

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

**ORDINANCE NO. 08-018**

**AN ORDINANCE TO AMEND SECTION 50.40 REGARDING WATER USE  
RESTRICTIONS**

**Section 1.** The City Council of the City of Lake Elmo hereby ordains that Section 50.40 is hereby amended to read as follows:

**~~§ 50.40 RESTRICTIONS CAUSED BY WATER SHORTAGE.~~**

~~—(A)— Whenever the Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which water may be used from the water system for lawn and garden sprinkling, irrigation, car washing, and other uses specified in the resolution.~~

~~—(B)— Notice of the limitation shall immediately be mailed to each water consumer.~~

~~—(C)— Two days after the mailing of the notice, any water consumer who shall cause or permit water to be used in violation of the provisions of the notice shall be charged a fee as set forth from time to time by Council resolution for each day of the violation.~~

~~—(D)— This charge shall be added to the water consumer's next water bill. Continued violation is prohibited and shall be cause for discontinuance of water service.~~

**50.40 WATER USE RESTRICTIONS**

(A) EMERGENCY AUTHORITY: To protect the health and safety of the consumers, as well as the general welfare, the Mayor or City Council may impose emergency regulations pertaining to City water use. Whenever the City shall determine that a critical water deficiency prevails, it may limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other non-essential uses. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through publication or by posting in the City Hall and City website specifically indicating the restrictions thereof.

(1) The Mayor or City Council may declare a critical water deficiency to prevail within the City whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the City to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

- (2) The Mayor or City Council shall thereupon enact such regulations and restrictions on the delivery of water and the consumption within the City to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.
- (3) When the Governor of the State of Minnesota declares a critical water deficiency, the Mayor or City Council will enact and enforce water conservation restrictions in accordance with Minnesota Statute 103G.291.
- (4) Water use regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and 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 10 A.M. and 5 P.M. daily.

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

1. Private wells.
2. 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.
3. Attended hand watering of plants, shrubs, trees, and gardens.

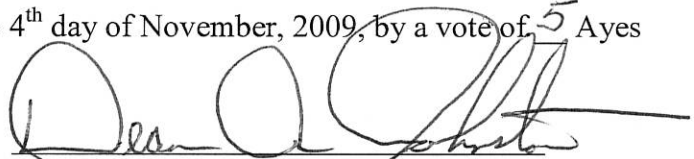
(C) LAWN WATERING, SPRINKLING, AND IRRIGATION: All lawn sprinkler systems and irrigation systems connected to the municipal water system, whether such systems are aboveground or underground, shall require a permit for connection and shall be installed in accordance with the Minnesota State plumbing code. To conserve water, all lawn sprinkler systems and irrigation systems which are automatic or are equipped to operate automatically and which are connected to the municipal water system, shall be equipped with a rain-detection device such to prevent the system from operating when it rains (per MN Statute 103G.298). All lawn sprinkler systems and irrigation systems connected to the municipal water system shall be constructed and operated to prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff, low head drainage, over spray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures.

(D) ENFORCEMENT: Failure to comply with restrictions or prohibitions imposed under this ordinance shall result in a surcharge for water service for each violation in an amount determined by resolution of the City Council, which shall be added to the water bill for the property on which such violation occurs. Each day of violation shall be deemed a separate violation. Continued violation shall be cause for discontinuing water service.

**Section 2. Adoption Date**

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

This Ordinance No. 08-018 was adopted on this 4<sup>th</sup> day of November, 2009, by a vote of 5 Ayes and 0 Nays.



Mayor Dean Johnston

ATTEST:



Bruce Messelt  
Administrator

This Ordinance No. 08-018 was published on the 11<sup>th</sup> day of 11, 2009