

ORDINANCE NO. 20220505-003

**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 Subsections (D) and (G) 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:
- (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.
- (2) The penalty range that may be assessed against a violator found liable under this chapter for violating Subsection (E), (F), (G), or (H) 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.
- (E) This subsection applies to a violation that occurs at a residential facility.
 - (1) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-15 (*Water Conservation Stage*) is:
 - (a) not less than \$25 and not more than \$100 for a first violation;
 - (b) not less than \$50 and not more than \$200 for a second violation;
 - (c) not less than \$200 and not more than \$400 for a third violation; and
 - (d) not less than \$300 and not more than \$600 for a fourth or subsequent violation.
 - (2) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-16 (*Drought Response Stage One Regulations*) is:
 - (a) not less than \$50 and not more than \$200 for a first violation;
 - (b) not less than \$75 and not more than \$300 for a second violation;
 - (c) not less than \$250 and not more than \$500 for a third violation; and
 - (d) not less than \$400 and not more than \$800 for a fourth or subsequent violation.
 - (3) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-17 (*Drought Response Stage Two Regulations*) is:
 - (a) not less than \$75 and not more than \$300 for a first violation;

- (b) not less than \$150 and not more than \$400 for a second violation;
 - (c) not less than \$300 and not more than \$800 for a third violation; and
 - (d) not less than \$500 and not more than \$1,000 for a fourth or subsequent violation.
- (4) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-18 (*Drought Response Stage Three Regulations*) is:
 - (a) not less than \$150 and not more than \$400 for a first violation;
 - (b) not less than \$300 and not more than \$600 for a second violation;
 - (c) not less than \$450 and not more than \$800 for a third violation; and
 - (d) not less than \$600 and not more than \$1,000 for a fourth or subsequent violation.
- (5) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-19 (*Emergency Stage Regulations*) is:
 - (a) not less than \$200 and not more than \$500 for a first violation;
 - (b) not less than \$350 and not more than \$700 for a second violation;
 - (c) not less than \$500 and not more than \$800 for a third violation; and
 - (d) not less than \$650 and not more than \$1,000 for a fourth or subsequent violation.
- (F) This subsection applies to a violation that occurs at a commercial facility.
 - (1) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-15 (*Water Conservation Stage*) is:
 - (a) not less than \$150 and not more than \$300 for a first violation;
 - (b) not less than \$300 and not more than \$500 for a second violation;

- (c) not less than \$450 and not more than \$700 for a third violation; and
 - (d) not less than \$500 and not more than \$800 for a fourth or subsequent violation.
- (2) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-16 (*Drought Response Stage One Regulations*) is:
 - (a) not less than \$200 and not more than \$400 for a first violation;
 - (b) not less than \$350 and not more than \$600 for a second violation;
 - (c) not less than \$500 and not more than \$800 for a third violation; and
 - (d) not less than \$550 and not more than \$1,000 for a fourth or subsequent violation.
- (3) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-17 (*Drought Response Stage Two Regulations*) is:
 - (a) not less than \$250 and not more than \$500 for a first violation;
 - (b) not less than \$400 and not more than \$800 for a second violation;
 - (c) not less than \$600 and not more than \$1,000 for a third; and
 - (d) not less than \$650 and not more than \$1,000 for a fourth or subsequent violation.
- (4) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-18 (*Drought Response Stage Three Regulations*) is:
 - (a) not less than \$300 and not more than \$600 for a first violation;
 - (b) not less than \$500 and not more than \$1,000 for a second or subsequent violation;
 - (c) not less than \$650 and not more than \$1,000 for a third; and
 - (d) not less than \$700 and not more than \$1,000 for a fourth or subsequent violation

- (5) The penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-19 (*Emergency Stage Regulations*) is not less than \$500 and not more than \$1,000.
- (G) For a violation related to irrigating a golf fairway, the penalty range during:
 - (1) Drought Response Stage Two is the same as the penalty range established in Subsection (F)(3); and
 - (2) Drought Response Stage Three is the same as the penalty range established in Subsection (F)(4); and
 - (3) Emergency Stage is the same as the penalty range established in (F)(5).
- (H) The penalty range that may be assessed against a violator found liable under this chapter for violating Chapter 15-13 (*Regulation of Onsite Water Reuse Systems*) is:
 - (1) not less than \$300 and not more than \$600 for a first violation; and
 - (2) not less than \$500 and not more than \$1,000 for a second or subsequent violation.

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

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

§ 6-4-10 FACILITIES REGULATED.

- (A) The owner or water account holder of a commercial[,] or multi-family residential facility situated on property equal to or greater than 1.0 acre in size shall obtain and submit an evaluation of any permanently installed 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[~~y~~] or [~~any~~] water account holder[~~y~~] 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 May 16, 2022.

PASSED AND APPROVED

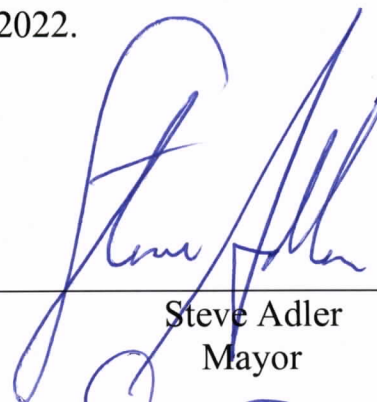
_____, May 5 _____, 2022

APPROVED:



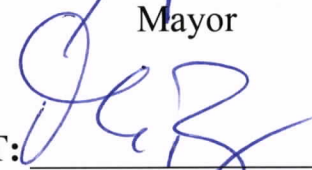
Anne L. Morgan
City Attorney

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Steve Adler
Mayor

ATTEST:



Myrna Rios
City Clerk