

**Village of Empire  
Leelanau County**

**WATER USE RESTRICTION ORDINANCE NO. 87**

An Ordinance to promote the public welfare, health and safety of the inhabitants of the Village of Empire, Leelanau County, Michigan, by the regulation of the use of water consumption within the Village during critical water consumption periods; and to provide penalties for the violation thereof.

**The Village of Empire, Leelanau County, Michigan, ordains:**

**Section 1 - Purpose**

Increased growth in the Village has placed demands on the water wells. During critical high water consumption periods the usage of water may exceed the availability of water. When the water storage capacity of the Village no longer can insure an adequate supply of water, which is essential to the welfare, health and safety of the Village, it is necessary that certain nonessential uses of water be restricted within the Village.

**Section 2 - Determination and Declaration of Water Emergency**

Whenever the Village President or Water Committee Chairman is advised by the Department of Public Works that the consumption of water by the Village has or is about to equal or exceed the total supply available or the well capacity of the Village, the Village President or Water Committee Chairman shall declare that a water emergency exists under this Ordinance. In determining whether to declare a water use emergency, and the degree of water use reduction to order, the Village President or Water Committee Chairman also may consider information provided by the Michigan Department of Environmental Quality.

**Section 3 - Uses Prohibited During Water Emergency**

When the Village President or Water Committee Chairman declares that a water emergency exists, as provided in Section 2, the Village President or Water Committee Chairman shall determine the degree of water rationing that is required, and may impose limitations on all or any combination of the following uses of water:

- (a) The sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.
- (b) The washing of sidewalks, driveways, filling station aprons, porches, houses and other outdoor services.
- (c) The filling of swimming pools and wading pools or adding water to such pools.
- (d) The escape of water through defective plumbing, which shall mean knowingly permitting defective plumbing to remain out of repair.
- (e) The washing of any type of vehicle except by a business where the principal service is washing vehicles.

#### **Section 4 - Notice of Water Emergency**

When the Village President or Water Committee Chairman declares that a water emergency exists, as provided in Section 2, notice shall be given by posting throughout the Village and media dissemination. Such notice shall advise of the time of commencement of such emergency, the rationing imposed under Section 3, and that the same will continue until notice of termination is given by the Village President or Water Committee Chairman.

#### **Section 5 - Termination of Water Emergency**

When the Village President or Water Committee Chairman shall determine that the conditions which caused the declaration of the emergency under Section 2 no longer exist, they shall so declare and give notice of such determination, as provided in Section 4.

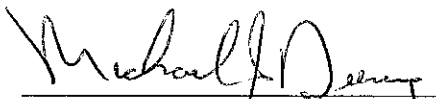
#### **Section 6 - Violations**

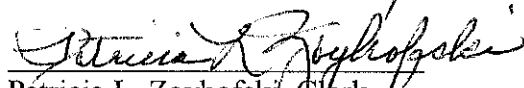
- (a) Any person who shall knowingly, use or withdraw water for any purposes prohibited by the Village President or Water Committee Chairman pursuant to Section 3 shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.
- (b) The Superintendent of the Department of Public Works and such other officials as named by the Village Council are hereby designated as the authorized village officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- (c) In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate any violations of this Ordinance.

#### **Section 7 - Effective Date**

This Ordinance was passed at a meeting of the Village Council on December 16, 2003 and shall become effective on January 5, 2004, twenty (20) days after its adoption.

Village of Empire

  
Michael J. Deering, President

  
Patricia L. Zoyhowski, Clerk