

**Excerpted from Austin City Code
TITLE 6. Environmental Control and Conservation
Chapter 6-4. Water Conservation**

ARTICLE 2. WATER USE MANAGEMENT.

Division 1. General Provisions.

§ 6-4-51 DEFINITIONS.

In this article:

- (1) COMMERCIAL FACILITY means a site with five or more dwelling units, or a civic, commercial, or industrial building and the associated landscaping.
- (2) DIRECTOR means the director of the Austin Water Utility.
- (3) DESIGNATED OUTDOOR WATER USE DAY means the day prescribed by rule on which a person is permitted to irrigate outdoors.
- (4) NEW LANDSCAPE means vegetation:
 - (a) installed at the time of the construction of a residential or commercial facility;
 - (b) installed as part of a governmental entity's capital improvement project; or
 - (c) that alters more than one-half of the area of an existing landscape.
- (5) RESIDENTIAL FACILITY means a site with four or fewer dwelling units.

Source: 1992 Code Section 4-2-54; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002.

§ 6-4-52 WATER USE MANAGEMENT PLAN ESTABLISHED.

This article establishes a water use management plan.

Source: 1992 Code Section 4-2-50; Ord. 031023-10; Ord. 031211-11.

§ 6-4-53 APPLICABILITY.

This article applies to a person who uses or allows the use of water, other than reclaimed water, supplied by Austin Water Utility.

Source: 1992 Code Section 4-2-53; Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

§ 6-4-54 COMPLIANCE REQUIRED.

A person may not use or permit the use of the water in a manner that conflicts with the requirements of this article or in an amount greater than permitted by this article.

Source: 1992 Code Section 4-2-60(A); Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

Division 2. Water Use Guidelines and Restrictions.

§ 6-4-61 WATER CONSERVATION GUIDELINES.

(A) The director shall recommend and the city manager shall adopt water conservation guidelines that include:

- (1) policies for compliance by city departments; and
- (2) the criteria for determining when a conservation stage takes effect or terminates.

(B) The city manager shall update the guidelines if the city manager determines that changed conditions of the city's water supply system require the update.

Source: 1992 Code Section 4-2-60(B); Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002.

§ 6-4-62 EFFECTIVE DATES OF CONSERVATION STAGES.

(A) Except as provided in Subsection (B), Section [6-4-64](#) (*Water Conservation Stage One Regulations*) is effective:

- (1) May 1 through September 30; and
- (2) during other time periods as determined by the director.

(B) The city manager may order that the water use restrictions of Section [6-4-65](#) (*Water Conservation Stage Two Regulations*), Section [6-4-66](#) (*Water Conservation Stage Three Regulations*), or Section [6-4-72](#) (*Additional Restrictions During Long-Term Water Supply Shortages*) take effect or terminate after determining that the order is necessary to protect the public health, safety, or welfare. The order is effective when announced publicly.

(C) The director shall monitor the daily supply and demand for water and recommend to the city manager whether to implement or terminate water use restrictions.

Source: 1992 Code Sections 4-2-52, 4-2-60(B), and 4-2-76; Ord. 031023-10; Ord. 031211-11.

§ 6-4-63 PERMANENT WATER USE RESTRICTIONS.

(A) This section prescribes permanent water conservation regulations and applies year-round.

(B) A person may not irrigate outdoors at a commercial facility on a day other than a designated water use day, except:

- (1) at a golf course; or
- (2) as provided in Subsection (E).

(C) A person may not irrigate outdoors using a permanently installed automatic irrigation system between the hours of 10:00 a.m. and 7:00 p.m., except as necessary to make repairs required under Subsection (D) or as provided in Subsection (E).

(D) A person may not:

(1) fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;

(2) operate a permanently installed irrigation system with:

- (a) a broken head;

- (b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or
- (c) a head that is misting because of high water pressure; or
- (3) during irrigation, allow water:
 - (a) to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or
 - (b) to pond in a street or parking lot to a depth greater than one-quarter of an inch.
- (E) Subsections (B) and (C) do not apply to irrigation:
 - (1) during repair or testing of a new or existing irrigation system if the person performing the testing is present;
 - (2) of nursery stock at a commercial plant nursery; or
 - (3) of an athletic field used for organized sports if:
 - (a) the irrigation is for dust abatement purposes; and
 - (b) the owner submits to the City a dust abatement exemption application on a form prescribed by rule.

Source: 1992 Code Section 4-2-61; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

§ 6-4-64 WATER CONSERVATION STAGE ONE REGULATIONS.

(A) This section prescribes water conservation stage one regulations and applies during the time periods prescribed by Section [6-4-62\(A\)](#) (*Effective Dates of Conservation Stages*).

(B) Except as provided in Subsection (D), a person may not irrigate outdoors at a residential facility or a commercial facility between the hours of 10:00 a.m. and 7:00 p.m.

(C) A person may not irrigate outdoors at a residential facility except on a designated outdoor water use day, or as provided in Subsection (D).

- (D) Subsections (B) and (C) do not apply to irrigation:
 - (1) using a hand-held hose or hand-held bucket;
 - (2) during repair or testing of a new or existing irrigation system if the person performing the testing is present;
 - (3) of water nursery stock at a commercial plant nursery; or
 - (4) of an athletic field used for organized sports if:
 - (a) the irrigation is for dust abatement purposes; and
 - (b) the owner submits to the City a dust abatement exemption application on a form prescribed by rules.

Source: 1992 Code Section 4-2-62; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

§ 6-4-65 WATER CONSERVATION STAGE TWO REGULATIONS.

(A) This section prescribes stage two water use management regulations.

(B) This section applies during a time period ordered by the city manager in accordance with Section [6-4-62](#) (*Effective Dates of Conservation Stages*).

(C) This section does not apply to:

(1) necessary use of water, other than for landscape irrigation, by a governmental entity performing a governmental function, including for a capital improvement construction project;

(2) necessary use of water, other than for landscape irrigation, for land development including roadway base preparation, flushing a utility line, dust control, concrete or asphalt work, and building construction, provided that if reclaimed water is available within one mile of the construction site, reclaimed water must be used for roadway base preparation and dust control;

(3) necessary use of water for repair of a water distribution facility, residential and commercial plumbing, or a permanently installed landscape irrigation system; or

(4) use of water in accordance with a variance approved by the director.

(D) This subsection prescribes requirements for outdoor irrigation, excluding watering nursery stock at a commercial plant nursery.

(1) A person may not irrigate outdoors, except:

(a) with a hand-held hose or a hand-held bucket at any time;

(b) with a hose-end sprinkler, a soaker hose, or drip irrigation, from 12:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 12:00 a.m. on a designated outdoor water use day; or

(c) with a permanently installed automatic irrigation system from 12:00 a.m. to 10:00 a.m. on a designated outdoor water use day.

(2) A person may not irrigate new landscape, unless:

(a) the person provides a completed notice in the form established in the water conservation guidelines to the director at least one day before the landscape is installed; and

(b) the person irrigates with a hose-end sprinkler, a soaker hose, or drip irrigation only from 12:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 12:00 a.m. on a designated outdoor water use day, or with an automatic irrigation system from 12:00 a.m. to 10:00 a.m. on a designated outdoor water use day.

(E) This subsection prescribes requirements for washing an automobile, truck, trailer, boat, airplane, or other mobile equipment.

(1) A person may not wash a vehicle or mobile equipment, except on a designated outdoor water use day from 12:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 12:00 a.m.

(2) A person who washes a vehicle or mobile equipment must use a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle.

(3) A person may not conduct or participate in a charity car wash.

(4) A person commits a separate offense for each vehicle or piece of equipment washed in violation of the terms and conditions of this restriction.

(5) This subsection does not apply to a commercial carwash if:

(a) in-bay, hand-held spray wash equipment, including a spray wand or foaming brush, does not use more than 3.0 gallons of water a minute and has a trigger shutoff;

(b) portable pressure wash equipment with a spray nozzle does not use more than 3.5 gallons of water a minute and has a trigger shutoff;

(c) a conveyor friction system does not use more than 20 gallons for each vehicle;

(d) a conveyor touchless system does not use more than 40 gallons for each vehicle;

(e) a rollover automatic system does not use more than 45 gallons for each vehicle;

(f) each chamois wringer has a positive shutoff valve; and

(g) a system using reverse osmosis rinse water reclaims and reuses reject water, and the reject water is not discharged into a sanitary sewer.

(6) This subsection does not apply if washing the vehicle is necessary to protect the health, safety, or welfare of the public.

(F) A person may not use an automatic fill valve to add water to an outdoor swimming, wading pool, or pond.

(G) A person may not operate an outdoor ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic species. A person may not fill, refill, or add water to an indoor fountain.

(H) A person may not irrigate a golf fairway, except on a designated outdoor water use day from 12:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 12:00 a.m. A person may irrigate a golf course green or tee every other day if the person files a plan with the director establishing the irrigation schedule.

(I) A person may not wash a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area, except to alleviate an immediate health or safety hazard.

(J) A restaurant may not serve water to a customer except when requested by the customer.

Source: 1992 Code Section 4-2-63; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

§ 6-4-66 WATER CONSERVATION STAGE THREE REGULATIONS.

(A) This section prescribes stage three water use management regulations.

(B) This section applies during a time period ordered by the city manager in accordance with Section [6-4-62](#) (*Effective Dates of Conservation Stages*). During stage three, stage two water use management regulations in Section [6-4-65](#) (*Water Conservation Stage Two Regulations*) also apply.

(C) This section does not apply to a person who uses treated wastewater effluent or raw water.

(D) A person may not irrigate vegetation outdoors, except:

(1) with a hand-held hose or hand-held watering can from 6:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. on a designated outdoor water use day; or

(2) at a commercial plant nursery with a hand-held hose, hand-held watering can, or drip irrigation system.

(E) A person may not wash an automobile, truck, trailer, boat, airplane, or other mobile equipment. This prohibition does not apply if the washing is necessary to alleviate an immediate threat to public health, safety, or welfare, but a person may use a commercial car wash or commercial service station for this purpose only between 12:00 p.m. and 5:00 p.m.

(F) This subsection prescribes requirements for foundation watering.

(1) A person may not water the ground around a foundation to prevent foundation cracking except on a designated outdoor water use day from 12:00 a.m. to 10:00 a.m.

(2) The director may grant a variance to Paragraph (1) if the director determines that additional watering is necessary to prevent foundation cracking. If the director grants a variance, a person may water a foundation:

(a) during the time period prescribed by Paragraph (1); and

(b) on the second day after time period prescribed by Paragraph (1) from 12:00 a.m. to 10:00 a.m. using a soaker hose or drip system placed within 24 inches of the foundation that does not produce a spray of water above the ground.

(G) A person may not operate an outdoor ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic species.

(H) A person may not add potable water to a swimming pool, wading pool, fountain, or pond.

(I) A person may not begin the installation of new landscape.

(J) A person may not wash a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area, except to alleviate an immediate health or safety hazard.

(K) A restaurant may not serve water to a customer except when requested by the customer.

Source: 1992 Code Section 4-2-64; Ord. 031023-10; Ord. 031211-11; Ord. 20070809-002; Ord. 20070927-006.

Division 3. Additional Restrictions.

§ 6-4-71 DIRECTOR'S AUTHORITY TO IMPOSE ADDITIONAL RESTRICTIONS.

(A) The director may implement mandatory water restrictions in addition to those prescribed by [Division 2](#) (*Water Use Guidelines And Restrictions*) to protect the public health and safety in the event of an unusual water system operational event, catastrophic occurrence, or severe weather event.

(B) The director may implement mandatory restrictions, immediately effective, by public announcement.

Source: 1992 Code Section 4-2-70; Ord. 031023-10; Ord. 031211-11.

§ 6-4-72 ADDITIONAL RESTRICTIONS DURING LONG-TERM WATER SUPPLY SHORTAGES.

(A) This section applies if the city manager determines that:

(1) the available capacity of the Highland Lakes Reservoir is less than the anticipated demand; or

(2) the combined water storage levels of Lakes Travis and Buchanan are less than 681,000 acre-feet.

(B) The city manager may:

(1) prohibit outdoor watering, except with treated wastewater effluent, raw water, well water, storm water, or stored rainwater; or

(2) require municipal wholesale customers to curtail water use on a pro rata basis, in accordance with Section 11.039 (*Distribution of Water During Shortage*) of the Texas Water Code.

Source: 1992 Code Section 4-2-71; Ord. 031023-10; Ord. 031211-11.

Division 4. Variances; Alternative Compliance.

§ 6-4-81 VARIANCE.

(A) The director may grant a variance from a requirement of this article if the director determines that special circumstances exist and that compliance with this article:

- (1) adversely affects the health, sanitation, or fire protection of the public or the applicant;
- (2) adversely affects pesticide or fertilizer application; or
- (3) substantially threatens the applicant's primary source of income.

(B) The director may grant a variance to Section [6-4-63](#) (*Permanent Water Use Restrictions*), Section [6-4-64](#) (*Water Conservation Stage One Regulations*), or Section [6-4-65](#) (*Water Conservation Stage Two Regulations*) if the director determines:

(1) that a property cannot be completely watered with an average of three-quarters of an inch of water in a single day and that the property should be divided into sections to be watered on different days;

(2) that a property is a newly installed landscape; or

(3) that a property is used as an athletic field that cannot feasibly be watered on the designated day.

(C) A variance granted under Subsection (B)(2) must include the following conditions:

(1) the applicant may water a newly installed landscape no more than three-quarters of an inch; and

(2) watering must comply with the following schedule:

(a) for the first 10 days after installation, watering is permitted daily;

(b) for the 11th through 20th days after installation, watering is permitted every other day before 10:00 a.m. and after 7:00 p.m.; and

(c) for the 21st through 30th days after installation, watering is permitted every third day before 10:00 a.m. and after 7:00 p.m.

(D) A person may seek a variance by filing an application with the director. The director may require the applicant to provide information the director determines is necessary to evaluate the variance request.

(E) If the director approves a variance, the applicant shall keep a copy of the approval in a location on the affected property that is accessible and visible to the public.

Source: 1992 Code Section 4-2-77; Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

§ 6-4-82 EXPIRATION OF VARIANCE.

(A) A variance from a stage one requirement expires when stage two regulations take effect.

(B) A variance from a stage two requirement expires when stage three regulations take effect.

(C) A variance from a requirement of this article expires when additional restrictions during long-term water supply shortage are adopted under Section [6-4-72](#) (*Additional Restrictions During Long-Term Water Supply Shortages*).

(D) A variance from a requirement of this article expires if the applicant is convicted of violating this article.

Source: 1992 Code Section 4-2-79; Ord. 031023-10; Ord. 031211-11.

§ 6-4-83 ALTERNATIVE COMPLIANCE.

(A) The director may permit a person to comply with alternative water use restrictions after determining that the alternative restrictions meet or exceed the intent of this article.

(B) If the director approves alternate water use restrictions, the applicant shall keep a copy of the approved restrictions in a location on the affected property that is accessible and visible to the public.

Source: 1992 Code Section 4-2-78; Ord. 031023-10; Ord. 031211-11.

ARTICLE 3. ENFORCEMENT.

§ 6-4-91 PRESUMPTION OF VIOLATION.

A person in whose name a water service account is held is presumed to be responsible for a violation of this article that occurs at the water service account location.

Source: 1992 Code Section 4-2-75; Ord. 031023-10; Ord. 031211-11.

§ 6-4-92 PENALTY.

(A) A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter. Each instance of a violation of this chapter is a separate offense.

(B) An offense under this chapter is a Class C misdemeanor, punishable by:

(1) a fine not to exceed \$500; or

(2) if the person acts with criminal negligence, a fine not to exceed \$2,000.00.

(C) Proof of a higher degree of culpability than criminal negligence constitutes proof of criminal negligence.

(D) Prosecution of an offense and enforcement of other remedies under this chapter are cumulative.

Source: 1992 Code Section 4-2-99; Ord. 031023-10; Ord. 031211-11; Ord. 20070927-006.

ARTICLE 3. UTILITY SERVICE.

[Excerpted sections pertain to customer responsibilities for connections, equipment and right-of-access. Please see www.ci.austin.tx.us for additional sections under this article.]

§ 15-9-37 CUSTOMER'S RESPONSIBILITIES.

(A) A customer is responsible for utility service provided on the customer's side of the point of delivery, including:

- (1) excessive consumption caused by faulty equipment;
- (2) damage caused by an open valve or circuit after service initiation; and
- (3) a violation of this chapter, including utility service diversion, unlawful use of service, or damage to City utility equipment.

(B) A customer who vacates a service address before providing the City with notice to cancel utility service is responsible for charges for utility service and violations of this chapter that occur before the City receives cancellation notice.

(C) A customer shall convey to the City a perpetual right-of-way that is:

- (1) acceptable to the City;
- (2) across the property owned or controlled by the customer;
- (3) for the City's lines and line extensions, poles, or other equipment necessary or incidental to supply service to the customer; and
- (4) at no cost to the City.

(D) A customer shall:

- (1) maintain the customer's property to allow verification of the service address of the premises from the street; and
- (2) provide the City, its agents, contractors, and employees safe and unobstructed access to the customer's property to allow the City to:
 - (a) use, maintain, remove, or replace City property;
 - (b) read a utility meter;
 - (c) trim or remove a tree or shrubbery that interferes with or creates a danger to a utility line or other City utility equipment;
 - (d) remove an object that interferes with or creates a danger to a utility line or other City utility equipment;
 - (e) inspect wiring, a plumbing system, a backflow method or assembly, or other equipment on a new or remodeled installation;

- (f) turn off an irrigation system if the customer is irrigating on a day or time prohibited under [Chapter 6-4](#) (*Water Conservation*) and the customer cannot be located;
- (g) sample a wastewater discharge;
- (h) obtain a water or reclaimed water sample; and
- (i) take other action related to supplying service to the customer.

(E) A customer's service connections must be readily accessible to the City's service facilities. The City shall determine a service connection point based on the most direct route to City facilities. The City may relocate a service connection point if the City determines relocation is necessary.

(F) A customer must reimburse the City for all costs incurred by the City resulting from the failure or refusal of the customer to comply with this section.

(G) The City may disconnect utility service if a customer fails to maintain the customer's property as required by this section. The City is not liable for damage to the customer's property caused by City authorized maintenance of a right-of-way or meter installation.

Source: 2003 Code Section 15-9-35; 1992 Code Section 18-4-054; Ord. 040805-02; Ord. 20070927-006.

ARTICLE 7. TERMINATION OF SERVICE.

§ 15-9-101 BASIS FOR TERMINATION OF SERVICE.

(A) The City may disconnect a customer's utility service without notice:

- (1) at the request of the customer, on or before the third day after the date the customer requests the termination;
- (2) if the City determines that there is:
 - (a) utility service diversion;
 - (b) a dangerous condition that creates a threat to public health, safety, or property;
 - (c) an unlawful use of service;
 - (d) a violation of a City ordinance, or state regulation relating to sub-metering of utility service;
 - (e) fraud in obtaining utility service; or

(f) a violation of [Article 4](#) (*Electrical Code*) or [Article 11](#) (*Residential Code*) of [Chapter 25-12](#) (*Technical Codes*), [Chapter 15-10](#) (*Wastewater Regulations*), or [Chapter 15-1](#) (*Cross-Connection Regulations*) of the Code, or a City ordinance relating to utility service;

- (3) under Subsection [15-9-103](#)(B) (*Termination of Service for Insufficient Funds Payment*); or
- (4) under Section [15-9-105](#) (*Termination Request by Non-City Utility*).

(B) The City may disconnect a customer's utility service after notifying the customer, if:

- (1) the customer fails to:

- (a) visibly post the service address on a structure or meter location;
- (b) pay a delinquent utility account balance;
- (c) comply with the terms of a deferred payment agreement;
- (d) comply with credit security requirements;

(e) connect to the City's distribution or collection facilities as required by Section [15-9-173](#) (*Relocation of City Distribution or Collection Facility*); or

(f) comply with Section [15-9-37](#) (*Customer's Responsibilities*); or

(g) comply with [Chapter 6-4](#) (*Water Conservation*); or

(2) the customer installs or operates equipment that interferes with utility service to another person.

(C) The City may disconnect a customer's water and wastewater service in the City's extra-territorial jurisdiction as authorized by Section 13.250 (*Continuous and Adequate Service; Discontinuance, Reduction, or Impairment of Service*) of the Texas Water Code.

Source: 2003 Code Sections 15-9-161 and 15-9-171; 1992 Code Sections 18-4-240 and 18-4-250; Ord. 040805-02; Ord. 20070927-006.