

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, regulate or prohibit the following:

- A. **Watering Yards.** The sprinkling, watering or irrigating of yards and grass.
- B. **Watering Vegetation.** The sprinkling, watering or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.
- C. **Washing Outdoor Surfaces.** The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces except by container not exceeding three gallon capacity.
- D. **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.
- E. **Cleaning Buildings.** The washing by hose of the inside and outside of buildings.
- F. **Ornamental Fountains.** The operation of any ornamental fountain or other structure making a similar use of water unless equipped with a recirculating device.
- G. **Swimming Pools.** Swimming pools and wading pools not employing a filter and recirculating system.
- H. **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.
- I. **Air Conditioners.** The use of air conditioning equipment.

Legislative History:
Ordinance #46, Sec. 2, 5/2/77.
Ordinance #87, Sec. 2, 8/8/79.
Ordinance #563, 6/12/18.

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

14-2-3

MAXIMUM GALLONAGE ALLOWED

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

- A. Restrictions of maximum daily water usage by residential consumers.

- B. Restrictions of maximum daily water usage by business and industries and parties with contracts with the City of Brandon in relation to a percentage of their prior use of water. Notwithstanding, this provisions shall not apply to those entities declared by the City of Brandon to be necessary for the public health, safety and welfare.

Legislative History:

Ordinance #46, Sec. 4, 5/2/77.
Ordinance #563, 6/12/18.

Authority:

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

14-2-4

PENALTIES FOR VIOLATION

These regulations and fines, penalties and misdemeanor citations may be issued by the City's police and code enforcement officer as permitted by law. Additionally, surcharges set by resolution for violations may be assessed by the City Administrator and added to violator's water bill with notice of the surcharges provided by mail.

Any person or business 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. In addition, the City may assess a surcharge for a violation in an amount set by resolution and added to the violator's water bill.

The Finance Officer may enforce the provisions of this ordinance by the discontinuance of water service.

Legislative History:

Ordinance #46, Sec. 5, 5/2/77.
Ordinance #563, 6/12/18.

Authority:

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

14-2-5

EXCEPTIONS

Any and all exceptions to the provisions of this chapter shall be at the discretion of the City of Brandon's Administrator who shall transmit in writing the exception and file it with the City's Finance Officer.

Legislative History:

Ordinance #46, Sec. 6, 5/2/77.
Ordinance #563, 6/12/18.

Authority:

SDCL §9-47-1.

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.