

ORDINANCE NO. 120

WATER CONSERVATION ORDINANCE

AN ORDINANCE TO ESTABLISH WATER CONSERVATION REQUIREMENTS DEEMED NECESSARY OR ADVISABLE TO MAINTAIN AN ADEQUATE SUPPLY OF WATER FOR ESSENTIAL DOMESTIC, COMMERCIAL, AND INDUSTRIAL WATER NEEDS AND FIRE PROTECTION; TO ESTABLISH A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO ESTABLISH AN EFFECTIVE DATE.

THE TOWNSHIP OF LAKETOWN, COUNTY OF ALLEGAN, AND STATE OF MICHIGAN ORDAINS:

Section 1. Findings.

- (A) The Township procures water service for its residents pursuant to contractual agreements with the City of Holland (the “City”).
- (B) The City has advised the Township that the City believes the Township is virtually at its limit of guaranteed allocated water capacity from the City.
- (C) The Township finds that water conservation is necessary or advisable to protect the public health and safety and to help ensure that the Township maintains an adequate supply of water for essential domestic, commercial, and industrial water needs and for fire protection.
- (D) The Township finds that adoption of certain water conservation requirements, as set forth in this Ordinance, will help ensure an adequate supply of water with the least hardship for Township residents.

Section 2. Water Conservation Requirements. The following water conservation requirements shall apply to all persons with the Township. For purposes of this Ordinance, “person” shall be interpreted to include a firm, association, partnership, joint venture, corporation, trust, equivalent entity, a combination of any of them, or a natural person.

- (A) Watering Days. From June 1 through September 30, a person may water lawns, flower beds, landscaping, gardens, or ornamental plants at the following locations ONLY on the following days:
 - (1) Odd-numbered addresses on Wednesday, Friday, Saturday and Sunday;
 - (2) Even-numbered addresses on Tuesday, Thursday, Saturday and Sunday.

No watering is allowed on Mondays.

- (B) High Evaporation Times. On Monday through Friday, from June 1 through September 30, no person may water lawns, flower beds, landscaping, gardens, or ornamental plants between the hours of 10:00 a.m. and 6:00 p.m. due to the high rate of evaporation during this time of day.
- (C) Anti-Waste. No person shall do any of the following:

- (1) Wash or clean any vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or unmotorized, by using a running hose without a positive action quick release shutoff valve or nozzle; or
- (2) Cause, permit or allow water to leak from any exterior or interior pipe, hose or plumbing fixture of any kind.

Section 3. Exceptions. The Township Manager, or the Township Supervisor when the Township Manager is unavailable or unable to act, may grant exceptions to the water conservation requirements described in Section 2 of this Ordinance under the following circumstances:

- (A) When an exception is necessary to preserve nursery stock or newly established landscaping;
- (B) When an exception is necessary to prevent imminent financial loss to the water customer; or
- (C) When an exception is necessary to protect public health and safety.

Section 4. Not Exclusive. The water conservation requirements set forth in this Ordinance are not intended to be exclusive. They do not eliminate the right of the Township Manager or the Township Supervisor to issue water emergency orders pursuant to Section 14A of the Township's Water System Ordinance, Ordinance No. 13, as amended.

Section 5. Penalty. Any person who shall violate a provision of this Ordinance or who shall fail to comply with any of its requirements shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and subject to a written warning for a person's first infraction. Each day during which any violation continues after a written warning has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations of this Ordinance; a repeat violation means a municipal civil infraction violation committed by a person within any twelve (12) month period after the issuance of a written warning to that person and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

- (A) The fine for any offense which is a first repeat offense shall be Twenty-Five (\$25.00) Dollars, plus costs and other sanctions; and
- (B) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be Fifty (\$50.00) Dollars, plus costs and other sanctions.

Any Allegan County Deputy Sheriff assigned to the Township pursuant to an agreement between the Township and Allegan County and the Allegan County Sheriff, as well as the Township Manager, are designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infraction notices (directing alleged violators to appear at the Laketown Township Municipal Ordinance Violations Bureau).

Section 6. Severability and Captions. This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 7. Repeal. All resolutions, ordinances or orders in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, repealed.

Section 8. Administrative Liability. No officer, agent, employee or Board member of the Township shall be personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

Section 9. Effective Date. This Ordinance was approved and adopted by the Township Board of Laketown Township, Allegan County, Michigan on April 10, 2002. This Ordinance shall become effective 30 days following its publication in a newspaper of general circulation within the Township.

Dan Koeman
Township Supervisor

Robert Lamar
Township Clerk

CERTIFICATE

I, ROBERT LAMAR, the Clerk for the Township of Laketown, Allegan County, Michigan, certify that the foregoing Water Conservation Ordinance was adopted at a regular meeting of the Township Board held on April 10, 2002. The following members of the Township Board were present at that meeting: Dan Koeman, Robert Lamar, R.C. Reed, Lloyd Lubbers and Gary Dewey. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board: Dan Koeman, Robert Lamar, R.C. Reed, Lloyd Lubbers and Gary Dewey voting in favor and members of the Board: None voting in opposition. The Ordinance was published in *The Holland Sentinel* on April 19, 2002.

Robert Lamar, Clerk
Laketown Township