



## Legislation Text

**File #:** Ord 23-37, **Version:** 1

Approving an emergency ordinance schedule of penalties for non-compliance of outdoor watering restrictions. (Emergency ordinances only require one reading for a final vote to be taken.)

WHEREAS, Minnesota is experiencing drought conditions causing significant decrease in the volume of water flowing through the Mississippi River; and

WHEREAS, the Board of Water Commissioners of the City of Saint Paul (the "Board") derives most of its water supply from the Mississippi River and such intake may contribute to reducing the water levels of the river; and

WHEREAS, as part of the Board's water appropriation permit from the State of Minnesota, it is required to implement conservation measures during certain drought conditions; and

WHEREAS, as stated by the Minnesota Department of Natural Resources' Drought Plan, all public water suppliers using the Mississippi River must implement water use reduction measures if drawing water from an area that is in Extreme or Exceptional Drought; and

WHEREAS, restrictions on water use including, but not limited to, outdoor watering bans may be necessary to assure the safety and wellbeing of the residents within the Board's water system service area and to maintain compliance with its Minnesota Department of Natural Resources' water appropriations permit; and

WHEREAS, the Board of Water Commissioners of the City of Saint Paul, at its meeting of July 11, 2023, approved Resolution No. 23-1047 adopting the following restrictions for all its customers within its water system service area:

- 1) If flow of the Mississippi River at Brooklyn Center, MN reaches the Drought Warning Phase as defined in the State of Minnesota's Statewide Drought Plan
  - a) Outside watering limited to alternate days.
    - i) If your address ends with an even number, irrigation is allowed on even numbered days.
    - ii) If your address ends with an odd number, irrigation is allowed on odd numbered days.
  - b) Outside watering is prohibited between 10:00 am and 6:00 pm.
  - c) Outside watering is limited to two hours.
- 2) If the above measures are not resulting in adequate progress towards defined goals in the Drought Warning Phase or if flow of the Mississippi River at Brooklyn Center, MN reaches the Drought Restrictive Phase as defined in the State of Minnesota's Statewide Drought Plan
  - a) Outside watering limited to one day per week
    - i) If your address ends with 0 or 1, irrigation is allowed only on Mondays.
    - ii) If your address ends with 2 or 3, irrigation is allowed only on Tuesdays.
    - iii) If your address ends with 4 or 5, irrigation is allowed only on Wednesdays.
    - iv) If your address ends with 6 or 7, irrigation is allowed on Thursdays.
    - v) If your address ends with 8 or 9, irrigation is allowed on Fridays.
  - b) Outside watering is prohibited between 10:00 am and 6:00 pm.
  - c) Outside watering is limited to two hours.
- 3) If flow of the Mississippi River at Brooklyn Center, MN reaches the Emergency Phase as defined in the State of Minnesota's Statewide Drought Plan, a total ban of outside water use will be implemented.

4) Customers will be notified when these restrictions are in effect and of any changes using a variety of outlets to include news releases, social media posts, and city website updates. Penalties for violations may begin 72 hours after restrictions or changes go into effect to allow time for notification.

5) An exception for these restrictions is granted for vegetable gardens, commercial nurseries, community gardens, trees, and the watering of new sod or seed up to one month after installation, but only between the hours of 6:00 pm and 10:00 am CDT.

6) Other exceptions for uses that promote public safety and public health may be granted by the Board's Saint Paul Regional Water Services' General Manager or their designated representative. Exception requests must be submitted to the Saint Paul Regional Water Services' Customer Service team through email: [waterinquiries@ci.stpaul.mn.us](mailto:waterinquiries@ci.stpaul.mn.us) <mailto:waterinquiries@ci.stpaul.mn.us> or by phone: 651-266-6350.

7) The customer is responsible for complying with these restrictions. Those who violate any of these restrictions will be subject to the following penalties:

- a) First violation - Educational notice
- b) Second violation - Written warning
- c) Third violation - \$50.00
- d) Fourth violation - \$100.00
- e) Fifth and all additional violations - \$150.00 plus water shut off to the property

8) Fines for non-compliance will be applied to the customer's regular water bill.

; and

WHEREAS, the Board of Water Commissioners' Resolution No. 23-1047 requested that the Honorable Council of the City of Saint Paul (the "Council"), along with the councils of the other municipalities within its water system service area, act expeditiously and by whatever lawful means necessary to support the implementation of these restrictions and associated penalties; and

WHEREAS, the Council finds it reasonable and necessary to enact temporary legislation in the form of the following emergency ordinance to facilitate the adoption of the penalties for non-compliance as stated in Board of Water Commissioners' Resolution No. 23-1047; and

WHEREAS, the Saint Paul City Charter § 6.06 provides that "[t]o meet a public emergency, to wit, a sudden or unforeseen situation affecting life, health, property, or the public peace or welfare that requires immediate council action, the council may adopt one or more emergency ordinances."; now, therefore

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

#### SECTION 1

The State of Minnesota is experiencing drought conditions constituting a public emergency that may affect the safety and well-being of the residents of the City of Saint Paul.

#### SECTION 2

The penalties for non-compliance of outdoor water use restrictions as stated in the Board of Water Commissioners of the City of Saint Paul Resolution No. 23-1047 is hereby adopted as shown here:

Penalties for non-compliance of any of the outdoor water use restrictions as implemented by the Board of Water Commissioners of the City of Saint Paul are:

- a. First violation - Educational notice
- b. Second violation - Written warning

- c. Third violation - \$50.00
- d. Fourth violation - \$100.00
- e. Fifth and all additional violations - \$150.00 plus water shut off to the property

### SECTION 3

This emergency ordinance shall take immediate effect after its passage, approval and publication as provided in Saint Paul City Charter § 6.11 and will remain in effect until such time that the State of Minnesota determines that drought conditions are no longer applicable.