

**CITY OF WHITE BEAR LAKE  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE  
CITY OF WHITE BEAR LAKE REGARDING WATER USAGE  
DURING TIMES OF CRITICAL WATER DEFICIENCY**

The Council of the City of White Bear Lake does ordain as follows:

**ARTICLE I. Critical Water Deficiency.** The Municipal Code of the City of White Bear Lake is hereby amended by adding a new §401.130 as follows:

**§401.130 CRITICAL WATER DEFICIENCY**

Subd. 1. Purpose. The purpose of this section is to satisfy the requirement imposed on the City under Minnesota Statutes, section 103G.291 to adopt and enforce water conservation restrictions that apply when the Governor declares by executive order that there is a critical water deficiency.

Subd. 2. Scope. This section applies to the use of water supplied by the City's municipal water system during the period of a critical water deficiency. Nothing in this section limits the City's authority to implement any emergency response plans or procedures it may adopt, even if those plans impose additional or more restrictive limitations on the use of water. This section is in addition to the water conservation restrictions established in Section 401.120.

Subd. 3. Definitions. For the purposes of this section, the following terms shall have the meaning given them in this subdivision.

- (a) Critical Water Deficiency. "Critical water deficiency" means the period during which the Governor has determined and declared by executive order that a critical water deficiency exists within the City.
- (b) Customer. "Customer" means an owner or lessee of property lawfully connected to the City's municipal water system within the City.
- (c) Irrigation. "Irrigation" means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.
- (d) Reclaimed Water. "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.
- (e) Water Recirculation System. "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.

Subd. 4. Public Notice. If the Governor declares a critical water deficiency, the City shall post notice of the declaration at City Hall and on the City's website, and shall utilize the

City's other methods of electronic communications to notify residents of the critical water deficiency and that additional water conservation measures are in effect.

Subd. 5. Water Conservation Measures. The following restrictions on the use of water from the City's municipal water system shall apply during the period of a critical water deficiency:

- (a) Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited;
- (b) 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, is prohibited;
- (c) The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited;
- (d) Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer;
- (e) Operation of outdoor misting systems used to cool public areas is prohibited;
- (f) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited; and
- (g) The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except for City emergency vehicles and other vehicles requiring frequent washing to protect public health, safety, and welfare, and except for facilities equipped with wash water recirculation systems.

Subd. 6. Variances. The City Manager, or designee, is authorized to grant a variance to this section where strict application of its provisions would result in a serious health or safety hardship to a customer. A customer must submit a written request for a variance that explains the basis for the claimed serious hardship. A variance may only be granted for reasons involving health or safety as determined by the City Manager or designee. The City Manager or designee shall provide the customer its decision in writing. If granted, the customer is exempt from the restrictions imposed under this section, but only to the extent specifically provided for in the written variance. A customer may appeal the denial of a variance request by submitting a written appeal to the City Clerk within five days of the denial. The City Council shall hear and act on the appeal at the next City Council meeting. The decision of the City Council on the appeal is final.

Subd. 7. Violations. A violation of this section is punishable as a petty misdemeanor or as an administrative offense under Section 205 of the Municipal Code. A person who violates any provision of this section shall be subject to criminal or administrative penalties as provided in this subdivision.

(a) First Violation. The City shall issue the owner or occupant of a property a written warning for a first violation of this section.

(b) Subsequent Violations. Any subsequent violations of this section occurring on the same property during the same critical water deficiency declaration shall be issued a petty misdemeanor citation or an administrative citation for the violation.

**ARTICLE II. Effective Date.** This ordinance shall become effective on the first day of publication after adoption.

Adopted by the City Council of the City of White Bear Lake, Minnesota on the \_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Jo Emerson, Mayor

ATTEST:

\_\_\_\_\_  
Kara Coustry, City Clerk

(~~Strike out~~ indicates matter to be deleted, double underline indicates new matter.)

First Reading: \_\_\_\_\_

Initial Publication: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Final Publication: \_\_\_\_\_

Codified: \_\_\_\_\_

Posted on web: \_\_\_\_\_