

**RULE NO.: R161-13.14**

**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 10<sup>th</sup> St, 6<sup>th</sup> 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**

**R161-13.14: AWU Authorized Irrigation Inspector Status description**

The adopted rule contains no changes from the proposed rule.

- (A) A person seeking AWU Authorized Irrigation Inspector status shall:
1. Provide documentation to Austin Water Utility of a valid Irrigation Inspector license granted by the Texas Commission on Environmental Quality.
  2. Provide documentation of successful completion of the AWU Director-approved landscape irrigation course within the preceding six (6) months.
  3. Submit an application for AWU Authorized Irrigation Inspector status on forms provided by Austin Water.
- (B) The Director or his designee shall grant or deny in writing any written request to assert AWU Authorized Irrigation Inspector Status within 10 working days after receipt of a complete application.

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- (C) The Director or his designee may deny a request to assert certified irrigator status if the Director finds that the information provided by the applicant is false, misleading, incorrect or incomplete.
- (D) AWU Authorized Irrigation Inspector status shall be considered valid for a period of three years from the date of authorization, provided the Licensed Irrigation Inspector maintains licensing with the Texas Commission on Environmental Quality.
- (E) Renewal of AWU Authorized Irrigation Inspector status will require the submittal of a new application along with documentation of a current Irrigation Inspector license from the Texas Commission on Environmental Quality and documentation of successful completion of the Director-approved landscape irrigation course within the preceding six months.
- (F) A list of AWU Authorized Irrigation Inspectors will be maintained by Austin Water and may be posted on the Austin Water Utility website or otherwise made available by Austin Water Utility.
- (G) An AWU Authorized Irrigation Inspector status awarded by the Director may be revoked by the Director upon official determination of any violation of state irrigator licensing requirements as set forth in Title 30, Texas Administrative Code Chapter 344, Rules for Landscape Irrigation.
- (H) An AWU Authorized Irrigation Inspector status awarded by the Director may be terminated at any time upon request by the applicant.

#### **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.

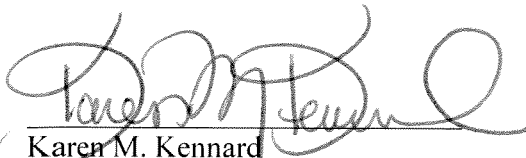
**CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Rule Adoption (R161-13.14), 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**

  
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Greg Meszaros, Director  
Department

Date: 5/23/13

  
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Karen M. Kennard  
City Attorney

Date: June 10, 2013