

**CITY OF EDEN PRAIRIE  
HENNEPIN COUNTY, MINNESOTA**

**ORDINANCE NO. 23-2001**

**AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA, AMENDING CITY CODE CHAPTER 3, RULES AND REGULATIONS RELATING TO WATER SERVICE, BY AMENDING SECTION 3.30, SUBDIVISION 6 AND ADDING SECTION 3.30 SUBDIVISION 12 RELATING TO ESTABLISHMENT OF STANDARDS FOR WATER USAGE AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 3.99, WHICH AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.**

**THE CITY COUNCIL OF THE CITY OF EDEN PRAIRIE, MINNESOTA ORDAINS:**

**Section 1.** City Code Chapter 3 is amended by amending Section 3.30, Subdivision 6 entitled "Water Emergencies" as follows:

**Subd. 6. Water Emergencies.**

- A. Whenever in the judgment of the City Manager, or his designee, the water pressure and available water in the municipal water system reaches a level which endangers the public health or safety of residents and other persons in the City, he may declare a state of water emergency which shall continue until such time as he shall determine that the danger to public health or safety no longer exists. Forthwith upon the declaration of a state of water emergency notice thereof shall be given to the news media, and all orders of the City Manager, or his designee, issued pursuant thereto shall be enforced after one hour has elapsed from the time of such notice.
- B. During the existence of a state of water emergency the City Manager, or his designee, may, by order, impose restrictions on sprinkling, irrigation or other utilization of water from the City's municipal water system including, but not limited to: (1) total prohibition of watering, sprinkling, or irrigation of lawn, grass or turf (hereinafter referred to as "irrigation") or (2) prohibition of irrigation on alternating days or during certain hours.
- C. "Municipal water system" means City owned wells, pipes, storage, treatment and related facilities for producing, storing and distributing water.
- D. Failure to comply with restrictions or prohibitions imposed by the City Manager, or his designee, shall result in a surcharge for water service for each day of violation in an amount determined by resolution of the City Council which shall be added to the water bill for the premises on which such violation occurs. The City Manager, or his designee, shall mail a Notice of Surcharge to the violator upon imposition of a surcharge. Continued violations after receipt of the Notice of Surcharge shall be cause for discontinuance of water service to such premises. Receipt of the Notice of Surcharge shall be presumed three (3) days after mailing by the City Manager, or his designee.

E. Unlawful Act. It is a petty misdemeanor for any person to violate any provision of this Subdivision.

**Section 2.** City Code Chapter is amended by adding Section 3.30 Subdivision 12 as follows:

**Subd. 12. Water Use Restrictions.**

A. A person may water, sprinkle, irrigate, or otherwise use water from the City's Municipal Water System for lawn areas, grass, or turf (hereinafter referred to as "irrigation" or "irrigate") only on alternating days.

B. Alternating days means that residents with an address ending in an odd number may irrigate only on odd-numbered days of the month and residents with an address ending in an even number may irrigate only on even-numbered days of the month.

C. No person may water, sprinkle, irrigate, or otherwise use water from the City's Municipal Water System for lawn areas, grass, or turf during the hours of 12:01 p.m. through 5:00 p.m. of any day.

D. Upon written request and approval by the City Manager, or his designee, and subject to such terms and conditions imposed by the City Manager, or his designee, with respect to such approval, the following persons may be authorized to water, sprinkle, irrigate or otherwise utilize water from the City's municipal water system at times other than as permitted in Subparagraph A and B hereof:

1. Any person owning or operating a commercial or business enterprise whose economic well-being is dependent upon irrigation of a lawn, grass or turf owned, leased or operated by it;
2. Employees and agents of the City, in such instances wherein lawn, grass or turf used for play fields or areas owned and operated by the City require more frequent irrigation to prevent unreasonable damage thereto;
3. Owners and lessees (their employees and agents) of lands newly sodded or grass seeded which requires irrigation to prevent loss of new sod, seed or immature turf or grasses for a period of thirty (30) days.

E. Failure to comply with restrictions or prohibitions imposed by this subdivision shall result in a surcharge for water service for each day of violation in an amount determined by resolution of the City Council which shall be added to the water bill for the premises on which such violation occurs. The City Manager, or his designee, shall mail a Notice of Surcharge to the violator upon imposition of a surcharge. Continued violations after receipt of the Notice of Surcharge shall be cause for discontinuance of water service to such premises. Receipt of the Notice of Surcharge shall be presumed three (3) days after mailing by the City Manager, or his designee.

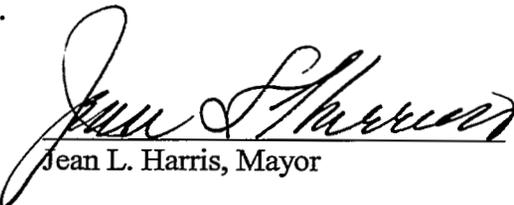
F. Unlawful Act. It is a petty misdemeanor for any person to violate any provision of this Subdivision.

**Section 3.** City Code Chapter 1 entitled "General Provisions and Definition Applicable to the Entire City Code Including Penalty for Violation" and Section 3.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

**Section 4.** This ordinance shall become effective from and after its passage and publication.

**FIRST READ** at a regular meeting of the City Council of the City of Eden Prairie on the 19th day of June, 2001, and finally read and adopted and ordered published at a regular meeting of the City Council on the 10th day of July, 2001.

  
\_\_\_\_\_  
Kathleen Porta, City Clerk

  
\_\_\_\_\_  
Jean L. Harris, Mayor

**PUBLISHED** in the Eden Prairie News on the 19<sup>th</sup> day of July, 2001.

CITY OF EDEN PRAIRIE  
 HENNEPIN COUNTY,  
 MINNESOTA  
 ORDINANCE NO. 23-2001  
 AN ORDINANCE OF THE CITY OF  
 EDEN PRAIRIE, MINNESOTA,  
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 CHAPTER 3, RULES AND  
 REGULATIONS RELATING TO  
 WATER SERVICE, BY AMENDING  
 SECTION 3.30, SUBDIVISION 6  
 AND ADDING SECTION 3.30  
 SUBDIVISION 12 RELATING TO  
 ESTABLISHMENT OF  
 STANDARDS FOR WATER USAGE  
 AND ADOPTING BY REFERENCE  
 CITY CODE CHAPTER 1 AND  
 SECTION 3.99, WHICH AMONG  
 OTHER THINGS, CONTAIN  
 PENALTY PROVISIONS.

THE CITY COUNCIL OF THE  
 CITY OF EDEN PRAIRIE,  
 MINNESOTA ORDAINS:

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 amended by amending Section 3.30,  
 Subdivision 6 entitled

"Water Emergencies" as follows:  
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A. Whenever in the judgment of  
 the City Manager, or his designee, the  
 water pressure and available water in the  
 municipal water system reaches a level  
 which endangers the public health or  
 safety of residents and other persons in  
 the City, he may declare a state of water  
 emergency which shall continue until such  
 time as he shall determine that the danger  
 to public health or safety no longer exists.  
 Forthwith upon the declaration of a state  
 of water emergency notice thereof shall be  
 given to the news media, and all orders of  
 the City Manager, or his designee, issued  
 pursuant thereto shall be enforced after  
 one hour has elapsed from the time of such  
 notice.

B. During the existence of a state  
 of water emergency the City Manager, or  
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 grass or turf (hereinafter referred to as  
 "irrigation") or (2) prohibition of irrigation  
 on alternating days or during certain hours.

C. "Municipal water system"  
 means City owned wells, pipes, storage,  
 treatment and related facilities for  
 producing, storing and distributing water.

D. Failure to comply with  
 restrictions or prohibitions imposed by  
 the City Manager, or his designee, shall  
 result in a surcharge for water service for  
 each day of violation in an amount  
 determined by resolution of the City  
 Council which shall be added to the water  
 bill for the premises on which such violation  
 occurs. The City Manager, or his designee,  
 shall mail a Notice of Surcharge to the  
 violator upon imposition of a surcharge.  
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E. Unlawful Act. It is a petty  
 misdemeanor for any person to violate  
 any provision of this Subdivision.

Section 2. City Code Chapter is  
 amended by adding Section 3.30  
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Subd. 12. Water Use Restrictions.

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B. Alternating days means that  
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 the month.

## Affidavit of Publication Southwest Suburban Publishing

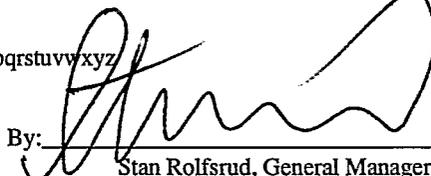
State of Minnesota )  
 )SS.  
 County of Hennepin )

Stan Rolfsrud, being duly sworn, on oath says that he is the authorized agent of the publisher of the newspaper known as the Eden Prairie News and has full knowledge of the facts herein stated as follows:

(A) This newspaper has complied with the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

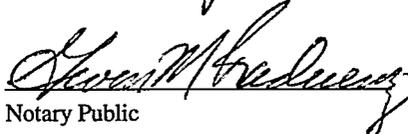
(B) The printed public notice that is attached to this Affidavit and identified as No. 3742 was published on the date or dates and in the newspaper stated in the attached Notice and said Notice is hereby incorporated as part of this Affidavit. Said notice was cut from the columns of the newspaper specified. Printed below is a copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the kind and size of type used in the composition and publication of the Notice:

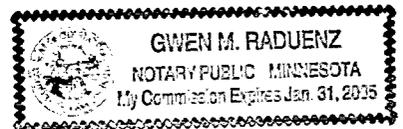
abcdefghijklmnopqrstuvwxy

By:   
 Stan Rolfsrud, General Manager  
 or his designated agent

Subscribed and sworn before me on

this 19<sup>th</sup> day of July, 2001

  
 Notary Public



### RATE INFORMATION

Lowest classified rate paid by commercial users for comparable space.... \$20.00 per column inch  
 Maximum rate allowed by law for the above matter..... \$20.00 per column inch  
 Rate actually charged for the above matter..... \$9.75 per column inch

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1. Any person owning or operating a commercial or business enterprise whose economic well-being is dependent upon irrigation of a lawn, grass or turf owned, leased or operated by it;

2. Employees and agents of the City, in such instances wherein lawn, grass or turf used for play fields or areas owned and operated by the City require more frequent irrigation to prevent unreasonable damage thereto;

3. Owners and lessees (their employees and agents) of lands newly sodded or grass seeded which requires irrigation to prevent loss of new sod, seed or immature turf or grasses for a period of thirty (30) days.

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(Published in the Eden Prairie News on Thursday, July 19, 2001; No. 3742)