

**WATER SHORTAGE RESPONSE PLAN ORDINANCE  
LOWELL CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN**

**GENERAL LAW  
ORDINANCE NO. 01-2022**

At a regular meeting of the Township Board for Lowell Charter Township held at the Township Offices on March 21, 2022, Township Board Member Vanderziel made a motion, seconded by Township Board Member Anderson to adopt this Ordinance:

**An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Lowell Charter Township, Kent County, Michigan, by regulating the use of public water when existing water supply sources are inadequate to meet demands for water.**

**THE CHARTER TOWNSHIP OF LOWELL  
ORDAINS:**

**SECTION 1 TITLE**

This Ordinance shall be known and cited as the Lowell Charter Township Water Shortage Response Plan Ordinance.

**SECTION 2 PURPOSE**

The purpose of this Ordinance is to conserve the available public water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions by implementing the Lowell Charter Township Water Shortage Response Plan.

**SECTION 3 DEFINITIONS**

- A. *Critical Water* means water that is necessary to sustain human life and the lives of domestic pets and farm animals and to maintain minimum standards of hygiene and sanitation.
- B. *Customer* means any person, company, or organization using water supplied by Lowell Charter Township.
- C. *Social / Economically Important Water* means water that is used for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution and for the watering of vegetable gardens and the preservation of trees.

- D. *Non-Essential Water* means water uses that are not essential nor required for the protection of public health, safety, and welfare, including but not limited to:
- 1) Irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided under this Ordinance;
  - 2) Use of water to wash any motor vehicle, boat, trailer, or similar item;
  - 3) Use of water to wash down walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - 4) Use of water to fill outdoor swimming pools, fountains or pond for aesthetic or scenic purposes except where necessary to support aquatic life.
- E. *Water Conservation* means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

#### **SECTION 4 AUTHORIZATION**

The Lowell Charter Township Board (the Board) shall have the authority to implement the applicable provisions of this Ordinance upon a determination that such implementation is necessary to protect the public health, safety, and general welfare. The Board may implement the provisions of this Ordinance by public announcement and the restrictions are effective immediately on the making of the public announcement unless otherwise noted.

#### **SECTION 5 APPLICATION OF ORDINANCE.**

The provisions of this Ordinance shall apply to all persons, customers, and property utilizing water provided by Lowell Charter Township. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

#### **SECTION 6 PROCEDURES TO INITIATE AND TERMINATE THE PLAN**

The Board or its designee shall monitor the public water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Water Shortage Response Plan. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation in the Township, by posting on the Township web page, by notifications on customers water bill or other means of notification as determined by the Board.

#### **SECTION 7 REPOSE PLAN IMPLEMENTATION**

In accordance with Section 6 herein the Board shall implement the Water Shortage Response Plan in the following manner.

- A. *Voluntary Conservation.* The Board may notify all customers to employ voluntary water conservation measures within 48 hours of receiving notice to limit water use (especially Non-essential uses) and eliminate the waste of water. The Board shall continue to monitor water

supply and demand and determine the termination of the Voluntary Conservation measures in the manner described in Section 6 of this Ordinance.

B. *Mandatory Conservation.* In the event that voluntary conservations measures do not avert the water shortage the Board may require that all customers cease the use of public water for non-essential water uses for the duration of the water shortage. As part of this requirement the Board may allow for non-essential water use on odd-even days for odd-even street addresses. Notification and termination of this requirement shall be as described in Section 6 of this Ordinance.

C. *Water Shortage Emergency.* The Board may declare a water shortage emergency and ban the use of non-essential water and the use of Social / Economically Important Water although the Board, based on water shortage conditions, may allow for certain water uses to meet Critical Water needs. Notification and termination of this requirement shall be as described in Section 6 of this Ordinance.

## **SECTION 8 EXCEPTIONS & OPERATION STANDARDS**

The Mandatory Conservation restrictions do not apply to the necessary use of water by a governmental entity in pursuit of its governmental functions such as flushing of sewers and hydrants as needed to ensure public health and safety.

## **SECTION 9 VIOLATIONS AND ENFORCEMENT**

A. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any permit issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

B. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

C. This Ordinance may be enforced by the Lowell Charter Township Ordinance Enforcement Officer, the Township Supervisor and the Kent County Sheriff's Department.

## **SECTION 10 PENALTIES**

Violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$2,500 for

subsequent offenses, in the discretion of the District Court, and in addition to all of the costs, damages, and expenses, including reasonable attorneys' fees, incurred by the Township by reason of the violation, as provided by law; provided, however, that a person who has been issued a municipal civil infraction violation notice, as compared to a citation, may appear at the Municipal Ordinance Violations Bureau to admit responsibility for the violation and pay the amount listed in the schedule of civil fines posted by the Bureau, as specified in the notice.

The imposition or payment of any municipal civil infraction penalty shall not prevent the Township from seeking injunctive relief or other available relief against a violator as may be permitted by law, nor shall it prevent the Township from taking action against a violator for any subsequent offense. For purposes of this Ordinance, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of this Ordinance for which the person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that a violation continues shall constitute a separate offense.

Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed, in violation of any provision of this ordinance is hereby declared to be a nuisance per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Township Board, Building Official or Ordinance Enforcement Officer issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.

The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating this ordinance shall be paid to the Township immediately upon entry of the court order. If the civil fines, costs, assessments, damages and/or expenses are not paid to the Township within 30 days, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fines, costs, assessment, damages and/or expenses with the Kent County Register of Deeds. The lien may be enforced and discharged by the Township in the manner prescribed by the General Property Tax Act.

#### **SECTION 11 SEVERABILITY**

The several provisions of this ordinance are declared to be separate and the holding of any Court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

**SECTION 12 EFFECTIVE DATE**

This Ordinance shall become effective 30 days after its publication or the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Hale, Burt, Anderson, Blough, Vanderziel

NAYS: None

ORDINANCE DECLARED ADOPTED.

  
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Monica Burt, Township Clerk

PUBLISHED: March 2, 2022  
ADOPTED: March 21, 2022  
ADOPTION NOTICE: March 30, 2022  
EFFECTIVE: April 28, 2022

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Charter Township of Lowell at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

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Monica Burt, Township Clerk