day for the location.
- (D) A person may not irrigate outdoors [at a residential facility or a commercial facility] with a hose-end or manual sprinkler system except between the hours of 7:00 a.m. and 10:00 a.m. or between the hours of 7:00 p.m. and 10:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location.

**PART 12.** City Code Sections 6-4-19 (*Emergency Stage Four Regulations*) and 6-4-20 (*Director's Authority to Impose Additional Restrictions*) are repealed and replaced to read:

**§ 6-4-19 DROUGHT RESPONSE STAGE FOUR REGULATIONS.**

- (A) This section prescribes Drought Response Stage Four Regulations and applies during a period ordered by the city manager in accordance with Section 6-4-13(C) (*Water Conservation Guidelines*).
- (B) A person may not irrigate outdoors except on a designated outdoor water use day for the location.
- (C) A person may not irrigate nonfunctional turf with automatic or manual irrigation system, drip irrigation, or hose-end sprinkler.
- (D) A person may not irrigate outdoors with an automatic irrigation system between the hours of 6:00 a.m. and midnight even if the irrigation occurs on the designated outdoor water use day for the location.
- (E) A person may not irrigate outdoors with a hose-end sprinkler except between the hours of 7:00 a.m. and 10:00 a.m. or between the hours of 7:00 p.m. and 10:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location.
- (F) A person may not operate a charity car wash. It is not a defense to a violation of this section that the charity car wash occurred on a designated outdoor water use day for the location.

- (G) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- (H) A person may not fill a spa.
- (I) A person may not operate a splash pad except during the hours and subject to the restrictions set forth in a rule adopted pursuant this chapter.
- (J) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and 8:00 p.m.
- (K) A person may not operate an ornamental fountain with an aerial emission of water or aerial fall of water greater than four inches in distance other than for aeration necessary to preserve habitat for aquatic life.
- (L) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.
- (M) On or after the city manager orders that Drought Response Stage Four Regulations are in effect, the director of Development Services may not approve new permits to install:
  - (1) irrigation systems, or
  - (2) swimming pools, or spas at single-family residential properties.

#### **§ 6-4-20 EMERGENCY STAGE FIVE REGULATIONS.**

This section prescribes Emergency Stage Five Regulations and applies during a time period ordered by the city manager in accordance with Section 6-4-13(C) (*Water Conservation Guidelines*).

- (A) A person may not use or allow the use of water to irrigate vegetation outdoors.
- (B) A person may not use or allow the use of water to test or repair a permanently or temporarily installed irrigation system or drip irrigation system.

- (C) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, or other mobile equipment.
- (D) A person may not use or allow the use of water to operate an ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic life.
- (E) A person may not use or allow the use of water to fill, clean, rinse, supplement, operate or maintain a tub, spa, fountain, pond, pool, or other container, feature, or improvement used, designed, maintained, or intended for aesthetic, athletic, or recreational purpose. This does not apply to the filling of non-aerating birdbaths or animal watering containers.
- (F) A person may not operate a splash pad or other similar aesthetic or recreational use of water.
- (G) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface.
- (H) A person may not use or allow the use of water to operate a patio mister.
- (I) A person may not use or allow the use of water in or related to a chemical lawn treatment unless specifically authorized in accordance with Section 6-4-30 (*Variance*).
- (J) A person may not use or allow the use of water for watering the ground around a building foundation to prevent or address foundation cracking except as specifically authorized in accordance with Section 6-4-30 (*Variance*).
- (K) On or after the city manager orders that Emergency Stage Five Regulations are in effect, the director of Development Services may not approve new permits to install:
  - (1) irrigation systems; or
  - (2) swimming pools, or spas at single-family residential properties.

**PART 13.** Article 3 (*Drought Contingency Plan and Conservation Stage*) of City Code Chapter 6-4 (*Water Conservation*) is amended to add a new Section 6-4-21 to read:

**§ 6-4-21 DIRECTOR'S AUTHORITY TO IMPOSE ADDITIONAL RESTRICTIONS.**

- (A) The director may implement mandatory water restrictions in addition to those prescribed by Division 1 (*Regulated Activities*) of Article 2 to protect public health, safety, welfare, infrastructure or available resources in the event of an unusual water system operational event, catastrophic occurrence, severe weather event, or other emergency, disaster situation, or occurrence necessitating additional restrictions.
- (B) The director may implement additional mandatory water use restrictions that are effective immediately upon official public notice.

**PART 14.** City Code Section 6-4-30 (*Variance*) is amended to amend Subsections (A), (B), (C), and (E) and to add a new Subsection (I) to read:

#### **§ 6-4-30 VARIANCE.**

(A) Authority.

- (1) The director may grant a variance from a requirement of this chapter if the director determines that special circumstances exist and that:
  - (a) [(1)]strict compliance with the provisions at issue adversely affects the health, safety, welfare or sanitation of the public, the applicant, or the environment; or
  - (b) [(2)]strict compliance with the provisions at issue substantially threatens the applicant's primary source of income, the applicant is employing all reasonable water conservation measures, and approval of the variance will not result in water waste in accordance with Section 6-4-12 (Water Waste Prohibited).
- (2) [(B)] The director may not grant a variance from a requirement of this chapter based on an alleged adverse impact to the environment unless the applicant submits an environmental impact study, hydrological analysis, and additional data or documentation as required by the director to establish that the specific variance requested is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature.

(B)[C])The director may grant a variance from a requirement of Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*), [or] Section 6-4-18 (*Drought Response Stage Three Regulations*), or Section 6-4-19 (*Drought*

*(Response Stage Four Regulations)* only if the applicant establishes at least one of the following:

- (1) an AWU Authorized Irrigation Inspector has determined that, due to its site-specific conditions, a site cannot be watered with an average coverage of 0.5 inches within the time limits prescribed by this chapter; and as applicable, a current irrigation system evaluation required pursuant to Section 6-4-10(A) (*Facilities Regulated*) is on file with Austin Water Utility; [or]
  - (2) the property owner or operator has a documented medical hardship or qualifying disability that prevents the person's strict adherence to a requirement of this chapter; or
  - (3) watering in a manner or at a time inconsistent with a requirement of this chapter is necessary for treatment of tree diseases or for pest control prescribed by a licensed arborist or pest control professional.
- (C) During Stage Three and Stage Four, the director may grant an applicant a variance to irrigate athletic fields used for organized sports practice, competition, or exhibition events if the applicant establishes that irrigating is necessary to protect the health and safety of the players, staff, or officials present for the athletic event and necessary to occur at a time or day not in accordance with the watering schedule established in this chapter.
- (E) The director may grant a variance to Section 6-4-20[19] (*Emergency Stage Five/Four] Regulations*) when:
- (1) watering [Watering] is required to prevent or address foundation cracking; or [A variance approved pursuant to this subsection will specify a designated day for foundation watering and shall require the foundation watering to occur before 7:00 a.m. or after 7:00 p.m.]
  - (2) watering [Watering] is necessary for the prescribed treatment of tree diseases or for pest control.[(3) — Irrigation of athletic fields when irrigation is necessary to protect the health and safety of players and game officials.]
- (I) A variance approved pursuant to Subsection (E) will specify a designated day for foundation watering and shall require the foundation watering to occur before 7:00 a.m. or after 7:00 p.m.

**PART 15.** Subsection (D) of City Code Section 15-9-191 (*Administrative Review*) is amended to read as follows:

(D) [A customer who disputes an action, policy, or decision related to compliance with Chapter 6-4 (*Water Conservation*) of the Code shall follow the procedures prescribed in Article 3 of that chapter.] A customer who disputes an action, policy, or decision related to compliance with Chapter 15-5 (*On-Site Sewage Facilities*) of the Code shall follow the procedures prescribed in that chapter. A customer who disputes an action, policy, or decision related to compliance with Chapter 15-11 (*Private Lateral Sewer Lines*) of the Code shall follow the procedures prescribed in that chapter.

**PART 16.** Part 2 of this ordinance only applies to a violation that occurs on or after the effective date of this ordinance.

**PART 17.** This ordinance takes effect on May 13, 2024.

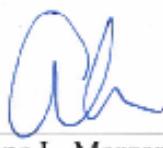
**PASSED AND APPROVED**

May 2 \_\_\_\_\_, 2024

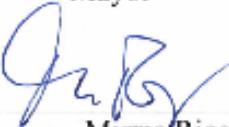
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§ 

Kirk Watson  
Mayor

**APPROVED:**

  
Anne L. Morgan  
City Attorney

**ATTEST:**

  
Myrna Rios  
City Clerk

## APPENDIX C: Water Use Triggers for Water Use Management Ordinance

Demand Triggers					
Stage	Trigger	Goal	Action	Irrigation Restriction	End Condition
Stage 2	300 MGD for three consecutive days	Reduce water use by 15% of 300 MGD	Drought Response Stage Two Regulations	1x/week (10-15 hours)	City Manager ends based on daily supply and demand of water
Stage 2	320 MGD for one day	Reduce water use by 15% of 320 MGD	Drought Response Stage Two Regulations	1x/week (10-15 hours)	City Manager ends based on daily supply and demand of water

## APPENDIX D: Resolutions in Support of Adoption of the Drought Contingency Plan

RESOURCE MANAGEMENT COMMISSION MEETING MINUTES

Tuesday, April 16, 2024



**RESOURCE MANAGEMENT COMMISSION  
REGULAR MEETING  
MINUTES**  
Tuesday, April 16, 2024

The Resource Management Commission convened in a Regular Called meeting on Tuesday, April 16, 2024, at Austin Energy Headquarters 4815 Mueller Blvd, Austin, TX 78723.

Chair Louis Stone called the Resource Management Commission meeting to order at 6:02 p.m.

**Board Members/Commissioners in Attendance:** Commissioner Louis Stone, Chair; Commissioner Paul Robbins, Vice Chair; Commissioner Charlotte Davis; Commissioner Dino Sasaridis; Commissioner Alison Silverstein.

**Board Members/Commissioners in Attendance Remotely:** Commissioner Melissa Carugati; Commissioner Trey Farmer; Commissioner GeNell Gary; Commissioner Shane Johnson.

**PUBLIC COMMUNICATION: GENERAL**

**APPROVAL OF MINUTES**

1. Approve the minutes of the Resource Management Commission Regular Meeting on March 19, 2024.  
**The motion approving the minutes of the Resource Management Commission meeting of March 19, 2024 was approved on Commissioner Silverstein's motion, Vice Chair Robbins second on an 8-0 vote with Commissioners Carugati off the dais, Commissioner Scaffidi absent, and one vacancy.**

**DISCUSSION AND ACTION ITEMS**

2. Recommend approving issuance of a 5-year performance-based incentive to Starwood Capital Group LLC, for the installation of solar electric systems on their facility located at 10814 Jollyville Road, Austin, TX 78759, in an amount not to exceed \$70,125.91.  
**The motion to approve a recommendation approving the issuance of a 5-year performance-based incentive to Starwood Capital Group LLC, was recommended on Commissioner Silverstein's motion, Vice Chair Robbins second on a 7-1 vote with Chair Stone voting against, Commissioners Carugati off the dais, Commissioner Scaffidi absent, and one vacancy.**

**STAFF BRIEFINGS**

7. Staff Briefing on Austin's Drought Contingency Plan and Water Conservation Plan updates by Kevin Critendon, Assistant Director, Environmental, Planning, and

## RESOURCE MANAGEMENT COMMISSION MEETING MINUTES

Tuesday, April 16, 2024

Development Services, Austin Water and Kevin Kluge, Environmental Conservation Division Manager of Austin Water.

The briefing was presented by Kevin Critendon, Assistant Director, Environmental, Planning, and Development Services, Austin Water and Kevin Kluge, Environmental Conservation Division Manager of Austin Water.

**DISCUSSION AND ACTION ITEMS**

3. Recommend approval of a resolution adopting the Water Conservation Plan, as required by the Texas Commission on Environmental Quality, and repealing Resolution No. 20190411-002.

**The motion to recommend approval of a resolution adopting the Water Conservation Plan, as required by the Texas Commission on Environmental Quality, and repealing Resolution No. 20190411-002, was recommended on Commissioner Davis's motion, Vice Chair Robbins second on an 8-0-1 vote with Commissioner Gary abstaining, Commissioner Scaffidi absent, and one vacancy.**

4. Recommend approval of a resolution adopting a Drought Contingency Plan, as required by the Texas Commission on Environmental Quality and repealing Resolution No. 20160505-004.

**The motion to recommend approval of a resolution adopting a Drought Contingency Plan, as required by the Texas Commission on Environmental Quality and repealing Resolution No. 20160505-004, was recommended on Vice Chair Robbins motion, Commissioner Carugati's second on an 8-0-1 vote with Commissioner Gary abstaining, Commissioner Scaffidi absent, and one vacancy.**

5. Conduct officer elections for the Chair and Vice Chair of the Resource Management Commission.

**The Commission recommended Commissioner Louis Stone as Chair on a 9-0 vote with Commissioner Scaffidi absent and one vacancy.**

**The Commission recommended Commissioner Paul Robbins as Vice Chair on a 7-1-1 vote with Commissioner Gary voting against, Commissioner Sasaridis abstaining, Commissioner Scaffidi absent, and one vacancy.**

**STAFF BRIEFINGS**

7. Staff Briefing on the Energy Code Adoption by Heidi Kasper, Director, Energy Efficiency Services, Austin Energy.

**The briefing was presented by Heidi Kasper, Director, Energy Efficiency Services, Austin Energy.**

**DISCUSSION ITEMS**

8. Discussion of the Joint Sustainability Committee's work in progress development of recommendations for an Environmental Investment Plan. (Sponsors: Davis and Stone)  
**The Commission discussed the Joint Sustainability Committee's work in progress development of recommendations for an Environmental Investment Plan.**

**FUTURE AGENDA ITEMS**

- Austin Energy Policies regarding Solar and Storage Deployment from a non-investment perspective, with suggestions on how to make Austin an example for other cities to

## RESOURCE MANAGEMENT COMMISSION MEETING MINUTES

Tuesday, April 16, 2024

follow, and how we can have the most efficient deployment of Solar and Storage.  
(Sponsor: Sasaridis)

- Discussion on the Environmental Investment Plan Recommendations. (Sponsors: Davis/Johnson)
- Resolution regarding creating a Utility Rebate and Incentive webpage for the City of Austin. (Sponsors: Carugati, Robbins, Silverstein)
- GreenChoice (Sponsor: Robbins)
- Purview of Gas Utilities fees (Sponsor: Robbins)
- Generation Plan Update (Sponsor: Silverstein)
- Water Forward Plan Presentation (Sponsor: Robbins)

**ADJOURNMENT**

**The meeting was adjourned at 8:08 p.m.**

**The minutes were approved at the May 21, 2024 meeting on Commissioner Silverstein's motion, Vice Chair second on a 6-0 vote with Commissioners Farmer and Johnson off the dais, Gary absent, and two vacancies.**



**WATER AND WASTEWATER COMMISSION  
REGULAR CALLED MEETING MINUTES**  
Wednesday, April 17, 2024

The Water and Wastewater Commission convened in a regular called meeting on April 17, 2024, at Austin Energy Headquarters, 4815 Mueller Boulevard, Austin, Texas.

Commissioner Jesse Penn, acting as Chair on behalf of Chair Turrieta and Vice Chair Musgrove called the Water and Wastewater Commission to order at 6:01 p.m.

**Commission Members in Attendance:** William Moriarty (remote), Jesse Penn, Alex Navarro, Sabrina Reichert (remote) Mike Reyes, Sam Angoori, Shwetha Pandurangi, Vice Chair Judy Musgrove (remote), Christopher Maxwell-Gaines, Marcela Tuñón Sion (remote)

**Commission Members Absent:** Chair Susan Turrieta

**PUBLIC COMMUNICATION: GENERAL**

There were no speakers registered to speak.

**APPROVAL OF MINUTES**

1. Approval of minutes from the March 13, 2024, regular meeting of the Water and Wastewater Commission.  
**The minutes from the March 13, 2024, regular meeting were approved on Commissioner Pandurangi's motion and Commissioner Angoori's second on a 9-0 vote with Commissioners Navarro and Chair Turrieta absent.**

**DISCUSSION AND ACTION**

2. Recommend approval to execute a contract for crane and boom lift rentals with GAC Equipment, LLC d/b/a Austin Crane Service, for a term of five years in an amount not to exceed \$3,100,000.  
**Recommended by the Water and Wastewater Commission on Commissioner Reyes' motion and Commissioner Pandurangi's second on a 9-0 vote with Commissioners Navarro and Chair Turrieta absent.**
3. Recommend approval to negotiate and execute a cost participation agreement with United Properties Development, LLC for the City to reimburse the developer for an amount not to exceed \$5,077,250 for costs associated with the design and construction of oversized wastewater interceptors and appurtenances related to Service Extension Request No. 5132 that will provide wastewater service to a proposed mixed-use development located at E. Howard Lane and SH 130.  
**Recommended by the Water and Wastewater Commission on Commissioner Maxwell-Gaines' motion and Commissioner Reyes' second on a 9-0 vote with Commissioners Navarro and Chair Turrieta absent.**
4. Recommend approval to negotiate and execute a cost participation agreement with MFMC – Burnet Austin Project Owner, LP for the City to reimburse the developer for an amount

not to exceed \$1,012,000 for costs associated with the design and construction of an oversized wastewater main and appurtenances related to Service Extension Request No. 5391R that will provide wastewater service to a proposed multi-family development located at 11911 Burnet Road. (District 7)

**Recommended by the Water and Wastewater Commission on Commissioner Maxwell-Gaines' motion and Commissioner Reyes' second on a 9-0 vote with Commissioners Navarro and Chair Turrieta absent.**

5. Recommend approval to negotiate and execute a contract to provide hydrologic consulting services with Hoffpauir Consulting PLLC, for up to five years, in an amount not to exceed \$1,300,000.  
**Recommended by the Water and Wastewater Commission on Commissioner Maxwell-Gaines' motion and Commissioner Reyes' second on a 9-0 vote with Commissioners Navarro and Chair Turrieta absent.**
6. Recommend approval to negotiate and execute a contract for sludge tank parts with National Oilwell Varco, LP for a term of one year in an amount not to exceed \$141,384.  
**Recommended by the Water and Wastewater Commission on Commissioner Maxwell-Gaines' motion and Commissioner Reyes' second on a 9-0 vote with Commissioners Navarro and Chair Turrieta absent.**
7. Recommend approval to negotiate and execute a contract for the application of diquat dibromide for root control with Duke's Root Control Inc., for a term of three years in an amount not to exceed \$439,484.  
**Recommended by the Water and Wastewater Commission on Commissioner Maxwell-Gaines' motion and Commissioner Reyes' second on a 9-0 vote with Commissioners Navarro and Turrieta absent.**
8. Recommend approval to execute a contract for valve assessments with Hydromax USA LLC, for a term of five years for a total contract amount not to exceed \$1,775,000.  
**Recommended by the Water and Wastewater Commission on Commissioner Maxwell-Gaines' motion and Commissioner Reyes' second on a 9-0 vote with Commissioners Navarro and Chair Turrieta absent.**
9. Recommend approval to execute a contract for construction services for the Northwest Austin Booster Stations Improvements with C.C. Carlton Industries, LTD, in the amount of \$8,940,800 plus a \$894,080 contingency for a total contract amount not to exceed \$9,834,880. (Districts 10, 8) **Recommended by the Water and Wastewater Commission on Commissioner Maxwell-Gaines' motion and Commissioner Angoori's second on a 9-0 vote with Commissioners Navarro and Turrieta absent.**
10. Recommend approval to execute a contract for underwater diving inspections with Chapman Marine Inc., for a term of five years for a total contract amount not to exceed \$1,085,000.  
**Recommended by the Water and Wastewater Commission on Commissioner Maxwell-Gaines' motion and Commissioner Reyes' second on a 9-0 vote with Commissioners Navarro and Chair Turrieta absent.**
11. Recommend approval of a resolution adopting a Drought Contingency Plan, as required by the Texas Commission on Environmental Quality and repealing Resolution No. 20160505-004.  
**Recommended by the Water and Wastewater Commission on Commissioner Maxwell-Gaines' motion and Commissioner Angoori's second on a 8-0 vote with Commissioner Reichert, Vice Chair Musgrove and Chair Turrieta absent.**
12. Recommend approval of a resolution adopting the Water Conservation Plan, as required by the Texas Commission on Environmental Quality, and repealing Resolution No. 20190411-002.  
**Recommended by the Water and Wastewater Commission on Commissioner Navarro's**

**motion and Commissioner Pandurangi's second on a 7-1 vote with Commissioner Moriarty voting no, and Commissioner Reichert, Vice Chair Musgrove and Chair Turrieta absent.**

13. Recommend approval to negotiate and execute an amendment to the contract for engineering services for the Fallwell Lane Capital Renewal Project with Halff Associates, Inc., in the amount of \$5,500,000, for a revised total contract amount not to exceed \$9,000,000. Recommended by the Water and Wastewater Commission on Commissioner Angoori's motion and Commissioner Reyes' second on an 8-0 vote with Commissioner Penn recusing and Commissioners Navarro and Chair Turrieta absent.
14. Conduct officer elections for the Chair and Vice Chair for the Water and Wastewater Commission.  
Vice-Chair Musgrove nominated to re-elect Susan Turrieta as Chair and accepted the nomination in absentia for the nominee. Chair Turrieta was re-elected on a 9-0 vote on Vice Chair Musgrove's motion and Commissioner Pandurangi's second with Commissioner Navarro and Chair Turrieta absent. Commissioner Angoori's nomination to re-elect Vice Chair Musgrove was declined by Vice Chair Musgrove. Commissioner Maxwell-Gaines was elected on his own nomination and motion with Commissioner Pandurangi's second on a 9-0 vote Commissioner Maxwell-Gaines abstaining and Chair Turrieta absent.
15. Appoint members to the 2024 Budget Committee.  
Commissioner Penn nominated Commissioners Angoori, Musgrove, Tuñón Sion and Turrieta who all accepted to serve on the Budget Committee.
16. Conduct officer elections for the Chair and Vice Chair for the Budget Committee.  
Commissioner Penn nominated to re-elect Susan Turrieta as Chair who accepted in absentia and was re-elected on a 10-0 vote on Commissioner Penn's motion and Commissioner Angoori's second with Chair Turrieta absent. Commissioner Pandurangi nominated Commissioner Tuñón Sion, who accepted the nomination and was elected Vice Chair to the Budget Committee on Commissioner Pandurangi's motion and Commissioner Maxwell-Gaines' second on a 10-0 vote with Chair Turrieta absent.

#### **STAFF BRIEFINGS**

17. Staff briefing on Austin's Drought Contingency Plan and Water Conservation Plan updates Austin Water Assistant Director of Environmental, Planning and Development Services, Kevin Critendon presented a briefing and answered questions.

#### **COMMITTEE UPDATES**

18. Update from the Joint Sustainability Committee meeting regarding conservation and sustainability initiatives – Commissioner Chris Maxwell-Gaines provided an update.
19. Update from Public Involvement Committee for Austin Water Cost of Service Study meeting regarding Austin Water's potential future rates and fees- Commissioner Jesse Penn provided an update.
20. Update from the Austin Integrated Water Resource Planning Community Task Force meeting regarding Water Forward Plan implementation and progress on plan updates – Commissioner William Moriarty provided an update.

#### **FUTURE AGENDA ITEMS**

Discussion of future agenda items – Commissioner Maxwell-Gaines requested a future briefing on the impact of the Environmental Protection Agency (EPA) rule on PFAS' impact on Austin Water.

**ADJOURNMENT**

Commissioner Penn adjourned the meeting at 7:23 p.m.

*The minutes were approved at the May 8, 2024 regular meeting on Vice Chair Maxwell-Gaines' motion and Commissioner Navarro's second on a 7-0 vote, with Commissioners Penn, Angoori, Musgrove and Tuñón Sion absent.*

## APPENDIX E: Resolution Adopting the 2024 Drought Contingency Plan

**RESOLUTION NO. 20240502-004**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

Council adopts the City of Austin Drought Contingency Plan, attached as Exhibit A, as required by the Texas Commission on Environmental Quality.

**BE IT FURTHER RESOLVED:**

Council repeals Resolution No. 20160505-004, which adopted a revised Drought Contingency Plan.

**ADOPTED:** May 2, 2024 **ATTEST:**



Myrna Rios  
City Clerk

## APPENDIX F: Transmittal Letter to Regional Planning Group

**From:** [Reynolds, Eric](#)  
**To:** [Stacy.Pandey@LCRA.ORG](#); [Annette.Kearney@LCRA.ORG](#)  
**Cc:** [Kluge, Kevin](#); [Fraley, Jason](#)  
**Subject:** City of Austin 2024 updated DCP and WCP  
**Date:** Friday, May 24, 2024 6:35:00 PM  
**Attachments:** [2024 DCP Final\\_5.24.24.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[2024 WCP Final.pdf](#)

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Hello Stacy and Annette,

Attached are the 2024 Drought Contingency Plan, which updates the previously adopted 2016 Drought Contingency Plan, and 2024 Utility Profile & Water Conservation Plan, which updates the previously adopted 2019 Utility Profile & Water Conservation Plan. Both plans were developed by the City of Austin to fulfill Texas Commission on Environmental Quality (TCEQ) requirements for retail and wholesale water providers as outlined in the Texas Administrative Code Title 30, Chapter 288. These plans were approved by the Austin City Council on May 2, 2024, and are being forwarded to TCEQ, and Texas Water Development Board (TWBD).

If you have any questions on the attached plans, please feel free contact our Division Manager, Kevin Kluge at (512) 972-0400 or myself at (512) 972-0348.



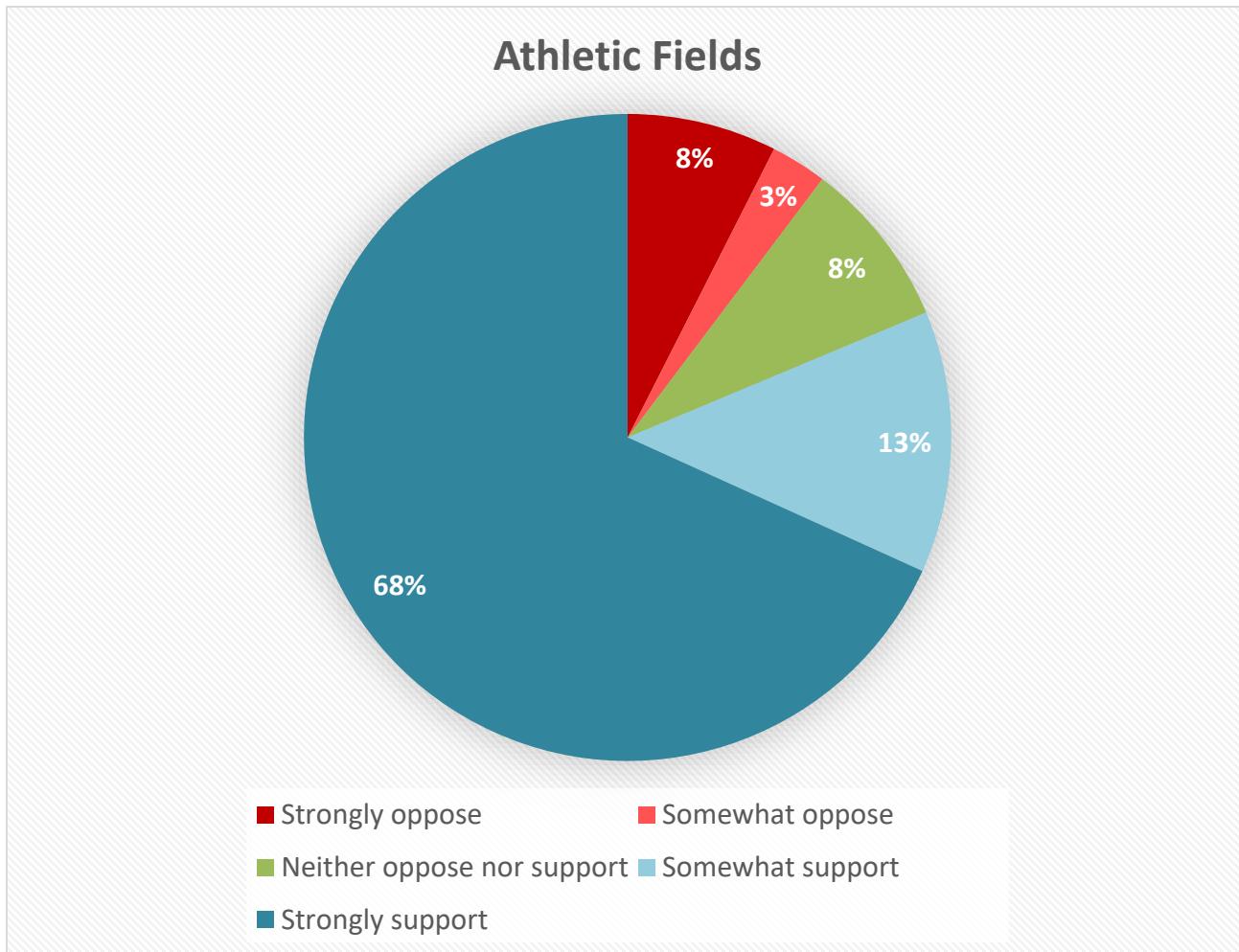
Eric Reynolds  
(he/him/his)  
Code Review Analyst  
[Austin Water](#) | City of Austin  
Office: 512-972-0348



## APPENDIX G: Public Response to November 2023 Survey

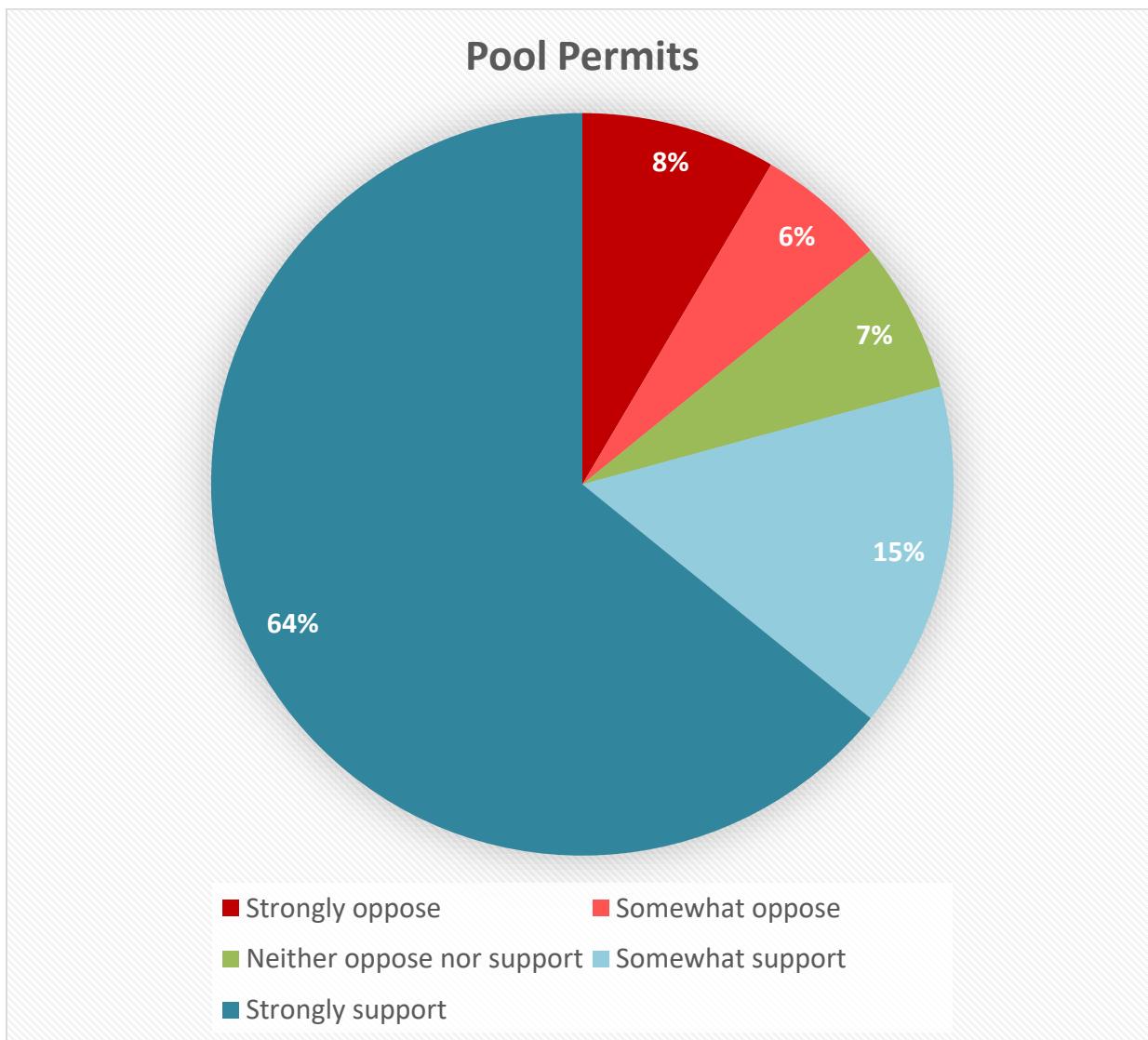
**PROPOSED CHANGE:** Remove athletic field irrigation exemption for Drought Response Stage 2 and above. Currently there are no day or time restrictions for athletic field watering, regardless of drought stage. This change proposes that in times of serious drought, athletic fields can only water on the one-day per week schedule unless they have an approved variance.

Athletic Fields		
Strongly oppose	8	7.5%
Somewhat oppose	3	2.8%
Neither oppose nor support	9	8.4%
Somewhat support	14	13.1%
Strongly support	73	68.2%
<b>Total Respondents</b>	<b>107</b>	



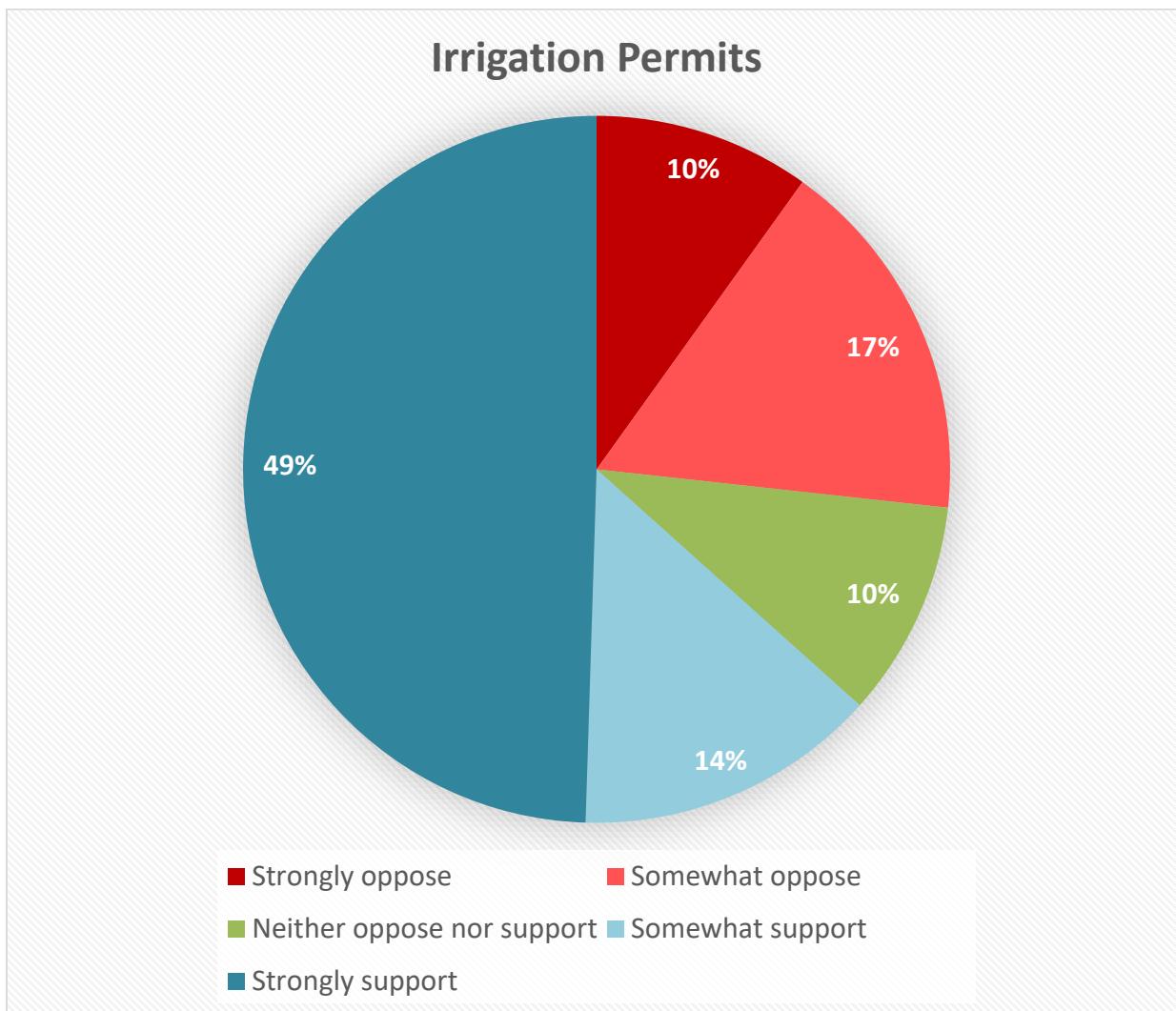
**PROPOSED CHANGE:** Pause on approving new single-family pool permits. During Drought Stage 4 or emergency water restrictions, the City of Austin would temporarily pause issuing permits for new pools until the return to Drought Stage 3 or lower.

Pool Permits		
	Total Respondents	
Strongly oppose	9	8.5%
Somewhat oppose	6	5.7%
Neither oppose nor support	7	6.6%
Somewhat support	16	15.1%
Strongly support	68	64.2%
	<b>Total Respondents</b>	<b>106</b>



**PROPOSED CHANGE:** Pause on approving new irrigation permits. During Drought Stage 4 or emergency water restrictions, the City of Austin would temporarily pause issuing permits for new irrigation systems until the return to Drought Stage 3 or lower.

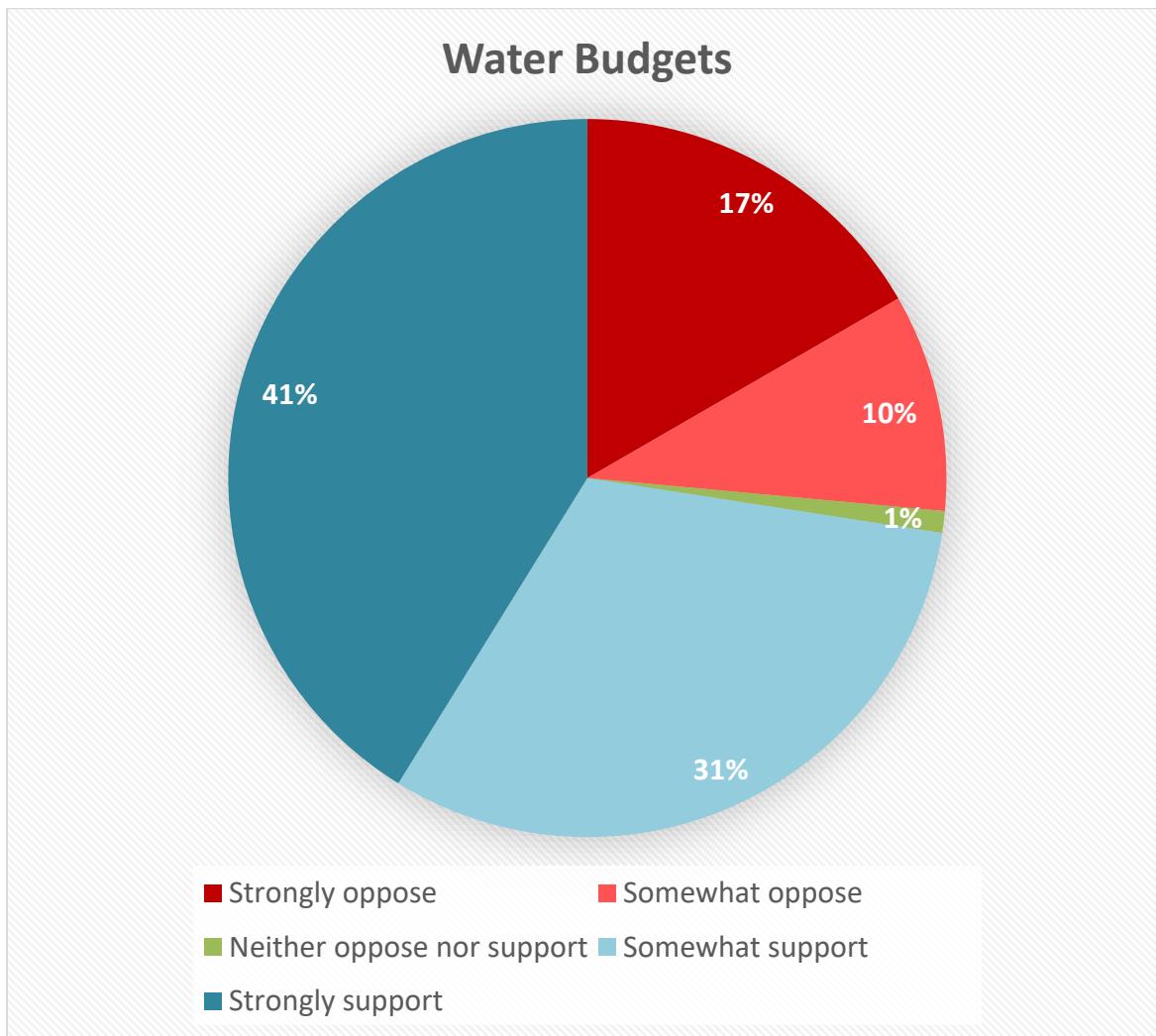
Irrigation Permits		
	Total Respondents	
Strongly oppose	10	9.9%
Somewhat oppose	17	16.8%
Neither oppose nor support	10	9.9%
Somewhat support	14	13.9%
Strongly support	50	49.5%
	<b>Total Respondents</b>	<b>101</b>



**PROPOSED CHANGE:** Mandatory water budgeting. During Drought Stage 4 and emergency water restrictions, residential, multi-family, commercial and industrial customers would be subject to mandatory water budgets. Those who go over their water budget amounts would be given an initial warning, followed by a possible penalty.

Austin Water did not recommend this proposed change due to logistical barriers of implementing and operating mandatory water budgets at this time.

Water Budgets		
	Total Respondents	
Strongly oppose	17	16.7%
Somewhat oppose	10	9.8%
Neither oppose nor support	1	1.0%
Somewhat support	32	31.4%
Strongly support	42	41.2%
<b>Total Respondents</b>		<b>102</b>



**PROPOSED CHANGE:** Suspend requirement for new landscaping at newly constructed buildings in order to obtain a Certificate of Occupancy once we enter into Drought Response Stage 3 and above. When our water supply falls below 37% newly built properties can post a bond instead of installing new landscaping. Builders would have to wait until a return to Drought Stage 2 or lower to establish landscapes.

Austin Water did not recommend this proposed change due to the risk of market fluctuations between the point of bond and a property being allowed to install new landscape could lead to the bond no longer being sufficient to cover the cost of installation.

Landscape Bond		
Strongly oppose	10	9.3%
Somewhat oppose	7	6.5%
Neither oppose nor support	7	6.5%
Somewhat support	27	25.0%
Strongly support	57	52.8%
<b>Total Respondents</b>	<b>108</b>	

