

#22-1442
WWWC: 3/9/22
Council: 3/24/22

Posting Language

Approve an ordinance amending City Code Chapter 2-13 (*Administrative Adjudication of Violations*) relating to establishing administrative penalties and penalty ranges for water conservation violations and Chapter 6-4 (*Water Conservation*) relating 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December 10, 2020 – Council approved an amendment to Chapter 6-4 which repealed the enforcement process and penalties for water conservation violations, reverting the process and penalty amounts of such violations to those described in Chapter 2-13.

For More Information:

Inquiries should be directed to City Manager’s Agenda Office at 512-974-2991 or AgendaOffice@austintexas.gov;

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Kevin Kluge, Austin Water, Division Manager, kevin.kluge@austintexas.gov; 512-972-0400;

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Council Committee, Boards and Commission Action:

March 9, 2022 – To be reviewed by the Water & Wastewater Commission

March 22, 2022 – To be reviewed by the Resource Management Commission.

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 removed the administrative enforcement and penalty section of Chapter 6-4 -Water Conservation to defer to Chapter 2-13-23 – Administrative Adjudication of Violations. This change was intended to assure consistency in application of administration violations across the City. As a result, the current penalties for all water conservation ordinance violations are included in Chapter 2-13-23 (A).

Current penalties in Chapter 2-13-23 (A) for all water conservation ordinance violations also apply to a broad range of building code and property maintenance violations, 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 a new Section 2-13-24 to provide new penalties for certain water conservation and onsite water reuse requirements. These delineations will provide a more nuanced approach to penalties, particularly for residential customers, first violations, and allows for escalated penalties as

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drought stage restrictions increase. Austin Water Conservation will develop standard operating guidance regarding recommended penalties within the penalty ranges for the hearing officer. Such recommendations will generally be based upon the severity of the violation.

The new Section 2-13-24 will establish penalties for the specific water conservation ordinance violations in a number of categories 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). Violators will also be granted the ability to pay the penalty through their next utility bill.

Strategic Outcome(s):

Health and Environment.

Exhibit A
Current and Proposed Penalties

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

Proposed Penalties	Not less than	Not more than
Facility evaluations §6-4-10 (A-C): cooling towers, commercial vehicle wash, commercial irrigation		
First Violation	\$500	\$1,000
Second violation or subsequent violation	\$750	\$1,000
Facility requirements §6-4-10 (D-F): cooling tower equipment and make up, restaurant drinking water, lodging towel and linen reuse		
First Violation	\$150	\$500
Second violation or subsequent violation	\$300	\$1,000
General Regulations §6-4-11 (A-D)		
First Violation	\$150	\$500
Second violation or subsequent violation	\$300	\$1,000
General Regulations §6-4-11 (E-G)		
First Violation	\$500	\$1,000
Second violation or subsequent violation	\$750	\$1,000
Watering/Water Waste - Residential facilities		
<i>Water Conservation Stage §6-4-15</i>		
First violation	\$25	\$100
Second violation	\$50	\$200
Third violation	\$200	\$400
Fourth or subsequent violation	\$300	\$600
<i>Drought Response Stage One §6-4-16</i>		
First violation	\$50	\$200

Second violation	\$75	\$300
Third violation	\$250	\$500
Fourth or subsequent violation	\$400	\$800
<i>Drought Response Stage Two §6-4-17</i>		
First violation	\$75	\$300
Second violation	\$150	\$400
Third violation	\$300	\$800
Fourth or subsequent violation	\$500	\$1,000
<i>Drought Response Stage Three §6-4-18</i>		
First violation	\$150	\$400
Second violation	\$300	\$600
Third violation	\$450	\$800
Fourth or subsequent violation	\$600	\$1,000
<i>Emergency Stage §6-4-19</i>		
First violation	\$200	\$500
Second violation	\$350	\$700
Third violation	\$500	\$800
Fourth or subsequent violation	\$650	\$1,000
Watering/Water Waste - Commercial facilities		
<i>Water Conservation Stage §6-4-15</i>		
First violation	\$150	\$300
Second violation	\$300	\$500
Third violation	\$450	\$700
Fourth or subsequent violation	\$500	\$800
<i>Drought Response Stage One §6-4-16</i>		
First violation	\$200	\$400
Second violation	\$350	\$600
Third violation	\$500	\$800
Fourth or subsequent violation	\$550	\$1,000
<i>Drought Response Stage Two §6-4-17</i>		
First violation	\$250	\$500
Second violation	\$400	\$800
Third violation	\$600	\$1,000
Fourth or subsequent violation	\$650	\$1,000
<i>Drought Response Stage Three §6-4-18</i>		
First violation	\$300	\$600
Second violation	\$500	\$1,000
Third violation	\$650	\$1,000
Fourth or subsequent violation	\$700	\$1,000
<i>Emergency Stage §6-4-19</i>		
First violation	\$500	\$1,000

Second violation or subsequent violation	\$600	\$1,000
Onsite Water Reuse Systems (§15-13)		
First Violation	\$300	\$600
Second violation and subsequent violation	\$500	\$1,000