

06/27/2008

ORDINANCE NO. _____

AN ORDINANCE TO ADD NEW DIVISION 6, OUTDOOR WATERING, TO ARTICLE III OF CHAPTER 102, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REGULATE THE OUTDOOR WATERING OF LANDSCAPING; REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. New Division 6, Outdoor Watering, shall be added to Article III of Chapter 102 of the Code of Ordinances, as follows:

DIVISION 6. OUTDOOR WATERING

Sec. 102- 394. Restriction.

To conserve water and reduce water consumption during peak hours, the outdoor watering of lawns, gardens, plants, trees, shrubs and other landscape shall be regulated as follows:

(a) *Applicability.* This Section shall apply to all customers of the City's water supply and sewage disposal system.

(b) *Automatic system hours.* Outdoor watering by means of an underground or automatic sprinkler or irrigation system may be done only between the hours of midnight to 5 a.m., Michigan time.

(c) *Manual irrigation.* A water user may, at any time, manually irrigate landscaping by bucket, can or hose that is not connected to an automatic irrigation system.

(d) *Request for relief.* If the foregoing outdoor watering restrictions create a hardship for a municipal water user, the water user may petition the Director of the Department of Public Service or the Director's designee requesting relief from the restriction. The petition shall specify the nature and duration of the requested relief and shall explain the hardship caused by the restriction. The Director or designee may grant, modify or deny the requested relief, taking into consideration the contractual obligations of the City regarding the municipal water system, prevailing weather conditions, any unusual or extenuating circumstances, water supply and water system conditions, and the particular circumstances of the petitioner. The decision of the Director or designee shall be final.

(e) *Violation.* The water customer and the owner or occupant of premises where outdoor watering in violation of this Section occurs shall be responsible for a municipal civil infraction in accordance with Chapter 66 of the Code of Ordinances.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility shall be punishable by a civil fine of not more than \$500 and/or such other sanctions for municipal civil infractions prescribed in Section 1-16 of the Code of Ordinances.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2008, following its publication in the *Rochester Eccentric* on _____, 2008.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2008.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I hereby certify the foregoing ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof on _____, 2008.

Jane Leslie, Clerk
City of Rochester Hills