



## Recommendation for Action

**File #:** 22-1442, **Agenda Item #:** 3.

5/5/2022

### Posting Language

Approve an ordinance amending City Code Chapter 2-13, related to administrative penalties and penalty ranges for water conservation violations, and City Code Chapter 6-4 related to obtaining and submitting evaluations.

### Lead Department

Austin Water.

### Fiscal Note

This item has no fiscal impact.

### Prior Council Action:

December 10, 2020 - Council approved an amendment to Chapter 6-4 to follow the process and penalty amounts described in Chapter 2-13 for water conservation violations.

### For More Information:

Kevin Critendon, Austin Water, Assistant Director, [kevin.critendon@austintexas.gov](mailto:kevin.critendon@austintexas.gov)  
<<mailto:kevin.critendon@austintexas.gov>>  
<<mailto:kevin.critendon@austintexas.gov>> <<mailto:kevin.critendon@austintexas.gov>>; 512-972-0191;  
Kevin Kluge, Austin Water, Division Manager, [kevin.kluge@austintexas.gov](mailto:kevin.kluge@austintexas.gov)  
<<mailto:kevin.kluge@austintexas.gov>>  
<<mailto:kevin.kluge@austintexas.gov>> <<mailto:kevin.kluge@austintexas.gov>>; 512-972-0400;  
Blanca Madriz, Austin Water, Program Coordinator, [blanca.madriz@austintexas.gov](mailto:blanca.madriz@austintexas.gov)  
<<mailto:blanca.madriz@austintexas.gov>>  
<<mailto:blanca.madriz@austintexas.gov>> <<mailto:blanca.madriz@austintexas.gov>>; 512-972-0115.

### Council Committee, Boards and Commission Action:

March 9, 2022 - Postponed by the Water & Wastewater Commission on a 10-0 vote with one vacancy.  
March 21, 2022 - Recommended by the Resource Management Commission on an 8-1 vote with, Commissioner Stone voting against, Commissioner Angoori absent, and one vacancy.  
March 31, 2022 - Recommended by the Water & Wastewater Commission on a 9-0 vote with Commissioner Fisher absent and one vacancy.

### Additional Backup Information:

In addition to many incentive programs, Austin Water employs a wide range of ordinances intended to reduce potable water demand by city residents and businesses. On December 10, 2020, City Council approved City Code amendments that moved the administrative enforcement and penalty section of Chapter 6-4 (Water Conservation) to Chapter 2-13 (Administrative Adjudication of Violations). This change assures consistency in the application of administration violations across the City. As a result, the current penalties for all water conservation ordinance violations are included in Section 2-13-23 (A).

Current penalties in Section 2-13-23 (A) apply to water conservation ordinance violations and a variety of other types of violations. These penalties are outlined below:

Current Penalties (§2-13-23 (A))	Not less than	Not more than
First Violation	\$250	\$1,000
Second violation	\$500	\$1,000
Third or subsequent violation	\$750	\$1,000

The proposed ordinance will add specific penalty ranges for certain water conservation and onsite water reuse requirements. These ranges provide a more nuanced approach to penalties, particularly for residential customers, first violations, and allows for escalated penalties as drought stage restrictions increase. Austin Water Conservation will develop standard operating guidance for penalty recommendations. Such recommendations will generally be based upon the severity of the violation.

The new Section 2-13-24 establishes penalty ranges for a variety of water conservation violations including commercial water facility evaluations and requirements, general regulations and requirements, residential water conservation, commercial water conservation, and onsite water reuse. Complete listing of categories and penalties are outlined in Exhibit A, attached.

In addition to establishing new penalties, the proposed ordinance requires that a violator who claims financial inability to pay a penalty must participate in the City's Customer Assistance Program (CAP) or have a median family income (MFI) or 60 percent or less. Violators will also be granted the ability to pay the penalty through their next utility bill.

Lastly, the ordinance amends Section 6-4-10 (*Facilities Regulated*) to provide consistency within the subsections.

**Strategic Outcome(s):**

Health and Environment.