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CITY of NOVI CITY COUNCIL

Agenda Item B
March 23, 2009

SUBJECT: Approval of Ordinance 09-138.02 to amend the City of Novi Code of Ordinances, as Amended, Chapter 34, "Utilities", Article II, "Water Supply System", Division 1, in order to amend the alternate day lawn watering section to include a requirement to operate underground irrigation systems during non-peak hours of 11:00 p.m. and 5:00 a.m., and to amend amount of fines for violation of Subsection (a). **Second Reading**

SUBMITTING DEPARTMENT: Finance/Water & Sewer

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The rate charged by Detroit Water & Sewer Department (DWSD) is computed using three factors: distance, elevation and peak demand. Distance from the source and elevation factors are fixed by the City's geographic location. The peak demand factor (maximum day and maximum hour) can be managed through water conservation efforts, and storage within the system.

Over the last several years, many of the water contracts between Detroit metro Communities and DWSD have expired. DWSD has been working with communities to create a long term contract that would be acceptable to all parties. In 2003, the City began negotiations (which are on going) with DWSD for a new water contract. During the negotiations with DWSD and through examination of other communities' methods to reduce their water rates, it became clear that reducing the City's peak demand would be the most effective way to reduce our wholesale water rate

During our water contract negotiations with DWSD, they have indicated that a reduced water rate is possible but is contingent upon Novi's commitment to a lower max day and peak hour usage.

In order to achieve these lower demands, DWSD requires an aggressive public education program to be a part of a new water contract with a reduced rate, a mandatory odd/even Lawn Watering Ordinance with a requirement to operate underground irrigation systems during the exclusionary period, and an internal irrigation policy for municipal property.

RECOMMENDED ACTION: Approval of Ordinance 09-138.02 to amend the City of Novi Code of Ordinances, as Amended, Chapter 34, "Utilities", Article II, "Water Supply System", Division 1, in order to amend the alternate day lawn watering section to include a requirement to operate underground irrigation systems during non-peak hours of 11:00 p.m. and 5:00 a.m., and to amend amount of fines for violation of Subsection (a). **Second Reading**

Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Burke				
Council Member Crawford				

Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 09-138.02

**AN ORDINANCE TO AMEND THE CITY OF
NOVI CODE OF ORDINANCES, AS AMENDED,
CHAPTER 34, "UTILITIES," ARTICLE II, "Water
Supply System," DIVISION 1, IN ORDER TO AMEND THE
ALTERNATE DAY LAWN WATERING SECTION TO INCLUDE
A REQUIREMENT TO OPERATE UNDERGROUND
IRRIGATION SYSTEMS DURING NON-PEAK HOURS OF 11:00
PM AND 5:00 AM ~~EASTERN STANDARD TIME~~ AND TO AMEND
AMOUNT OF FINES FOR VIOLATION OF SUBSECTION (a).**

Sec. 34-24. Alternate day lawn watering; water supply emergencies.

(a) It shall be unlawful for any person to utilize water from the City of Novi Water Supply System for the watering of lawns or landscaping except on an alternate day basis designated from the property address. An alternate day basis of watering permits the watering of lawns and landscaping on even-numbered days for property with an even-numbered street address and on odd-numbered days for property within an odd-numbered street address. Further, for those properties in the City of Novi that utilize water from the City of Novi Water Supply System and are serviced by an automatic, programmable underground irrigation system, outdoor watering, including the sprinkling of lawns and landscaping, shall only be done during non-peak hours of 11:00 PM to 5:00 AM ~~Eastern Standard Time~~. A water user may manually irrigate landscaping at any time, provided the irrigation is not connected to an automatic, programmable underground system, and is attended and monitored by the water user and adheres to the alternate day requirement as stated above. Also, an automatic, programmable underground irrigation system may occasionally be used in unprogrammed manual mode for brief periods and as necessary for testing, repair and winterizing purposes. The manager of the department of water and sewer may, upon written request, provide exceptions to the above restriction in the case of new lawn or landscaping installations, or where necessary to prevent imminent financial loss to the water user. This is not intended to prohibit the recreational use of sprinklers by children.

(b) Determination of water supply emergency. A water supply emergency shall be deemed to exist whenever the manager of water and sewer finds on the basis of drought conditions, depletion of water supply, reduction in water pressure or other reasons that there is a threat of loss of water supply to the community or a portion of the community, and causes a declaration of such water supply emergency to be publicly announced by broadcast from a radio or television station with a normal operating range covering the city. A water emergency may be declared when the

manager of water and sewer receives notification from the Detroit Water and Sewage Department in conjunction with the water and radiological protection division or the water quality division of the state department of environmental quality that the supply or pressure demand for water cannot be accommodated and general public welfare is likely to be endangered.

- (c) A declaration of water emergency shall by its express terms prohibit:
 - (1) The watering of lawns and landscaping and all outdoor water use except on an alternate day basis, permitting such use solely on even-numbered days for property with an even-numbered address and on odd-numbered days for property with an odd-numbered address; or
 - (2) All watering of lawns and landscaping and all outdoor water use, when a prohibition under subpart (c)(1) is deemed not sufficient.
- (d) The manager of water and sewer shall cause such declaration to be posted at the city hall and be publicly announced by broadcast from a radio or television station with a normal operating range covering the city, and may cause the declaration to be further announced in newspapers of general circulation within the city when feasible.
- (e) The director of public services or his/her designee shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section.
- (f) A water supply emergency shall be deemed to exist irrespective of whether broadcast notification is provided under subsection (d), as to persons otherwise provided with direct notice of such a water supply emergency.
- (g) It shall be unlawful for any person to utilize water from the city water supply system for any type of outdoor use, in contravention of a declared water supply emergency, other than responding to a fire emergency. The prohibition shall remain in effect twenty-four (24) hours per day, seven (7) days per week until the water supply emergency is declared ended by the manager of water and sewer. The manager of water and sewer may provide exceptions to the prohibition of this section where necessary to prevent imminent financial loss to a water user.
- (h) A person who violates subsection (a) is responsible for a civil infraction. For a first violation a person shall be liable for a civil fine of not more than one-hundred and fifty dollars (\$150.00) For a second or subsequent violation a person shall be liable for a civil fine of not more than five-hundred (\$500.00). Such civil infractions shall be processed in accordance with the procedures set forth in Sections 741 to 750 of 1949 PA 300, as amended.

(Ord. No. 97-138.01, Pt. I, 9-22-97; Ord. No. 07-37.33, Pt. I, 3-5-07)

Editor's note: Ordinance No. 97-138.01, Pt. I, adopted Sept. 22, 1997, amended § 34-24 to read as herein set out. Formerly, such section pertained to water supply emergency; determination; prohibition on outside use of water and derived from Ord. No. 88-138, §§ 2.01, 3.01, 7-11-88; Ord. No. 97-62.02, Pt. III, 6-16-97.