City of Austin
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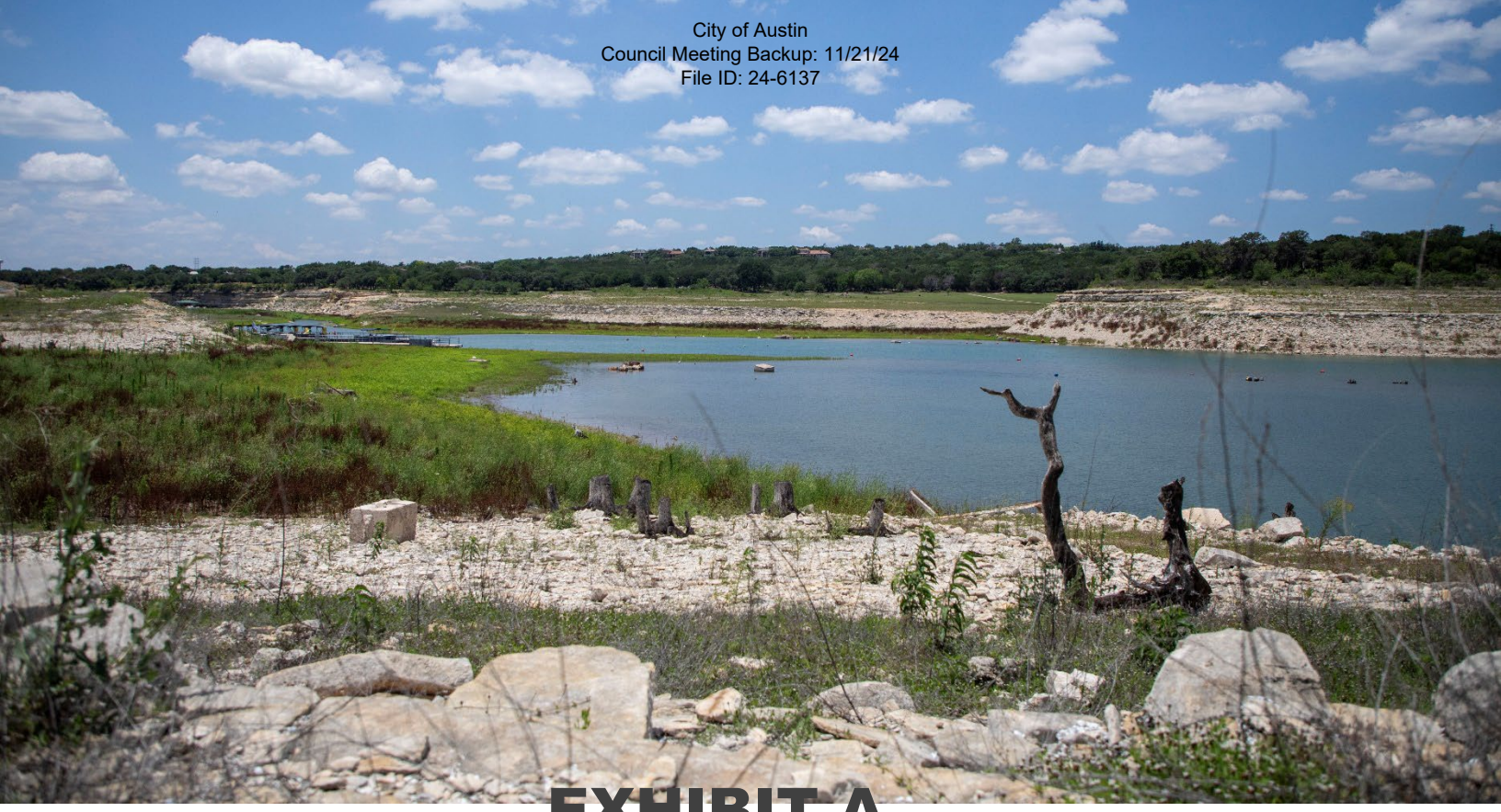

EXHIBIT A

CITY OF AUSTIN DROUGHT CONTINGENCY PLAN

Developed to Meet Requirements Outlined in 30 TAC § 288.20 and § 288.22

Austin WATER

Water Conservation Division
City of Austin, Texas
PWS # 2270001

November 21, 2024

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Section I: Declaration of Policy, Purpose, and Intent

The City of Austin (the City) maintains a decades-long commitment to ensuring a sustainable water supply through demand management measures. The latest update to Austin's Drought Contingency Plan (the Plan) builds upon this legacy. This iteration of the Plan retains all measures from previous versions while incorporating new strategies to better address droughts in the future.

Designed as a comprehensive strategy, the Plan focuses on addressing water shortages and emergencies, with specific attention to domestic water use, sanitation, fire protection, and public well-being. In accordance with Section 11.1272 of the Texas Water Code and Chapter 288 of Title 30 of the Texas Administrative Code, the City regularly updates this plan, underscoring the importance of adaptability to evolving water supply dynamics.

This document outlines the City's strategic response to challenges posed by demand surges, infrastructure constraints, and droughts, including historical critical droughts. Through coordination with the Lower Colorado River Authority (LCRA), the Drought Contingency Plans of both the LCRA and the City are consistent in terms of targets and goals. The City's plan is more proactive, including the implementation activities necessary to conserve water.

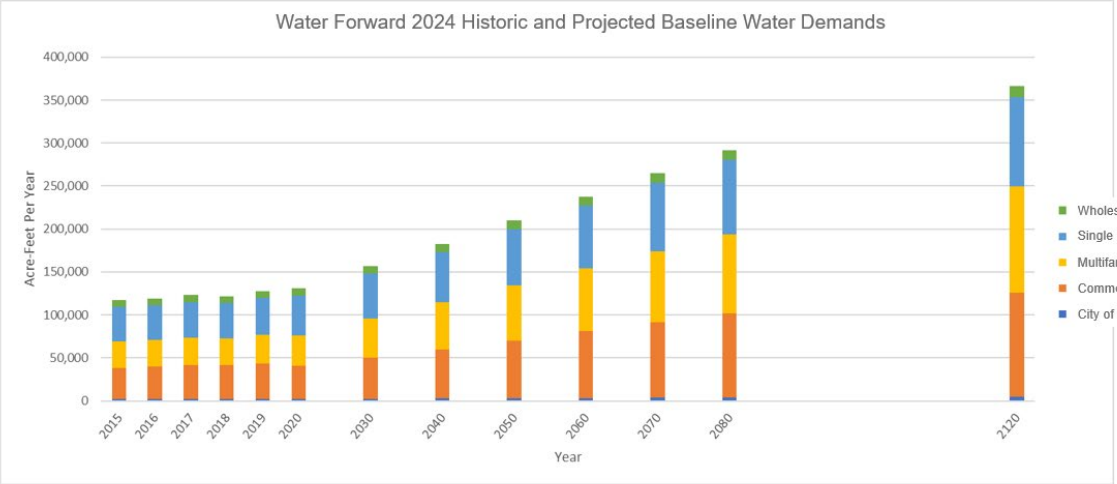
Detailed within the regulatory framework of the City of Austin's Municipal Code, the Water Conservation Code (updated in conjunction with this plan in May and November 2024) forms an integral part of our proactive water management actions. This Drought Contingency Plan serves not only to fulfill regulatory mandates but also as a detailed reference for effective drought management, with the amended Water Conservation Code accessible in Appendix A.

Section II: Background

A. Projected Water Demands

Austin Water's customer base is projected to increase from the current population of 1.1 million to 1.5 million by 2040, as outlined in the City of Austin's 2024 Water Forward Integrated Water Resources Plan. This growth in population and businesses is anticipated to result in a diversion of 183,000 acre feet in 2040, as projected in the 2024 Water Forward Plan (Medium Projection) See Figure 1.

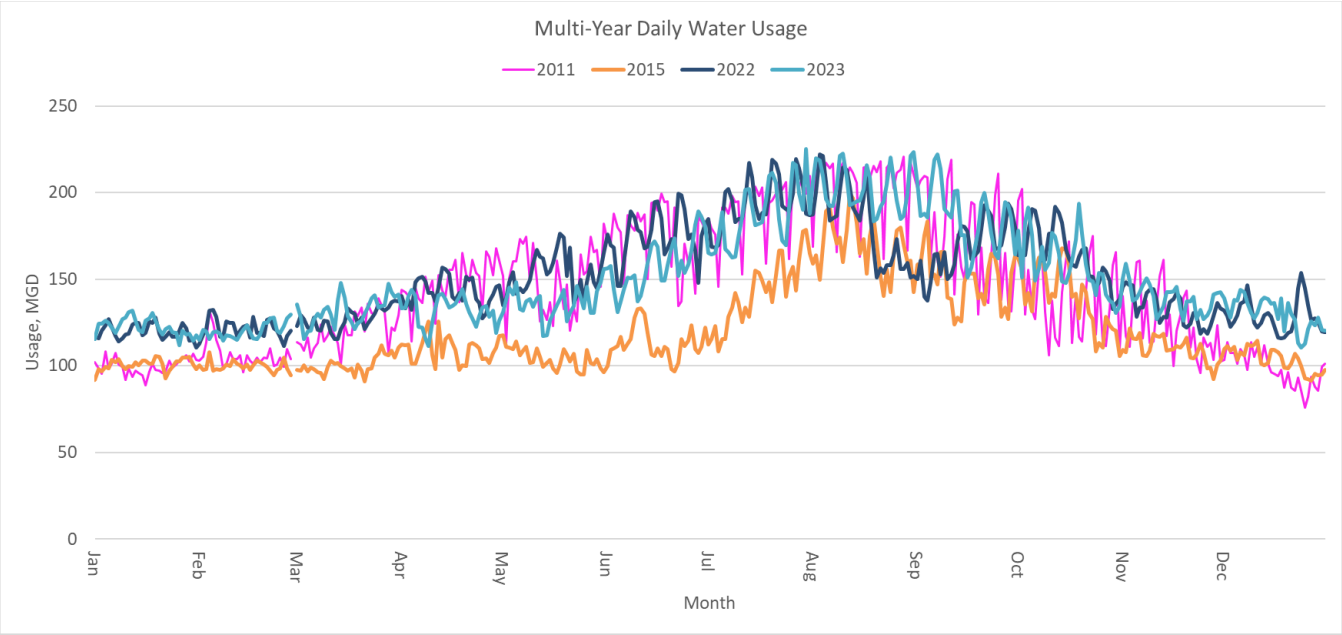
Figure 1. Water demand projections from the 2024 Water Forward Plan



Long-term projected water demands represent average usage, drawing from historical data on water consumption and projections of growth among various water users in the community. However, these projections do not account for short-term increases in water usage during hot, dry conditions typically associated with droughts. Such short-term increases of water use during drought can be seen in Figure 2. The figure depicts the daily water usage in millions of gallons per day (mgd) for Austin Water over a span of four years:

- 2011 (magenta) – the driest single year on record during the region's Drought of Record (2009-2014).
- 2015 (orange) – a recent year with above-average precipitation and low water usage.
- 2022 (dark blue) and 2023 (blue) – years following the declaration of Drought Stage 1 on June 6, 2022.

Figure 2. Historical daily water use during a wet year (2015) and dry years (2011, 2022, 2023).



In all years, the surge in landscape irrigation can increase daily water demands in August by 50 to 60 percent compared to January, even in a wet year like 2015. While Austin remains committed to water stewardship year-round, the most significant potential for short-term water savings during a drought lies in reducing landscape irrigation between June and October, alongside other conservation measures offering substantial near-term savings. However, achieving an overall reduction in water usage during a drought is highly challenging using traditional methods of public outreach and enforcement patrols.

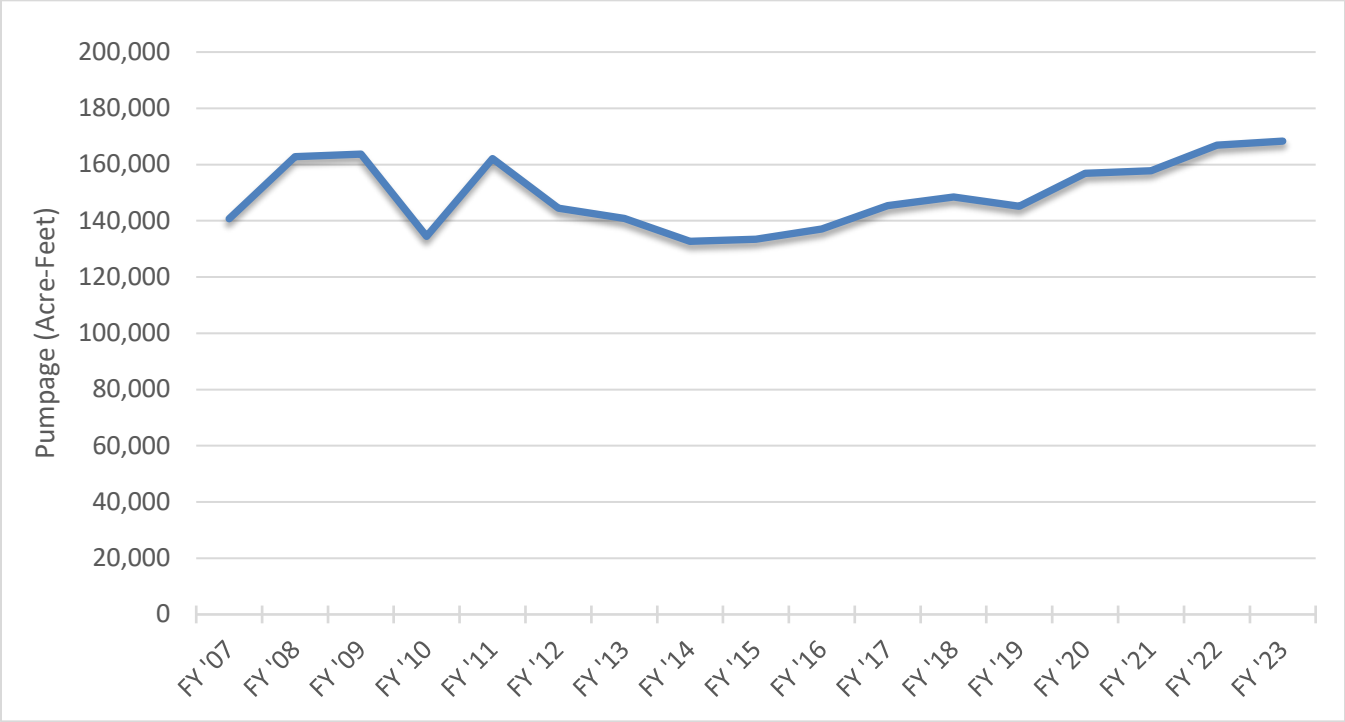
B. Water Supply and Water Supply Contracts

The City holds permitted municipal water rights granted by the State of Texas, allowing a maximum diversion of 292,703 acre-feet per year (AF/yr) from the Colorado River for municipal use. These water rights operate within the State's priority water rights system as run-of-river rights. This means the City can divert water under these rights only if it's available after fulfilling other more senior water rights. While the City's water rights include some of the most senior rights in the river basin, there are conditions, particularly during dry weather, when this run-of-river water may not reliably be available. Consequently, the City has water supply contracts with LCRA to ensure water availability under various hydrologic conditions, including droughts.

In 1999, the City of Austin secured a firm water supply of 325,000 AF/yr through a contract with LCRA, utilizing stored water in the Highland Lakes and other sources to support the City’s senior water rights. This contract is renewable by the City of Austin until the year 2100. In 2007, Austin entered into a supplemental water supply agreement with LCRA to provide an additional 250,000 AF/yr of firm water to be incrementally planned for future needs beyond the 1999 contract's 325,000 AF/yr level. The

325,000 AF/yr component of the City's firm municipal water supply is roughly double the peak annual diversion level of 174,781 AF/yr, which occurred in 2022. The most recent five-year average is approximately 164,409 AF/yr. (See Figure 3)

Figure 3. Historic City of Austin Diversion Volumes



According to its 2020 Water Management Plan, the LCRA intends to manage water supplies in the Colorado River to ensure that stored water for firm demands is available without shortage, even in a repeat of the Drought of Record (DOR). When the LCRA's Board declares a Drought Worse than the Drought of Record (DWDR), mandatory pro-rata curtailment of firm water demand is required. The declaration of a DWDR involves evaluating hydrologic and water supply conditions based on specific criteria, including drought duration, inflow volumes, and combined storage conditions. LCRA may also mandate curtailments of firm water demand in response to other water emergencies that significantly reduce the available firm water supply. If a DWDR declaration is issued, LCRA may, following notification and approval of a pro-rata curtailment plan, enforce mandatory curtailment of firm customers. The City has adopted a Water Conservation Code (Appendix A) that authorizes consideration and implementation of emergency conservation measures if water use needs to be curtailed during a DWDR declaration.

In 2023, the LCRA initiated work to revise the previous drought stage triggers, which were subsequently adopted by their board on March 26, 2024. In response to the addition of both a new

drought stage and mechanism for determining drought stage triggers, the City has updated its triggers to align with both the LCRA and our community's strong commitment to water conservation.

C. Drought Conditions and Management Actions

LCRA manages the Highland Lakes as a system, which include its water supply reservoirs, Lakes Travis and Buchanan, and results in a maximum combined storage capacity of approximately 2.0 million acre-feet. LCRA utilizes combined storage levels in Lakes Travis and Buchanan, inflows to the Highland Lakes, and other hydrologic factors as indicators of water supply conditions, including potential severe, long-term drought conditions. Combined storage levels also trigger the implementation of drought contingency plan stages. The historical Drought of Record for the Colorado River basin region, which encompasses the City of Austin, occurred during the years 1947-1957, when the combined water storage levels of Lakes Travis and Buchanan plummeted to a low of 621,221 acre-feet. Based on unprecedented conditions in February of 2015, LCRA declared that the basin entered a new "critical period," defined as a time period with the driest conditions and lowest inflows.

To mitigate adverse effects from periods of severe water shortages, Austin's Water Conservation Code (Section 6-4) outlines the City's water use stages within its service area during such periods caused by drought, water supply contamination, system outage due to failure or damage of the water system, or other emergency conditions. Additionally, if the available supply falls short of the anticipated demand, the City will assess and implement further emergency demand management measures, as detailed in the Water Conservation Code (Appendix A). All measures outlined in the Water Conservation Code are considered part of this Plan.

D. Water System Capacity

Austin Water currently serves approximately 250,000 connections with over 4,044 miles of water mains. In 2023, Austin Water provided water to an approximate retail service area population of 1,096,486 and a wholesale customer population of 53,770, totaling approximately 1,150,256 individuals. All the City's drinking water is sourced from the Colorado River. Two water treatment plants, with a combined capacity to treat and distribute 285 million gallons per day (MGD), draw water from Lake Austin. A third water treatment plant, with a capacity of 50 MGD, draws water from Lake Travis. Table 1 summarizes the current plant capacities.

Table 1. City of Austin Water Treatment Plants and Capacity

Plant Name	Year Constructed	Treatment Capacity (million gallons/day)
Davis	1954	118
Ullrich	1969	167
Handcox	2014	50
Total		335

Section III: Trigger Conditions and Goals

The City of Austin has established a baseline water conservation stage, which encompasses water efficiency measures that are in place regardless of the drought stage and apply to all retail water customers. In 2012, the city adopted a permanent Water Conservation Stage containing year-round water conservation measures, with additional measures enacted since then. The following measures are in effect during the baseline Conservation Stage, when our reservoirs hold more than 1.4 million acre-feet:

- Residential and commercial facilities may irrigate only before 10:00 a.m. or after 7:00 p.m. on designated outdoor water use days.
- Automatic irrigation systems are restricted to one designated outdoor water use day per week, allowing up to fifteen hours of irrigation.
- Drip irrigation is permitted twice per week, on designated outdoor water use days, for up to thirty hours per week.
- Hose-end sprinklers are permitted on up to two designated outdoor water use days per week, allowing for a total of thirty hours of irrigation.
- Mandatory commercial irrigation, cooling tower, and car wash efficiency assessment programs are in place.
- Commercial pressure washing efficiency requirements are enforced.
- Restaurants are required to serve water only upon request.
- Hotels are mandated to offer linen reuse programs.
- Washing of vehicles and outdoor surfaces is permitted only with a hose equipped with a positive shut-off or using a bucket.
- Commercial patio misters may operate only between 4:00 p.m. and midnight.
- Irrigation design requirements exceed those set by the State of Texas.

Austin's City Manager or their designee monitors water supply, water system capacity, and demand conditions to determine when to consider implementing additional conservation actions for the City's retail water customers, as outlined in the demand, combined storage capacity, inflow into reservoirs, and emergency triggers listed in Table 2.

The decision to enact an inflow-based trigger will be made on March 1st and July 1st each year. This will involve assessing the previous three-month average inflows into the reservoirs. If that average inflow is less than the 25th percentile of the historic average for the same three-month period, the trigger condition will be met.

Table 2. Demand, Supply and Emergency Triggers

Demand Triggers				
Stage	**Trigger**	**Goal**	**Action**[a]	**End Condition**
Stage 2	300 MGD or more for three consecutive days	Reduce water use by 15% of 300 MGD	Drought Response Stage Two Regulations	City Manager ends based on daily supply and demand of water
Stage 2	320 MGD or more for one day	Reduce water use by 15% of 320 MGD	Drought Response Stage Two Regulations	City Manager ends based on daily supply and demand of water

Inflow Trigger				
Stage	**Trigger**	**Goal**	**Action**[a]	**End Condition**
Stage 2	Combined lake storage between 1.1 MAF – 900,000 AF Inflows less than 25% of historic average[c]	Reduce water use by 20%	Drought Response Stage Two Regulations	Combined storage reaches 1.1 MAF and projected to stay above 900,000 AF for four months[b]

Table 2. Demand, Supply and Emergency Triggers (continued)

Stage	Trigger	Goal	Action[a]	End Condition
Stage 1	Combined lake storage falls below 1.4 MAF	Reduce water use by 10%	Drought Response Stage One Regulations	Combined storage reaches 1.4 MAF and expected to remain above 1.4 MAF for four months
Stage 2	Combined lake storage falls below 900,000 AF	Reduce water use by 20%	Drought Response Stage Two Regulations	Combined storage reaches 1.1 MAF and projected to stay above 900,000 AF for four months[b]
Stage 3	Combined lake storage falls below 750,000 AF	Reduce water use by 25%	Drought Response Stage Three Regulations	Combined storage reaches 900,000 AF and projected to stay above 750,000 AF for four months[b]
Stage 4	Combined lake storage falls below 600,000 AF or a drought worse than the drought of record is declared	Reduce water use by a minimum of 30% from a baseline approved by LCRA, which may account for City's conservation measures	Drought Response Stage Four Regulations or Additional Restrictions as necessary to meet pro-rata curtailment requirements	City Manager determines that conditions no longer require meeting mandatory curtailment targets; combined storage expected to remain above 600,000 AF for four months
Emergency Stage 5	As determined by City Manager, system outage, equipment failure, contamination of water source or other emergencies	Reduce water use to levels deemed necessary	Emergency Stage Four Regulations or Additional Restrictions	City Manager ends based on daily water demand or the end of supply constraints

[a] Detailed information about watering schedules and additional conservation measures for each stage can be found in Appendix A.
[b] The City Manager may also end regulations based on other conditions or circumstances which merit such action.
[c] Inflow triggers will be checked on March 1 and July 1. If the previous three-months average inflows fall below 25% of the historic average for the same three-month period, the triggers will be enacted.

Procedures for granting variances to the watering regulations are outlined in Austin's Water Conservation Code and may be authorized if deemed necessary to safeguard public health and safety. Violations are subject to both criminal and administrative penalties as stipulated in City Code, Chapter

2-13. Additional requirements are incorporated within the Water Conservation Code, detailed in City Code Chapter 6-4, and in rules adopted pursuant to that chapter.

Section IV: Drought Response Measures

Within each drought stage, Austin Water will enforce specific regulations, including outdoor watering restrictions. Additionally, Austin Water may undertake further discretionary non-regulatory water-saving measures, depending on the need and available resources, to encourage and assist residents and businesses in conserving water. The following tables outline the watering and other regulations cited in Chapter 6-4, as well as the non-regulatory measures that Austin Water may implement at each drought stage.

Drought Response Stage 1

Outdoor Watering Restrictions	
Automatic Irrigation[a]	Once per week (13-hour maximum) Midnight – 8:00 a.m. / 7:00 p.m. – midnight Assigned weekday
Drip Irrigation[b]	Twice per week (26-hour maximum) Midnight – 8:00 a.m. / 7:00 p.m. - midnight Assigned weekday
Hose End Irrigation[c]	Twice per week (30-hour maximum) Midnight – 10:00 a.m. / 7:00 p.m. - midnight Assigned weekday and weekend day

[a] Automatic Irrigation means any irrigation system connected to and being operated by a programmable controller, including a permanently or temporarily installed irrigation system, and drip irrigation, also called irrigation system.
[b] Drip Irrigation means a method of irrigation which is typically installed below ground and consists of porous piping that allows the application of water at a slow and constant rate included as part of an automatic irrigation system.
[c] Hose End Irrigation means an above-ground water distribution device that may be attached to a garden hose, not designed to be held by a person while in operation.

Additional Code Measures	
Regulations	1. No water waste. 2. No midday watering. 3. Restaurants serve water on request. 4. Cooling tower efficiency requirements and annual assessment. 5. Commercial irrigation evaluation every two years. 6. Car washing equipment certified annually. 7. Charity car washes held at commercial car washes. 8. Home car washing must use positive shutoff valve. 9. Patio misters may not operate at commercial facility except between 4 p.m. and midnight. 10. Power washers use efficient equipment. 11. Ornamental fountains must recirculate.
Variances	1. Threat to primary source of income. 2. Documented environmental requirement. 3. Large property (unable to irrigate property during Conservation Stage). 4. Medical hardship. 5. Xeriscaping establishment. 6. Alternative compliance.
Exemptions	1. Protection of public health, safety and welfare. 2. Use of alternative water. 3. Repair of water distribution lines. 4. Testing and repair of irrigation systems. 5. Hand watering any day any time or with refillable receptacle. 6. Tree watering with automatic bubbler, drip irrigation, or soaker hose. 7. Vegetable garden watering using drip irrigation or a soaker hose. 8. Water use necessary for permit requirements including the establishment of new landscaping if watering occurs between the hours of 7:00 pm and 10:00 pm. 9. Washing of garbage and food handling trucks. 10. Athletic fields. 11. Fire suppression. 12. Irrigation of plant stock at commercial nursery. 13. Watering commercially applied herbicide or pesticide.

Discretionary Non-Regulatory Measures	
Policy	• Expand temporary enforcement staff during irrigation season.
Education	• Enhanced marketing of drought-related information to the public. • Develop voluntary water budgeting outreach through the My ATX Water portal.
Incentives	• Enhanced outreach to other City departments to implement water conservation audits/projects. • Increase rebate amounts for select conservation programs. • Increase incentives for voluntary connection to centralized reclaimed water system.

Drought Response Stage 2

Outdoor Watering Restrictions	
Automatic Irrigation[a]	Once per week (10-hour maximum) Midnight – 5:00 a.m. / 7:00 p.m. – midnight Assigned weekday
Drip Irrigation[b]	Twice per week (20-hour maximum) Assigned weekday
Hose End Irrigation[c]	Once per week (15-hour maximum) Midnight – 10:00 a.m. / 7:00 p.m. – midnight Assigned weekend day

[a] Automatic Irrigation means any irrigation system connected to and being operated by a programmable controller, including a permanently or temporarily installed irrigation system, and drip irrigation, also called irrigation system.
[b] Drip Irrigation means a method of irrigation which is typically installed below ground and consists of porous piping that allows the application of water at a slow and constant rate included as part of an automatic irrigation system.
[c] Hose End Irrigation means an above-ground water distribution device that may be attached to a garden hose, not designed to be held by a person while in operation.

Additional Code Measures	
Regulations	1. No water waste. 2. No midday watering. 3. Restaurants serve water on request. 4. Cooling tower efficiency requirements and annual assessment. 5. Commercial irrigation evaluation every two years. 6. Car washing equipment certified annually. 7. Charity car washes prohibited. 8. Home car washing must use single fill receptacle. 9. Patio misters may not operate at commercial facility except between 4 p.m. and midnight. 10. Power washers use efficient equipment. 11. Ornamental fountains must recirculate. 12. Ornamental fountains with a 4-inch emission or fall of water are prohibited, unless to preserve aquatic life. 13. Golf course fairways irrigated on designated outdoor water use day; tees and greens irrigated every other day with notice to Austin Water.

Additional Code Measures (continued)	
Variances	1. Threat to primary source of income. 2. Documented environmental requirement. 3. Large property (unable to irrigate property during Conservation Stage). 4. Medical hardship. 5. Xeriscaping establishment. 6. Alternative compliance.
Exemptions	1. Protection of public health, safety, and welfare. 2. Use of alternative water. 3. Repair of water distribution lines. 4. Testing and repair of irrigation systems. 5. Hand watering any day any time or with refillable receptacle. 6. Tree watering with automatic bubbler, drip irrigation, or soaker hose. 7. Vegetable garden watering using drip irrigation or a soaker hose. 8. Water use necessary for permit requirements not including the establishment of new landscaping, unless otherwise required. 9. Washing of garbage and food handling trucks. 10. Athletic fields. 11. Fire suppression. 12. Irrigation of plant stock at commercial nursery. 13. Watering commercially applied herbicide or pesticide.

Discretionary Non-Regulatory Measures	
Policy	• Expand temporary enforcement staff during irrigation season.
Education	• Enhanced marketing of drought-related information to the public. • Develop voluntary water budgeting outreach through the My ATX Water portal.
Incentives	• Enhanced outreach to other City departments to implement water conservation audits/projects. • Increase rebate amounts for select conservation programs. • Increase incentives for voluntary connection to centralized reclaimed water system.

Drought Response Stage 3

Outdoor Watering Restrictions	
Automatic Irrigation[a] & Drip Irrigation[b]	Once per week (6-hour maximum) Midnight – 6:00 a.m. Assigned weekday
Hose End Irrigation[c]	Once per week (6-hour maximum) 7:00 a.m. – 10:00 a.m. / 7:00 p.m. – 10:00 p.m. Assigned weekend day

[a] Automatic Irrigation means any irrigation system connected to and being operated by a programmable controller, including a permanently or temporarily installed irrigation system, and drip irrigation, also called irrigation system.
[b] Drip Irrigation means a method of irrigation which is typically installed below ground and consists of porous piping that allows the application of water at a slow and constant rate included as part of an automatic irrigation system.
[c] Hose End Irrigation means an above-ground water distribution device that may be attached to a garden hose, not designed to be held by a person while in operation.

Additional Code Measures	
Regulations	1. No water waste. 2. No midday watering. 3. Restaurants serve water on request. 4. Cooling tower efficiency requirements and annual assessment. 5. Commercial irrigation evaluation every two years. 6. Car washing equipment certified. 7. Charity car washes prohibited. 8. Home car washing must use single fill receptacle. 9. Patio misters may not operate at commercial facility except between 4 p.m. and midnight. 10. Power washers use efficient equipment. 11. Ornamental fountains must recirculate. 12. Ornamental fountains with a 4-inch emission or fall of water are prohibited, unless to preserve aquatic life. 13. Golf course fairways irrigated on designated outdoor water use day; tees and greens irrigated every other day with notice to Austin Water.

Additional Code Measures (continued)	
Variances	1. Threat to primary source of income. 2. Documented environmental requirement. 3. Large property (unable to irrigate property during Conservation Stage). 4. Medical hardship. 5. Xeriscaping establishment. 6. Alternative Compliance. 7. Athletic Fields.
Exemptions	1. Protection of public health, safety and welfare. 2. Use of alternative water. 3. Repair of water distribution lines. 4. Testing and repair of irrigation systems. 5. Hand watering any day any time or with refillable receptacle. 6. Tree watering with automatic bubbler, drip irrigation, or soaker hose. 7. Vegetable garden watering using drip irrigation or a soaker hose. 8. Water use necessary for permit requirements not including the establishment of new landscaping, unless otherwise required. 9. Washing of garbage and food handling trucks. 10. Fire suppression. 11. Irrigation of plant stock at commercial nursery. 12. Watering commercially applied herbicide or pesticide.

Discretionary Non-Regulatory Measures	
Policy	• Expand temporary enforcement staff during irrigation season. • No warning for irrigation water waste violations, but dismissal with completion of an irrigation course. • Drought Rate Surcharge of $1.00 per thousand gallons of water billed. For more information see the City of Austin's Water Conservation Plan, page 28.
Education	• Enhanced marketing of drought-related information to the public. • Expanded voluntary water budgeting outreach through the My ATX Water portal.
Incentives	• Enhanced outreach to other City departments to implement water conservation audits/projects. • Increase rebate amounts for select conservation programs. • Increase incentives for voluntary connection to centralized reclaimed water system.

Drought Response Stage 4

Outdoor Watering Restrictions	
Automatic Irrigation[a] & Drip Irrigation[b]	Nonfunctional turf (*see definition on page 20*) No watering Functional turf (*see definition on page 20*) areas and beds only Once per week (6-hour maximum) Midnight – 6:00 a.m. Assigned weekday
Hose End Irrigation[c]	Nonfunctional turf *(see definition on page 20*) No watering Functional turf areas and beds only Once per week (6-hour maximum) 7:00 a.m. – 10:00 a.m. / 7:00 p.m. – 10:00 p.m. Assigned weekend day

[a] Automatic Irrigation means any irrigation system connected to and being operated by a programmable controller, including a permanently or temporarily installed irrigation system, and drip irrigation, also called irrigation system.
[b] Drip Irrigation means a method of irrigation which is typically installed below ground and consists of porous piping that allows the application of water at a slow and constant rate included as part of an automatic irrigation system.
[c] Hose End Irrigation means an above-ground water distribution device that may be attached to a garden hose, not designed to be held by a person while in operation.

Additional Code Measures	
Regulations	1. No water waste. 2. No midday watering. 3. No watering nonfunctional turf (except for hand watering) 4. Suspend approval of irrigation permits. 5. Suspend approval of single-family residential pool permits. 6. Restaurants serve water on request. 7. Cooling tower efficiency requirements and annual assessment. 8. Commercial irrigation evaluation every two years. 9. Car washing equipment must be certified. 10. Charity car washes prohibited. 11. Home car washing must use positive shutoff valve. 12. Patio misters may not operate at commercial facility except between 4 p.m. and 8 p.m. 13. Power washers use efficient equipment. 14. Ornamental fountains must recirculate. 15. Ornamental fountains with a 4-inch emission or fall of water are prohibited. 16. The filling of spas is prohibited. 17. Operation of splash pads during limited hours.
Variances	1. Threat to primary source of income. 2. Documented environmental requirement. 3. Large property (unable to irrigate property during Conservation Stage). 4. Medical hardship. 5. Alternative Compliance. 6. Athletic fields.
Exemptions	1. Protection of public health, safety and welfare. 2. Use of alternative water. 3. Repair of water distribution lines. 4. Testing and repair of irrigation systems. 5. Hand watering any day any time or with refillable receptacle. 6. Tree watering with automatic bubbler, drip irrigation, or soaker hose. 7. Vegetable garden watering using drip irrigation or a soaker hose. 8. Water use necessary for permit requirements not including the establishment of new landscaping, unless otherwise required. 9. Washing of garbage and food handling trucks. 10. Fire suppression. 11. Irrigation of plant stock at commercial nursery. 12. Watering commercially applied herbicide or pesticide.

Discretionary Non-Regulatory Measures	
Policy	• Expand temporary enforcement staff during irrigation season. • Allow for dismissal of first violation with completion of an irrigation course. • Drought Rate Surcharge of $2.00 per thousand gallons of water billed. For more information see the City of Austin's Water Conservation Plan, page 28.
Education	• Enhanced marketing of drought-related information to the public. • Expanded voluntary water budgeting outreach through the My ATX Water portal.
Incentives	• Enhanced outreach to other City departments to implement water conservation audits/projects. • Increase rebate amounts for select conservation programs. • Increase incentives for voluntary connection to centralized reclaimed water system.

Functional and Nonfunctional Turf

The restriction of irrigation in Drought Stage 4 to Functional Turf has been included to meet restrictions required by the City of Austin's wholesale provider, the LCRA. To clarify which turf may be irrigated and which may not, Austin Water has amended City Code, Chapter 6-4 to include definitions of Functional and Nonfunctional turf.

- Functional turf means turfgrass that is regularly used for community events, programmed recreational purposes, such as sports fields, golf course areas used directly for sport (greens, tees, fairways, and practice areas), maintaining the integrity of foundations, cemeteries, areas designated to be part of a water quality treatment solution required for compliance with federal, state, or local agency water quality permitting requirements.

- Nonfunctional turf means turfgrass that is **not** regularly used for community events, programmed recreational activities, such as sport fields, golf course areas used directly for sport (greens, tees, fairways, and practice areas). This also includes but is not limited to turf located at a residential facility, in a street right-of-way, parking lot islands, medians, or transportation corridors.

The terms 'functional' and 'nonfunctional' are increasingly commonly used nationally, and the specific definitions used were chosen by Austin Water staff to be more effective in implementing the restrictions, providing the specificity necessary for customer violation disputes and hearings. The terms are

intended to be consistent with LCRA's terms for restricted irrigation in their Drought Contingency Plan: "ornamental landscaping" and "ornamental turf grass".[1]

Emergency Stage 5

Irrigation & Additional Code Measures	
Regulations	1. No irrigation of vegetation outdoors. 2. Suspend approval of new irrigation permits. 3. Suspend approval of new single-family pool permits. 4. No washing of vehicles or mobile equipment. 5. No operation of fountains unless necessary to preserve aquatic life. 6. No adding of water to swimming pool, pond, fountain or spa. 7. No operation of splash pads or other similar recreational use of water (including Slip 'N Slide). 8. No washing of outdoor surfaces. 9. No operation of patio misters. 10. No watering of chemical lawn applications unless authorized in a variance. 11. No foundation watering.
Variances	1. Threat to primary source of income. 2. Documented environmental requirement. 3. Foundation watering. 4. Athletic field irrigation when necessary to protect the health of the players. 5. Watering in of prescribed tree disease treatment chemicals or pesticide. 6. Alternative Compliance.
Exemptions	1. Protection of public health, safety and welfare. 2. Use of alternative water. 3. Repair of water distribution lines. 4. Water use necessary for permit requirements, except for landscaping establishment. 5. Washing of garbage and food handling trucks. 6. Fire suppression.

[1] https://www.lcra.org/download/lcra-dcp-appendix-b-rules/?wpdmdl=33318

Discretionary Non-Regulatory Measures	
Policy	• Expand temporary enforcement staff during irrigation season only if storage capacity driven declaration. • No warning for irrigation water waste violations, but dismissal with completion of an irrigation course. • Drought Rate Surcharge of $3.00 per thousand gallons of water billed. For more information see the City of Austin's Water Conservation Plan, page 28.
Education	• Enhanced marketing of drought-related information to the public. • Expanded voluntary water budgeting outreach through the My ATX Water portal.
Incentives	• Enhanced outreach to other City departments to implement water conservation audits/projects. • Increase rebate amounts for select conservation programs. • Increase incentives for voluntary connection to centralized reclaimed water system.

Section V: Wholesale Contract Provisions

New wholesale contracts incorporate standard language mandating adherence to the City's Water Conservation Code. Over the past several years, newly negotiated wholesale contracts are obligated to establish a water conservation program like, or more stringent than the one administered by the City. For customers with older contracts, voluntary implementation of similar water conservation measures is requested. AW works with each organization to assist with conservation outreach and shared AW materials and guidelines.

Pro-rata curtailment will be conducted in accordance with Texas Water Code §11.039. Additionally, all new, renewed, or extended wholesale supply contracts include a provision stipulating that water distribution will occur on a pro-rata basis in the event of a water shortage resulting from drought.

Enforcement actions for non-compliance with either the Water Conservation Code or pro-rata water reductions by wholesale customers will be determined based on the specifics outlined in each wholesale customer's contract.

Section VI: Public Involvement

Austin Water solicited input on the Plan adopted by City Council on May 2, 2024 from both retail and wholesale water customers, as well as identified key stakeholder groups. Throughout the engagement process, Austin Water sought feedback for the development of revisions to the existing Water Conservation Code related to drought management using various methods:

- Utilizing advertising opportunities and multiple social media platforms to encourage feedback.
- Sending direct email notifications and meeting invites to key stakeholders.
- Conducting two surveys aimed at collecting public input on five potential additions to drought stage regulations, as well as gathering open feedback. One survey was accessible on the Drought Contingency Plan SpeakUpAustin page (with 67 respondents). The second survey was randomly emailed to Austin Water customers (with 43 respondents). Results from both surveys showed similar responses. Overall, a substantial majority supported the proposed additions to drought stage regulations. Refer to Appendix F for combined survey responses.
- Delivering presentations at meetings of City advisory boards such as the Water and Wastewater Commission, the Resource Management Commission, and the Austin Integrated Water Resources Planning Community Task Force, also known as the Water Forward Task Force.

After the May 2, 2024 adoption, Austin Water continued to review and revise the Drought Contingency Plan and the Water Conservation Plan in conjunction with the Water Forward Task Force, as they complete the 2024 Water Forward Plan. Public input for all three plans entailed:

- Public workshops held on August 27 (in-person) and August 28, which included public feedback opportunities and a survey.
- Water Forward Task Force meetings open to public comment, as well as presentations to Water and Wastewater Commission and the Resource Management Commission. Resolutions supporting the Plan from these advisory bodies can be found in Appendix D.

Section VII: Public Notification and Education

The City will disseminate information about the Plan to all water customers, including details about the conditions triggering each stage of the Plan and the corresponding drought response measures. This information will be distributed through various channels, such as press releases, traditional and digital advertisements, updates on the city's website and social media platforms, and presentations to customers, community organizations, and neighborhood groups. Additionally, water conservation-related public information materials, including brochures and program information, will be made available to wholesale water customers for distribution to their retail customers.

The City will also notify the public of upcoming drought stage changes using the same communication methods and advertisements. The scope of these notifications will expand with each elevated drought stage. Additionally, marketing efforts will highlight increased rebate payments available during each drought stage.

Section VIII: Coordination with Regional Planning Groups (RPG)

The City of Austin has provided a copy of this Plan to the Lower Colorado Regional Planning Group (Region K). A copy of the transmittal letter is included in Appendix E.

Section IX: TCEQ Notification

The City will notify the executive director of the Texas Commission on Environmental Quality within five business days of implementing any mandatory provisions of the Drought Contingency Plan.

Section X: Plan Review and Updates

This Plan was developed to fulfill the requirements outlined in 30 TAC § 288.20 and § 288.22, which mandate the submission of a Drought Contingency Plan and provision of essential drought contingency response information, regulations, and services to the community and water customers. The Plan will undergo review at least every five years and will be updated as necessary based on significant developments in Austin’s water service area. The next scheduled plan review will take place in 2029.

APPENDIX A: Water Conservation Code

UPDATE ONCE AVALIBLE

APPENDIX B: Water Conservation Penalty Code

CHAPTER 2-13. ADMINISTRATIVE ADJUDICATION OF VIOLATIONS.

ARTICLE 1. GENERAL PROVISIONS

§ 2-13-1 DEFINITIONS.

In this chapter:

(1) CODE OFFICIAL means the city employee designated by the City Manager as the Director of the Austin Code Department.

(2) HEARING COORDINATOR means the Code Official's designee that manages the administrative hearing process created by this chapter.

(3) ISSUING OFFICER means a city employee with the authority to issue administrative citations for violations described in Section 2-13-3 (*Violations Subject to Administrative Adjudication*).

(4) VIOLATOR means the person charged with violating an ordinance described in Section 2-13-3 (*Violations Subject to Administrative Adjudication*).

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14.

§ 2-13-2 PURPOSE; ESTABLISH ADMINISTRATIVE HEARING PROCESS.

(A) The purpose of this chapter is to protect the health, safety, and welfare of the citizens of the City, by providing for an administrative hearing process for violations of ordinances described in Local Government Code Section 54.032 (*Ordinances Subject to Quasi-Judicial Enforcement*).

(B) This chapter establishes a procedure for administrative hearings pursuant to and consistent with Local Government Code Section 54.044 (*Alternative Procedure for Administrative Hearing*).

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14.

§ 2-13-3 VIOLATIONS SUBJECT TO ADMINISTRATIVE ADJUDICATION.

(A) The administrative hearing process established in this chapter may be used to enforce ordinances:

(1) for the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;

(2) relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(3) relating to dangerously damaged or deteriorated buildings or improvements;

(4) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;

(5) relating to a building code or to the condition, use, or appearance of property in a municipality; or

(6) relating to water conservation measures.

(B) Nothing in this chapter shall preclude the City's pursuit of any and all other remedies allowed under the civil and criminal statutes, and in equity, to address violations of ordinances described in this section.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14; Ord. No. 20201210-006, Pt. 3, 12-21-20.

§ 2-13-4 HEARING OFFICER.

(A) One or more hearing officers must be appointed to administratively adjudicate violations of ordinances described in Section 2-13-3 (*Violations Subject to Administrative Adjudication*).

(B) A hearing officer may:

(1) administer oaths;

(2) issue orders that compel the attendance of witnesses and the production of documents;

(3) issue an order that includes the disposition of the hearing and the amount of penalties and costs; and

(4) act pursuant to the authority granted in Texas Local Government Code Section 54.044 (*Alternative Procedure for Administrative Hearing*).

(C) A hearing officer must be a licensed attorney in good standing with the State Bar of Texas.

(D) An order to compel the attendance of witnesses and the production of documents is enforceable by the Municipal Court.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14.

§ 2-13-5 ADMINISTRATIVE CITATIONS.

(A) An administrative citation must be on a form prescribed by the Code Official and must include:

(1) the nature, date, and location of the violation;

(2) a notification that the violator has the right to a hearing;

(3) the time and place of the hearing;

(4) a notification that failure to appear for a hearing is considered an admission of liability for the violation charge and will result in the assessment of penalties and costs; and

(5) the name of the individual issuing the citation.

(B) The original or copy of an administrative citation is kept in the ordinary course of City business and is rebuttable proof of the facts it states.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14.

ARTICLE 2. HEARINGS

§ 2-13-21 HEARING FOR AN ADMINISTRATIVE CITATION.

(A) A hearing to adjudicate an administrative citation described in this chapter shall be conducted by a hearing officer appointed pursuant to Section 2-13-4 (*Hearing Officer*).

(B) The Texas Rules of Evidence do not apply to a hearing under this chapter.

(C) The hearing officer shall hear and consider:

(1) evidence presented by the person charged;

(2) presumptions and prima facie evidence established by this chapter or other applicable law;

(3) evidence presented by the issuing officer, if required to attend the hearing; and

(4) evidence presented by individuals who attend the hearing.

(D) The hearing officer shall make a decision based on a preponderance of the evidence.

(E) The testimony at the hearing shall be recorded. If an audio recording is made, each voice shall be identified.

(F) The recorded testimony, documents, and other evidence shall constitute the record for appeal. The acceptance of documents or other evidence shall be noted on the record.

(G) The issuing officer is not required to attend a hearing.

(H) The issuing officer shall attend a hearing:

(1) if requested in writing by the violator; and

(2) the request is filed with the hearing coordinator at least seven business days before the scheduled hearing date.

(I) A scheduled hearing may be reset for cause if the violator submits a written request for a reset to the hearing coordinator at least five days before the scheduled hearing date. If the hearing coordinator does not respond to a request for a reset, the request is denied, and the violator must appear as scheduled.

(J) At the conclusion of the hearing, the hearing officer shall issue an order that:

(1) finds the violator liable and assesses penalties and costs; or

(2) finds the violator not liable for the violation.

(K) The hearing officer's order shall be filed with the City Clerk in a separate index and file.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14; Ord. No. 20170413-002, Pt. 1, 4-24-17.

§ 2-13-22 FAILURE TO APPEAR AT A HEARING.

If a violator fails to attend a scheduled hearing, including an appeal hearing, the violator is considered to admit liability for the violation charged.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14.

§ 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 $1,000.00 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.

(B) In addition to the penalty assessed, the hearing officer must require the violator found liable under this chapter to pay costs set by separate ordinance.

(C) In determining the amount of penalty to be assessed, the hearing officer shall consider the following factors:

(1) the gravity of the violation;

(2) any actions taken by the violator to correct the violation;

(3) any previous violations committed by the violator;

(4) indigence of the violator; and

(5) any other relevant evidence.

(D) Except as provided in Subsection (G), the penalty range that may be assessed against a violator found liable under this chapter for violating Chapter 25-2 (*Zoning*) of the City Code shall be no more than $1,000.00 and:

(1) not less than $500.00 for a first violation;

(2) not less than $750.00 for a second violation; and

(3) not less than $1,000.00 for a third or subsequent violation.

(E) A violator who has been found liable for a violation may assert a financial inability to pay the penalty. If a violator asserts a financial inability to pay the penalty, the hearing officer must make a determination of financial inability to pay. The determination must be made based on documentary evidence provided to the hearing officer.

(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.

(G) If the hearing officer determines that the violator does not have the financial ability to pay the penalty, the hearing officer must make the finding in writing and must reduce the penalty to an amount that is within the violator's ability to pay.

(H) A violator cannot appeal the hearing officer's determination related to the violator's financial inability to pay.

(I) A violator who has been found liable for a violation may request to pay the penalty in equal installments during the six months from the date the hearing officer issues an order. A violator must request to pay the penalty in installments within 20 calendar days from the date the hearing officer issues the order and must waive the appeal described in Section 2-13-31 (*Appeal From a Hearing*). The Code Official is authorized to grant a request to pay the penalty as described in this subsection. This subsection does not apply to a violation of a provision of Chapter 15-3 (*Onsite Water Reuse Systems*).

(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.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14; Ord. No. 20170413-002, Pt. 2, 4-24-17; Ord. No. 20201210-006, Pt. 4, 12-21-20; Ord. No. 20220505-003, Pt. 1, 5-16-22.

§ 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 $25.00 and not more than $100.00.

(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 Subsection (A), (B), or (C) is:

(a) not less than $500.00 and not more than $1,000.00 for a first violation; and

(b) not less than $750.00 and not more than $1,000.00 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 (D), (E), or (F) is:

(a) not less than $150.00 and not more than $500.00 for a first violation; and

(b) not less than $300.00 and not more than $1,000.00 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 $150.00 and not more than $500.00 for a first violation; and

(b) not less than $300.00 and not more than $1,000.00 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 $500.00 and not more than $1,000.00 for a first violation; and

(b) not less than $750.00 and not more than $1,000.00 for a second or subsequent violation.

(E) This subsection applies to a violation that occurs at a residential facility.

(1) During Water Conservation Stage, the penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-15 (*Water Conservation Stage*) or Section 6-4-12 (*Water Waste Prohibited*) is:

(a) not less than $25.00 and not more than $100.00 for a first violation;

(b) not less than $50.00 and not more than $200.00 for a second violation;

(c) not less than $200.00 and not more than $400.00 for a third violation; and

(d) not less than $300.00 and not more than $600.00 for a fourth or subsequent violation.

(2) During Drought Response Stage One, 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*) or Section 6-4-12 (Water Waste Prohibited) is:

(a) not less than $50.00 and not more than $200.00 for a first violation;

(b) not less than $75.00 and not more than $300.00 for a second violation;

(c) not less than $250.00 and not more than $600.00 for a third violation; and

(d) not less than $400.00 and not more than $800.00 for a fourth or subsequent violation.

(3) During Drought Response Stage Two, 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*) or Section 6-4-12 (*Water Waste Prohibited*) is:

(a) not less than $100.00 and not more than $300.00 for a first violation;

(b) not less than $200.00 and not more than $500.00 for a second violation;

(c) not less than $300.00 and not more than $800.00 for a third violation; and

(d) not less than $500.00 and not more than $1,000.00 for a fourth or subsequent violation.

(4) During Drought Response Stage Three, 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*) or Section 6-4-12 (*Water Waste Prohibited*) is:

(a) not less than $150.00 and not more than $400.00 for a first violation;

(b) not less than $300.00 and not more than $600.00 for a second violation;

(c) not less than $450.00 and not more than $800.00 for a third violation; and

(d) not less than $600.00 and not more than $1,000.00 for a fourth or subsequent violation.

(5) During Drought Response Stage Four, the penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-19 (*Drought Response Stage Four Regulations*) or Section 6-4-12 (*Water Waste Prohibited*) is:

(a) not less than $200.00 and not more than $500.00 for a first violation;

(b) not less than $325.00 and not more than $700.00 for a second violation;

(c) not less than $475.00 and not more than $1,000.00 for a third violation; and

(d) not less than $625.00 and not more than $1,000.00 for a fourth or subsequent violation.

(6) During Emergency Stage Five, the penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-20 (*Emergency Stage Five Regulations*) or Section 6-4-12 (*Water Waste Prohibited*) is:

(a) not less than $250.00 and not more than $650.00 for a first violation;

(b) not less than $500.00 and not more than $1,000.00 for a second violation;

(c) not less than $700.00 and not more than $1,000.00 for a third violation; and

(d) not less than $900.00 and not more than $1,000.00 for a fourth or subsequent violation.

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

(1) During Water Conservation Stage, the penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-15 (*Water Conservation Stage*) or Section 6-4-12 (*Water Waste Prohibited*) is:

(a) not less than $150.00 and not more than $300.00 for a first violation;

(b) not less than $300.00 and not more than $500.00 for a second violation;

(c) not less than $450.00 and not more than $700.00 for a third violation; and

(d) not less than $500.00 and not more than $800.00 for a fourth or subsequent violation.

(2) During Drought Response Stage One, 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*) or Section 6-4-12 (*Water Waste Prohibited*) is:

(a) not less than $200.00 and not more than $400.00 for a first violation;

(b) not less than $350.00 and not more than $600.00 for a second violation;

(c) not less than $500.00 and not more than $800.00 for a third violation; and

(d) not less than $550.00 and not more than $1,000.00 for a fourth or subsequent violation.

(3) During Drought Response Stage Two, 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*) or Section 6-4-12 (*Water Waste Prohibited*) is:

(a) not less than $250.00 and not more than $500.00 for a first violation;

(b) not less than $400.00 and not more than $800.00 for a second violation;

(c) not less than $600.00 and not more than $1,000.00 for a third; and

(d) not less than $650.00 and not more than $1,000.00 for a fourth or subsequent violation.

(4) During Drought Response Stage Three, 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*) or Section 6-4-12 (*Water Waste Prohibited*) is:

(a) not less than $300.00 and not more than $600.00 for a first violation;

(b) not less than $500.00 and not more than $1,000.00 for a second or subsequent violation;

(c) not less than $650.00 and not more than $1,000.00 for a third; and

(d) not less than $700.00 and not more than $1,000.00 for a fourth or subsequent violation.

(5) During Drought Response Stage Four, the penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-19 (*Drought Response Stage Four Regulations*) or Section 6-4-12 (*Water Waste Prohibited*) is:

(a) not less than $400.00 and nor more than $1,000.00 for a first violation;

(b) not less than $550.00 and not more than $1,000.00 for a second violation;

(c) not less than $700.00 and not more than $1,000.00 for a third violation; and

(d) not less than $800.00 and not more than $1,000.00 for a fourth or subsequent violation.

(6) During Emergency Stage Five, the penalty range that may be assessed against a violator found liable under this chapter for violating Section 6-4-20 (*Emergency Stage Five Regulations*) or Section 6-4-12 (*Water Waste Prohibited*) is not less than $500.00 and not more than $1,000.00.

(G) 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 $300.00 and not more than $600.00 for a first violation; and

(2) not less than $500.00 and not more than $1,000.00 for a second or subsequent violation.

Source: Ord. No. 20220505-003, Pt. 2, 5-16-22; Ord. No. 20240502-006, Pts. 2, 3, 5-13-24.

Editor's note(s)—Part 3 of Ord. No. 20220505-003 states, "The penalty ranges established in § 2-13-24 are only applicable to an administrative citation issued after the effective date of this ordinance."

ARTICLE 3. APPEALS AND ENFORCEMENT.

§ 2-13-31 APPEAL FROM A HEARING.

(A) A violator found liable by a hearing officer may appeal the determination by:

(1) filing a petition with the Clerk of the Municipal Court before the 31st day after the hearing officer's determination is filed with the City Clerk; and

(2) paying a non-refundable filing fee.

(B) A violator that fails to appear at a hearing described in Section 2-13-21 (*Hearing for an Administrative Citation*) is not entitled to an appeal hearing.

(C) An appeal hearing is conducted by a municipal court judge.

(D) The judge shall review the record and hear oral arguments of the parties at the appeal hearing.

(E) The judge may receive evidence of procedural irregularities alleged to have occurred at the hearing that are not reflected in the record.

(F) The judge may not substitute his or her judgment for that of the hearing officer as to the weight of the evidence given by the hearing officer for questions that fall within the hearing officer's discretion.

(G) The court may reverse the hearing officer's order or remand the case for a rehearing if the appellant's substantial rights have been violated because the administrative findings or orders:

(1) violate constitutional or statutory provisions;

(2) exceed statutory authority;

(3) are made upon unlawful procedure;

(4) are affected by other error of law;

(5) are not supported by substantial evidence, as that term is used in Local Government Code Section 54.039 (*Judicial Review*), in light of the reliable and probative evidence in the record as a whole; or

(6) are arbitrary, capricious, characterized by abuse of discretion, or clearly unwarranted exercise of discretion.

(H) If the findings of the hearing officer are affirmed, the penalties and costs may not be modified except that additional costs may be added.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14.

§ 2-13-32 ENFORCEMENT OF ORDER.

(A) An order issued under this chapter may be enforced by:

(1) filing a civil suit for the collection of a penalty assessed against the violator; and

(2) obtaining an injunction that:

(a) prohibits specific conduct that violates the ordinance; or

(b) requires specific conduct necessary for compliance with the ordinance.

(B) Unless the violator posts a bond with the Austin Code Department before filing an appeal, an appeal of an order issued under this chapter does not stay enforcement and collection of the penalties and costs.

(C) The amount of the bond shall equal to all penalties and costs assessed against the violator.

Source: Ord. No. 20141023-056, Pt. 1, 11-3-14.

APPENDIX C: Resolution Adopting the 2024 Drought Contingency Plan

UPDATE ONCE AVALIBLE

APPENDIX D: Transmittal Letter to Regional Planning Group

UPDATE ONCE AVALIBLE