

**ORDINANCE NO 20070927-006**

**AN ORDINANCE AMENDING CHAPTER 6-4 OF THE CITY CODE AND  
REPEALING PARTS 4, 5, 6, AND 8 OF ORDINANCE NO 20070809-002  
RELATING TO WATER USE MANAGEMENT**

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

**PART 1** Section 6-4-53 (*Applicability*) of the City Code is amended to read

**§ 6-4-53 APPLICABILITY**

This article applies to a person who uses or allows the use of water, other than reclaimed water, supplied by Austin Water Utility

**PART 2** Section 6-4-54 (*Compliance Required*) of the City Code is amended to read

**§ 6-4-54 COMPLIANCE REQUIRED**

A person may not [~~knowingly~~] use or permit the use of water in a manner that conflicts with the requirements of this article in an amount greater than permitted by this article

**PART 3** 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 on a day other than a designated water use day, except
  - (1) at a golf course, or
  - (2) 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) during repair or testing of a new or existing irrigation system if the person performing the testing is present,
  - (2) of nursery stock at a commercial plant nursery, or
  - (3) of an athletic field used for organized sports if
    - (a) the irrigation is for dust abatement purposes, and
    - (b) the owner submits to the City a dust abatement exemption application on a form prescribed by rule

**PART 4** 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, if the owner provides complete notice in the form established in the water conservation guidelines to the director at least one day before installation~~
    - (a) ~~during landscape installation, and~~
    - (b) ~~during the first seven days after installation is complete,]~~
  - (2) [(3)] during repair or testing of a new or existing irrigation system if the person performing the testing is present, [or]
  - (3) [(4)] of [to] water nursery stock at a commercial plant nursery, or [-]
  - (4) of an athletic field used for organized sports if
    - (a) the irrigation is for dust abatement purposes, and
    - (b) the owner submits to the City a dust abatement exemption application on a form prescribed by rules

**PART 5** Section 6-4-65 (*Water Conservation Stage Two Regulations*) is amended to amend Subsection (E) to read as follows, delete Subsections (D), (G), and (M), and reletter the remaining subsections accordingly

(D) ~~[(E)]~~ This subsection prescribes requirements for outdoor irrigation, excluding watering nursery stock at a commercial plant nursery

- (1) A person may not irrigate outdoors, except
  - (a) with a hand-held hose or a hand-held bucket at any time,
  - (b) with a hose-end sprinkler, a soaker hose, or drip irrigation, from 12 00 a m to 10 00 a m and from 7 00 p m to 12 00 a m on a designated outdoor water use day, or
  - (c) with a permanently installed automatic irrigation system from 12 00 a m to 10 00 a m on a designated outdoor water use day, ~~[, or]~~

~~(d) in accordance with a variance granted by the director, if the director determines that a property cannot be completely watered with an average of three quarters of an inch of water in a single day and that the property should be divided into sections to be watered on different days }~~

(2) ~~[This paragraph prescribes requirements for irrigating new landscape~~

~~(a) ]~~ A [a] person may not irrigate new landscape, unless

(a) ~~(+)~~ the person provides a completed notice in the form established in the water conservation guidelines to the director at least one day before the landscape is installed, and

(b) ~~(+)~~ the person irrigates with a hose-end sprinkler, a soaker hose, or drip irrigation only from 12 00 a m to 10 00 a m and from 7 00 p m to 12 00 a m on a designated outdoor water use day, or with an automatic irrigation system from 12 00 a m to 10 00 a m on a designated outdoor water use day

~~[(b) The director may grant a variance from Subparagraph (a) if the director determines that a new landscape does not have an underground irrigation system and cannot feasibly be watered before 10 00 a m or after 7 00 p m. If the director grants a variance, a person may water not more than three quarters inch between 10 00 a m and 7 00 p m if the person~~

~~(i) uses a hose timer or is on-site during the irrigation, and~~

~~(ii) complies with the following schedule~~

~~1 for the first 10 days after installation, watering is permitted every day,~~

~~2 for day 11 through day 20 after installation, watering is permitted every other day, and~~

~~3 for day 21 through day 30 after installation, watering is permitted every third day }~~

**PART 6** Section 6-4-81 (*Variance*) of the City Code is amended to read

## **§ 6-4-81 VARIANCE**

- (A) ~~[Except as provided in Subsection (B), the]~~ The director may grant a variance from a requirement of this article if the director determines that special circumstances exist and that compliance with this article
- (1) adversely affects the health, sanitation, or fire protection of the public or the applicant, ~~[or]~~
  - (2) adversely affects pesticide or fertilizer application, or
  - (3) substantially threatens the applicant's primary source of income
- (B) The director may grant a variance to Section 6-4-63 (Permanent Water Use Restrictions), Section 6-4-64 (Water Conservation Stage One Regulations), or Section 6-4-65 (Water Conservation Stage Two Regulations) if the director determines ~~[from a requirement of Subsections 6-4-65(E) or 6-4-65(G) (Water Conservation Stage Two Regulations) in accordance with the applicable subsection]~~
- (1) that a property cannot be completely watered with an average of three-quarters of an inch of water in a single day and that the property should be divided into sections to be watered on different days,
  - (2) that a property is a newly installed landscape, or
  - (3) that a property is used as an athletic field that can not feasibly be watered on the designated day
- (C) A variance granted under Subsection (B)(2) must include the following conditions
- (1) the applicant may water a newly installed landscape no more than three-quarters of an inch, and
  - (2) watering must comply with the following schedule
    - (a) for the first 10 days after installation, watering is permitted daily,
    - (b) for the 11<sup>th</sup> through 20<sup>th</sup> days after installation, watering is permitted every other day before 10 00 a m and after 7 00 p m, and
    - (c) for the 21<sup>st</sup> through 30<sup>th</sup> days after installation, watering is permitted every third day before 10 00 a m and after 7 00 p m

~~(D)~~~~(C)~~ A person may seek a variance by filing an application with the director. The director may require the applicant to provide information the director determines is necessary to evaluate the variance request.

~~(E)~~~~(D)~~ If the director approves a variance, the applicant shall keep a copy of the approval in a location on the affected property that is accessible and visible to the public.

**PART 7** Section 6-4-92 (*Penalty*) of the City Code is amended to read

**§ 6-4-92 PENALTY**

(A) A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter. Each instance of a violation of this chapter is a separate offense.

~~(B) [Proof of a culpable mental state is not required for a conviction of an offense under this chapter.]~~

~~(C)~~ An offense under this chapter is a Class C misdemeanor, punishable by\_

(1) a fine not to exceed \$500, or

(2) if the person acts with criminal negligence, a fine not to exceed \$2,000

~~(C)~~ Proof of a higher degree of culpability than criminal negligence constitutes proof of criminal negligence

(D) Prosecution of an offense and enforcement of other remedies under this chapter are cumulative.

~~[(D) For repeat violations of this chapter, the director may disconnect or restrict water service.]~~

~~(E) If a person is irrigating during a time period or on a day when irrigation is not permitted for the person's street address, and a City employee cannot find a person at that address to turn off the irrigation system, the City employee may turn off an accessible irrigation system.]~~

**PART 8** Section 15-9-37 (D) (*Customer s Responsibilities*) of the City Code is amended to read

(D) A customer shall

(1) maintain the customer's property to allow verification of the service address of the premises from the street, and

- (2) provide the City, its agents, contractors, and employees safe and unobstructed access to the customer's property to allow the City to
  - (a) use, maintain, remove, or replace City property,
  - (b) read a utility meter,
  - (c) trim or remove a tree or shrubbery that interferes with or creates a danger to a utility line or other City utility equipment,
  - (d) remove an object that interferes with or creates a danger to a utility line or other City utility equipment,
  - (e) inspect wiring, a plumbing system, a backflow method or assembly, or other equipment on a new or remodeled installation,
  - (f) turn off an irrigation system if the customer is irrigating on a day or time prohibited under Chapter 6-4 (Water Conservation) and the customer cannot be located,
  - (g) ~~(f)~~ sample a wastewater discharge,
  - (h) ~~(g)~~ obtain a water or reclaimed water sample, and
  - (i) ~~(h)~~ take other action related to supplying service to the customer

**PART 9** Section 15-9-101(B) (*Basis for Termination of Service*) of the City Code is amended to read

- (B) The City may disconnect a customer's utility service after notifying the customer, if
  - (1) the customer fails to
    - (a) visibly post the service address on a structure or meter location,
    - (b) pay a delinquent utility account balance,
    - (c) comply with the terms of a deferred payment agreement,
    - (d) comply with credit security requirements,
    - (e) connect to the City's distribution or collection facilities as required by Section 15-9-173 (Relocation of City Distribution or Collection Facility), or
    - (f) comply with Section 15-9-37 (Customer's Responsibilities), or

(g) comply with Chapter 6-4 (Water Conservation), or

- (2) the customer installs or operates equipment that interferes with utility service to another person

**PART 10** Ordinance No 20070809-002, Part 4, Part 5, Part 6, and Part 8 are repealed

**PART 11** This ordinance takes effect on October 8, 2007

**PASSED AND APPROVED**

\_\_\_\_\_  
September 27, 2007

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST** \_\_\_\_\_  
Shirley A Gentry  
City Clerk