

# CLAY COUNTY ORDINANCE 2015- 7

The Clay County Board hereby ordains as follows:

**TITLE:** This Section shall be known as the Clay County Public Water Supply Ordinance.

**REPEALER:** Clay County Ordinance 2011-3, Part I, Subparts F and G are hereby repealed in their entirety. The following shall be incorporated in the appropriate chapter of the Clay County Code in their place.

## **Section I: PURPOSE.**

**1.1 Purpose.** This Ordinance is enacted to insure safe drinking water at transient, non-community public water supplies doing business as regulated licensed facilities in Clay County.

**1.2 Objectives.** The principal objectives of this Ordinance are as follows:

A. To promote health, safety, and wellness to citizens and patrons accessing and consuming drinking water from transient non-community public water supplies at regulated licensed facilities.

B. To correct and prevent conditions that may adversely affect persons accessing and consuming drinking water from transient non-community public water supplies at regulated licensed facilities.

C. To provide safe drinking water testing services and enforce standards for the operation and maintenance of transient non-community public water supplies at regulated licensed facilities following specific requirements set forth through a delegation agreement with the Minnesota Department of Health.

D. To meet consumer expectations of safe drinking water at transient non-community public water supplies at regulated licensed facilities.

## **Section II: SCOPE.**

The scope of this ordinance applies to transient water supplies for establishments licensed by and within the jurisdiction of the Health Authority and wellhead protection as defined by Minnesota Rules, parts 4720.5100, 4720.5110, subpart 1, and 4720.5120.

## **Section III: DELEGATED AUTHORITY.**

Promulgated in Minnesota Statutes Chapter 145A.07, the Health Authority has entered into an agreement with Clay County, a member of the Partnership 4 Health community health board, to

delegate duties as stated in the Safe Drinking Water Act, MN Statutes Sections 144.381 - 144.387 and as authorized in the agreement.

## **Section IV: STATE HEALTH DEPARTMENT RULES ADOPTED.**

Pursuant to Minnesota Statutes Sections 144.381-144.387 and Minnesota Administrative Rules parts 4720.5100, 4720.5110, subpart 1, and 4720.5120 relating to public water supplies and wellhead protection, including all subsequent amendments thereto, are adopted by Clay County by reference. Furthermore, the adoption herein only applies to transient non-community public water supplies at regulated licensed establishments and will adhere to the responsibility scope and exclusions set forth in the Delegation Agreement and the Federal Safe Drinking Water Act (SWDA).

## **Section V: DEFINITIONS.**

For the purpose of this ordinance the following words shall have the following meaning:

**Subsection 1:** "County" shall mean Clay County.

**Subsection 2:** "Health Authority" shall mean the Clay County Public Health Department and its designated employees, agents, or contractors, as the Clay County Board may designate.

**Subsection 3:** As stated in Minnesota Statutes 144.382, a "public water supply" has the meaning given to "public water system" in the federal Safe Drinking Water Act, United States Code, title 42, section 300f, and clause (4).

**Subsection 4:** As stated in Minnesota Statutes 144.382, a "supplier" means a person who owns, manages or operates a public water supply.

## **Section VI: FEES.**

Fees for non-community public water supplies are only assessed in conjunction with licensed establishments regulated by the Health Authority and shall be those established from time to time by resolution of the County Board of Commissioners.

## **Section VII: INSPECTION OF PUBLIC WATER SUPPLIES**

As promulgated in Minnesota Rule 4720.3800 and Minnesota Rule 4720.0550, the Health Authority, or one of its authorized representatives, upon presenting appropriate credentials to any water supplier, is authorized to enter and inspect any establishment, facility, or other property of such supplier, as deemed necessary in order to determine whether such supplier has acted or is

acting in compliance with the rules of the commissioner relating to water supplies, including for this purpose the inspection of records, files, papers, processes, controls, and facilities, or in order to test any feature of a public water supply, including its raw water source.

## **Section VIII: CONSTRUCTION PLAN REVIEW.**

The Minnesota Department of Health retains exclusive authority for the review of plans for new, altered, or extended transient water systems as provided in MN Statutes, Section 144.383. The Health Authority shall direct the owner or operator of the transient water supply to submit plans to the Minnesota Department of Health for approval prior to the commencement of the construction or alteration.

## **Section IX: PENALTY.**

**9.1 Penalty.** Any person violating a provision of this ordinance may be guilty of a misdemeanor and upon conviction thereof shall be punished pursuant to Clay County Ordinance 2010-3 Part 2.

**9.2 Citations.** Whenever the Health Authority discovers a violation of this Ordinance, a citation may be issued to the person alleged to have committed the violation. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

## **Section X: VARIANCES.**

As described in the delegation agreement, the Minnesota Department of Health retains exclusive authority for reviewing and granting variances, as provided in Minnesota Rules, parts 4720.2700 and 4720.3970.

## **Section XI: SEPARABILITY.**

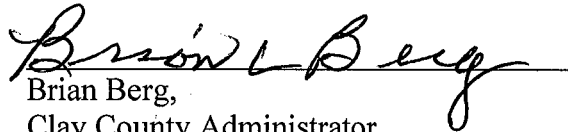
If any provision or application of any provision of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

**EFFECTIVE DATE:** After passage by the Clay County Board of Commissioners, this Ordinance shall be effective the date of enactment.

Adopted by the Clay County Board of Commissioners this 14 day of July, 2015.

  
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Grant Weyland,  
Chairman, Clay County Board of Commissioners

ATTEST:

  
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Brian Berg,  
Clay County Administrator