

**ORDINANCE NO. 869**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA  
AMENDING CHAPTER 58-UTILITIES OF THE BAYPORT CITY CODE**

**THE CITY COUNCIL OF THE CITY OF BAYPORT DOES HEREBY ORDAIN:**

**Section 1.** Chapter 58 - Utilities, Article III. Water, Division 3 is hereby deleted in its entirety and the following is substituted therefore:

**DIVISION 3. WATER CONSERVATION RESTRICTIONS**

**Sec. 58-86. Purpose.**

The City Council finds that water conservation is critical to the city's welfare and to the efficient and economical provision of safe water. Additionally, the city needs to be prepared for any emergency that may occur which would result in a reduced capacity to supply adequate water. When necessary and in its sole discretion, the city shall enforce restrictions on the use of water outside of any residence, institution or business, whether non-profit or for-profit. Restrictions shall be based on water availability. This section establishes water conservation restrictions in absence of a declared critical water deficiency by the governor, pursuant to Minnesota Statutes, Section 103G.291, as may be amended or supplemented.

**Sec. 58-87. Restriction levels.**

The City Council finds it necessary to place restraints on the level of city supplied water for certain purposes, as described.

*(a) Level 1.* This level consists of the normal usage of water at any given time of the year. The following conservation practices will be in effect each May 1 to September 1:

(1) Watering lawns, flowers, trees, or shrubs is prohibited between the hours of 12:00 p.m. and 5:00 p.m.

(2) Lawn irrigation is permitted on an odd/even basis. Properties with an even-numbered address may water on even-numbered calendar days and properties with an odd-numbered address may water on odd-numbered calendar days, before and after the hours stated in paragraph (1).

(3) Reasonable recreational use of outside water is permitted at all times. Use of outside water for washing vehicles is prohibited between 12:00 p.m. and 5:00 p.m., Monday through Friday.

*(b) Level 2.* The use of outside water is permitted as allowed by Level 1, except the permitted days and hours of use for watering and lawn irrigation shall be set by the City Administrator with notification to the public (as defined in Division 4 of this Chapter), and no recreational use of outside water is permitted.

*(c) Level 3.* All outside water use within the city is prohibited.

**Sec. 58-88. Exceptions to use restrictions.** The regulations in this division pertaining to restricted use of water shall not apply to the following:

- (1) Private wells;
- (2) Employees and agents of the city in such instances where lawn grass or turf used for athletic fields or areas owned and operated by the city require more frequent watering to prevent unreasonable damage thereto;
- (3) Hand watering of potted plants or flowers;
- (4) New landscaping, seeded or sodded lawns within 30 days of installation;
- (5) A business or entity which relies heavily on use of outside water, with an approved city permit to allow increased usage or modified restrictions.
- (6) A property with a smart irrigation controller, with an approved city permit to allow modified restrictions.

**Sec. 58-89. Violation.**

The violation of any section of this chapter shall be subject to fines as established in appendix D—Fee schedule of the Bayport Code of Ordinances. Violators may be granted an administrative waiver if evidence in the form of a letter from a qualified vendor or equipment invoice is provided stating that equipment failure was the cause of the violation, but in no such case shall more than one waiver be granted per calendar year. Fines will be imposed to the owner or current occupant of the premises where the violation occurred.

**Section 2.** Chapter 58 - Utilities, Article III. Water, Division 4 is hereby created to include the following:

**DIVISION 4. NON ESSENTIAL USAGE UPON CRITICAL WATER DEFICIENCY**

**Section 58-96. Purpose.**

This division establishes water conservation restrictions and will be in effect at any time the state governor declares by executive order a critical water deficiency, pursuant to Minnesota Statutes, Section 103G.291, as may be amended or supplemented.

**Section 58-97. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City Administrator:* in statutory cities, the person assigned duties pursuant to Minnesota Statutes, Section 412.151, as may be amended or supplemented.

*Department:* the city Public Works Department.

*Emergency:* the declaration of a critical water deficiency by the governor.

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

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

*Public water supplier:* the city or other entity that owns, manages, or operates a public water supply, as defined in Minnesota Statutes, Section 144.382, subdivision 4, as may be amended or supplemented.

*Reclaimed water:* 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:* any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

### **Section 58-98. Application.**

This division applies to all customers of public water suppliers who own or control water use on any premises. No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, institutional, governmental, or any other purpose in any manner contrary to any provision in this division. Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the governor.

### **Section 58-99. Declaration of critical water deficiency.**

Upon the declaration of a critical water deficiency by the governor, the public water supplier 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, or emergency response plans or procedures.

### **Section 58-100. 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 from the public water supply, 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.

**Section 58-101. Exceptions.**

The City Administrator or their designee, is authorized to grant exceptions to this division where strict application of its provisions would result in serious hardship to a customer. An exception may be granted only for reasons involving health or safety.

**Section 58-102. Violation.**

The violation of any section of this chapter shall be subject to fines as established in appendix D—Fee schedule of the Bayport Code of Ordinances. Violators may be granted an administrative waiver if evidence in the form of a letter from a qualified vendor or equipment invoice is provided stating that equipment failure was the cause of the violation, but in no such case shall more than one waiver be granted per calendar year. Fines will be imposed to the owner or current occupant of the premises where the violation occurred.

**Section 3.** This ordinance shall be in full force and effect from and after its passage and publication according to law. Passed by the City Council for the City of Bayport this 4<sup>th</sup> day of February, 2019.

Attest:

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Adam Bell, City Administrator

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Susan St. Ores, Mayor