

ORDINANCE NO. 910

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED, SO AS TO PROVIDE FOR RULES RELATED TO OUTDOOR WATER USAGE; TO PROVIDE FOR EMERGENCY WATER RESTRICTIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of Peachtree City is authorized to issue rules and regulations on the outdoor use of water in the City of Peachtree City; and

WHEREAS, the State of Georgia Department of Natural Resources Environmental Protection Division (EPD) has adopted rules pertaining to outdoor water usage that apply to any entity and its customers permitted by the EPD for water withdrawal or for the operation of a drinking water system; and

WHEREAS, the Fayette County Water System is the EPD Permitted entity operating a drinking water system serving Peachtree City residents; and

WHEREAS, on August 5, 2004, The City Council of Peachtree City adopted a “Resolution of Support for the Fayette County Water System Outdoor Water Use Restrictions,” which put in place restrictions created and adopted by EPD; and

WHEREAS, the Fayette County Water System outdoor water use restrictions apply only to customers of the water system and water drawn from the system; and

WHEREAS, the Fayette County Water System derives its source water from four ground wells and three raw water storage reservoirs (Lake Kedron, Lake Peachtree and Lake Horton) that are fed by ground water to include springs, streams, and creeks; and

WHEREAS, during sever drought conditions, use of any ground water affects the ultimate availability of treated water; and

WHEREAS, the City Council wants to codify the outdoor water use restrictions adopted by the Fayette County Board of Commissioners and implemented for the Fayette County Water system.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City that:

Section 1. Article III, Emergency Water Restrictions, of Chapter 22, Civil Defense and Disaster Preparedness, of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, is hereby further amended by deleting said Article III in its entirety and adopting in lieu thereof a new Article III, Water Restrictions, to read and to be codified as follows:

ARTICLE III.

EMERGENCY WATER RESTRICTIONS.

Sec. 22-71. Adoption of Rules of Fayette County Water Department; restrictions imposed by State of Georgia.

- (a) The Outdoor Rules adopted by the Fayette County Board of Commissioners, currently and as may be amended in the future, shall apply to all Peachtree City residents who are customers of the Fayette County Water System.
- (b) Any rules, regulations, orders, or other restrictions imposed by the Director of the Environmental Protection Division of the Georgia Department of Natural Resources or other authorized agency of the State of Georgia shall apply to all Peachtree City residents who are customers of the Fayette County Water System.

Sec. 22-72. Declaration of Emergency; authority of mayor.

In the event of the existence of an emergency water condition which may adversely affect the lives and property of the citizens of the city, the mayor, or in his absence the mayor pro tem or the mayor's legally appointed successor, may declare that a state of water emergency exists. Should the mayor determine that such an emergency exists, he must immediately implement temporary written rules that regulate the use of water during the emergency period. Notification of these rules is to be disseminated to the citizens immediately by whatever means the mayor deems appropriate and most expedient but additionally shall be specifically published in a newspaper of general circulation in the city as soon as possible. In these temporary rules, the mayor has the authority to:

- (1) Design, implement and enforce regulations relating to water use that the mayor feels are necessitated by the emergency water condition.
- (2) Perform and exercise such other functions and duties, and take such emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the city because of the emergency water condition.

Sec. 22-73. Review of regulations by council.

If the mayor enacts emergency regulations as outlined in section 22-72, such regulations are to be reviewed by the city council at its next regular or called meeting, at which time it is to determine if a state of water emergency exists; and if it determines that such a condition does exist, it will further consider the temporary rules of the mayor and ratify them by resolution or adopt other rules by resolution. This resolution shall remain in force and effect until the mayor or council determines that the water emergency no longer exists.

Sec. 22-74. Adoption of regulations by Council.

In addition to the powers of the Mayor set forth in Section 22-72, the City Council may enact emergency regulations or restrictions by resolution. Any resolution so adopted by the City Council shall remain in force and effect until the City Council determines that the water emergency no longer exists.

Sec. 22-75. Penalty.

Any person violating this article or any emergency rules imposed by the mayor and ratified by the City Council, or emergency rules imposed by the City Council, or any resolution passed in accordance with the terms of this article shall be punished by a fine not exceeding \$1,000.00, by sentence of imprisonment not exceeding six months, or to work on the streets or public works for a period not exceeding six months, or any combination, in the discretion of the judge.

Sec. 22-76. Service of citations and summons.

Service of citation and summons of violation of this article shall be in person or by placing a copy of the summons at a conspicuous place on the property where the violation occurred.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _____ day of _____ 2007.

Harold K. Logsdon, Mayor

Attest: _____
City Clerk