

CHAPTER 14-2 REGULATION OF WATER USE

14-2-1

AUTHORITY TO REGULATE

The City Council of the City of Brandon, South Dakota shall have the authority to regulate the distribution and use of water supplied by the City of Brandon.

Legislative History:
Ordinance #46, Sec. 1, 5/2/77.

Authority:
SDCL §9-47-1.

14-2-2

PROHIBITED USES

The City of Brandon may, by resolution or ordinance, prohibit any and/all of the following non-essential uses of water:

- A. Washing Outdoor Surfaces.** The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces except by container not exceeding three gallon capacity or pursuant to an exception granted under Section (6) of this ordinance.
- B. Washing Mobile Equipment.** The washing of automobiles, trucks, trailers, trailer houses, or any other type of mobile equipment except where required by health and sanitary requirements and except from water contained in a container not exceeding three gallon capacity. This section shall not apply to commercial vehicle washing facilities operating at fixed locations.
- C. Cleaning Buildings.** The washing by hose of the inside and outside of buildings except pursuant to an exception granted under Section six (6) of this ordinance.
- D. Ornamental Fountains.** The operation of any ornamental fountain or other structure making a similar use of water unless equipped with a recirculating device.
- E. Swimming Pools.** Swimming pools and wading pools not employing a filter and recirculating system.
- F. Escape Through Defective Plumbing.** The escape of water through defective plumbing which shall mean the knowing permission for defective plumbing to remain out of repair.

Legislative History:
Ordinance #46, Sec. 2, 5/2/77.
Ordinance #87, Sec. 2, 8/8/79.

Authority:
SDCL §§9-47-1, 9-29-3,
9-32-9.

14-2-3

RESTRICTED OR PROHIBITED USES

The City of Brandon may, by resolution or ordinance, regulate or prohibit the following uses of water:

- A. Watering Yards.** The sprinkling, watering or irrigating of yards and grass by

any method may be regulated or prohibited as follows:

1. Consumers having even numbered addresses may water on even numbered calendar dates and consumers having odd numbered addresses may water on odd numbered calendar dates; or
2. Consumers having even numbered addresses may water on the first and fifteenth day of each month and consumers having odd numbered address may water on the seventh and twenty-first day of each month; or
3. Prohibited except pursuant to an exception granted under Section six (6) of this ordinance.
4. Prohibit watering of grass, trees and shrubs between the hours of 10 am and 6 p.m.

- B. Watering Vegetation.** The sprinkling, watering or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation by any method may be regulated or prohibited as provided in Section 14-2-3(1)(a).
- C. Washing Mobile Equipment.** The washing of automobiles, trucks, trailers, trailer houses, or any other type of mobile equipment except where required by health and sanitary requirements and except pursuant to an exception granted under Section six (6) of this chapter.
- D. Swimming Pools.** The filling of any swimming pool except pursuant to an exception granted under Section six (6) of this ordinance.
- E. Cleaning Equipment and Machinery.** The washing and cleaning of any business or industrial equipment and machinery except where required by health and sanitation requirements and except pursuant to an exception granted under Section six (6) of this chapter.
- F. Air Conditioners.** The use of air conditioning equipment except pursuant to an exception granted under Section six (6) of this ordinance.

Legislative History:
Ordinance #46, Sec. 3, 5/2/77.

Authority:
SDCL §§9-47-1, 9-29-3,
9-32-9, 9-32-1.

14-2-4

MAXIMUM GALLONAGE ALLOWED

The City of Brandon may by resolution or ordinance, provide for:

- A. All residential water users shall be restricted to the use of fifty (50) gallons per person per day except pursuant to an exception granted under Section six (6) of this chapter.
- B. All business and industries and parties with contracts with the City of Brandon shall be restricted to the use of a percentage of their prior usage of water as determined by the City of Brandon and approved by the Brandon City Council

by the adoption of a resolution or ordinance specifying the name of the industry, business or parties with contracts with the City of Brandon and the maximum gallonage allowed.

The provisions of this section shall not apply to those businesses and industries declared by the City of Brandon, and by the City of Brandon to be necessary for the public health, safety and welfare.

Legislative History:
Ordinance #46, Sec. 4, 5/2/77.

Authority:
SDCL §§9-47-1, 9-29-3,
9-32-9, 9-32-1.

14-2-5

PENALTIES FOR VIOLATION

Every police officer of the City of Brandon shall, in connection with his duties imposed by law, diligently enforce the provisions of this ordinance.

Any person, firm, or corporation violating any of the above provisions of this ordinance shall be deemed guilty of a misdemeanor. Each such violation shall constitute a separate offense and shall be punishable as such hereunder.

The City Finance Officer shall have the authority to enforce the provisions of this ordinance by the discontinuance of water service in the event of violation hereof.

Legislative History:
Ordinance #46, Sec. 5, 5/2/77.

Authority:
SDCL §§9-47-1, 9-29-3,
9-32-9, 9-32-1, 9-19-3.

14-2-6

EXCEPTIONS

Any and all exceptions to the provisions of this chapter shall be at the discretion of the City of Brandon. All such exceptions granted by the City of Brandon pursuant to this section shall be transmitted in writing to the Municipal Finance Officer of the City of Brandon.

Legislative History:
Ordinance #46, Sec. 6, 5/2/77.

Authority:
SDCL §9-47-1.