

**CITY OF ISANTI
ORDINANCE NO. 696
AN ORDINANCE AMENDING
CHAPTER 325, ARTICLE
I, LAWN SPRINKLING,
WATERING AND IRRIGATION**

THE CITY COUNCIL OF THE CITY OF ISANTI DOES ORDAIN:

Article I, Lawn Sprinkling, Watering and Irrigation of Chapter 325 of the Code of the City of Isanti is hereby deleted in its entirety and replaced with the following title and language:

ARTICLE I

Water Conservation Restrictions, Critical Water Deficiency, Lawn Sprinkling, Watering and Irrigation

This article establishes water conservation restrictions; and the plan will be in effect at any time the Governor, and/or Mayor, declares by executive order a critical water deficiency, pursuant to Minnesota Statutes section 103G.291. This article also regulates lawn sprinkling and irrigation to conserve water resources and prevent harmful and wasteful effects on water resources by limiting lawn sprinkling, lawn watering and irrigation during mid-day hours.

325-1 Water Conservation Restrictions, Critical Water Deficiency

Definitions.

As used in this article, unless the context otherwise requires, the following terms shall have the meanings intended:

City Administrator - in statutory cities means the person or his/her designee assigned duties pursuant to Minn. Stat. § 412.111.

Department - means the city water department.

Emergency - means the declaration of a critical water deficiency by the Governor, and/or Mayor.

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 and city website, including interviews and issuance of news releases.

Public water supplier - means the city or other entity that owns, manages, or operates a public water supply, as defined in Minn. Stat. § 144.382, subdivision 4.

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.

A. APPLICATION.

(1) This ordinance applies to all customers of public water suppliers who own or control water use on any premises.

(2) No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this ordinance.

(3) Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the Governor, and/or Mayor.

B. DECLARATION OF CRITICAL WATER DEFICIENCY.

Upon the declaration of a critical water deficiency by the Governor, and/or Mayor, 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, emergency response plans, or procedures.

C. 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 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.

D. VARIANCES.

The City Administrator, or his/her 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 Administrator. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

E. VIOLATIONS.

(1) Violations shall be determined and cited by the City Administrator or his/her designee.

(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 shall describe the remedy and fines for future violations.

(3) Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, an administrative citation that sets forth the violation and shall describe the remedy. The City reserves the right to charge the violation as a misdemeanor violation, as per Section 325-2, Paragraph D of this article.

(4) 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 invoice for equipment repair will be required to show proof of equipment failure.

F. 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.

325-2 Lawn Sprinkling, Watering and Irrigation

A. USE AND REGULATION.

The use of the municipal water system or any private well or other source of water for lawn sprinkling, lawn watering or lawn irrigation purposes shall be regulated as provided in this article. In the event the City Administrator, determines that a water shortage exists, the City Administrator, is authorized to restrict the sprinkling, watering or irrigation of lawns within the City by posting a notice at City Hall setting forth the restrictions. Such restrictions may include a limitation as to which days of the week, dates of the months, or hours of the day during which lawn sprinkling, lawn watering and lawn irrigation is prohibited. In addition, the City Administrator may declare a total lawn sprinkling, lawn watering and lawn irrigation ban if the City Administrator determines that a water shortage of such magnitude as to threaten the public health or safety exists or will likely exist if such ban is not imposed.

B. USE OF PRIVATE WELLS.

The use of any private well or source of water other than the City's water system, for lawn sprinkling, lawn watering, or lawn irrigation purposes, shall be exempt from any restrictions imposed pursuant to Section 325-1. A. of this chapter and from the annual watering restrictions imposed pursuant to Section 325-2 of this chapter if the water user has registered the private well or other source of water to be used for such purposes with the Public Works Department of the City of Isanti, obtained a water appropriation permit, if required under any applicable State or Federal law or regulation, and posted a sign provided by the Public Works Department that clearly informs the public of the alternative water source. If any person or entity claims the privilege of exemption from the restrictions otherwise applicable under Section 325-1 or Section 325-2, a representative of the City may inspect the subject property during reasonable times to ensure that there is compliance with this provision.

C. ANNUAL RESTRICTIONS.

During the period from May 1 through September 1 annually, all lawns on all property with addresses that end with an odd number may be sprinkled, watered or irrigated only on odd-numbered days, and all lawns on property with addresses that end with an even number may be sprinkled, watered or irrigated only on even-numbered days, provided, however, that during this time period, no lawn sprinkling, lawn watering nor lawn irrigation shall be allowed from 12:00 p.m. to 6:00 p.m. each day. This provision shall automatically apply unless superseded by action of the City Administrator as provided in Section 325-1 above imposing more restrictive measures. Notwithstanding the provisions of this Section, the City Administrator or his/her designee, may, upon request of a property owner, authorize daily sprinkling, watering or irrigation of newly seeded or sodded lawn areas provided that such permission will not increase the risk of a water shortage of such magnitude as to threaten the public health or safety.

D. VIOLATIONS AND PENALTIES

A person violating any provision of this article shall be subject to a usage charge for the first, second and third violation occurring within a 12 month period. The usage charge shall be as set by resolution of the City Council and specified in City Code Chapter A344, Fee Schedule. The usage charge shall be added to the monthly water bill. Any unpaid charges shall become a lien on the property, as per Section 7, Article II of this Chapter. Any violation thereafter shall be a misdemeanor violation punishable by a fine of not to exceed \$1,000 or imprisonment for a period not to exceed 90 days, or both, plus costs of prosecution in either case.

EFFECTIVE DATE

This Ordinance takes effect upon its passage and publication in the official newspaper of the City of Isanti.

Adopted by the City Council this 18th day of September, 2018.

Mayor George A. Wimmer

Attest:

Katie Brooks,

Human Resources /City Clerk

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