

08/11/2008

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 system engaged in outdoor watering. However, this Section shall not apply to outdoor watering from a well, pond or other water source that is not connected to or supplied by the City's water supply system, nor shall it apply to outdoor watering associated with commercial agriculture, farming, tree and plant nursery and golf course operations.

(b) *Automatic system hours.* Except as permitted in subsection (c), below, outdoor watering by means of an automatic or programmable landscape 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 means other than an automatic or programmable landscape irrigation system. Also, an automatic or programmable landscape irrigation system may occasionally be used in unprogrammed manual mode for brief periods and as necessary for testing, repair and winterizing purposes.

(d) *Request for relief.* If the foregoing outdoor watering restrictions create a hardship, the water user may request relief from the Director of the Department of Public Service or the Director's designee. The requester 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 City's water supply system, prevailing weather conditions, any unusual or extenuating circumstances, water supply and water supply system conditions, and the particular circumstances of the requester. 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.

- (1) *First Offense.* For a first offense within a calendar year, the violator shall receive a warning, with no fine.
- (2) *Subsequent Offense.* For any subsequent or repeat offense within a calendar year, the violator shall be responsible for a municipal civil infraction 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 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. 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