

# CURRENT WATER CONSERVATION PENALTIES

July 14, 2023

Austin Water issues fines for violations of City Code of Ordinances, Chapter 6-4. This document addresses water waste violations related to operating a residential or commercial irrigation system in manner not consistent with the requirements of Chapter 6-4. Violations of this chapter include watering on the wrong day, wrong time, causing run off greater than 50 feet, and misaligned and broken heads. This document provides information on the implementation of the Chapter 6-4 irrigation ordinances.

## ENFORCEMENT PROCESS

### 1. Warning Notice of Violation (NOV)

Upon the witness of a violation, staff will issue a warning NOV if an account holder has not received has not received a violation in the previous 365 days at the same address.

*Example:*

*Violation issued on June 1, 2021. Staff witness a violation on or before June 1, 2022, will result in fines being assessed.*

### 2. Notice of Citation

A second witnessing of a violation within the last year (365 days) will result in a Notice of Citation, which results in a monetary penalty. The violation hearing process can be found in the City Code of Ordinances, Chapter 2-13.

## ASSESSMENT OF IRRIGATION PENALTIES

Within the City Council-approved penalty ranges for violation penalties, Austin Water will assess a specific penalty for irrigation-related violations based on the premise that customers that use more water should payer a higher penalty for violations, similar to the current inclining block water rates. For residential and commercial irrigation violations, the gauge of use is based upon historical water use.

### Residential Witnessed Irrigation Violations (§6-4-13)

Fines will be assessed in accordance with the ranges set for current drought restriction stage as set in City Code of Ordinances, Chapter 2-13. When assessing a water conservation fine, staff will review the average usage for the three (3) most recent summer months (June – August) and determine which tier the customer falls in: top 1% of usage, top 3% of usage, top 5% of usage, top 10% of usage, and below the 90<sup>th</sup> percentage of use.

Residential usage tiers for penalty assessment

- Top 1% tier:  $((\text{maximum} - \text{minimum}) \times 100\%) + \text{minimum of range}$
- Top 3% tier:  $((\text{maximum} - \text{minimum}) \times 75\%) + \text{minimum of range}$
- Top 5% tier:  $((\text{maximum} - \text{minimum}) \times 50\%) + \text{minimum of range}$
- Top 10% tier:  $((\text{maximum} - \text{minimum}) \times 25\%) + \text{minimum of range}$
- Below 90% tier: minimum of range

Tiering information will be calculated annually by May 1 of each year. Staff will use updated tiering numbers effective June 1 of that year and remain in place until May 30 of the following year.



**Penalty Assessments for Residential Witnessed Irrigation Violations**

		<i>1<sup>st</sup> citation w/in 12-month period</i>	<i>2<sup>nd</sup> citation w/in 12-month period</i>	<i>3<sup>rd</sup> event w/in 12-month period</i>	<i>4<sup>th</sup>+ event w/in 12-month period</i>
<b>Conservation Stage</b>	Codified Range	\$25 - \$100	\$50 - \$200	\$200 - \$400	\$300 - \$600
	Top 1%	\$100	\$200	\$400	\$600
	Top 3 %	\$81	\$163	\$350	\$525
	Top 5%	\$63	\$125	\$300	\$450
	Top 10%	\$44	\$88	\$250	\$375
	Below 90%	\$25	\$50	\$200	\$300
<b>Drought Response Stage 1</b>	Codified Range	\$50 - \$200	\$75 - \$300	\$250 - \$500	\$400 - \$800
	Top 1%	\$200	\$300	\$500	\$800
	Top 3 %	\$163	\$244	\$438	\$700
	Top 5%	\$125	\$188	\$375	\$600
	Top 10%	\$88	\$131	\$313	\$500
	Below 90%	\$50	\$75	\$250	\$400
<b>Drought Response Stage 2</b>	Codified Range	\$75 - \$300	\$150 - \$400	\$300 - \$800	\$500 - \$1,000
	Top 1%	\$300	\$400	\$800	\$1,000
	Top 3 %	\$244	\$338	\$675	\$875
	Top 5%	\$188	\$275	\$550	\$750
	Top 10%	\$131	\$213	\$425	\$625
	Below 90%	\$75	\$150	\$300	\$500
<b>Drought Response Stage 3</b>	Codified Range	\$150 - \$400	\$300 - \$600	\$450 - \$800	\$600 - \$1,000
	Top 1%	\$400	\$600	\$800	\$1,000
	Top 3 %	\$338	\$525	\$713	\$900
	Top 5%	\$275	\$450	\$625	\$800
	Top 10%	\$213	\$375	\$538	\$700
	Below 90%	\$150	\$300	\$450	\$600
<b>Emergency Stage 4</b>	Codified Range	\$200 - \$500	\$350 - \$700	\$500 - \$800	\$650 - \$1,000
	Top 1%	\$500	\$700	\$800	\$1,000
	Top 3 %	\$425	\$613	\$725	\$913
	Top 5%	\$350	\$525	\$650	\$825
	Top 10%	\$275	\$438	\$575	\$738
	Below 90%	\$200	\$350	\$500	\$650



### Commercial Witnessed Irrigation Violations (§6-4-13)

Given the complexity and wide range of property types, sizes, and usage demands for commercial and multifamily accounts, the penalty tiers apply only if an irrigation meter is onsite. If a commercial or multifamily customer has irrigation meter(s) onsite and the average summer usage is in the top 50 percent of irrigation use, the maximum penalties would be applied. If the customer’s average summer usage falls in the bottom 50 percent of irrigation or do not have an irrigation meter, the minimum penalty would be applied.

### Penalty Assessments for Commercial Witnessed Irrigation Violations

		<i>1<sup>st</sup> event/12-month period per violation</i>	<i>2<sup>nd</sup> event/12-month period per violation</i>	<i>3<sup>rd</sup> event/12-month period per violation</i>	<i>4<sup>th</sup> + event /12-month period per violation</i>
<b>Conservation Stage</b>	Codified Range	\$150 - \$300	\$300 - \$500	\$450 - \$700	\$500 - \$800
	Top 50%	\$300	\$500	\$700	\$800
	Bottom 50%	\$150	\$300	\$450	\$500
	No irrigation meter	\$150	\$300	\$450	\$500
<b>Drought Response Stage 1</b>	Codified Range	\$200 - \$400	\$350 - \$600	\$500 - \$800	\$550 - \$1,000
	Top 50%	\$400	\$600	\$800	\$1,000
	Bottom 50%	\$200	\$350	\$500	\$550
	No irrigation meter	\$200	\$350	\$500	\$550
<b>Drought Response Stage 2</b>	Codified Range	\$250 - \$500	\$400 - \$800	\$600 - \$1,000	\$650 - \$1,000
	Top 50%	\$500	\$800	\$1,000	\$1,000
	Bottom 50%	\$250	\$400	\$600	\$650
	No irrigation meter	\$250	\$400	\$600	\$650
<b>Drought Response Stage 3</b>	Codified Range	\$300 - \$600	\$500 - \$1,000	\$650 - \$1,000	\$700 - \$1,000
	Top 50%	\$600	\$1,000	\$1,000	\$1,000
	Bottom 50%	\$300	\$500	\$650	\$700
	No irrigation meter	\$300	\$500	\$650	\$700
<b>Emergency Stage 4</b>	Codified Range	\$500 - \$1,000	\$500 - \$1,000	\$500 - \$1,000	\$500 - \$1,000
	Top 50%	\$1,000	\$1,000	\$1,000	\$1,000
	Bottom 50%	\$500	\$500	\$500	\$500
	No irrigation meter	\$500	\$500	\$500	\$500

### 2023 Water Usage Penalty Tiers

	<b>Penalty Tier</b>	<b>June (gal)</b>	<b>July (gal)</b>	<b>August (gal)</b>	<b>Average (gal/month)</b>
<b>Residential</b>	Top 1%	39,745.91	47,677.00	40,523.27	42,648.73
	Top 3 %	26,877.14	32,038.00	26,703.99	28,539.78



	Top 5%	22,100.00	26,333.20	26,333.10	23,432.00
	Top 10%	16,275.00	19,369.70	16,118.80	17,254.50
	Below 90%	<16,275.00	<19,369.70	<16,118.80	<17,254.50
<b>Commercial &amp; Multifamily</b>	50%	21,381.55	29,316.45	30,993.50	27,230.50
	All other customers	<21,381.55	<29,316.45	<30,993.50	<27,230.50

## ASSESSMENT OF OTHER WATER CONSERVATION PENALTIES

### General Regulations Violations § 6-4-11

Charity car wash not held at a certified car wash facility / Commercial cosmetic power wash efficiency violations / Ornamental fountain not recirculating / Foundation watering on the wrong day

- First citation: \$150
- Second citation: \$300
- Third citation: \$500
- Fourth and subsequent citations: \$1,000

Failure to connect to reclaim within 250 ft / Potable water for dust abatement / Cooling tower efficiency & safety requirements

- First citation: \$500
- Second citation: \$750
- Third citation: \$850
- Fourth and subsequent citations: \$1,000

### Water Waste Prohibitions § 6-4-12

Failure to control leaks / Broken heads / Misalignment / Runoff / Misting / Ponding / Cooling tower overflow / Cooling towers without drift eliminators

- Residential violations
  - \$25 per citation in Conservation Stage
  - \$50 per citation in Drought Response Stage 1
  - \$75 per citation in Drought Response Stage 2
  - \$100 per citation in Drought Response Stage 3 & Emergency Stage 4
- Commercial & Multifamily violations
  - \$100 per citation

