

06/08/2010

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 102-326 OF CHAPTER 102, UTILITIES, AND TO REPEAL SUBSECTION (8) OF SECTION 54-776 OF CHAPTER 54, FEES, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, IN ORDER TO DISCONTINUE THE SALE AND AUTHORIZATION OF AREA MAINTENANCE WATER METERS, REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 102-326 of Chapter 102, Utilities, of the Code of Ordinances shall be amended as follows:

Sec. 102-326. Area maintenance.

- (a) *Owner's authority.* The owner of any premises using metered water may, upon application, preinspection, signing of an agreement as provided for in this section and obtaining a permit and paying such fees as required in section 54-776, install a separate water meter for metering the use of water for area maintenance.
- (b) *Fees.* The required fees are set forth in section 54-776.
- (c) *Cost.* The cost of the area maintenance meter and its installation shall be paid by the property owner.
- (d) *Connections.* The area maintenance meter shall be connected on the water line coming into the building from the public water supply immediately after the regular meter for the premises. Only lines approved by the city department of public service shall be connected to the area maintenance meter. There shall be no connections or use of water directly from the area maintenance meter for other than approved outdoor area maintenance.
- (e) *Right of entry.* The department of public service and/or the building department shall, at any reasonable hour, have the right to enter any building wherein there is an area maintenance meter to inspect the meter and piping system to see that there are no violations respecting the area maintenance meter. The refusal of entry, upon request, shall be deemed evidence of a violation.
- (f) *Agreement.* An owner shall enter into an agreement with the city before receiving a permit for an area maintenance meter, which agreement shall include a statement that the owner shall not make nor shall the owner allow anyone else to make any illegal use of the area maintenance meter.

(g) *Violation options.* Upon there appearing to be a violation of the provisions for the area maintenance meter, the city shall, at its option:

(1) *Disconnect/suspend water service.* Disconnect or cause the disconnection of the area maintenance meter. The city may suspend water service to the premises until the disconnection has occurred.

(2) *Sewer charges.* Charge the owner for whatever sewer charges should have been charged.

(3) *District court citation.* Issue a citation for a violation of this article to be answerable in the district court.

(h) Effective _____, 2010, the City shall discontinue selling or authorizing any new area maintenance meters. However, area maintenance meters purchased prior to _____, 2010, may continue to be used, replaced and repaired in accordance with this section.

Section 2. Subsection (8) of Section 54-776 of the Code of Ordinances concerning area maintenance meters is hereby repealed.

Section 3. 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 4. Penalty. All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

Section 5. 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 _____, 2010, following its publication in the *Rochester Post* on _____, 2010.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2010.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2010.

Jane Leslie, Clerk
City of Rochester Hills