**RULE NO.: R161-13.19**

**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.

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## TEXT OF ADOPTED RULE

**R161-13.19: Postponement of requirement to connect to reclaim water until future rule adoption**

The adopted rule contains no changes from the proposed rule. Rules adopted pursuant to City Code Section Chapter 6-4-1 1(E) shall at a minimum establish the applicability of this section to various properties including those that are located within the City of Austin or the Austin Water Utility service area but located outside the planning jurisdiction and a date of compulsory implementation. A future rule will identify the date of compulsory implementation of the requirement to connect to reclaimed water for irrigation, cooling, and other significant non-potable water uses; until the future rule adoption, utilization of permitted connections under Section 6-4-11(E) is not a requirement of City Code Chapter 6-4.

## 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- 13.19), 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