Legislation Text

File #: Ord 21-32, **Version:** 1

Adopting 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 extreme 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 extreme 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 special meeting of July 29, 2021, approved Resolution No. 21-1115 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 Restrictive Phase as defined in the State of Minnesota’s Statewide Drought Plan, or if voluntary measures are not resulting in adequate progress towards defined goals in the Drought Warning Phase, the Board’s Saint Paul Regional Water Services’ General Manager or their designated representative may instate mandated restrictions.

2. The first mandated restrictions would require that customers with an odd number address draw water for outdoor use when necessary only on odd-numbered calendar days, and those with even numbered addresses may draw water for outdoor use only on even-numbered calendar days.

3. If odd/even mandatory restrictions do not result in adequate demand reduction in water use, outdoor water use will be further restricted to one day per week.

4. In either of the above described mandated schedules, customers may not draw water for outdoor use between the hours of 12:00 pm and 6:00 pm CDT.

5. 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 outdoor water use will be implemented.

6. 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.

7. 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 12:00 pm CDT.

8. 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 or by phone: 651-266-6350.

9. Penalties for non-compliance of any of the above mandated restrictions 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

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

; and

WHEREAS, the Board of Water Commissioners' Resolution No. 21-1115 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. 21-1115; 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 state in the Board of Water Commissioners of the City of Saint Paul Resolution No. 21-1115 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.