

DATE: May 24, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Timothy Richnak, Director of Public Works

SUBJECT: Agenda Item - Revisions to Troy City Code Chapter 18 (City Water Utility)

City Staff have been working on updating Chapter 18, City Water Utility. We request that City Council consider the enclosed revision to Chapter 18.

We recommend that the City of Troy institute permanent outdoor annual watering restrictions. Outdoor watering accounts for a significant portion of the peak water usage factor that is used to set the City of Troy water rates by the Detroit Water and Sewerage Department. Higher peak usage means higher water rates. Outdoor watering also accounts for a significant loss of water pressure in some areas of the city during the summer months.

Converting to a mandatory odd/even day watering schedule for all customers on the public water supply would help even out the water usage, and assist in keeping rates down and pressure up. Implementation will include extensive customer notification and education on the need for such restrictions.

The proposed revisions to Chapter 18 (Section 12) of the Ordinance are attached for your consideration.

We will provide any additional information that you request on this matter.

Reviewed as to form and legality: \_\_\_\_\_  
Lori G. Bluhm, City Attorney

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 18 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Section 18 of the Code of the City of Troy.

Section 2. Amendment

Section 12 of Chapter 18 shall be amended as follows:

Outdoor Water Use Restrictions

12.01 From Memorial Day through Labor Day each year, watering restrictions shall be in effect for the purposes of evening out the City water pressures and the Peak water usage.

- A. Outdoor watering, including the sprinkling of lawns and landscaping and filling swimming pools, washing cars and all outdoor watering tasks shall only be allowed for properties with even-numbered addresses on even-numbered calendar dates within a month and for properties with odd-numbered addresses on odd-numbered calendar dates.
- B. Watering of new sod or landscaping, one year old or less, is exempt from the odd/even water restriction.

~~A. Whenever the Manager of the City receives notification from the Detroit Water and Sewerage Department in conjunction with the Water and Radiological Protection Division of the Michigan Department of Environmental Quality, or it is determined by the City Council, that the supply or pressure demand for water cannot be accommodated and general welfare is likely to be endangered, or conditions within the water system of the City are likely to endanger the general welfare of the City, the Manager shall determine that a state of emergency exists and prescribe the following emergency regulations which shall apply in the City for all properties connected to the City water system: For the duration of the declared state of emergency, outdoor watering, including the sprinkling of laws and landscaping and filling swimming pools, washing cars, and all outdoor watering tasks shall only be allowed for properties with even numbered addresses on even numbered calendar dates within a month and for properties with odd numbered addresses on odd numbered calendar dates. Watering of new sod or landscaping, one year old or less is exempt from the odd/even water restriction.~~

~~\_\_\_\_\_12.02.~~ Whenever the Manager receives notification from the Detroit Water and Sewerage Department or the City Council, ~~in conjunction with the Drinking Water and Radiological Protection Division of the~~ the Michigan Department of Environmental Quality that ~~provisions in subsection A are not sufficient, or~~ the current conditions ~~within of~~ of the water system of the City are likely to endanger the general welfare of the City, ~~the following then additional~~ -emergency regulations can be imposed shall apply in the City for all properties connected to the City water system: ~~Sprinkling of lawns and landscaping and all outdoor water use shall not be allowed.~~

C. ~~The City and the Detroit Water and Sewerage Department shall, or at its option the City Council may, W~~within 24 hours of notification, as set forth above, ~~cause any additional emergency these~~ regulations shall to be posted at the City offices and publicly announced by means of broadcasts or telecasts by the stations with a normal operating range covering the City. The announcement may also, ~~and may cause such announcement to~~ be further declared in newspapers of ~~general~~ circulation when feasible. The regulations shall become effective immediately ~~after notice of enforcement of the ordinance as posted at the City offices. Upon the posting and publication of the additional emergency regulations.~~ Upon notification from the Detroit Water and Sewerage Department in ~~conjunction connection~~ -with the ~~Drinking Water and Radiological Protection Division of the~~ Michigan Department of Environmental Quality or the City Council, that the emergency regulations are no longer necessary, the City shall cause a public announcement lifting the water restrictions.

D. Any person, firm, or corporation violating any provisions of this ordinance shall be deemed responsible for a municipal civil infraction, in accordance with the provisions of Chapter 100 of the City of Troy ordinances, -and will be responsible to pay a fine not to exceed five hundred dollars (\$500) for each violation.

~~E. It shall be the responsibility of the City to enforce this ordinance.~~

### Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the

effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Louise E. Schilling, Mayor

\_\_\_\_\_  
Tonni Bartholomew. City Clerk

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Outdoor Water Use Restrictions

- 12.01 From Memorial Day through Labor Day each year, watering restrictions shall be in effect for the purposes of evening out the City water pressures and the Peak water usage.
- A. Outdoor watering, including the sprinkling of lawns and landscaping and filling swimming pools, washing cars and all outdoor watering tasks shall only be allowed for properties with even-numbered addresses on even-numbered calendar dates within a month and for properties with odd-numbered addresses on odd-numbered calendar dates.
  - B. Watering of new sod or landscaping, one year old or less, is exempt from the odd/even water restriction.
- 12.02 Whenever the Manager receives notification from the Detroit Water and Sewerage Department or the City Council or the Michigan Department of Environmental Quality that current conditions of the water system of the City are likely to endanger the general welfare of the City, then additional emergency regulations can be imposed on all properties connected to the City water system, including an absolute temporary ban on Sprinkling of lawns and landscaping and all outdoor water use.
- 12.03 Within 24 hours of notification, as set forth above, any additional emergency regulations shall be posted at the City offices and publicly announced by means of broadcasts or telecasts by the stations with a normal operating range covering the City. The announcement may also be further declared in newspapers of general circulation when feasible. The regulations shall become effective immediately upon the posting and publication of the additional emergency regulations. Upon notification from the Detroit Water and Sewerage Department in connection with the Michigan Department of Environmental Quality or the City Council, that the emergency regulations are no longer necessary, the City shall cause a public announcement lifting the water restrictions.
- 12.04 Any person, firm or corporation violating any provision of this ordinance shall be deemed responsible for a municipal civil infraction, in accordance with the provisions of Chapter 100 of the City of Troy ordinances, and will be responsible to pay a fine not to exceed five hundred dollars (\$500) for each violation.