

TO: MAYOR AND CITY COUNCIL
FROM: LANELL ENDRES, INTERIM CITY ADMIN/FINANCE DIRECTOR
SUBJECT: ORDINANCE FOR CRITICAL WATER USAGE
MEETING DATE: MARCH 6, 2018

BACKGROUND

The City submitted a water usage plan to the Minnesota Department of Natural Resources in October, 2017. A requirement of that plan states we have to adopt and enact an ordinance within six months of the submittal. This ordinance establishes water conservation restrictions that would be in effect when declared by the governor through an executive order.

This is the first reading and introduction of this ordinance.

REQUESTED COUNCIL ACTION

Approve the first reading and introduction of the Ordinance Amending Chapter 52 of the Cannon Falls City Code, Water Service, Concerning Nonessential Water Usage.

Attachment(s):

Ordinance Amending the City Code for Nonessential Water Usage

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

**ORDINANCE NUMBER 358
SECOND SERIES**

**AN ORDINANCE AMENDING CHAPTER 52
OF THE CANNON FALLS CITY CODE, WATER SERVICE,
CONCERNING NONESSENTIAL WATER USAGE**

THE CITY COUNCIL OF CANNON FALLS ORDAINS:

Section 1. Chapter 52 of the Cannon Falls City Code is hereby amended by adding Section 52.12 to provide:

(1) PURPOSE.

This Section establishes water conservation restrictions; and the plan will be in effect at any time the governor declares by executive order a critical water deficiency, pursuant to Minnesota Statutes Section 103G.291.

(2) DEFINITIONS.

Department means the City Public Works department.

Emergency means the declaration of a critical water deficiency by the governor.

Irrigation means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.

Notification to public means notification through local media, including interviews and issuance of news releases.

Reclaimed water means water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.

Water recirculation system means any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

(3) APPLICATION.

3.2 No person shall make, cause, use, or permit the use of water received from the City for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this ordinance.

3.3 Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the governor.

(4) DECLARATION OF CRITICAL WATER DEFICIENCY.

Upon the declaration of a critical water deficiency by the governor, the City shall immediately post notice of the emergency declaration at the usual meeting place of the City Council, or the official City bulletin board. The City shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.

(5) MANDATORY EMERGENCY WATER CONSERVATION MEASURES.

Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:

- (1) Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.
- (2) Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.
- (3) The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.
- (4) Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.
- (5) Operation of outdoor misting systems used to cool public areas is prohibited.
- (6) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.
- (7) The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.

(6) VARIANCES.

The City administrator or the Administrator's designee is authorized to grant variances to this ordinance where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five (5) days of the decision by submitting a written appeal to the City Clerk. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

(7) VIOLATION.

7.1 Violations shall be determined and cited by the City Administrator or the Administrator's designee. A violator may appeal the citation within five (5) days of its issuance by submitting a written appeal to the City. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if

evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.

7.2 Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and which shall describe the remedy and fines for future violations.

7.3 Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy. Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the City to pursue other legal remedies.

(8) ENFORCEMENT.

The City Administrator or the Administrator’s designee is authorized to designate City employees or law enforcement personnel to enforce the provisions of this ordinance.

(9) SEVERABILITY.

If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

Section 2. Effective Date. This ordinance shall be effective immediately upon its passage and publication according to law.

PASSED AND DULY ADOPTED this _____ day of _____, 2018 by the City Council of the City of Cannon Falls, Minnesota.

CITY OF CANNON FALLS

BY: _____
Lyman M. Robinson, Mayor

ATTEST:

Lanell Endres, Interim City Administrator