

ORDINANCE NO. 2021-04

AN ORDINANCE TO AMEND CHAPTER 54, UTILITIES, ARTICLE II, WATER SUPPLY AND SEWAGE TREATMENT SYSTEM, OF THE CODE OF THE CITY OF ROCHESTER, TO ADD A NEW DIVISION 12. WATER RESTRICTIONS, TO PROVIDE FOR EMERGENCY WATER USE RESTRICTIONS; TO ENCOURAGE IRRIGATION RESTRICTIONS DURING PEAK HOURS IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; AND TO PROVIDE FOR PENALTIES AND SEVERABILITY.

THE CITY OF ROCHESTER ORDAINS:

Section 1. Chapter 54 of the Code of the City of Rochester shall be amended by adding the following provisions:

Division 12. Water Restrictions.

Sec. 54-271. Emergency Restrictions.

The City of Rochester City Council 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 City, 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 City 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 City Council 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.

Sec. 54-272 City not Liable for Supply Interruption.

The City 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.

Sec. 54-273 Voluntary Irrigation Restrictions; Limitations on GLWA Water Use.

- (a) Irrigation systems restrictions. While water conservation efforts are encouraged for all water users, it is important that GLWA water customers limit irrigation use, including avoiding peak period watering, to avoid substantial rate increases. As such, GLWA water users that have an automatic activated or manually operated lawn and landscape irrigation system that is connected to the municipal water system are encouraged to comply with the

following restrictions between May 1st and October 1st of each calendar year:

- (1) Avoiding automatic lawn and/or landscaping irrigation 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 only irrigating on even numbered dates within the month.
 - (3) Properties with an odd numbered address only irrigating on odd numbered dates within the month.
 - (4) If a property has a mixture of odd and even numbered addresses or an undetermined address, selecting an odd-even designation for irrigating.
 - (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 GLWA water user who manually irrigates residential landscaping utilizing garden hoses and sprinklers (irrigation is not connected to an automatic system), is encouraged to avoid irrigating 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) Notwithstanding the voluntary nature of the forgoing, City Council may declare an emergency as set forth in Sec 54-271 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 City Council shall declare an emergency as specified in Sec. 54-271, it shall publish in a newspaper of general circulation in the City 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.

Sec. 54-274 Penalties.

- (a) Any person who disobeys, neglects, or refuses to comply with any provision of this Division (except for the voluntary restrictions in Sec. 54-273) or who causes, allows, or consents to any of the same shall be deemed to be responsible for an ordinance violation and the same shall be deemed to be a nuisance per se.
- (b) A violation of this Division 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 City 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 City 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 City may seek injunctive relief, and such other relief as may be provided by law.

Section 2. 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 3. REPEAL

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

THIS ORDINANCE shall become effective immediately upon publication.


A true copy of this ordinance may be purchased or inspected at the office of the City Clerk at the Rochester Municipal Building, 400 Sixth Street, Rochester, Michigan, 48307, during regular business hours, 8:00 a.m. to 5:00 p.m. daily, except weekends and holidays.

Made and passed by the City Council of the City of Rochester, State of Michigan, this 28th day of June, 2021.

CITY OF ROCHESTER

A Michigan Municipal Corporation

By: _____
Stuart Bikson, Mayor

By: 
Lee Ann O'Connor, City Clerk

