

CHAPTER 6-4. WATER CONSERVATION.**ARTICLE 1. PLUMBING FIXTURE RETROFIT.****Division 1. General Provisions.**

- § [6-4-1](#) Definitions
- § [6-4-2](#) Applicability
- § [6-4-3](#) Administrative Rules

Division 2. Plumbing Fixture Requirements.

- § [6-4-11](#) Showers
- § [6-4-12](#) Toilets
- § [6-4-13](#) Faucets

Division 3. Inspection.

- § [6-4-21](#) Inspection
- § [6-4-22](#) Right of Entry

ARTICLE 2. WATER USE MANAGEMENT.**Division 1. General Provisions.**

- § [6-4-51](#) Definitions
- § [6-4-52](#) Water Use Management Plan Established
- § [6-4-53](#) Applicability
- § [6-4-54](#) Compliance Required

Division 2. Water Use Guidelines and Restrictions.

- § [6-4-61](#) Water Conservation Guidelines
- § [6-4-62](#) Effective Dates of Conservation Stages
- § [6-4-63](#) Permanent Water Use Restrictions

- § [6-4-64](#) Water Conservation Stage One Regulations
- § [6-4-65](#) Water Conservation Stage Two Regulations
- § [6-4-66](#) Water Conservation Stage Three Regulations

Division 3. Additional Restrictions.

- § [6-4-71](#) Director's Authority to Impose Additional Restrictions
- § [6-4-72](#) Additional Restrictions During Long-term Water Supply Shortages

Division 4. Variances; Alternative Compliance.

- § [6-4-81](#) Variance
- § [6-4-82](#) Expiration of Variance
- § [6-4-83](#) Alternative Compliance

ARTICLE 3. ENFORCEMENT.

- § [6-4-91](#) Presumption of Violation
- § [6-4-92](#) Penalty

ARTICLE 1. PLUMBING FIXTURE RETROFIT.

Division 1. General Provisions.

§ 6-4-1 DEFINITIONS.

In this article:

- (1) DIRECTOR means the department director designated by the city manager.
- (2) OWNER means a person with a freehold interest in a facility to which this article applies.

Source: 1992 Code Section 4-2-3; Ord. 031023-10; Ord. 031211-11; Ord. 20060504-039.

§ 6-4-2 APPLICABILITY.

(A) Except as provided in Subsection (B), this article applies to a facility if:

- (1) the facility or the individual tenants or users of the facility are city water utility customers;
- and
- (2) the facility is:

- (a) an apartment complex with five or more rental units;
- (b) a commercial building;
- (c) a hotel or motel;
- (d) a health or fitness center;
- (e) a school or day care center; or
- (f) a shopping center or mall.

(B) This article does not apply to:

- (1) a single-family residence; or
- (2) a facility:

(a) equipped with water-conserving plumbing fixtures that meet plumbing fixture specifications approved by the director;

(b) if the director determines that the facility's plumbing fixtures cannot be retrofitted to achieve further water use reduction;

(c) if the director determines, based on an affidavit submitted to the director, that water use reduction at the facility would threaten public health or safety; or

(d) if the director determines that the facility cannot recover the cost of retrofitting for water use reduction within a two-year period.

Source: 1992 Code Sections 4-2-2, 4-2-15, 4-2-16, and 4-2-17; Ord. 031023-10; Ord. 031211-11.

§ 6-4-3 ADMINISTRATIVE RULES.

(A) The director shall adopt administrative rules for the implementation of this chapter.

(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.

Source: 1992 Code Section 4-2-4; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002.

Division 2. Plumbing Fixture Requirements.

§ 6-4-11 SHOWERS.

An owner shall install and maintain in each shower a showerhead that:

- (1) is designed to provide dispersed and reduced water flow and automatically clean debris from its water channels or pores;
- (2) has an adjustable spray that produces a water cone not more than 42 inches wide in a six and one-half foot vertical drop;
- (3) has a maximum flow rate of three gallons a minute at an inlet water pressure of between 20 and 80 pounds per square inch, measured with the adjustable spray in the fully opened position; and
- (4) resists damage by water heated to 160 degrees Fahrenheit with an inlet water pressure of 125 pounds per square inch.

Source: 1992 Code Sections 4-2-3 and 4-2-15; Ord. 031023-10; Ord. 031211-11.

§ 6-4-12 TOILETS.

(A) Except as provided in Subsection (B), an owner shall install and maintain in each toilet or urinal:

(1) a flush tank water saver that:

(a) serves as a dam to withhold part of the flush tank water that would otherwise drain into the bowl on flushing;

(b) consists of a flexible, double-edged panel made of rubber encased, epoxy coated spring steel to adapt to different tank sizes;

(c) does not reduce the height of the water in the tank; and

(d) reduces water use:

(i) of a toilet to not more than 3.5 gallons for each flush; or

(ii) of a urinal to not more than 3.0 gallons for each flush; or

(2) a flush valve water saver that:

(a) is installed in the flush valve of a commercial toilet or urinal to shorten the flush cycle and reduce the volume of water flow during flush;

(b) fits between the cover and the flat part of the relief valve of a flush valve;

(c) does not affect the cleansing action; and

(d) reduces water use:

(i) of a toilet to not more than 3.0 gallons for each flush; or

(ii) of a urinal to not more than 1.0 gallon for each flush.

(B) The director may approve the installation of other toilet or urinal water conservation devices in accordance with administrative guidelines adopted under Section [6-4-3](#) (*Administrative Guidelines*).

Source: 1992 Code Sections 4-2-3 and 4-2-16; Ord. 031023-10; Ord. 031211-11.

§ 6-4-13 FAUCETS.

(A) An owner shall install and maintain in each lavatory or kitchen faucet:

- (1) an aerator that reduces flow by introducing air bubbles into the water stream;
- (2) a flow restrictor that reduces the opening through which water passes; or
- (3) a spray tap that delivers water in a broad pattern of droplets.

(B) The water flow of a lavatory or kitchen faucet may not exceed 2.75 gallons a minute with an inlet water pressure between 20 and 80 pounds per square inch, measured with both hot and cold water supply valves in the fully open position.

Source: 1992 Code Sections 4-2-3 and 4-2-17; Ord. 031023-10; Ord. 031211-11.

Division 3. Inspection.

§ 6-4-21 INSPECTION.

(A) The director may:

- (1) conduct an inspection to determine whether a facility complies with this article; and
- (2) require an owner to correct a violation of this article.

(B) Conducting or failing to conduct an 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: 1992 Code Section 4-2-30; Ord. 031023-10; Ord. 031211-11.

§ 6-4-22 RIGHT OF ENTRY.

(A) A City employee may enter a facility or premise during regular business hours to perform an inspection or duty under this article if the employee has reasonable cause to believe that a violation of this article exists and that the entry is necessary to enforce this article.

(B) If a facility or premise is occupied, the employee shall present the employee's credentials to an adult and request entry.

(C) If a facility or premise is not occupied, the employee shall make a reasonable effort to contact a responsible person and request entry.

(D) If entry is refused or the employee is unable to contact a responsible person to request entry, the employee requesting entry may seek recourse to available law to obtain entry.

Source: 1992 Code Section 4-2-31; Ord. 031023-10; Ord. 031211-11.

ARTICLE 2. WATER USE MANAGEMENT.

Division 1. General Provisions.

§ 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 a person is permitted to irrigate outdoors.

(4) **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; 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.

Source: 1992 Code Section 4-2-54; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002.

§ 6-4-52 WATER USE MANAGEMENT PLAN ESTABLISHED.

This article establishes a water use management plan.

Source: 1992 Code Section 4-2-50; Ord. 031023-10; Ord. 031211-11.

§ 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.

Source: 1992 Code Section 4-2-53; Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

§ 6-4-54 COMPLIANCE REQUIRED.

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

Source: 1992 Code Section 4-2-60(A); Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

Division 2. Water Use Guidelines and Restrictions.

§ 6-4-61 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 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 require the update.

Source: 1992 Code Section 4-2-60(B); Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002.

§ 6-4-62 EFFECTIVE DATES OF CONSERVATION STAGES.

(A) Except as provided in Subsection (B), Section [6-4-64](#) (*Water Conservation Stage One Regulations*) is effective:

- (1) May 1 through September 30; and
- (2) during other time periods as determined by the director.

(B) The city manager may order that the water use restrictions of Section [6-4-65](#) (*Water Conservation Stage Two Regulations*), Section [6-4-66](#) (*Water Conservation Stage Three Regulations*), or Section [6-4-72](#) (*Additional Restrictions During Long-Term Water Supply Shortages*) take effect or terminate after determining that the order is necessary to protect the public health, safety, or welfare. The order is effective when announced publicly.

(C) The director shall monitor the daily supply and demand for water and recommend to the city manager whether to implement or terminate water use restrictions.

Source: 1992 Code Sections 4-2-52, 4-2-60(B), and 4-2-76; Ord. 031023-10; Ord. 031211-11.

§ 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 greater; 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.

Source: 1992 Code Section 4-2-61; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

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

(A) This section prescribes water conservation stage one regulations and applies during the time periods prescribed by Section [6-4-62\(A\)](#) (*Effective Dates of Conservation Stages*).

(B) Except as provided in Subsection (D), 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.

(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 (B) and (C) do not apply to irrigation:

- (1) using a hand-held hose or hand-held bucket;
- (2) during repair or testing of a new or existing irrigation system if the person performing the testing is present;
- (3) of 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.

Source: 1992 Code Section 4-2-62; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

§ 6-4-65 WATER CONSERVATION STAGE TWO REGULATIONS.

(A) This section prescribes stage two water use management regulations.

(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*).

(C) This section does not apply to:

- (1) necessary use of water, other than for landscape irrigation, by a governmental entity performing a governmental function, including for a capital improvement construction project;
- (2) necessary use of water, other than for landscape irrigation, for land development including roadway base preparation, flushing a utility line, dust control, concrete or asphalt work, and building construction, provided that if reclaimed water is available within one mile of the construction site, reclaimed water must be used for roadway base preparation and dust control;
- (3) necessary use of water for repair of a water distribution facility, residential and commercial plumbing, or a permanently installed landscape irrigation system; or
- (4) use of water in accordance with a variance approved by the director.

(D) 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.

(2) 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.

(E) This subsection prescribes requirements for washing an automobile, truck, trailer, boat, airplane, or other mobile equipment.

(1) A person may not wash a vehicle or mobile equipment, except on a designated outdoor water use day from 12:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 12:00 a.m.

(2) A person who washes a vehicle or mobile equipment must use a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle.

(3) A person may not conduct or participate in a charity car wash.

(4) A person commits a separate offense for each vehicle or piece of equipment washed in violation of the terms and conditions of this restriction.

(5) This subsection does not apply to a commercial carwash if:

(a) in-bay, hand-held spray wash equipment, including a spray wand or foaming brush, does not use more than 3.0 gallons of water a minute and has a trigger shutoff;

(b) portable pressure wash equipment with a spray nozzle does not use more than 3.5 gallons of water a minute and has a trigger shutoff;

(c) a conveyor friction system does not use more than 20 gallons for each vehicle;

(d) a conveyor touchless system does not use more than 40 gallons for each vehicle;

(e) a rollover automatic system does not use more than 45 gallons for each vehicle;

(f) each chamois wringer has a positive shutoff valve; and

(g) a system using reverse osmosis rinse water reclaims and reuses reject water, and the reject water is not discharged into a sanitary sewer.

(6) This subsection does not apply if washing the vehicle is necessary to protect the health,

safety, or welfare of the public.

(F) A person may not use an automatic fill valve to add water to an outdoor swimming, wading pool, or pond.

(G) A person may not operate an outdoor ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic species. A person may not fill, refill, or add water to an indoor fountain.

(H) A person may not irrigate a golf fairway, except on a designated outdoor water use day from 12:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 12:00 a.m. A person may irrigate a golf course green or tee every other day if the person files a plan with the director establishing the irrigation schedule.

(I) A person may not wash a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area, except to alleviate an immediate health or safety hazard.

(J) A restaurant may not serve water to a customer except when requested by the customer.

Source: 1992 Code Section 4-2-63; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

§ 6-4-66 WATER CONSERVATION STAGE THREE REGULATIONS.

(A) This section prescribes stage three water use management regulations.

(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 Stage Two Regulations*) also apply.

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

(D) A person may not irrigate vegetation outdoors, except:

(1) with a hand-held hose or hand-held watering can from 6:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. on a designated outdoor water use day; or

(2) at a commercial plant nursery with a hand-held hose, hand-held watering can, or drip irrigation system.

(E) A person may not wash an automobile, truck, trailer, boat, airplane, or other mobile equipment. This prohibition does not apply if the washing is necessary to alleviate an immediate threat to public health, safety, or welfare, but a person may use a commercial car wash or commercial service station for this purpose only between 12:00 p.m. and 5:00 p.m.

(F) This subsection prescribes requirements for foundation watering.

(1) A person may not water the ground around a foundation to prevent foundation cracking except on a designated outdoor water use day from 12:00 a.m. to 10:00 a.m.

(2) The director may grant a variance to Paragraph (1) if the director determines that additional

watering is necessary to prevent foundation cracking. If the director grants a variance, a person may water a foundation:

(a) during the time period prescribed by Paragraph (1); and

(b) on the second day after time period prescribed by Paragraph (1) from 12:00 a.m. to 10:00 a.m. using a soaker hose or drip system placed within 24 inches of the foundation that does not produce a spray of water above the ground.

(G) A person may not operate an outdoor ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic species.

(H) A person may not add potable water to a swimming pool, wading pool, fountain, or pond.

(I) A person may not begin the installation of new landscape.

(J) A person may not wash a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area, except to alleviate an immediate health or safety hazard.

(K) A restaurant may not serve water to a customer except when requested by the customer.

Source: 1992 Code Section 4-2-64; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

Division 3. Additional Restrictions.

§ 6-4-71 DIRECTOR'S AUTHORITY TO IMPOSE ADDITIONAL RESTRICTIONS.

(A) The director may implement mandatory water restrictions in addition to those prescribed by [Division 2](#) (*Water Use Guidelines And Restrictions*) to protect the public health and safety in the event of an unusual water system operational event, catastrophic occurrence, or severe weather event.

(B) The director may implement mandatory restrictions, immediately effective, by public announcement.

Source: 1992 Code Section 4-2-70; Ord. 031023-10; Ord. 031211-11.

§ 6-4-72 ADDITIONAL RESTRICTIONS DURING LONG-TERM WATER SUPPLY SHORTAGES.

(A) This section applies if the city manager determines that:

(1) the available capacity of the Highland Lakes Reservoir is less than the anticipated demand;
or

(2) the combined water storage levels of Lakes Travis and Buchanan are less than 681,000 acre-feet.

(B) The city manager may:

(1) prohibit outdoor watering, except with treated wastewater effluent, raw water, well water, storm water, or stored rainwater; or

(2) 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.

Source: 1992 Code Section 4-2-71; Ord. 031023-10; Ord. 031211-11.

Division 4. Variances; Alternative Compliance.

§ 6-4-81 VARIANCE.

(A) 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;
- (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:

- (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 cannot 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 11th through 20th days after installation, watering is permitted every other day before 10:00 a.m. and after 7:00 p.m.; and

(c) for the 21st through 30th days after installation, watering is permitted every third day before 10:00 a.m. and after 7:00 p.m.

(D) 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) 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.

Source: 1992 Code Section 4-2-77; Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

§ 6-4-82 EXPIRATION OF VARIANCE.

(A) A variance from a stage one requirement expires when stage two regulations take effect.

(B) A variance from a stage two requirement expires when stage three regulations take effect.

(C) A variance from a requirement of this article expires when additional restrictions during long-term water supply shortage are adopted under Section [6-4-72](#) (*Additional Restrictions During Long-Term Water Supply Shortages*).

(D) A variance from a requirement of this article expires if the applicant is convicted of violating this article.

Source: 1992 Code Section 4-2-79; Ord. 031023-10; Ord. 031211-11.

§ 6-4-83 ALTERNATIVE COMPLIANCE.

(A) The director may permit a person to comply with alternative water use restrictions after determining that the alternative restrictions meet or exceed the intent of this article.

(B) If the director approves alternate water use restrictions, the applicant shall keep a copy of the approved restrictions in a location on the affected property that is accessible and visible to the public.

Source: 1992 Code Section 4-2-78; Ord. 031023-10; Ord. 031211-11.

ARTICLE 3. ENFORCEMENT.

§ 6-4-91 PRESUMPTION OF VIOLATION.

A person in whose name a water service account is held is presumed to be responsible for a violation of this article that occurs at the water service account location.

Source: 1992 Code Section 4-2-75; Ord. 031023-10; Ord. 031211-11.

§ 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) 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 \$2,000.00.

(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.

Source: 1992 Code Section 4-2-99; Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

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