

ORDINANCE NO. 170

WATER EMERGENCY ORDINANCE

AN ORDINANCE IS ENACTED PURSUANT TO THE AUTHORITY GRANTED TO CITIES UNDER MICHIGAN'S CONSTITUTION, ARTICLE 7, SECTION 22 AND BY MICHIGAN'S GENERAL TOWNSHIP POWERS STATUTE, PUBLIC ACT 246 OF 1945, AS AMENDED; TO PROVIDE FOR THE ACKNOWLEDGMENT OF A DECLARATION OF A WATER EMERGENCY AND ENFORCEMENT OF THE IMPOSITION OF USAGE RESTRICTIONS RELATING TO THE SERVICE AND OPERATION OF THE **SOUTH COUNTY WATER SYSTEM**; TO GENERALLY PROVIDE FOR THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE PERSONS AND PROPERTY OF THE **CITY OF LUNA PIER**; AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR VIOLATIONS OF THIS ORDINANCE.

THE **COUNCIL** OF THE **CITY OF LUNA PIER**, COUNTY OF MONROE, STATE OF MICHIGAN, HEREBY ORDAINS:

SECTION 1 - SHORT TITLE

This Ordinance shall be known and referred to as the "**City of Luna Pier Municipal Water Emergency Ordinance**".

SECTION 2 - PURPOSE

The purpose of this ordinance is to provide enforcement, penalty, and/or other remedies in the event of a determination and declaration of a "Water Emergency" by the County Agency on behalf of the South County Water System.

SECTION 3 - DEFINITIONS

A. South County Water System ("System") - The term South County Water System refers to the municipal water distribution system serving residents of the City of Luna Pier and the Townships of Bedford, Erie and LaSalle. Water for the System is supplied by the City of Toledo as a result of a contract with the County of Monroe. Full authority for the operation and management of the System is vested with the Monroe County Drain Commissioner as the County Agency designed by the County of Monroe.

B. County Agency - The term County Agency refers to the Monroe County Drain Commissioner who has been designated as the County Agency with all authority for the operation and management of the South County Water System by the County of Monroe under the provisions of Michigan Public Act 342 of 1939, as amended.

C. Customers - The term customers shall mean all owners, occupants, managers, employees, agents, guests and invites of a residence, business or other premises directly served by the System.

SECTION 4 - WATER EMERGENCY

In the event of and at all times when the Monroe County Drain Commissioner determines and declares a water emergency, all customers of the System shall immediately comply with all restrictions regarding use of the System's water, and any other related warnings, directives and orders. Compliance with such declaration is required until notice of termination or change of the water emergency is declared by the County Agency or upon such date or expiration of a period of time as designated in the County Agency's pending declaration.

SECTION 5 - VIOLATIONS AND PENALTIES

A. If a municipal ordinance violations bureau under Michigan Public Act 12 of 1994 has been established in this jurisdiction, a violation of this Ordinance shall constitute a municipal civil infraction as defined by Michigan Law, subject to civil fines payable upon admission of responsibility pursuant to the following schedule:

- First violation within a two year period\$ 50.00
- Second violation within a two year period\$100.00
- Third violation within a two year period\$200.00
- Fourth or subsequent violation within a two year period\$500.00

Each subsequent violation after issuance of a citation, appearance ticket or notice of violation for a separate incident, shall be deemed a separate offence. A violation of this Ordinance shall also be subject to such additional and/or alternative sanctions, remedies and judicial orders as are provided under Michigan Law.

B. If no municipal ordinance violations bureau has been established under Michigan Public Act 12 of 1994 in this jurisdiction, a violation of this Ordinance shall constitute a civil infraction [as distinguished from municipal civil infractions by MCL § 600.113; MSA § 27A.113], and shall be punishable by civil fines payable pursuant to the following schedule:

- First violation within a two year period \$ 50.00
- Second violation within a two year period\$100.00
- Third violation within a two year period.....\$200.00
- Fourth or subsequent violation within a two year period.....\$500.00

Each subsequent violation after issuance of a citation, appearance ticket or notice of violation for a separate incident, shall be deemed a separate offense.

SECTION 6 - SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any parts are declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 7 - REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

SECTION 8 - EFFECTIVE DATE

This ordinance shall become effective on the thirty-first (31st) day after a summary has been published in a newspaper of general circulation in the Monroe Evening News.

I, Rose M. Laderach, Clerk, City of Luna Pier, do hereby certify, that the foregoing ordinance was duly adopted at the regular meeting of the Luna Pier City Council held on January 25, 2001.

Rose M. Laderach, Clerk
City of Luna Pier

ADOPTED: 01/25/01

PUBLISHED: 02/19/01

EFFECTIVE: 03/01/01