

**CITY OF SYLVAN LAKE
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. 300

AN ORDINANCE TO AMEND CHAPTER 70, UTILITIES, OF THE SYLVAN LAKE CITY CODE, TO PROVIDE FOR PROTECTING THE PUBLIC HEALTH, SAFETY, AND WELFARE; TO PROVIDE DECREASES IN MAXIMUM WATER USAGE AT PEAK HOURS IN ORDER TO ACHIEVE A BETTER WATER RATE FROM THE DETROIT WATER DEPARTMENT; TO PROVIDE FOR A DECREASE IN PEAK WATER USAGE IN ORDER TO PROVIDE FOR BETTER WATER PRESSURE THROUGHOUT THE ENTIRE SYSTEM DURING PEAK FLOWS IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF.

Section 1. Sec. 70, Utilities, of the Sylvan Lake Code of Ordinances is hereby revised and amended to add section section 70-44. Irrigation Restrictions, Limitations on Water Use, and Subsection to read as follows:

Sec. 70-44. Irrigation Restrictions; Limitations on Water Use.

(a.) Irrigation Systems Restrictions. Property which has automatic activated or manually operated lawn and landscaping irrigation system which is connected to the municipal water system is restricted from irrigating pursuant to the following restrictions between May 15 and October 15 of each calendar year:

(1) Automated lawn and/or landscaping irrigation is prohibited between the hours of 5:00 a.m. and 11:00 p.m. Eastern Standard Time except as provided (a) (5) below.

(2) Properties with an even numbered address shall be allowed to irrigate on Mondays, Wednesdays, Fridays and Sundays.

(3) Properties with an odd numbered address shall be allowed to irrigate on Tuesdays, Thursdays, Saturdays and Sundays.

(4) If a property has a mixture of odd and even numbered addresses or an undetermined address, the City Manager or his designee, may assign days for compliance with this ordinance.

(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.

(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.

- (c) The City Council of the City of Sylvan Lake may declare an emergency and require the lawns and garden sprinklers and private car washing be limited to such periods as it deems advisable in order to assure an adequate supply of water for household and industrial uses.
- (d) Whenever the City Council for the City of Sylvan Lake shall declare an emergency as specified, 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.
- (e) This section may be enforced by the City Manager, Sylvan Lake 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 City Manager, 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 City Manager may grant or deny or modify the petition, taking into consideration the contractual obligations of the City as well as the articulated circumstances of the petitioner. The decision of the City Manager shall be final.
- (g) Penalties for Violation. A violation of this section shall constitute a civil infraction and the violator upon being found responsible for the civil infraction shall pay the following fine(s):
- (1) First violation in any calendar year a fine of no less than fifty dollars (\$50), but no more than one-hundred dollars (\$100) plus costs of prosecution including actual attorney fees.
 - (2) A second violation in any calendar year a fine of no less than one-hundred dollars (\$100), but no more than five-hundred dollars (\$500) plus costs of prosecution including actual attorney fees.
 - (3) A third or subsequent violation in any calendar year a fine of no less than five-hundred dollars (\$500), plus costs of prosecution including actual attorney fees.

SECTION 2. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any court of competent jurisdiction, such section clause, or provision declared to be unconstitutional, void, illegal or ineffective shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

SECTION 3. Savings.

Paragraph (a) of Sec. 70-37 of the Sylvan Lake Code of Ordinances is hereby repealed. All ordinances and portions of ordinances inconsistent with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 4. Effective Date.

The provision of this Ordinance are hereby ordered to take effect May 1, 2010.

SECTION 5. Enactment.

This Ordinance was enacted by the City Council of the City of Sylvan Lake at a regular meeting on the 14th day of April, 2010.

Yes: Lorenz, Maurina, Meskin, Zubrzycki

No: None

Abstentions: None

Absent: Wiegand

Adopted: 04/14/10

Published: 04/28/10

Effective: 05/01/10

Posted: 04/16/10

Locations: City Hall, Community Center, Ferndale Park

I, Dennise Clippert, City Clerk for the City of Sylvan Lake, Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of Sylvan Lake at a Regular City Council Meeting, held on April 14, 2010 the original of which is on file in my office.

Date: _____, 2010

Dennise Clippert, City Clerk

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