

**RULE NO.: R161- 13.12**

**NOTICE OF PROPOSED RULE**

**POSTING DATE: April 15, 2013**

The Director of the Department of Austin Water Utility proposes to adopt the following rule after May 17, 2013.

Comments on the proposed rule are requested from the public. Comments should be submitted to Jadell Hines 625 E. 10<sup>th</sup> Street, 6<sup>th</sup> Floor, Ste. 615, 974-3545. To be considered, comments must be submitted before May 17, 2013, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

**EFFECTIVE DATE OF PROPOSED RULE**

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before May 17, 2013 (the 32nd day after the date of this notice) or not after July 14, 2013 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before July 14, 2013, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

**TEXT OF PROPOSED RULE**

During Drought Response Stage 3 Regulations, all splash pads utilizing Austin Water Utility potable water may only spray water between the hours of 9:00 a.m. and 8:00 p.m.

**BRIEF EXPLANATION OF PROPOSED RULE**

The rule establishes the hours of splash pad operation during Drought Response Stage 3

A copy of the complete text of the proposed 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. 10<sup>th</sup> Street, 6<sup>th</sup> Floor Ste. 615; and  
Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

#### **AUTHORITY FOR ADOPTION OF PROPOSED 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 the water use is established in Texas Local Government Code Section 552.001 and Title 6 of Austin City Code. Additional authority specific to this rule can be located in City Code Section 6-4-18(I).

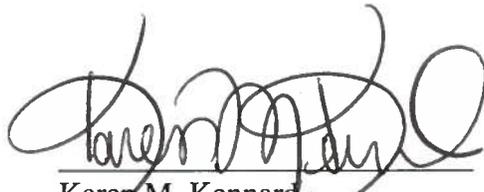
**CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule (**R161- 13.12 – Splash Pads** ), the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director’s administrative authority.

**REVIEW AND APPROVED**

  
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Greg Meszaros, Director  
Austin Water Utility

Date: 3/27/13

  
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Karen M. Kennard  
City Attorney

Date: 4/8/2013