

## **ORDINANCE NO. 2010-14**

### **AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, GEORGIA, TO ADOPT SEC. 102-14, TO ESTABLISH A RESTRICTION ON OUTDOOR WATER OF LANDSCAPE;**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA:

That section 102-14 be adopted in its entirety as part of the Code of Ordinances of the City of Smyrna, Georgia, so that such section shall include the following:

(a) Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants within the water boundaries of Smyrna, may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

- (1) 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. 1-3-3;
- (2) Capture and reuse of cooling system condensate or storm water in compliance with applicable City ordinances and 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;
- (4) 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 water;
- (5) Watering personal food gardens;
- (6) Watering 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 using soaker hoses;
- (8) Hand watering with a hose with automatic cutoff or handheld container;
- (9) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
- (10) Watering horticultural crops held for sale, resale, or installation;

- (11) Watering athletic fields, golf courses, or public turf grass recreational areas;
- (12) Installation, maintenance, or calibration of irrigations systems; or
- (13) Hydroseeding.

(b) ***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 City of Smyrna shall be the enforcement authority for this ordinance. The City Administrator may authorize other departments as may be deemed necessary to support enforcement.
- (3) Criminal and alternative penalties. Any violation of this section may also be enforced by a citation or accusation returnable to the municipal court or by any other legal means as set forth in this Code. Any person may be fined for violation thereof, up to the maximum amount of fines allowed in the municipal court as provided by Section 1-8 of the Smyrna Code of Ordinances.

(c) All ordinances or parts of ordinances in conflict with this ordinance are repealed.

(d) The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. Should any section, paragraph, sentence, clause or phrase of this ordinance be rendered invalid by any court of law, the remaining sections, paragraphs, sentences, clauses or phrases shall not be affected but shall continue in effect until amended or repealed by action of the governing authority of Smyrna.

(e) ***Effective Date.***

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

Approved by Mayor and Council of the City of Smyrna this 20<sup>th</sup> day of December, 2010.

ATTEST:

By \_\_\_\_\_  
Susan D. Hiott  
City Clerk

\_\_\_\_\_  
A. Max Bacon, Mayor  
City of Smyrna

Approved as to Form  
City Attorney

\_\_\_\_\_  
Name