

## ORDINANCE

–To Adopt §13.080.040 of the City Code;  
–Water Conservation Ordinance–

THE COMMON COUNCIL OF THE CITY OF RIVER FALLS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: That §13.08.040 of the City Code be created to read:

### **13.08.040 Water Conservation Ordinance**

(1) Purpose. The purpose of this section is to prevent overuse of the City of River Falls' water resources, to avoid substantial depletion of the water table, and to ensure sufficient water supply for fire protection purposes, particularly during periods of emergency such as drought, equipment out of service for maintenance, equipment failures, or other conditions which might interfere with the regular water supply to the community.

(2) Definitions.

(a) "Emergency water condition" means a circumstance in which any of the following exist:

1. Water pressure to any customer cannot be sustained at a pressure greater than or equal to 20 pounds per square inch (PSI).
2. Water storage levels cannot be maintained at an adequate level.
3. Water production levels are limited due to natural conditions, equipment out of service for maintenance, equipment failure, or other causes.
4. The City has declared a state of emergency on the recommendation of the Utility General Manager or designee due to other circumstances which, to a reasonable certainty, shall result in a severe water shortage for the City if emergency measures are not implemented.

(b) "New landscape" means vegetation installed for no more than one (1) month which is:

1. Installed at the time of construction of a new house, multi-family, industrial, or commercial building;

2. Installed as part of a governmental entity's capital improvement project; or
3. Which alters more than one quarter of the area of an existing yard or which alters an area greater than 3000 feet of an existing yard.

(c) "Sprinkling" means the application of water to outdoor vegetation for purposes of irrigation.

(3) Sprinkling Restricted During Normal Water Conditions. At all times between the first day of May and the last day of September, the following sprinkling restrictions shall be in effect.

(a) Properties having odd-numbered street addresses are permitted for sprinkling on odd-numbered days at any time before 8:00 a.m. and after 7:00 p.m.

(b) Properties having even-numbered street addresses are permitted for sprinkling on even-numbered days at any time before 8:00 a.m. and after 7:00 p.m.

(c) Exceptions. Unless otherwise prohibited in this section, the following activities are permitted at any time:

1. Sprinkling on gardens, trees, and shrubs through use of a hand-held watering can or other hand-held container or hose, provided such watering device is utilized manually and cannot be left unattended.
2. Sprinkling or otherwise irrigating new landscape (see (2)b for definition).
3. Sprinkling or otherwise irrigating outdoor sports complexes including, but not limited to, baseball diamonds.
4. Sprinkling activities conducted at cemeteries.
5. Any sprinkling activity authorized through Special Exemption granted in this section.

(4) Emergency Measures.

(a) An emergency water condition shall be imposed upon issuance of a declaration of the Mayor to that effect. Before issuing such a declaration, the Mayor shall consult with the Utility General Manager, and to the extent

possible, the Fire Chief, Police Chief and City Administrator. Announcement of an emergency water condition shall be publicized immediately by means of communication to the public by posting of the declaration at City Hall, its placement on the City and Utility websites and e-mail or facsimile transmission to local radio and television stations. Authority to declare an emergency water condition at an end shall be delegated by the Mayor to the Utility General Manager.

- (b) If an emergency water condition is in effect, the Utility General Manager, or a designee, shall give notice to the public by posting a declaration at City Hall, the City and Utility websites, and faxing and/or e-mailing the declaration to local television and radio stations. At the time the Utility General Manager, or designee, has determined that the emergency water condition has ended, the same notice procedure shall be followed to declare the end of the emergency. During an emergency water condition the following emergency measures shall be in effect:
  - (1) All outdoor sprinkling or other irrigation activity is prohibited.
  - (2) The washing of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas by the use of a pressurized source is prohibited.
  - (3) The washing of motor vehicles, trailers, and other self-propelled devices is prohibited except at facilities equipped with wash water recirculation systems.
  - (4) Outdoor use of any water-based recreational equipment connected to a pressurized water source is prohibited.
  - (5) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited except on residential properties not equipped with working air conditioning systems or when necessary to alleviate an immediate threat to a person's health or safety.
  - (6) Operation of outdoor misting used to cool public areas is prohibited unless their use is necessary to alleviate an immediate threat to a person's health or safety.
- (5) Special Exemption Request. Any person may request an exemption to allow sprinkling during the hours prohibited by subs. (3)(a) and (3)(b) of this section by contacting the utility.

- (a) The request shall indicate the address for sprinkling, the time period within which the sprinkling is requested, the name, address, and contact information of a responsible party at the address, and the reason for the request.
  - (b) An exemption shall be granted in rare cases and only if the Utility General Manager, or designee, determines the exemption is necessary to avoid an emergency condition adversely affecting the applicant or the public; or if failure to grant the exemption would substantially deprive the applicant of his/her financial livelihood. A decision shall be communicated to the applicant within ten (10) days of receipt by the Utility.
  - (c) If an exemption is granted, conditions may be applied to the manner or time of sprinkling if those conditions reasonably relate to the goal of minimizing depletion of the water table.
  - (d) Any person aggrieved by a decision to grant or deny an exemption may appeal to the Utility Commission at the next regular meeting.
- (6) Enforcement and Penalty
- (a) Notices: Whenever the Manager or his or her designee determines that a violation of this ordinance has occurred or is occurring, notice of said violation shall be provided in writing to the owner of the property in question who shall be ordered to bring the use of water into compliance herewith. In lieu thereof or after notice has been provided and compliance has not been effected, a citation may be issued for each violation.
  - (b) Penalty: A forfeiture not to exceed the amount set forth in §166.23(2), Wis. Stats., shall be assessed for each violation of this Ordinance, with each day an offense continues constituting a separate offense. In lieu of payment of such forfeiture, each offender may be subject to 6 months imprisonment.

Section Two: That pursuant to §1.16.030, the City's schedule of deposits for the citation method of ordinance enforcement shall be amended to establish, for violations of §13.08.040, a deposit of not to exceed \$100.00 for each offense in lieu of payment of which the offender may be sentenced to not to exceed 6 months in jail. The Utility General Manager and his or her designee are hereby granted the authority to issue citations for violations of §13.08.040.

Section Three: That Section Two not be codified. That this ordinance shall take effect upon its adoption and publication as required by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**CITY OF RIVER FALLS**

By: \_\_\_\_\_  
Don Richards, Mayor

ATTEST:

By: \_\_\_\_\_  
Lu Ann Hecht, City Clerk

Approved: \_\_\_\_\_  
Published: \_\_\_\_\_  
Adopted: \_\_\_\_\_