

PUBLIC WORKS AND UTILITIES

81.000 WATER CONSERVATION ORDINANCE ORDINANCE NO. 7

Adopted: January 6, 1964
Effective: February 15, 1964

An Ordinance for the conservation of water, regulating its use, establishing standards and providing for the enforcement of such regulations.

WHEREAS, the Township of Cooper, Kalamazoo County, Michigan, is primarily a residential and agricultural community and due to its terrain has limited resources of readily available water for its domestic, agricultural and industrial purposes; and

WHEREAS, the assurance to the residences, farms and industries of said Township of an adequate supply of water for such purposes and uses is essential to the health, safety and general welfare of the citizens, inhabitants and property of Cooper Township;

A. Title

This Ordinance shall be known as the "Water Conservation Ordinance of the Township of Cooper" and will be referred to herein as "this Ordinance."

B. Definitions

1. The word **person** whenever used herein shall be held and construed to mean and include one or more persons, firms, co-partnerships, corporations (private or public), and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by servant, agent or employee.
2. The term **Township Board** whenever used herein shall mean the Cooper Township Board or such committee or commission to whom the Cooper Township Board's authority has been duly and properly delegated.
3. The term **water pumping facilities or equipment** when used herein shall mean and include pumps, pipes, wells, transmission lines and any other equipment for the extraction from the soil and transmission of water, and when such facilities or equipment are all part of one system or are in any way combined, it shall mean the total system or network of pumps, pipes, transmission lines and other equipment.

C. Regulations

No person shall construct, erect, put down, install or maintain water pumping facilities or equipment for the purpose of obtaining water for other than the domestic, agricultural, recreational or industrial use of the premises upon which such water pumping facilities or equipment are located, within the Township of Cooper, Kalamazoo County, Michigan, except as hereinafter provided.

1. Any person feeling aggrieved by the foregoing regulation because of peculiar circumstances necessitating the use of water on premises other than those from which such water is obtained may apply to the Township Board for a waiver of compliance with this ordinance and the Township Board shall have the authority, upon cause therefore being shown, to grant such waiver; provided, however, no water pumping facilities or equipment shall be constructed, erected, put down, installed or maintained having a maximum pumping capacity in excess of three million gallons per twenty-four hour day.

Before such waiver of compliance with this Ordinance is granted by the Township Board, it shall determine that the contemplated use of water for which the waiver is sought is necessary, cannot be reasonably furnished from another source or other sources and will not unreasonably lower or deplete the head, pressure or supply of water of any other well or spring dependent upon the same head, vein or stratum.

To assure compliance with this provision of this Ordinance, the Township Board may require anyone to whom a waiver of compliance has been given to furnish data with respect to the pumping capacity of such water pumping facilities or equipment and as a condition of the granting of such waiver, the Township Board shall have the right to enter upon the premises where such facilities or equipment are located and make such inspections, tests or metering of the water as it deems necessary to determine compliance with this Ordinance.

2. Notwithstanding anything herein to the contrary, the provisions of this Ordinance shall not be applicable to any public water system established and operated by the Township of Cooper for its residents, farms, businesses and industries.

D. Violation deemed nuisance

The obtaining of water through use of water pumping facilities or equipment other than for the uses and subject to the limitations set forth herein is hereby determined to be unreasonable and unnecessary and shall be deemed to be a nuisance.

E. Enforcement

1. All persons who violate any of the regulations or provisions of this Ordinance, whether as owner, lessee, licensee, agent, servant or employee, shall be liable as principals.

2. The violation of any of the regulations or provisions of this Ordinance is hereby deemed a nuisance and such violation, in addition to the other means of enforcement of this Ordinance as set forth herein, shall constitute a basis for injunctive relief and, at the option of the Township Board, said Board may proceed to obtain an injunction requiring any person to cease and desist from the activity claimed to be in violation of the regulations and provisions hereof.
3. Any person who shall violate any provision or provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed One Hundred Dollars (\$100.00) or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the court; and provided, further, that each day's violation of this Ordinance shall constitute a separate offense.

F. Construction

This Ordinance shall not be construed as repealing the Ordinance now in effect known as "Community Water Systems Ordinance of Cooper Township" which was adopted May 2, 1960, but shall be construed as supplementary to it, as well as any statutes of the State of Michigan relating thereto.

G. Validity

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

H. Effective date

This Ordinance took effect on February 15, 1964. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.