

AN ORDINANCE TO PROVIDE FOR WATER USAGE RESTRICTIONS AS REQUIRED BY STATE LAW

- WHEREAS,** the Town of Lyerly recognizes an imminent need to create a culture of water conservation and to plan for water supply enhancement during future extreme drought conditions and other water emergencies; and
- WHEREAS,** reasonable restrictions on the outdoor watering of landscape are necessary to address this in furtherance of addressing this need; and
- WHEREAS,** the General Assembly of the State of Georgia has adopted Senate Bill 370 (2010), titled "Water Stewardship Act," which requires every local government to adopt an ordinance to be in effect no later than January 1, 2011; and
- WHEREAS,** pursuant to O.C.G. A. §12-5-7, the Mayor and Town Council, in an effort to comply with State law, as well as continue to provide for the health, safety and welfare of its population, and for the purposes of proper sustainability, desires to include the herein designated outdoor water usage restrictions; now

THEREFORE, Mayor and Town Council of the Town of Lyerly hereby ordain as follows:

Section 1: Purpose and intent.

- (1) The purpose of this ordinance is to protect the public health, safety, environment, and general welfare through adopting and enforcing water use measures that encourage water conservation and ensure adequate supplies of water for the citizens of the Town.
- (2) It is the policy of the Town to promote water conservation by regulating outdoor water use and by complying with the laws and regulations imposed by the State on outdoor water use.
- (3) The Mayor and Town Council hereby delegates to the Utilities Department the authority and responsibility for the implementation of an effective outdoor water use regulatory program for the enforcement of the provisions of this ordinance.

Section 2: Definitions.

When used in this ordinance:

Address means the "house number" (a numeric or alphanumeric designation) that, together with the street name, describes a physical location of a specific property. "Even numbered address" means a house number ending with the number 0, 2, 4, 6, 8, or no house number. "Odd numbered address" means a house number ending with the number 1, 3, 5, 7, or 9.

Declared drought response level means one of four levels of drought that can be declared by the Environmental Protection Division based on the severity of drought conditions, with one being the least severe and four being the most severe.

Superintendent means the Utilities Superintendent or his/her designee who is vested with the authority and responsibility for the implementation of an effective outdoor water use program and for the enforcement of the provisions of this division.

Environmental Protection Division means the Georgia Environmental Protection Division ("EPD"), an agency of the state which is charged with issuing permits that authorize withdrawal of water and with administering the rules.

Section 3: Applicability of rule.

These rules apply to all Town owned and operated water systems and customers of such, permitted by the Georgia Environmental Protection Division (EPD) for water withdrawal or for operation of a drinking water system in the Town of Lyerly.

Section 4: Use schedule during non-drought periods

- (1) Persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4 p.m. and 10 a.m.
- (2) Paragraph (1) of this section shall not create any limitation upon the following outdoor water uses:
 - a. Commercial agricultural operations, commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. Section 1-3-3;
 - b. Capture and reuse of cooling system condensate or storm water in compliance with applicable local ordinances and state guidelines;
 - c. Reuse of gray water in compliance with O.C.G.A. Section 31-3-5.2 and applicable local board of health regulations adopted pursuant thereto;
 - d. Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;
 - e. Irrigation of personal food gardens;
 - f. Irrigation of new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of thirty (30) days immediately following the date of installation;
 - g. Drip irrigation or irrigation using soaker hoses;
 - h. Handwatering with a hose with automatic cutoff or handheld container;

- i. Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
 - j. Irrigation of horticultural crops held for sale, resale, or installation;
 - k. Irrigation of athletic fields, golf courses, or public turf grass recreational areas;
 - l. Installation, maintenance, or calibration of irrigation systems; or
 - m. Hydroseeding.
- (3) Outdoor water use other than the above listed activities shall occur only as follows:
- a. Odd-numbered addresses: Outdoor water use is allowed on Tuesdays, Thursdays and Sundays.
 - b. Even-numbered addresses: Outdoor water use is allowed on Mondays, Wednesdays and Saturdays.

Section 5: Use schedule during declared drought response levels.

- (1) The director of the EPD is authorized to make drought declarations.
- (2) During declared drought conditions, outdoor water use other than activities listed in Section 4 or activities exempted in Section 4 shall occur only during scheduled hours on scheduled days.
- (3) Declared Drought Response Level One:
- a. Outdoor water use may occur on schedule days with the hours of 12:00 midnight to 10:00 a.m. and 4:00 p.m. to 12:00 midnight.
 - i. Scheduled days for odd-numbered addresses are Tuesdays, Thursdays, and Sundays.
 - ii. Scheduled days for even-numbered addresses are Mondays, Wednesdays, and Saturdays.
 - iii. Use of hydrants for any purpose other than firefighting, public health, safety, or flushing is prohibited.
- (4) Declared Drought Response Level Two:
- a. Outdoor water use may occur on scheduled days within the hours of 12:00 midnight to 10:00 a.m.
 - i. Scheduled days for odd-numbered addresses are Tuesdays, Thursdays, and Sundays.
 - ii. Scheduled days for even-numbered addresses and golf course fairways are Mondays, Wednesdays, and Saturdays.
 - iii. The following uses are prohibited:
 - 1. Using hydrants for any purpose other than firefighting, public health, safety or flushing.
 - 2. Washing hard surfaces, such as streets, gutters, sidewalks and driveways except when necessary for public health and safety.
- (5) Declared Drought Response Level Three:
- a. Outdoor water use may occur on the scheduled day within the hours of 12:00 midnight to 10:00 a.m.
 - i. The scheduled day for odd-numbered addresses is Sunday.
 - ii. The scheduled day for even-numbered addresses and golf course fairways is Saturday.

iii. The following uses are prohibited:

1. Using hydrants for any purpose other than firefighting, public health, safety or flushing.
2. Washing hard surfaces, such as streets, gutters, sidewalks, and driveways, except when necessary for public health and safety.
3. Filling installed swimming pools except when necessary health care or structural integrity.
4. Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, and golf carts.
5. Washing buildings or structures except for immediate fire protection.
6. Non-commercial fund-raisers, such as car washes.
7. Using water for ornamental purposes , such as fountains, reflecting pools, and waterfalls except when necessary to support aquatic life.

(6) Declared Drought Response Level Four:

- a. No outdoor water use is allowed, other than for activities exempted in 391-3-30-.05, or as the EPD Director may order.

Section 6: Enforcement

(1) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in this ordinance.

(2) The Utilities Department shall be the enforcement authority for this ordinance. The Mayor may also authorize other departments as may be deemed necessary to support enforcement.

Section 7: Civil Penalties and fines.

Any person or entity accused of violating any provision of this ordinance shall, with respect to the first violation, be provided with a written warning. Any person or entity accused of violating any provision of this ordinance for a second time shall be issued a noncriminal citation requiring the payment of a civil penalty to the Town in the amount of \$250.00. For a third violation of this ordinance, a violator shall be issued a noncriminal citation requiring a payment of a civil penalty of \$500.00 to the Town. All penalties are due and payable on or before ten days following the date of the citation.

Section 8: Appeals

Any alleged violator may appeal a civil citation to the Mayor within the ten-day period for the payment of the penalty. All such appeals shall be in writing and shall state the basis for the appeal. If a timely appeal is filed, the penalty shall be stayed until a determination is made by the Mayor. If the Mayor determines that a violation has not occurred or that a reasonable hardship exists justifying the waiver or reduction of the penalty, the Mayor may reduce or waive the penalty. Any penalty should be paid within three days after the denial of an appeal by the Mayor.

Section 9: Repealer

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10: Effective Date

This ordinance shall go into effect on January 1, 2011.

This 11th day of January, 2011.

TOWN OF LYERLY, GEORGIA

By: Jessica W. Eller, Mayor

Attest: Joy Hampton, Clerk