



Critical Water Deficiency Ordinance



History – Why Do We Need This Ordinance?

- **2018.10.12** RPU submitted its 10-year Water Supply Plan to the MN DNR
- **2023.06.26** MDNR approved RPU's 10-year Water Supply Plan

*“According to [MN Statute 103G.291](#), it is required for all communities to adopt and enforce water conservation restrictions in the event of a critical water deficiency declaration by the governor. **Please adopt a Critical Water Deficiency Ordinance (or other official control)** that includes provisions to restrict water use during an emergency, and submit a copy to the DNR within 6 months of this approval (by December 31, 2023).”*



Don't We Have This Already?

205 Water Supply Shortages

Whenever RPU determines a water supply shortage exists, RPU will take necessary actions to alleviate the situation. Customers will be notified of a declared shortage and of any actions required of them through the use of the news media or other appropriate methods.

206 Appeal

An appeal procedure has been established to hear disputes regarding interpretations of these Rules. Appeals will be heard by the Utility Board which has the final authority in disputes.



Operation of the Ordinance

WHEN does the ordinance take effect?

[12-11-7]

ONLY when the Governor declares by executive order a critical water deficiency, pursuant to [Minnesota Statutes § 103G.291](#)

Upon the declaration of a critical water deficiency by the governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the common council, or the official city bulletin board. The city shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.



Operation of the Ordinance

WHAT Activities are Prohibited?

[12-11-8]

Outdoor irrigation, except with reclaimed water

Washing or spraying of paved areas, except to alleviate immediate health or safety concerns

Water-based play apparatus connected to a pressurized source, except with recirculation

Drinking water for **restaurant or food service customers**, except upon customer request

Operation of **outdoor misting systems** used to cool public areas

Filling of swimming pools, fountains, spas, or other **exterior water features**

Vehicle and equipment washing, except with recirculation or where needed to protect public health, safety, and welfare



Operation of the Ordinance

WHO Determines a Violation?

[12-11-10]

Anyone can report, but the *public water supplier* (RPU) determines violation

1. Warning Notice
2. Notice of Violation (NOV)
 - a. Description of alleged violation
 - b. Necessary remediation measures and timetable
 - d. Abatement of the condition at the customer's cost
3. Civil Penalties of up to \$1,000 per day
4. Suspension of Water Service



Operation of the Ordinance

HOW Can a Customer Seek Relief?

1. Request **variance** **[12-11-9]**
 - a. Granted by General Manager or designee
 - b. Denial may be appealed to RPU Board in writing within **5 days**
2. **Appeal** Notice of Violation, civil penalty, or suspension of service **[12-11-10(f)]**
 - a. Appeal in writing to RPU Board within **10 business days**
 - b. Hearing before Board; Board's decision is final
 - c. If affirmed, compliance must be achieved within **7 business days**



Next Steps

1. Prepare **Request for Council Action (RCA)** for Council approval
2. If Council approves, **First Reading** at subsequent meeting
3. **Second Reading and Adoption** at least **25 days** after First Reading

Example timeline:

2024.02.05 Request Council approval to adopt new ordinance

2024.02.21 First Reading of draft ordinance

2024.03.18 Second Reading and Adoption of ordinance



THANK YOU