

ORDINANCE NO. 1640

ORDINANCE ESTABLISHING  
WATER CONSERVANCY CONTROLS

WHEREAS, clean, fresh drinkable water is a valuable and essential resource; and,  
WHEREAS, it is economically beneficial and environmentally prudent to  
encourage wise use and limit wasteful use of such water; and,

WHEREAS, it is in the interest of public health, safety and welfare to establish  
controls to conserve such water;

NOW, THEREFORE, be it ordained by the Common Council of the City of  
Kaukauna, Wisconsin, that Section 13.065 be created as part of Chapter 13 of the  
Kaukauna Municipal Code of the City of Kaukauna to read as follows:

**13.065 Water Conservation Controls.**

- (1) **Application.**  
**Scope and Applicability.** This Section shall apply to all real property, whether residential, commercial, industrial, agricultural or institutional, in the City of Kaukauna.
- (2) **Water Conservation Standards.** No person, firm, partnership, corporation, limited liability company, limited partnership or other entity shall apply water to a lawn, grass, trees, garden, shrubs, landscaping or other outside plantings with water procured from Kaukauna Utilities, except as permitted by this Section.
- (3) **Time Limits For Outside Watering.**
  - (a) Real property assigned even-numbered mailing addresses shall be permitted to make such above described use of water on even-numbered calendar days before 11:00 a.m. and after 6:00 p.m. Central Daylight Time. There shall be absolutely no such use of water between 11:00 a.m. and 6:00 p.m. Central Daylight Time.
  - (b) Real property assigned odd-numbered mailing addresses shall be permitted to make such use of water on odd-numbered calendar days before 11:00 a.m. and after 6:00 p.m. Central Daylight Time. There shall be absolutely no such use of water between 11:00 a.m. and 6:00 p.m. Central Daylight Time.

- (4) **Exceptions.** The following exceptions to limits for outside watering shall apply:
- (a) **Newly Seeded Lawns/Newly Sod Lawns.** Newly seeded and newly sod lawns may be watered every day for not more than thirty (30) days from their seeding or sodding, but only before 11:00 a.m. and after 6:00 p.m. Central Daylight Time.
  - (b) **Handheld Devices and Children's Water Toys.** Lawns, trees, shrubs, and other outside plants may be watered by handheld devices (being hand-held), such as sprinkling cans, sprayers, and hoses at any time. Children's water toys may be used at any time.
  - (c) **Special Cases.** The Kaukauna Utilities' Water Superintendent or his/her designee may permit such water usage outside the restriction imposed herein in exceptional circumstances.
- (5) **Emergencies.** Notwithstanding any other provisions herein, whenever, in the opinion of the Kaukauna Utilities' Water Superintendent, a need to limit water use exists due to weather conditions, extraordinary water usage, electrical power outages or other causes, the Kaukauna Utilities' Water Superintendent may, for such time as the need for water use limitation exists, issue orders and regulations, alter days and hours of permitted use, impose additional terms, conditions and restrictions to prevent unessential use of water.
- (6) **Enforcement.** The General Manager and the Water Superintendent of Kaukauna Utilities, or their designee, as well as City police officers, shall have the authority to issue municipal court citations or complaints for violations of this Section 13.065.
- (7) **Penalties.**
- (a) **First Offense.** Any person who shall violate any of the provisions, including emergency restrictions, of this Section 13.065 shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than Twenty-Five Dollars (\$25.00) together with Court surcharges and costs of prosecution.
  - (b) **Second and Subsequent Offense(s).** Any person found guilty of violating any provision of this Section, who shall previously have been convicted of a violation of this Water Conservation Ordinance within one (1) year shall, upon conviction thereof, forfeit not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each such offense together with Court surcharges and costs of prosecution. The interval between offenses shall be determined by the offense dates, not conviction dates.
  - (c) **Continued Violation(s).** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Section shall preclude the City of Kaukauna from maintaining any appropriate action to prevent or remove a violation of any provision of this Section.

(d) **Other Remedies.** The City of Kaukauna shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeiture, surcharges and costs of prosecution above.

This ordinance shall be in full force and effect from and after its adoption and publication.

APPROVED: \_\_\_\_\_  
Eugene J. Rosin, Mayor

ATTEST: \_\_\_\_\_  
Susan J. Duda, Clerk-Treasurer

Adopted: 8-03-10

Published: 8-14-10