



STAFF REPORT

DATE: July 20, 2021

REGULAR

AGENDA ITEM: Permanent Water Restrictions Code Amendment

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

The council adopted Section 50.40, Water Use Restrictions, of the city code in 2009 in response to state law that requires public water supplies with 1,000 or more users to employ water use reduction measures. Also at the time water tower 2 was struggling to maintain safe operating levels during the summer months due to irrigation usage. While an odd/even watering ban was first implemented in 2002, in 2010 new permanent hours restricting watering from 10am to 5pm were adopted and have been in place since then.

Once again as the city faces challenges in maintaining safe water levels in our towers during the dry, hot summer months, further restrictions went into place on June 11th banning all outdoor watering of lawns except by hand. On June 22nd, the emergency ban was modified to allow odd/even watering from 7pm to 5am. Since that time, our water system has been able to keep up with demand. However, no new sod waivers have been issued since June 15th.

ISSUE BEFORE COUNCIL:

Should the council approve Ordinance No 08-245?

PROPOSAL:

Since the new hours (no watering from 5am to 7pm) went into effect we have had 156 violations (142 first time, 13 second time and 1 third time violator). Our water system has been able to perform during this time to meet the demand. While levels get low in the early morning hours, by stopping irrigation at 5am, they are able to quickly recover.

Because of how things have transpired over the last few weeks, staff is recommending council amend city code 50.40(B) (2) so that hours of watering are permanently banned from 5am to 6pm. As the sun begins to set earlier, staff thought we should allow watering to begin an hour earlier. Again, since our major concerns were in the early morning hours, not evening, we don't anticipate the water system having any issues with the additional hour of watering.

The odd/even watering would still be in place. Meaning if the address end in an even number they can water on even numbered days during the allotted hours. If the property address ends in an odd number they can water on odd numbered days during the allotted hours.

In addition, with this update staff would also anticipate reactivating the new sod waivers. Properties with new sod may water every day for the first 30 days but still only during the allotted hours.

Included in your packet is Ordinance No 08-245 which simply amends the hours that watering is prohibited from 10am to 5pm to the new proposed hours of 5am to 6pm.

FISCAL IMPACT:

Publication costs. Paid by Water fund.

OPTIONS:

- 1) Approve Ordinance 08-245
- 2) Amend and then Approve Ordinance No 08-245
- 3) Do not approve Ordinance No 08-245

RECOMMENDATION:

“Motion to Ordinance No 08-245, An Ordinance Amending Section 50.40(B) (2) Amending the hours watering is prohibited.”

“Motion to rescind Resolution 2021-068, Extending a Local Emergency with Respect to Water Usage in the City.”

ATTACHMENTS:

- Ordinance No 08-245

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-245

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING SECTION 50.40 (B)(2) TO AMEND THE HOURS WATERING IS
PROHIBITED.**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title V Public Works: Chapter 50: Water; Section 50.40 Water Use Restriction; Permanent Water Use Restrictions; (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language):

§ 50.40 WATER USE RESTRICTIONS.

(B) *Permanent water use restrictions.* To encourage water conservation and allow flexibility in the city's water system in meeting peak demands, and to reduce the required water supply and storage capacity requirements allowing for a lower cost water system, certain limitations must be placed on the city's water supply.

(1) *Odd/even sprinkling ban.* Property owners having even numbered postal addresses may water, sprinkle, or irrigate their lawns only on even numbered days, and property owners having odd numbered postal addresses may water, sprinkle, or irrigate their lawns only on odd numbered days.

(2) *Time of day sprinkling ban.* All property owners are prohibited from watering, sprinkling, or irrigating their lawns between the hours of ~~4~~ 5:00 a.m. and ~~5~~ 6:00 p.m. daily.

(3) *Exceptions.* The permanent water use restrictions do not apply in the following situations.

(a) Private wells.

(b) Recently established lawns if permission is granted through a watering restriction waiver form, allowing daily watering for up to 30 days after installation. Watering must still adhere to the restricted hours for the time of day sprinkling ban. New sod or seeded lawns or other landscaping requiring watering, sprinkling, or irrigation, shall not be installed during a water shortage emergency.

(c) Attended hand watering of plants, shrubs, trees, and gardens.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-245 was adopted on this _____ day of _____ 2021, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance ____ - ____ was published on the ____ day of _____, 2021.