

RULE NO.: R161-13.13

NOTICE OF RULE ADOPTION

ADOPTION DATE: June 10, 2013

By: Greg Meszaros, Director
Austin Water Utility

The Director of the Department of Austin Water Utility has adopted the following rule. Notice of the proposed rule was posted on April 15, 2013. Public comment on the proposed rule was solicited in the April 15, 2013 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

A copy of the complete text of the adopted rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Department of Austin Water Utility, located at 625 E 10th St, 6th floor Ste. 615; and
Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

EFFECTIVE DATE OF ADOPTED RULE

A rule adopted by this notice is effective on June 10, 2013.

TEXT OF ADOPTED RULE

R161-13.13: Definition of automatic irrigation systems and manual irrigation systems and clarification of watering schedule in City Code Chapter 6-4

The adopted rule contains no changes from the proposed rule.

AUTOMATIC IRRIGATION SYSTEM means any irrigation system connected to and being operated by a programmable controller, including but not limited to a permanently or temporarily installed irrigation system. Any person who owns, operates, or maintains an automatic irrigation system or the property on which the system is located must comply with City Code Sections 6-4-15(C), Water Conservation Stage, 6-4-16(C) Drought Response Stage One Regulations, 6-4-17(C), Drought Response Stage Two Regulations, or Section 6-4-18(C) Drought Response Stage Three Regulations, during any period when the applicable stage is in effect.

MANUAL IRRIGATION SYSTEM means an irrigation system that requires the manual operation of valves or the attachment of a quick-coupling device. Any person who owns, operates, or maintains a manual irrigation system or the property on which the system is located must comply with City Code Sections 6-4-15(C) Water Conservation Stage, 6-4-16(D) Drought Response Stage One Regulations, 6-4-17(D), Drought Response Stage Two Regulations, or 6-4-18(D) Drought Response Stage Three Regulations, during any period when the applicable stage is in effect.

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In accordance with City Code Section 6-4-17, Drought Response Stage Two Regulations, and Section 6-4-18, Drought Response Stage Three Regulations, the outdoor water use day for Commercial/Multifamily properties with an address ending in an even number is Tuesday and for Commercial/Multifamily properties with an address ending in an odd number is Friday.

SUMMARY OF COMMENTS

The Department of Austin Water Utility did not receive comments regarding the rule adopted in this notice.

AUTHORITY FOR ADOPTION OF RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate construction is established in Texas Local Government Code Section 552.001 and Section Title 6 of the Austin City Code.

APPEAL OF ADOPTED RULE TO CITY MANAGER

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

Notice that an appeal was filed and will be posted by the city clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City manager shall make a decision.

CERTIFICATION BY CITY ATTORNEY

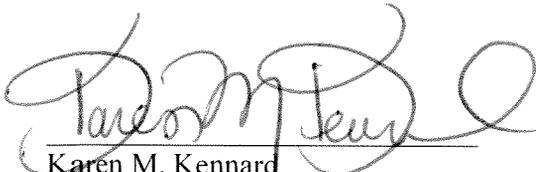
By signing this Notice of Rule Adoption (R161- 13.13), the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEWED AND APPROVED



Greg Meszaros, Director
Department

Date: 5/23/13



Karen M. Kennard
City Attorney

Date: June 10, 2013