

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF GRIFFIN, GEORGIA AT CHAPTER 94, UTILITIES, ARTICLE VIII, WATER CONSERVATION AND DROUGHT MANAGEMENT, BY REPEALING THE PRESENT ARTICLE IN ITS ENTIRETY, AND ENACTING IN LIEU THEREOF A NEW ARTICLE MEETING THE STATUTORY REQUIREMENTS OF SB 370, 2010 SESSION OF THE GEORGIA GENERAL ASSEMBLY; EXPRESSLY REPEALING ANY PROVISIONS OF THE CODE OR ANY UNCODIFIED ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; RESTATING AND REAFFIRMING THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREIN; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Griffin, Georgia is hereby amended at Chapter 94, UTILITIES, by repealing present Article VIII, Water Conservation and Drought Management, in its entirety and enacting in lieu thereof a new Article meeting the statutory requirements imposed by SB 370, 2010 Session of the Georgia General Assembly. Said new Article shall read as follows:

“ARTICLE VIII. WATER CONSERVATION AND DROUGHT MANAGEMENT

Sec. 94-352. Goals and objectives.

In furtherance of the state's policy to conserve water resources and demand management goals, the city, as a permitted water system operator, adopts the following goals and objectives:

- (a) To assure that first priority is given to providing water for human consumption and sanitation; all other purposes shall be secondary;
- (b) To control the rate of growth in overall water use so as to maximize the use of existing and planned water supply sources available to the city and its customers;
- (c) To implement best management standards for controlling water loss in order to achieve the State’s recommended standards;
- (d) To reduce the upward trend of seasonal peak day demands that drive the costly expansion of water treatment, storage, and transmission facilities; and
- (e) To provide an orderly process for reducing system-wide demands during periods of drought or other emergency water shortages.

Sec. 94-353. Year-round water conservation practices.

(a) All city water system (the "system") users are encouraged to exercise voluntary water conservation practices at all times of the year, regardless of drought conditions, water shortage or emergency condition. The city may periodically provide informational guidance and conservation tips to its users.

(b) All newly installed or substantially improved irrigation systems which use city water system water shall be equipped with automatic timers with rain or soil moisture sensors that activate to prevent operation of those systems while rain is falling and/or when soil moisture is adequate.

(c) 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 4:00 p.m. and 10:00 a.m.; provided, however, there shall be no limitations placed on the following outdoor water use activities:

- (1) Commercial agricultural operations as defined in O.C.G.A. §1-3-3;
- (2) Capture and reuse of cooling system condensate or storm water in compliance with applicable state guidelines;
- (3) Reuse of gray water in compliance with O.C.G.A. §31-3-5.2 and applicable local board of health regulations adopted pursuant thereto;
- (4) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division to reclaim waste water;
- (5) Irrigation of personal food gardens;
- (6) Irrigation of new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
- (7) Drip irrigation or irrigation using soaker hoses;
- (8) Handwatering with a hose with automatic cutoff or from a handheld container;
- (9) Use of water withdrawn from private water wells or surface waters by an owner or occupant of property on which such well or surface water is located;
- (10) Irrigation of horticultural crops held for sale, resale, or installation;
- (11) Irrigation of athletic fields, golf courses, or public turf grass recreational areas;
- (12) Installation, maintenance, or calibration of irrigation systems; or
- (13) Hydroseeding.

(d) All other outdoor water use activities, other than landscape uses addressed in subsection (c) above, from connections to the City Water System for all homes and businesses shall follow restrictions imposed by the Georgia Department of Natural Resources, as from time to time amended, consistent with the level of drought (if any); Rules and Regulations of the State of Georgia, Department of Natural Resources, Environmental Protection Division, Chapter 391-3-30, by express reference, is incorporated herein, together with the exemptions set forth therein.

Sec. 94-354. Drought or other water use restrictions.

(a) Pursuant to O.C.G.A. § 12-5-102, the director of the Environmental Protection Division of the Georgia Department of Natural Resources may, from time to time, impose by permit, administrative, or emergency order, additional use restrictions on the city water system. Persons are prohibited from using or consuming water from the city water system in violation of such restrictions or limitations.

(b) In addition thereto and supplemental thereof, water use restrictions may be imposed whenever the city water system cannot supply its customers with sufficient water to protect the public health and safety without substantial reductions in water demand. Whenever it is determined, in writing, by the system's consulting engineer that the system is unable or unlikely to continue meeting its customer demand without a substantial reduction in consumption, the city manager, upon application to and approval of the Director of the Environmental Protection Division, shall issue an administrative order imposing additional water use restrictions.

Sec. 94-355. Water use emergency.

Any other circumstances, including service losses caused by failure of equipment or facilities, human error, weather, or natural disaster, which constrain the system's water production capacity to less than the current level of customer demand may constitute a water use emergency. In the event the city manager or his designee determines reasonable cause exists to declare a water use emergency, authority is hereby delegated to the city manager, under the criteria set forth above, to issue an administrative order imposing immediate use restrictions on all users of the city water system. Orders issued by the city manager under this section shall only restrict such nonessential uses as necessary to achieve system objectives, and may be modified, as needed, during a water use emergency to achieve the system's highest priority of providing water for human consumption and sanitation over all other water uses. An emergency order issued under this section shall only be good for a duration of seven (7) days unless a variance is granted by the Director of the Environmental Protection Division pursuant to O.C.G.A. §12-5-7.

Sec. 94-356. Notice of mandatory water conservation practices, water use restrictions, and/or water use emergency.

Customers and users of the city water system shall be given notice of water use restrictions by the best means available, including without limitation, inclusion of a notice in monthly utility bills and/or publication in a newspaper of general circulation within the system's service area. Public service announcements through television, radio and posting on the city's website, may be utilized.

Sec. 94-357. Enforcement of mandatory water conservation practices, water use restrictions, and water supply emergency orders.

(a) It shall be a violation of this article for any person, firm, or corporation to use or permit the use of potable water from the city water system for any purpose or use restricted or prohibited by mandatory water conservation practices established hereunder, or by an administrative order imposing water use restrictions or a water use emergency as provided by this article.

(b) Violators shall be cited to appear before the municipal court of the city, or other court of appropriate jurisdiction within the system's customer service area, and upon conviction shall be subject to a fine as set forth in section 1-12 of this Code, or, if applicable, charged upon state warrant with committing a misdemeanor as defined by general law.

(c) In addition thereto, in the sole discretion of the director of public utilities, a water use surcharge, in an amount double the customer's most recent monthly water bill, may be imposed on any customer for a first violation of this article; and a water use surcharge, in an amount triple the customer's most recent monthly water bill, may be imposed for a second violation of this article. For any subsequent violations within any 12-month period, water service shall be discontinued to any customer of the city water system that willfully or systematically violates restrictions or prohibitions on water usage after written notice from the director of the facts establishing such violation. When service has been discontinued under this section, service shall not be reinstated unless the customer posts a surety bond in the amount of \$5,000.00, payable to the city, conditioned on faithful adherence to all water use policies and restrictions of the system.

(d) The city manager is hereby authorized, as necessary, to seek from any court of appropriate equitable jurisdiction, injunctive relief against any user of the city water system for summary abatement or remedying of appropriate conditions dangerous or prejudicial to the public health and safety, together with recovery of the costs and legal expenses thereof.

Secs. 94-358--94-374. Reserved.”

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective immediately upon adoption on second and final reading.

First Reading: November 9, 2010

Second Reading: November 23, 2010

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