

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 2-13
(ADMINISTRATIVE ADJUDICATION OF VIOLATIONS) RELATING TO
ADMINISTRATIVE PENALTIES AND PENALTY RANGES FOR WATER
CONSERVATION VIOLATIONS AND CHAPTER 6-4 (WATER
CONSERVATION) RELATING TO OBTAINING AND SUBMITTING
EVALUATIONS.

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

PART 1. City Code Section 2-13-23 (*Establishing a Penalty*) is amended to amend Subsections (A) and (F); and to add new Subsections (J) and (K) to read:

§2-13-23 ESTABLISHING A PENALTY.

(A) Except as provided in Subsection (D) and Section 2-13-24 (*Water Conservation Penalty*), the penalty range that may be assessed against a violator found liable under this chapter shall be no more than \$1,000 and:

- (1) not less than \$250.00 for a first violation;
- (2) not less than \$500.00 for a second violation; and
- (3) not less than \$750.00 for a third or subsequent violation.

(F) A violator claiming a financial inability to pay the penalty:

- (1) must have an income that does not exceed 60 percent of the United States Department of Housing and Urban Development (HUD) median family income (MFI) in the Austin-Round Rock-San Marcos area; or
- (2) must participate in the City of Austin's Customer Assistance Program (CAP) for utility discounts; and
- (3) must be a resident of the property or premises subject of the administrative citation and the sole owner of the property or premises, except that a violator may be a co-owner of the property or premises if all other co-owners cannot be located or are financially unable to pay the penalty.

(J) The code official and the director of Austin Water may establish by administrative rule the penalty a violator shall pay when the violator admits liability without a hearing described in Section 2-13-21 (*Hearing for an*

Administrative Citation). A penalty established under this subsection must comply with the penalty ranges established in this chapter.

(K) A violator who admits liability or is found liable for a violation described in Section 2-13-24 (Water Conservation Penalty) may request in writing to pay the applicable penalty and costs as an assessment on the violator's next monthly utility statement.

PART 2. City Code Chapter 2-13 (*Administrative Adjudication of Violations*) is amended to add a new Section 2-13-24 (*Water Conservation Penalty*) to read:

§2-13-24 WATER CONSERVATION PENALTY.

(A) The penalties established in this section apply to a violation of Chapter 6-4 (*Water Conservation*) and Chapter 15-13 (*Regulation of Onsite Water Reuse Systems*).

(B) Unless otherwise provided for this section, the penalty range for violating Chapter 6-4 (*Water Conservation*) is not less than \$25 and not more than \$100.

(C) This subsection applies to a violation of Section 6-4-10 (*Facilities Regulated*).

(1) The penalty range that may be assessed against a violator found liable under this chapter for violating Subsections (A), (B), or (C) is:

(a) not less than \$500 and not more than \$1,000 for a first violation; and

(b) not less than \$750 and not more than \$1,000 for a second or subsequent violation.

(2) The penalty range that may be assessed against a violator found liable under this chapter for violating Subsections (D), (E), or (F) is:

(a) not less than \$150 and not more than \$500 for a first violation; and

(b) not less than \$300 and not more than \$1,000 for a second or subsequent violation.

(D) This subsection applies to a violation of Section 6-4-11 (*General Regulations*).

(1) The penalty range that may be assessed against a violator found liable under this chapter for violating Subsection (A), (B), (C), or (D) is:

- 65 (a) not less than \$150 and not more than \$500 for a first violation;
66 and
- 67 (b) not less than \$300 and not more than \$1,000 for a second or
68 subsequent violation.
- 69 (2) The penalty range that may be assessed against a violator found liable
70 under this chapter for violating Subsection (E), (F), (G), or (H) is:
- 71 (a) not less than \$500 and not more than \$1,000 for a first
72 violation; and
- 73 (b) not less than \$750 and not more than \$1,000 for a second or
74 subsequent violation.
- 75 (E) This subsection applies to a violation that occurs at a residential facility.
- 76 (1) The penalty range that may be assessed against a violator found liable
77 under this chapter for violating Section 6-4-15 (*Water Conservation*
78 *Stage*) is:
- 79 (a) not less than \$25 and not more than \$100 for a first violation;
- 80 (b) not less than \$50 and not more than \$200 for a second
81 violation;
- 82 (c) not less than \$200 and not more than \$400 for a third violation;
83 and
- 84 (d) not less than \$300 and not more than \$600 for a fourth or
85 subsequent violation.
- 86 (2) The penalty range that may be assessed against a violator found liable
87 under this chapter for violating Section 6-4-16 (*Drought Response*
88 *Stage One Regulations*) is:
- 89 (a) not less than \$50 and not more than \$200 for a first violation;
- 90 (b) not less than \$75 and not more than \$300 for a second
91 violation;
- 92 (c) not less than \$250 and not more than \$500 for a third violation;
93 and
- 94 (d) not less than \$400 and not more than \$800 for a fourth or
95 subsequent violation.

96 (3) The penalty range that may be assessed against a violator found liable
97 under this chapter for violating Section 6-4-17 (*Drought Response*
98 *Stage Two Regulations*) is:

- 99 (a) not less than \$75 and not more than \$300 for a first violation;
100 (b) not less than \$150 and not more than \$400 for a second
101 violation;
102 (c) not less than \$300 and not more than \$800 for a third violation;
103 and
104 (d) not less than \$500 and not more than \$1,000 for a fourth or
105 subsequent violation.

106 (4) The penalty range that may be assessed against a violator found liable
107 under this chapter for violating Section 6-4-18 (*Drought Response*
108 *Stage Three Regulations*) is:

- 109 (a) not less than \$150 and not more than \$400 for a first violation;
110 (b) not less than \$300 and not more than \$600 for a second
111 violation;
112 (c) not less than \$450 and not more than \$800 for a third violation;
113 and
114 (d) not less than \$600 and not more than \$1,000 for a fourth or
115 subsequent violation.

116 (5) The penalty range that may be assessed against a violator found liable
117 under this chapter for violating Section 6-4-19 (*Emergency Stage*
118 *Regulations*) is:

- 119 (a) not less than \$200 and not more than \$500 for a first violation;
120 (b) not less than \$350 and not more than \$700 for a second
121 violation;
122 (c) not less than \$500 and not more than \$800 for a third violation;
123 and
124 (d) not less than \$650 and not more than \$1,000 for a fourth or
125 subsequent violation.

126 (F) This subsection applies to a violation that occurs at a commercial facility.

127 (1) The penalty range that may be assessed against a violator found liable
128 under this chapter for violating Section 6-4-15 (*Water Conservation*
129 *Stage*) is:

130 (a) not less than \$150 and not more than \$300 for a first violation;

131 (b) not less than \$300 and not more than \$500 for a second
132 violation;

133 (c) not less than \$450 and not more than \$700 for a third violation;
134 and

135 (d) not less than \$500 and not more than \$800 for a fourth or
136 subsequent violation.

137 (2) The penalty range that may be assessed against a violator found liable
138 under this chapter for violating Section 6-4-16 (*Drought Response*
139 *Stage One Regulations*) is:

140 (a) not less than \$200 and not more than \$400 for a first violation;

141 (b) not less than \$350 and not more than \$600 for a second
142 violation;

143 (c) not less than \$500 and not more than \$800 for a third violation;
144 and

145 (d) not less than \$550 and not more than \$1,000 for a fourth or
146 subsequent violation.

147 (3) The penalty range that may be assessed against a violator found liable
148 under this chapter for violating Section 6-4-17 (*Drought Response*
149 *Stage Two Regulations*) is:

150 (a) not less than \$250 and not more than \$500 for a first violation;

151 (b) not less than \$400 and not more than \$800 for a second
152 violation;

153 (c) not less than \$600 and not more than \$1,000 for a third; and

154 (d) not less than \$650 and not more than \$1,000 for a fourth or
155 subsequent violation.

156 (4) The penalty range that may be assessed against a violator found liable
157 under this chapter for violating Section 6-4-18 (*Drought Response*
158 *Stage Three Regulations*) is:

- 159 (a) not less than \$300 and not more than \$600 for a first violation;
160 (b) not less than \$500 and not more than \$1,000 for a second or
161 subsequent violation;
162 (c) not less than \$650 and not more than \$1,000 for a third; and
163 (d) not less than \$700 and not more than \$1,000 for a fourth or
164 subsequent violation
165 (5) The penalty range that may be assessed against a violator found liable
166 under this chapter for violating Section 6-4-19 (*Emergency Stage*
167 *Regulations*) is not less than \$500 and not more than \$1,000.
168 (G) For a violation related to irrigating a golf fairway, the penalty range during:
169 (1) Drought Response Stage Two is the same as the penalty range
170 established in Subsection (F)(3); and
171 (2) Drought Response Stage Three is the same as the penalty range
172 established in Subsection (F)(4); and
173 (3) Emergency Stage is the same as the penalty range established in
174 (F)(5).
175 (H) The penalty range that may be assessed against a violator found liable under
176 this chapter for violating Chapter 15-13 (*Regulation of Onsite Water Reuse*
177 *Systems*) is:
178 (1) not less than \$300 and not more than \$600 for a first violation; and
179 (2) not less than \$500 and not more than \$1,000 for a second or
180 subsequent violation.

181 **PART 3.** The penalty ranges established in Part 2 are only applicable to an
182 administrative citation issued after the effective date of this ordinance.

183 **PART 4.** City Code Section 6-4-10 (*Facilities Regulated*) is amended to amend
184 Subsections (A) and (B) to read as follows:

185 **§ 6-4-10 FACILITIES REGULATED.**

- 186 (A) The owner or water account holder of a commercial[,] or multi-family
187 residential facility situated on property equal to or greater than 1.0 acre in
188 size shall obtain and submit an evaluation of any permanently installed
189 automatic irrigation system conducted at a frequency prescribed by rules

adopted pursuant to this chapter. The irrigation evaluation shall, at a minimum:

- (1) be conducted by an Austin Water authorized irrigation inspector who has been authorized in accordance with rules adopted pursuant to this chapter and whose authorization is reflected in records maintained by Austin Water;
- (2) be documented on forms provided by Austin Water; and
- (3) verify that the irrigation system operating on the property complies with all applicable requirements of this chapter, rules adopted pursuant to this chapter, and other applicable technical codes.

(B) The owner[, or ~~any~~] water account holder[, of a vehicle wash~~ing~~ facility~~ies~~] shall obtain and submit ~~provide~~ an evaluation of all vehicle washing equipment conducted at a frequency prescribed by rules adopted pursuant to this chapter. The vehicle wash~~ing~~ facility evaluation shall, at a minimum:

- (1) be conducted by a Texas-licensed plumber or an Austin Water authorized inspector chosen by ~~of~~ the vehicle wash~~ing~~ facility~~'s~~ ~~choice~~];
- (2) be documented on forms provided by Austin Water; and
- (3) establish that the equipment is operating in compliance with equipment standards prescribed by rules adopted pursuant to this chapter.

PART 5. This ordinance takes effect on _____, 2022.

PASSED AND APPROVED

_____, 2022 § _____
Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Myrna Rios
City Clerk