

CHARTER TOWNSHIP OF SHELBY

MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 292

AN ORDINANCE TO AMEND CHAPTER 58 ARTICLE I OF THE CHARTER TOWNSHIP CODE OF ORDINANCES BY ESTABLISHING IRRIGATION SYSTEM RESTRICTIONS IN ORDER TO DECREASE THE MAXIMUM NORMAL WATER USAGE AT PEAK HOURS IN ORDER TO PROVIDE BETTER WATER PRESSURE FOR THE COMPLETE WATER SYSTEM DURING PEAK HOURS IN ORDER PROTECT THE PUBLIC HEALTH SAFETY AND WELFARE; PROVIDE FOR PENALTIES AND SEVERABLITIY;

IT IS HEREBY ORDAINED BY THE CHARTER TOWNSHIP OF SHELBY:

Section 1. Chapter 58, Article I, Section 58-4 of the Code of Ordinances, Charter Township of Shelby, Michigan is hereby deleted in its entirety and amended to read as follows:

**Section 58-4 Emergency Restrictions.**

**The Charter Township of Shelby Board of Trustees may by resolution, upon finding the existence of an emergency, establish rules and regulations restricting the use of the water supply system during the period of the emergency when it is imperative to the public well-being and preservation of the water supply system that certain uses of water, not essential to the health, welfare and safety of the township, be restricted. The rules and regulations may include, but are not limited to, restrictions on water use to preserve adequate water pressure for fire protection purposes. Such rules and regulations shall be effective immediately upon their publication in a newspaper of general circulation within the township and shall remain effective for the duration of the emergency or ninety (90) days, whichever is less, provided that nothing contained in this section shall preclude the board from extending the application of the rules by further resolution should the emergency continue for more than ninety (90) days. Violation of the rules and regulations promulgated pursuant to these emergency powers shall constitute a violation of this chapter.**

Section 2. Chapter 58, Article I, Section 58-5 of the Code of Ordinances, Charter Township of Shelby, Michigan is hereby created to read as follows:

**Section 58-5 Township's right to discontinue service.**

**The township shall have the right to shut off and discontinue the supply of water to any premises; disconnect such premises from the water supply system, the drainage water disposal system, or the wastewater disposal system of the township upon violation by the user of the system of any provisions of this Chapter; or in the event of nonpayment, when due, of water supply and/or wastewater disposal charges. Whenever the water is turned off from any premises because of any such violations, it shall not be turned on again until the owner or occupant has corrected such violations and has paid a turn-on charge in the amount specified by the township board to cover the expenses caused by such disruption and return of water supply service.**

Section 3. Chapter 58, Article I, Section 58-6 of the Code of Ordinances, Charter Township of Shelby, Michigan is hereby created to read as follows:

**Section 58-6 Township not liable for supply interruption.**

**The township shall not be held liable for any failure or deficiency in the supply of water to consumers, whether occasioned by shutting off the water to make necessary repairs or connections, or for any other cause.**

Section 4. Chapter 58, Article I, Section 58-7 of the Code of Ordinances, Charter Township of Shelby, Michigan is hereby created to read as follows:

**Sec. 58-7- Irrigation restrictions; limitations on water use.**

**(a) Irrigation systems restrictions. Property which has an automatic activated or manually operated lawn and landscape irrigation system which is connected to the municipal water system is restricted from irrigating pursuant to the following restrictions between May 1<sup>st</sup> and October 1<sup>st</sup> of each calendar year:**

**(1) Automatic lawn and/or landscaping irrigation is prohibited between the hours of 5:00 a.m. and 11:00 p.m. Eastern Standard Time (6:00 a.m. to 12:00 a.m. Eastern Daylight Time) except as provided in subsection (a)(5) below.**

**(2) Properties with an even numbered address shall be allowed to irrigate on even numbered dates within the month.**

**(3) Properties with an odd numbered address shall be allowed to irrigate on odd numbered dates within the month.**

**(4) If a property has a mixture of odd and even numbered addresses or an undetermined address, the water and sewer superintendent, or his designee, may assign an odd-even designation for compliance with the ordinance from which this section derives.**

**(5) A property with a newly seeded or sodded lawn may for the first twenty-one (21) days following planting, irrigate such lawn as often as required, except that irrigation is prohibited between 5:00 a.m. and 9:00 a.m. Eastern Standard Time (6:00 a.m. to 10:00 a.m. Eastern Daylight Time).**

**(b) A water user may manually irrigate residential landscaping utilizing garden hoses and sprinklers provided the irrigation is not connected to an automatic system, is attended, and monitored by the water user and is prohibited between the hours of 5:00 a.m. to 9:00 a.m. Eastern Standard Time (6:00 a.m. to 10:00 a.m. Eastern Daylight Time).**

**(c) The Charter Township of Shelby Board of Trustees may declare an emergency and require that lawns and garden sprinkling and private car washing be limited to such periods as it deems advisable to assure an adequate supply of water for household and industrial uses.**

**(d) Whenever the Charter Township of Shelby Board of Trustees shall declare an emergency as specified, it shall publish in a newspaper of general circulation in the township a notice of its determination and of the rules and regulations limiting the periods and setting forth the regulations governing domestic use of water. A violation of the regulations so determined and published shall constitute a violation of this chapter.**

**(e) This Chapter may be enforced by representatives of the Charter Township of Shelby Department of Public Works, Building Department, Police Department, and/or any other employees authorized to issue appearance tickets.**

**(f) If the above provisions create a practical hardship for a large commercial water user, the water user can petition the Department of Public Works superintendent, asking for relief from one of the above referenced restrictions. The petition shall set forth the requested relief and shall detail the extraordinary circumstances that would justify the requested relief, as well as the duration of the requested relief. The superintendent can grant or deny or modify the petition, taking into consideration the contractual obligations of the township as well as the articulated circumstances of the petitioner. The decision of the superintendent shall be final.**

Section 5. Chapter 58, Article I, Section 58-8 of the Code of Ordinances, Charter Township of Shelby, Michigan is hereby created to read as follows

**(a) Any person who disobeys, neglects, or refuses to comply with any provision of section 58-7 or who causes, allows, or consents to any of the same shall be deemed to be responsible for a violation of section 58-7 and the same shall be deemed to be a nuisance per se.**

**(b) A violation of section 58-7 is a municipal civil infraction, for which the fines shall not be less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). The foregoing sanctions shall be in addition to the rights of the township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the township incurs in connection with the municipal civil infraction.**

**(c) Each day during which any violation continues shall be deemed a separate offense.**

**(d) In addition, the township may seek injunctive relief against persons alleged to be in violation of section 58-7, and such other relief as may be provided by law.**

Section 6. Section 1-7 (h) of the Code of Ordinances shall be amended to read as follows:

1-7. General penalty; continuing violations.

(h) It is unlawful and constitutes a municipal civil infraction for any person to violate or fail to comply with the following provisions of this Code:

| <b><u>CHAPTER</u></b> | <b><u>TITLE</u></b> | <b><u>SECTION</u></b>   |
|-----------------------|---------------------|---|
| 58                    | Public Works        | Sidewalks<br>58-502, 58-521, 58-522(b) and (c), 58-523, 58-527, 58-528, 58-533<br><br><b><u>General</u></b><br><b><u>58-7</u></b> |
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Section 7. SEVERABILITY

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 8. REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 9. EFFECTIVE DATE

This Ordinance shall be effective immediately upon date of publication hereof.

CERTIFICATION

I hereby certify the foregoing is a true and complete copy of Ordinance No. 292 duly adopted by the Board of Trustees of the Charter Township of Shelby at a Regular Meeting held on March 2, 2021, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be made available as required by said Act.

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STANLEY GROT, Clerk

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| Introduction Date:       | February 2, 2021  |
| First Publication Date:  | February 10, 2021 |
| Adoption Date:           | March 2, 2021     |
| Second Publication Date: | March 10, 2021    |
| Effective Date:          | March 10, 2021    |