

City of South St. Paul
Dakota County, Minnesota
Ordinance No. 1371

**AN ORDINANCE REGULATING NONESSENTIAL WATER USAGE UPON
CRITICAL WATER DEFICIENCY AS AUTHORIZED BY MINN. STAT. § 103G.291**

The City Council of the City of South St. Paul does ordain:

SECTION 1. ENACTMENT. South St. Paul City Code Article II, Division 3, Section 62-85 through 62-91 is hereby enacted as follows:

DIVISION 3. – CRITICAL WATER DEFICIENCY

Sec. 62-85. Purpose.

This ordinance establishes water conservation restrictions that will be in effect when the governor declares a critical water deficiency emergency, pursuant to Minnesota Statutes Section 103G.291 and mandatory conservation efforts are required.

Sec. 62-86. 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.

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.

Sec. 62-87. Applications.

- (a) This ordinance applies to all residents who own or control water use on any premises.
- (b) 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.

Sec. 62-88. Declaration of Critical Water Deficiency.

Upon the declaration of a critical water deficiency emergency by the governor, the city shall post notice of the emergency declaration at city hall on the official bulletin board. The City shall also use other available means to notify the public, including social media and posting the notice on the city's website.

Sec. 62-89. Mandatory Emergency Water Conservation Measures.

Upon declaration of an emergency and notification to the public, the following nonessential water uses are prohibited until the emergency has terminated or expired:

- (1) Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water.
- (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.
- (3) The outdoor use of any water-based play apparatus connected to a pressurized source.
- (4) Automatic service of water to customers at restaurants and other food service establishments, unless water is specifically requested by the customer.
- (5) Operation of outdoor misting systems used to cool public areas.
- (6) The filling of swimming pools, fountains, spas, or other exterior water.
- (7) The washing of automobiles, trucks, trailers, and other types of mobile, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.

Sec. 62-90. Variances.

The Public Works Director or 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 administrator shall hear the appeal and make a decision. The decision of the city administrator is final.

Sec. 62-91. Violation and Enforcement.

A violation of this section shall be subject to an administrative citation pursuant to chapter 38.

SECTION 2. AMENDMENT. South St. Paul City Code Article II, Division 1, Section 62-28 is hereby amended as follows:

It shall be a violation of the code to water lawns any day of the week between the hours of 10:00 a.m. and 5:00 p.m. or anytime during a declaration of critical water deficiency pursuant to Minn. Stat. 103G.291, unless permitted by 62-89(1). In addition, the mayor is authorized to declare a water sprinkling ban by emergency proclamation prohibiting the watering of lawns at any time. The proclamation shall be effective from its date of publication until the next regular city council meeting when the ban shall be extended or rescinded by the city council. A person found violating this section shall not be subject to a petty misdemeanor or a misdemeanor citation, however, the person shall be subject to the issuance of an administrative citation pursuant to chapter 38.

SECTION 3. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The proposed ordinance establishes a critical water deficiency ordinance in conformity with Minnesota Statute 103G.291.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective following its adoption and publication.

Approved: December 21, 2020

Published: December 28, 2020

Christy Wilcox, City Clerk