

VILLAGE OF KIMBERLY
OUTAGAMIE COUNTY, WISCONSIN
ORDINANCE NUMBER 8, SERIES OF 2005

**AN ORDINANCE TO PRESERVE, CONSERVE, AND LIMIT WATER USE FOR
LAWNS, GRASS, OUTSIDE PLANTS, TREES, SHRUBS, AND SIMILAR PLANTS.**

BE IT ORDAINED by the Village Board of Trustees, Village of Kimberly, Outagamie County, Wisconsin as follows:

Section 1. Section 9-1-55 Municipal Code, Village of Kimberly, Water Conservation Ordinance to prescribe that no person, firm, partnership, corporation, limited liability company, limited liability partnership, or other entity shall water or sprinkle or allow the same on a lawn, grass, trees, garden, shrubs, and other outside plants with water from the Village of Kimberly, except as provided herein.

9-1-55 Water Conservation Ordinance.

- (a) **Application.** This Ordinance and the provisions herein shall apply to all real property, whether residential, commercial, industrial, agricultural, or institutional, located within the boundaries of the Village of Kimberly.
- (1) Real property assigned even-numbered mailing addresses shall be permitted to make such 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.**
- (2) 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.**
- (b) **Exceptions.** The following exceptions shall apply.
- (1) **Newly Seeded and Newly Sod Lawns.** Newly seeded and newly sod lawns may be watered every day for not more than thirty (30) days but only before 11:00 a.m. and after 6:00 p.m./Central Daylight Time upon the issuance of a permit issued by the Village. Permits may be obtained at the Municipal Complex, 515 W. Kimberly Avenue, Kimberly, Wisconsin, during normal business hours. Permits shall be displayed in plain view in the front window or if issued for real property without a building, at such other location so as to be in plain view. There shall be absolutely NO such use of water between 11:00 a.m. and 6:00 p.m.

- (2) Handheld Devices and Children's Water Toys. Lawns, trees, shrubs, and other outside plants may be watered by handheld devices, such as sprinkling cans, sprayers, hoses (when hand-held), on any day at any time. Children's water toys may be used at any time.
- (3) Special Cases. The Commission may grant permits for water usage outside the restrictions imposed herein in unique circumstances.
- (4) Emergency. Notwithstanding any other provisions herein, whenever, in the opinion of the Commission, a necessity to limit water exists due to weather conditions, water usage, electrical power outages, or other causes, the Commission may for such time as the necessity for water use limitation exists, issue orders and regulations, suspend permits, alter days and hours, impose additional terms and conditions, and prevent usage of water.

(c) Penalty.

- (1) First Offense. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than Twenty-Five Dollars (\$25.00) together with the costs of prosecution.
- (2) Second and Subsequent Offense. Any person found guilty of violating any provision of this ordinance who shall previously have been convicted of a violation of the same 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 the costs of prosecution.
- (3) Continued Violation. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

- (d) Other Remedies. The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeiture and costs of prosecution above.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such determination shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This Ordinance shall become effective on the date of passage.

Date introduced, approved and adopted: October 17, 2005

VILLAGE OF KIMBERLY

Charles A. Kuen, Village President

Rick J. Hermus, Administrator/Clerk