

ORDINANCE NO. 2020-11
CITY OF DAYTON
COUNTIES OF HENNEPIN AND WRIGHT

**AN ORDINANCE TO AMEND SECTION 52.057 WATER CONSERVATION
RESTRICTIONS**

THE CITY COUNCIL OF THE CITY OF DAYTON DOES ORDAIN:

SECTION 1. AMEND. Dayton City Code Chapter 52.057 is hereby amended by including the following underlined language and removing the following ~~striketrough~~ language:

§ 52.057 WATER CONSERVATION RESTRICTIONS.

(E) Irrigation Restrictions. These restrictions shall apply to all properties on the municipal water system.

- (1) Odd-Even Irrigation (Lawn Sprinkling). Irrigation will be restricted from May 1st -Labor Day through October 31. Properties with even numbered post office addresses may irrigate on even numbered calendar days. Properties with odd numbered post office addresses may irrigate on odd numbered calendar days. Property owners with private wells are not affected by this irrigation ban.
- (2) Prohibited Hours. There shall be no irrigation of lawns, trees, shrubs or other vegetation by use of municipal water between the hours of 10:00 a.m. and 7:00 p.m.
- (3) New Sod. Unless specifically included in the mandatory emergency water conservation measures, new seed and sod are exempt from the odd-even requirement for a period of four weeks from installation, while the irrigation restriction is in place. Irrigation shall comply with the prohibited hours during this four-week period.
- (4) Exceptions. An exception to the odd-even requirement will be made to golf greens and tees, athletic fields with heavy usage or special soil conditions. Irrigation of these area shall still adhere to the 10:00 a.m. and 7:00 p.m. restrictions.
- (5) Fine for Violation.
 - a. First violation of this section will result in a written warning.
 - b. The second and each subsequent violation of this section will result in a fine of \$100.00. Property owners will be notified in person (if they are present) and will receive a violation notification by mail. Any fine(s) will be added to the utility bill.
 - c. Fines shall be issued by the Police Department or Public Works Utility Staff.

(E) F) Mandatory emergency water conservation measures. Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:

- (1) Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.

(2) 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.

(2) The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.

(3) Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.

(4) Operation of outdoor misting systems used to cool public areas is prohibited.

(5) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.

(6) The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.

(FG) *Variances.* The City Clerk or his or her designee is authorized to grant variances to this section where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five days of the decision by submitting a written appeal to the City Clerk. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

(GH) *Violation.*

(1) Violations shall be determined and cited by the City Clerk or his or her designee. A violator may appeal the citation within five days of its issuance by submitting a written appeal to the city. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.

(2) Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and which shall describe the remedy and fines for future violations.

(3) Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy. Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the city to pursue other legal remedies.

(H) *Enforcement.* The City Clerk or his or her designee is authorized to designate city employees or law enforcement personnel to enforce the provisions of this section.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage.

Adopted by the City Council of the City of Dayton this 28th day of July year 2020.

Mayor

ATTEST:

City Clerk

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