



BRAINERD PUBLIC UTILITIES

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Critical Water Deficiency Regulation Policy

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Latest Revision/Effective Date: September 29, 2026

Original Adoption Date: January 24, 2017

I. Purpose

This Policy establishes water conservation restrictions. 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.

II. Scope

This policy applies to all BPU water customers and any person who owns or controls water use on premises served by the BPU water system, including residential, commercial, industrial, and governmental users. The restrictions in this policy are in effect only during a critical water deficiency declared by the Governor.

III. Definitions

Administrative Waiver: A waiver of a fine granted when the violator provides a letter from a qualified vendor or an equipment invoice showing that equipment failure caused the violation.

BPU Water System: The public water supply owned and operated by BPU, including all wells, treatment facilities, storage, distribution mains, and service connections.

Citation: A written notice issued for a second or subsequent violation at the same location, describing the violation, the required remedy, and the applicable fine.

Critical Water Deficiency: A condition declared by executive order of the Governor under Minnesota Statutes § 103G.291, during which public water supply authorities must adopt and enforce water conservation restrictions.

Customer: Any individual, business, property owner, tenant, estate, governmental unit, or legal entity that receives water from the BPU water system or is responsible for charges associated with water service.

Fine: A monetary penalty established in the BPU fee schedule and added to the monthly water bill of the owner or current occupant of the premises where a violation occurred.

Nonessential Water Use: Water use that is not necessary for drinking, cooking, sanitation, fire protection, or the protection of public health and safety, including the uses restricted in Section V of this policy.

Premises: Any property, building, or facility served by a connection to the BPU water system.

Reclaimed Water: Wastewater that has been treated to a standard suitable for reuse and is not supplied from the BPU potable water system.

Variance: An exception to this policy granted by BPU management where strict application of its provisions would result in serious hardship to a customer for reasons involving health or safety.

Warning Letter: A written notice issued personally or by mail for a first violation, describing the violation, the required remedy, and the fines that apply to future violations.

IV. Policy Statement

BPU will implement mandatory water conservation measures upon the declaration of a critical water deficiency by the Governor.

No person shall make, cause, use, or permit the use of water received from the BPU water system for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to this policy.

Violations of this policy are subject to warnings, citations, and fines added to the water bill of the owner or occupant of the premises.

V. Procedures

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.

Variances:

- a) BPU management is authorized to grant variances to this Policy where strict application of its provisions would result in serious hardship to a customer.
- b) A variance may be granted only for reasons involving health or safety.
- c) An applicant may appeal the denial of a variance within five (5) days of the decision by submitting a written appeal to BPU management.
- d) The BPU commission shall hear the appeal at the next commission meeting. The decision of the commission is final.

Compliance (Violations & Fines):

- a) Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter setting forth the violation, describing the remedy, and detailing fines for future violations.
- b) Upon subsequent violations at the same location, the violator shall be issued a citation setting forth the violation and describing the remedy.
- c) 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.
- d) Violators may appeal a citation within five (5) days of issuance by submitting a written appeal to the commission.
- e) Violators may be granted an administrative waiver if a letter from a qualified vendor or an equipment invoice is provided proving that equipment failure caused the violation.

VI. Roles and Responsibilities

- **Governor:** Responsible for declaring a critical water deficiency or emergency by executive order.
- **Brainerd Public Utilities (BPU):** Responsible for immediately notifying all water users via social media tools (including but not limited to radio, Facebook, and website) upon declaration of a critical water deficiency. BPU provides notification through established water supply plans, emergency response plans, or procedures.
- **BPU Management:** Authorized to determine and cite violations, grant or deny variances, and designate city employees or law enforcement personnel to enforce the provisions of this Policy.
- **BPU Commission:** Responsible for hearing appeals regarding variance denials and violation citations at the next scheduled commission meeting. All decisions made by the Commission are final.
- **Designated Personnel / Law Enforcement:** Authorized by BPU management to enforce the provisions of this Policy.

VII. Compliance and References

Minn. Stat. § 103G.291, subd. 1 and 2.

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

VIII. Associated Forms and Attachments

None.

IX. Review and Update Schedule

As required by the BPU Commission or upon updates to relevant Minnesota Statutes.

X. Approval and Authority

The Brainerd Public Utilities Commission approved this policy on September 29, 2026.