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ORDINANCE NO. 772
2ND SERIES

**AN ORDINANCE AMENDING CHAPTER 2, SECTION 2.72, SUBDIVISION 3 OF THE
ALEXANDRIA CITY CODE RELATING TO THE USE OF MUNICIPAL WATER SERVICE
AND THE PROHIBITION OF PRIVATE WELLS**

WHEREAS, the City Council of the City of Alexandria, Minnesota, finds that it is necessary to protect the integrity of the City water utility, its source of water and the community aquifer, and to insure adequate water supplies to meet the health, safety, and welfare needs of the City and its residents by prohibiting the use of a private well for domestic and industrial use on properties served or able to be served by the City water system.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alexandria, Minnesota does hereby **ORDAIN**:

SECTION I. That Section 2.72, Subdivision 3 of the City Code relating to the use of municipal water service adopted by Ordinance No. 389, 2nd Series, on October 28, 1996, is hereby repealed.

SECTION II. That Section 2.72, Subdivision 3 of the City Code is amended to read as follows:

Section 2.72. **Procedures for Administration and Enforcement of the Municipal Water Service**

Subd. 3. **Municipal Water Use and Connection.**

A. Definitions:

1. **Domestic Use.** Means water used for drinking or potable water, and non-potable water for irrigation purposes, but shall not include water from wells drilled for de-watering, ground water monitoring, heating or cooling, construction borings or environmental bore holes.

2. **Irrigate.** Means to supply land with water by artificial means as by diverting streams, flooding, or spraying.

3. **Private Wells for Domestic Use.** Means any well not owned by the City of Alexandria, which is drilled for potable water, and non-potable water for irrigation purposes including sand point wells. Private wells for domestic use shall not include wells drilled for de-watering, ground water monitoring, heating or cooling, elevator borings or environmental bore holes.

4. **Sandpoint Well.** Means a shallow well that is a 1¼" to 2" steel casing constructed by driving or pounding a casing down into the ground until an aquifer is encountered.

5. **Private Wells for Industrial Use.** Means any well not owned by the City of Alexandria, which is drilled for industrial operations or purposes. Private wells for industrial use shall not include wells drilled for de-watering, ground water monitoring, heating or cooling, construction borings or environmental bore holes.

A. New Private Wells for Domestic or Industrial Use

The drilling of any new private well for domestic or industrial use including wells used solely to irrigate, on a property to which municipal water service is available is prohibited.

Private wells for domestic or industrial use in existence on the effective date of this subdivision may be repaired but cannot be replaced, except as subject to Section 2.72, Subd. 3B

B. Exception to Prohibition on Private Wells for Domestic or Industrial Use

The owner of any property to which municipal water service is available may apply for an exemption to this prohibition. Any such application shall first be submitted to the City's Board of Public Works, which shall consider the application and then recommend to the City Council whether the exemption should be granted. Eligibility for the exemption shall be based upon the consideration of the following factors:

1. Availability of water service stub
2. Proof that municipal water service is detrimental to property or operations
3. Relationship of the exemption to the Wellhead Protection Plan

C. Penalty. A violation of this section is a misdemeanor, and each day in violation shall be considered a separate violation. Provided, however, that the City may also pursue injunctive and other equitable relief against any person who violates this section.

SECTION III. This Ordinance shall be in effect and in full force from and after its passage and publication.

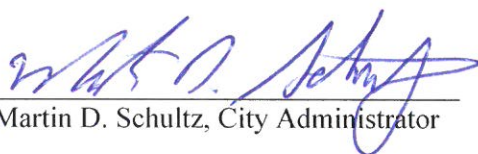
ADOPTED by the City Council of the City of Alexandria this 28th day of August, 2017, by the following vote:

YES: Osterberg, Benson, Jensen

NO: Batesole, Kuhlman

ABSENT: None


Sara Carlson, Mayor

ATTEST: 
Martin D. Schultz, City Administrator