

POLICY NO. 2017-21

A POLICY regulating nonessential water usage upon critical water deficiency as authorized by Minn. Stat. § 103G.291, subd. 1 and 2.

Sec. 1-1. Purpose.

This Policy establishes water conservation restrictions; and the plan will be in effect at any time the governor declares by executive order a critical water deficiency, pursuant to Minnesota Statutes section 103G.291.

Sec. 1-2. Application.

- (a) This Policy applies to all customers of public water suppliers who own or control water use on any premises.
- (b) No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this Policy.
- (c) Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the governor.

Sec. 1-3. Declaration of critical water deficiency.

Upon the declaration of a critical water deficiency by the governor, Brainerd Public Utilities (BPU) shall immediately notify all water users via social media tools, including but not limited to radio, facebook, and website of the emergency declaration. BPU shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.

Sec. 1-4. 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.
- (3) The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.
- (4) Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.
- (5) Operation of outdoor misting systems used to cool public areas is prohibited.
- (6) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.
- (7) 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.

Sec. 1-5. Variances.

BPU management is authorized to grant variances to this Policy 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 (5) days of the decision by submitting a written appeal to BPU management. The BPU commission shall hear the appeal at the next commission meeting. The decision of the commission is final.

Sec. 1-6. Violation.

(a) Violations shall be determined and cited by the BPU management. A violator may appeal the citation within five (5) days of its issuance by submitting a written appeal to the commission. The BPU Commission shall hear the appeal at the next Commission meeting. The decision of the Commission 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.

(b) 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.

(c) 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.

Sec. 1-7. Enforcement.

BPU management or his/her designee is authorized to designate city employees or law enforcement personnel to enforce the provisions of this Policy.

Sec. 1-8 Severability.

If any provision of this Policy or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the Policy and the application of the Policy to any other situation shall not be invalidated.

Sec. 1-9 Effective date.

This Policy becomes effective on January 24, 2017

Passed by the BPU Commissionl of Brainerd January 24, 2017.

Approved:

BPU Commission President

Attested:

BPU Commission Secretary