

AN ORDINANCE OF THE COUNTY COMMISSIONER OF BARTOW COUNTY SITTING FOR COUNTY PURPOSES FOR THE PURPOSE OF **AMENDING THE CODE OF BARTOW COUNTY, CHAPTER 74, ARTICLE II RELATING TO WATER SERVICE AND CONSERVATION; ADOPTING PROVISIONS FOR WATER WASTE; ADOPTING STATE-MANDATED PROVISIONS FOR LANDSCAPING RESTRICTIONS;** AND FOR OTHER PURPOSES, AT THE REGULAR MEETING OF THE COUNTY COMMISSIONER OF BARTOW COUNTY HELD DECEMBER 8, 2010.

WHEREAS, the Bartow County Commissioner previously adopted the Bartow County Water Service and Conservation Ordinance on December 17, 2003 to govern water service in Bartow County, which ordinance has been amended from time to time and is codified as Chapter 74, Article II of the Code of Bartow County; and

WHEREAS, the Bartow County Commissioner is charged with the responsibility of protecting the public health, safety and welfare of the citizens of Bartow County; and

WHEREAS, the continuing limitations on water resources, the frequency of drought conditions and the State mandated conservation goals require the Code to be further amended to strengthen the restrictions and prohibition on use of water for outdoor landscaping and to prevent waste of water; and

WHEREAS, Senate Bill 370 passed in the 2010 legislative session requires local ordinances adopt certain outdoor watering restrictions by ordinance;

NOW THEREFORE BE IT ORDAINED AND IT IS HEREBY ORDAINED, that the Code of Bartow County, Chapter 74, Article II is amended as follows:

I. Section 74-58 is amended by deleting existing subsection (e) and replacing it with the following new subsection (e):

(e) *Emergency conservation measures.* During any period when a state of emergency is declared by the governor or the commissioner regarding drought in the county, the county shall be subject to EPD Level 4 drought restrictions on outdoor watering, meaning no outdoor water use is permitted except under the exemptions of the Rules of the EPD, Chapter 391-3-30-.05. Pursuant to the authority of the Rules of the EPD, Chapter 391-3-30-.06, the following additional restrictions on outdoor watering use apply **during any period when a state of emergency is declared**:

(1) *Landscaping.* New landscaping may only be watered for 15 days following installation. This exemption shall only apply to landscape installations performed by licensed landscapers. Homeowners and landscapers may water new landscape installations between the hours of midnight and 10:00 a.m. on Mondays, Wednesdays and Fridays. Only newly installed vegetation may be watered. New home construction will have 15 days to water newly installed landscape, for the purposes of erosion and sedimentation control. A builder may choose to heavily

mulch a property instead until water conditions improve. Only one new landscape exemption will be permitted per planting season as defined as September to March and April to August, per property. A new Landscape Exemption Form with a receipt must be submitted to the water department to receive the exemption. Aeration and overseeding shall count as a new exemption.

(2) *Pressure washing.* Pressure washing of parking lots is prohibited. Pressure washing of buildings and structures for beautification is prohibited. Pressure washing will be allowed for health and safety reasons. Pressure washing will be allowed when required prior to a procedure such as painting.

(3) *Fire hydrant meters.* Use of portable meters associated with fire hydrants shall not be permitted, and any currently in use shall be returned and such use discontinued, except for meters required for public health and/or safety.

(4) *Emergency contracts.* For public works construction contracts related to expansion or improvement of the water system that directly result from a drought-related state of emergency (including but not limited to contracts to connect to or develop new water supply sources), the commissioner has determined that the best interests of the county necessitate suspending the requirements contained in O.C.G.A. § 36-91-20 for four weeks of advertisement for soliciting bids on such contracts. In the event the water supply situation reaches a critical stage, necessitating the extraordinary expense of an additional connection, a further four-week delay would endanger the public safety and welfare. Similarly, proceeding with an expensive expansion project prior to the absolute latest possible time risks wasting funds on an unnecessary connection. Furthermore, the suspension of such requirements is authorized in O.C.G.A. § 36-91-22. One day of advertisement of such contracts prior to opening bids shall be sufficient, for emergency projects related to expansion or improvement of the water system to cope with the drought. However, the contracts shall be subject to all other provisions of the Public Works Construction Law, except as necessitated by this change. Furthermore, the county shall wait to receive at least three bids on any proposed contract before opening bids (except in circumstances where, after one week, three bids are not received, due to lack of interest from contractors; or except in other dire emergency circumstances necessitating immediate action).

II. Section 74-58 is amended by adding new subsections (f), (g), (h) and (i) as follows:

(f) *Restriction on Outdoor Watering of Landscape.* Other than in times of a state of emergency (discussed in subsection (e) above), outdoor watering for purposes of planting, growing, managing or maintaining ground cover, trees, shrubs, or other plants in the unincorporated area of the County may only occur 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 (as set forth in OCGA 12-5-7):

- (1) commercial agricultural operations (as defined in OCGA 1-3-3);
- (2) capture and reuse of cooling system condensate or storm water in compliance with local ordinances and state guidelines;
- (3) reuse of gray water in compliance with OCGA 31-3-5.2 and 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 of the DNR to provide reclaimed 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 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) 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.

(g) *Service leaks.* Water leakage creates a serious waste of water. The county water system will leave a door hanger at any address where a leak is detected. Language will be added to let customers know that a leak must be repaired within twenty-four hours or water service may be terminated. For any leak exceeding 1.0 gallons per minute water service will be immediately terminated until the leak is repaired, and satisfactory evidence of the repair is presented to the water department. Where the water supply is cut off as herein provided, the water shall not again be turned on until all water bills and this bill for the cost of cutting off and again turning on the water service shall have been paid.

(h) *Waste of Water.* Recognizing the precious nature of the limited resource of water, it is declared the policy of Bartow County that willful waste of water is prohibited as set forth herein.

- (1) The following uses are a waste or unreasonable use or method of use of water and are prohibited:

- a. Operation of an irrigation system or other lawn or landscaping watering device during rain;
- b. Operation of an irrigation system or other lawn or landscaping watering device that has any broken or missing sprinkler heads that results in uncontrolled spraying of water;
- c. Failing to repair a controllable leak, including a broken sprinkler head, leaking valve, leaking outdoor faucet, service line leak or any other visible outside water leak on premises owned, leased, or managed by that person, within 30 days;
- d. The washing of vehicles, building exteriors, sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas without the use of a positive shut-off nozzle on the hose, which results in excessive run-off, except where necessary to dispose of liquids or substances that would endanger the public's health and safety.
- e. The excessive use, loss, or escape of water through breaks, leaks or malfunctions in the water user's plumbing or distribution facilities for any period of time after such escape of water should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four hours after discovery is a reasonable time within which to correct such leak or break.
- f. The use of water for any purpose or in such a way that it flows, sprays, or is otherwise discharged upon any street, alley, or other public right-of-way, ditch or drain, or the watering of grass, lawns, groundcover, shrubbery, trees and open ground, in a manner or to an extent which allows water to run off the area being watered or onto an adjacent property.

(2) The foregoing restrictions do not apply to the following authorized uses: firefighting, fire training, inspection and testing of fire suppression systems and fire hydrants; water applied as dust control measures as required by erosion and sedimentation control; water applied to abate spills of flammable or hazardous materials when water is the appropriate methodology; water applied to prevent or abate health, safety or accident hazards when alternate methods are not available; water used for construction and maintenance activity where the application of water is the appropriate methodology and where no other practical alternative exists; mobile car washes where permitted; emptying of swimming pools (which shall not authorize drainage onto neighboring property); water used in the operation, inspection and testing of municipal/community water systems.

(3) The water department may issue immediate citations for wasteful water usage. For any wasteful usage exceeding 1.0 gallons per minute water service will be immediately terminated until the waste is immediately stopped. For lesser

wastage, notice shall be given that water service may be cut off in 24 hours if the wastage is not halted. Where the water supply is cut off as herein provided, the water shall not again be turned on until all water bills and this bill for the cost of cutting off and again turning on the water service shall have been paid.

(i) *Enforcement.* No person shall use or allow the use of water in violation of the restrictions on water use contained herein. Violations of this section shall be punishable pursuant to the provisions of Sec. 74-106 et seq. and 74-126 et seq. except that a fine may be assessed of up to \$1000 for any violation.

III. Section 74-60 is amended by adding deleting the existing subsection and adding the following:

Sec. 74-60 Commercial building; commercial car washes.

On or after January 1, 2003, there shall be no construction of any commercial building initiated within the county for any commercial building of any type which does not meet the requirements of subsections 74-58(a)(1) through (5). Effective January 1, 2011, any commercial conveyor car wash (as defined herein) that is permitted and constructed, shall install a recycled water system which captures and reuses water previously used in wash or rinse cycles. A minimum of 50% of the water utilized shall be recycled. A “commercial conveyor car wash” is a commercial car wash where the car moves on a conveyor belt during the wash (regardless of whether the driver remains in the vehicle or not). These restrictions shall not apply to self-service car wash bays or in-bay car washes where the car remains stationary and the wash equipment moves around the vehicle.

BE IT FURTHER ORDAINED that all Resolutions and Ordinances in conflict herewith are hereby repealed provided, however, that any portion of said Resolutions or Ordinances not in conflict herewith shall remain in full force and effect.

SO ADOPTED this 8th day of December, 2010, to be effective immediately, the public health, safety and welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

Kathy Gill, Clerk

Clarence Brown, Commissioner