

**ORDINANCE NO. 20070809-002**

**AN ORDINANCE AMENDING CHAPTER 6-4 OF THE CITY CODE RELATING TO WATER USE MANAGEMENT.**

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

**PART 1.** Section 6-4-3 (*Administrative Guidelines*) of the City Code is amended to read:

**§ 6-4-3 ADMINISTRATIVE RULES [GUIDELINES].**

- (A) The director shall adopt administrative rules [guidelines] for the implementation of this chapter. [~~article. The guidelines are effective when approved by the Water and Wastewater Commission and the Resource Management Commission~~].
- (B) Before the director may adopt or amend a rule, the director shall present the proposed rule to the Water and Wastewater Commission and the Resource Management Commission.
- (C) The rules shall provide for designated outdoor water use days.
- (D) The rules shall be available for inspection at the Austin Water Utility administrative offices during normal business hours.

**PART 2.** Section 6-4-51 (*Definitions*) of the City Code is amended to read:

**§ 6-4-51 DEFINITIONS.**

In this article:

- (1) COMMERCIAL FACILITY means a site with five or more dwelling units, or a civic, commercial, or industrial building and the associated landscaping.
- (2) [(+)] DIRECTOR means the director of the Austin Water Utility.
- (3) DESIGNATED OUTDOOR WATER USE DAY means the day prescribed by rule on which [an owner] a person is permitted to irrigate outdoors [~~water under the city manager's water conservation guidelines~~].

(4) ~~[(2)]~~ NEW LANDSCAPE means vegetation:

- (a) installed at the time of the construction of a residential or commercial facility ~~[of a new house, multi family building, or commercial building];~~
- (b) installed as part of a governmental entity's capital improvement project; or
- (c) that alters more than one-half of the area of an existing landscape.

(5) RESIDENTIAL FACILITY means a site with four or fewer dwelling units.

**PART 3.** Section 6-4-61 (*Water Conservation Guidelines*) of the City Code is amended to read:

**§ 6-4-61 WATER CONSERVATION GUIDELINES.**

(A) The director shall recommend and the city manager shall adopt water conservation guidelines~~[-]~~ that

~~[(B) The guidelines shall]~~ include:

- (1) policies for compliance by city departments; and
- (2) the criteria for determining when a conservation stage takes effect or terminates. ~~[; and~~
- ~~(3) a system designating allowed days for outdoor water use by customers.]~~

(B) ~~[(C)]~~ The city manager shall update the guidelines if the city manager determines that changed conditions of the city's water supply system require the update.

~~[(D) The guidelines shall be available for inspection at the Austin Water Utility administrative offices during normal business hours.]~~

**PART 4.** Section 6-4-63 (*Permanent Water Use Restrictions*) of the City Code is amended to read:

**§ 6-4-63 PERMANENT WATER USE RESTRICTIONS.**

- (A) This section prescribes permanent water conservation regulations and applies year-round.
- (B) A person may not irrigate outdoors at a commercial facility except on a designated outdoor water use day, or as provided in Subsection (E).
- (C) A person may not irrigate outdoors using a permanently installed automatic irrigation system between the hours of 10:00 a.m. and 7:00 p.m., except as necessary to make repairs required under Subsection (D) or as provided in Subsection (E).
- (D) A person may not:
  - (1) fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
  - (2) operate a permanently installed irrigation system with:
    - (a) a broken head;
    - (b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or
    - (c) a head that is misting because of high water pressure; or
  - (3) during irrigation, allow water:
    - (a) to run off a property and form a stream of water in a street for a distance of 50 feet or great; or
    - (b) to pond in a street or parking lot to a depth greater than one-quarter of an inch.
- (E) Subsections (B) and (C) do not apply to irrigation:
  - (1) of new landscape during installation and for one week after installation is complete if the owner provides notice in the form prescribed in the rules at least one day before installation;
  - (2) during repair or testing of a new or existing irrigation system if the person performing the testing is present; or

(3) to water nursery stock at a commercial plant nursery.

**PART 5.** Section 6-4-64 (*Water Conservation Stage One Regulations*) of the City Code is amended to read:

**§ 6-4-64 WATER CONSERVATION STAGE ONE REGULATIONS.**

- (A) This section prescribes water conservation stage one regulations and ~~[-~~
- ~~(B) — This section~~ applies during the time periods prescribed by Section 6-4-62(A) ~~[6-4-62]~~ (*Effective Dates Of Conservation Stages*).
- (B) ~~[(C)]~~ Except as provided in Subsection (D), a person may not irrigate outdoors at a residential facility or a commercial facility ~~[using a permanently installed automatic irrigation system]~~ between the hours of 10:00 a.m. and 7:00 p.m.
- (C) A person may not irrigate outdoors at a residential facility except on a designated outdoor water use day, or as provided in Subsection (D).
- (D) Subsections ~~[Subsection]~~ (B) and (C) do ~~[does]~~ not apply to irrigation:
- (1) using a hand-held hose or hand-held bucket ~~[at a single family, duplex, triplex, or fourplex residence];~~
  - (2) of a new landscape during installation and for one week after installation is complete if the owner provides ~~[complete]~~ notice in the form prescribed ~~[established]~~ in the rules ~~[water conservation guidelines to the director]~~ at least one day before installation; ~~[:]~~
    - ~~[(a) — during the landscape installation; and]~~
    - ~~[(b) — during the first seven days after installation is complete;]~~
  - (3) during repair or testing of a new or existing irrigation system if the person performing the testing is present; or
  - (4) to water nursery stock at a commercial plant nursery.

**PART 6.** Section 6-4-65 (D) (*Water Conservation Stage Two Regulations*) of the City Code is amended to read:

- (D) The designated ~~[allowed days for]~~ outdoor water use days in the rules ~~[water conservation guidelines]~~ do not apply to a customer who uses ~~[treated wastewater effluent or raw water]~~ reclaimed water.

**PART 7.** Section 6-4-66 (B) (*Water Conservation Stage Three Regulations*) of the City Code is amended to read:

- (B) This section applies during a time period ordered by the city manager in accordance with Section 6-4-62 (*Effective Dates of Conservation Stages*). During stage three, stage two water use management regulations in Section 6-4-65 (*Water Conservation State Two Regulations*) also apply.

**PART 8.** Section 6-4-66 (C) (*Water Conservation Stage Three Regulations*) of the City Code is amended to read:

- (C) This section does not apply to a person who uses [~~treated wastewater effluent or raw water~~] reclaimed water.

**PART 9.** This ordinance takes effect on October 1, 2007.

**PASSED AND APPROVED**

_____, 2007	§ § § _____ Will Wynn Mayor
APPROVED: _____ David Allan Smith City Attorney	ATTEST: _____ Shirley A. Gentry City Clerk