

STATE OF GEORGIA

First Reading: December 27, 2010

CITY OF ROSWELL

Second Reading: January 18, 2011

AN ORDINANCE AMENDING ARTICLE 24.5, WATER AND SEWER, TO ADD STATE-MANDATED WATER RESTRICTION PROVISIONS AND PROVISIONS RELATED TO PRIVATE DECENTRALIZED WASTEWATER SYSTEMS

WHEREAS the State of Georgia and the Metro North Georgia Water Planning District have mandated that municipalities adopt certain provisions to ensure an adequate supply of clean and sanitary water to all citizens; and

WHEREAS such provisions are designed to ensure the health, safety and welfare of the people of Roswell:

NOW THEREFORE the Mayor and Council of the City of Roswell, pursuant to the authority vested in them do adopt the following ordinance:

1.

Article 24.5, Water and Sewer of the Code of Ordinances of the City of Roswell is hereby amended by adding the following sections:

2.

24.5.23 Commercial Car Wash

A. General Provisions

(1) Purpose and Intent

The purpose of this section is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install operational recycled water systems.

(2) Applicability

(a) This section applies to all new conveyor car washes permitted and constructed after January 1, 2011, regardless of the water source.

(b) The provisions of this section do not apply to conveyor commercial car washes that were permitted or constructed before January 1, 2011.

- (c) The provisions of this ordinance do not apply to self-service car washes or in-bay car washes.

B. Definitions

The following words and phrases, whenever used in this section, have the meaning defined in this section:

- (1) "In-bay automatic car wash" means a commercial car wash where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.
- (2) "Conveyor car wash" means a commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle.
- (3) "Recycled water system" means a water system that captures and reuses water previously used in wash or rinse cycles.
- (4) "Self-service car wash" means a commercial car wash where the customers wash their cars themselves with spray wands and brushes.

C. Commercial Car Wash Water Recycling Requirement

All new commercial conveyor car washes, permitted and constructed after January 1, 2011 must install operational recycled water systems. A minimum of 50% of water used will be recycled.

24.5.31.1 Restriction on Outdoor Water of Landscape

Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants 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 during non-drought periods:

- (a) 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, turkeys, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apian products or as otherwise defined in O.C.G.A. § 1-3-3;

- (b) Capture and reuse of cooling system condensate or storm water in compliance with applicable ordinances and state guidelines;
- (c) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
- (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) Watering personal food gardens;
- (f) 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;
- (g) Drip irrigation or irrigation using soaker hoses;
- (h) Hand watering 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) Watering horticultural crops held for sale, resale, or installation;
- (k) Watering athletic fields, golf courses, or public turf grass recreational areas;
- (l) Installation, maintenance, or calibration of irrigation systems; or
- (m) Hydroseeding.

24.5.31.2 Other Outdoor Uses During Non-Drought Periods

For outdoor uses not associated with landscape watering: car washing, pressure washing, outdoor cleaning, pool filling, etc. The following rules apply during non-drought periods:

- (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.

24.5.31.3 Outdoor Water Use Schedule During Declared Drought Response Levels

Outdoor water use and exemptions during state-declared drought levels are in accordance with O.C.G.A. § 391-3-30-.04 and O.C.G.A. § 391-3-30-.05.

24.5.31.4 Right to Curtail Water usage During Emergency Conditions

- (a) *Authority.* The City of Roswell may, upon application to and approval by the director of the Environmental Protection Division of the Department of Natural Resources of the State of Georgia, for good cause shown, impose more stringent restrictions on outdoor water use during non-drought periods or state-declared periods of drought than those applicable restrictions, if any, imposed by the state during such periods. For purposes of this subsection, 'good cause' means evidence sufficient to support a reasonable conclusion, considering available relevant information, that such additional restrictions are necessary and appropriate to avoid or relieve a local water shortage. A variance granted pursuant to this subsection shall be valid for such period as determined by the director.
- (b) *Emergency conditions.* For the purposes of this section only, emergency conditions shall include, but not be limited to times of drought, low stream flows, interruptions in the raw water supply due to breaks or contamination, inability of the filter plants to meet demand, excessive losses or demands in the distribution system due to breaks, fires or other causes, contamination in the finished water, or any other purpose for which the curtailed use of water might be reasonably required in the best interest of public health, safety and welfare as determined by the city's Director of Environmental/Public Works.
- (c) *Restrictions.* The water conservation measures may include restrictions or prohibitions on nonessential uses such as swimming pool filling, watering of lawns and gardens, washing of recreational or other vehicles, equipment, sidewalks, driveways, parking areas, tennis courts, patios and other paved areas, recreational uses, and other uses that the City of Roswell's Public Works/ Environmental Director may deem to be nonessential and that have been approved by the Director of Environmental Protection Division.
- (d) *Notice.* A notice of the restrictions or prohibitions imposed under this section and approved by the Director of the Environmental Protection Division shall be published in the City of Roswell's legal organ in a non-legal section. The notice shall set forth the specific nature of the restrictions or prohibitions, the reasons for the imposition of the restrictions or prohibitions, the date upon which the restrictions or prohibitions become effective, and their duration. The restrictions and prohibitions shall become effective no sooner than the first day following the publication date of the first notice. The notice shall be published once a month while the restrictions and prohibitions are in effect.

24.5.31.5 Enforcement

- (a) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in this section.
- (b) The Public Works/ Environmental Department shall be the enforcement authority for this section. The city administrator may also authorize other departments as may be deemed necessary to support enforcement.
- (c) 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 pursuant to section 1.1.3. Water service may also be terminated and the customer or consumer will be subject to a disconnection fee and reconnection fee once water is restored as per 24-5-6.

24.5.31.5 Section Cumulative. The provisions of this section are cumulative to those set out in 24.5.31.

24.5.40 Private Decentralized Waste Water Systems

- (a) All sanitary sewer collection, maintenance and treatment in the City of Roswell is owned and operated by Fulton County.
- (b) Use of private decentralized waste water systems by multiple property owners and construction or reconstruction of private decentralized waste water systems capable of servicing multiple property owners is prohibited unless such private decentralized waste water systems meet the requirements of Fulton County.
- (c) Private decentralized waste water systems shall be designed and constructed in accordance with plans and specifications required by Fulton County Ordinance and in compliance with the Fulton County Health and Wellness Department regulations.

3.

Severability. Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

4.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

5.

Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Roswell, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia on the 18th day of January, 2011.

Attest:

Marlee Press
Marlee Press, City Clerk
(Seal)

Jere Wood
Jere Wood, Mayor

Jerry Orleans
Councilmember Jerry Orleans

Rebecca Wynn
Councilmember Rebecca Wynn

Betty Price
Councilmember Betty Price

Richard Dippolito
Councilmember Richard Dippolito

Kent Igleheart
Councilmember Kent Igleheart

Nancy Diamond
Councilmember Nancy Diamond

