

**RULE NO.:**

**NOTICE OF PROPOSED RULE**

**POSTING DATE:**

The Director of the Austin Water Utility proposes to adopt the following rule after September 30, 2012

Comments on the proposed rule are requested from the public. Comments should be submitted to Ms. Jadell Hines; Austin Water Utility, 625 E. 10<sup>th</sup> Street, 6<sup>th</sup> Floor, Suite 615, Austin, Texas 78701, 512-974-3545, or via email at jadell.hines@austintexas.gov. To be considered, comments must be submitted before \_\_\_\_\_ the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

**EFFECTIVE DATE OF PROPOSED RULE**

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before \_\_\_\_\_ (the 32nd day after the date of this notice) or not after \_\_\_\_\_ (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before \_\_\_\_\_, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the following locations at a cost of ten cents per page:

Austin Water Utility, located at 625 E. 10<sup>th</sup> Street, 4<sup>th</sup> Floor Suite 400, Austin, Texas. See Ms. Jadell Hines and:

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

**BRIEF EXPLANATION OF PROPOSED RULE**

**Austin City Code Chapter 6-4-10(A) (Facilities Regulated) requires a commercial facility, multifamily residential or City municipal facility situated on property equal to or greater than 1.0 acre in size to obtain an evaluation of any permanently installed irrigation system in accordance with a schedule determined by rule. This rule provides a schedule for irrigation inspections of commercial properties to be performed every other year based on the address of the property to be inspected and establishes the use of a compliance plan and the application of fines.**

**TEXT OF PROPOSED RULE**

Facility Assessments, as required by Chapter 6-4-10(A), shall be conducted in accordance with the following:

- A. Evaluations of automatic irrigation systems situated on an affected property must be completed every 2 years.
- B. Evaluations of permanently installed automatic irrigation systems on properties with odd number addresses shall be due on odd number calendar years. Evaluations of automatic irrigation systems on properties with even number addresses shall be due on even number calendar years.
- C. Evaluations of permanently installed automatic irrigation systems shall be due on a schedule determined by the zip code of the affected property where the zip code schedule is kept on file with Austin Water Utility and posted on the Austin Water website.
- D. Modifications to the zip code schedule made by Austin Water Utility shall be communicated to the service account holder of the affected property a minimum of 6 months prior to the submittal due date as described in Paragraph C.
- E. Irrigation evaluations shall be considered valid for a period not to exceed 90 days from the final inspection date by an AWU Authorized Irrigation Inspector. Documentation of the evaluation must be submitted not later than the last day of the month during which the inspection is due.
- F. An irrigation inspection necessary for the issuance of the Certificate of Occupancy from the applicable land development jurisdiction shall satisfy the requirements of Chapter 6-4-10(A) for a period of two years from the date of issuance of the Certificate of Occupancy.
- G. Failure to provide the required documentation to Austin Water Utility in accordance with the required schedule shall result in enforcement action taken by Austin Water and will include, but is not limited to, the assessment of fines in accordance with Chapter 6-4-5(B), *Fees and Charges*.
- H. Properties unable to pass the required irrigation evaluation by the required due date because of system noncompliance with Austin City Code, Chapter 6-4-12, *Water Waste Prohibited*, are required to notify Austin Water Utility in writing in accordance with the required zip code schedule. This notice at a minimum shall include a Compliance Plan. Failure to provide the Compliance Plan by the specified time will result in a daily accrual of fines.
- I. At a minimum the Compliance Plan shall include the property owner's name and address and a plan to immediately eliminate water waste on the affected property. Reinstatement of an irrigation zone rendered inoperable by the Compliance Plan will require documentation from an AWU Authorized Irrigation Inspector to be submitted to Austin Water Utility for approval prior to the zone being reinstated.

#### **AUTHORITY FOR ADOPTION OF PROPOSED RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate the water use is established in Texas Local Government Code Section 552.001 and Title 6 of Austin City Code.

## **CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule XXXXX, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

## **REVIEW AND APPROVED**

\_\_\_\_\_  
Greg Meszaros, Director  
Austin Water Utility

Date: \_\_\_\_\_

\_\_\_\_\_  
Karen M. Kennard  
Acting City Attorney

Date: \_\_\_\_\_

This Notice of Proposed Rule was posted on a central bulletin board at City Hall by the City Clerk. Date and time stamp is on the front of the notice.