

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2010 - 255

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY CHAPTER 98 "UTILITIES," SO AS TO ADD A NEW ARTICLE V "OUTDOOR WATERING OF LANDSCAPE" AND RELATED SECTIONS, TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the County recognizes an imminent need to create a culture of water conservation and to plan for water supply enhancement during future extreme drought conditions and other water emergencies; and

WHEREAS, reasonable restrictions on the outdoor watering of landscape are necessary to address this in furtherance of addressing this need; and

WHEREAS, the General Assembly of the State of Georgia has required all counties in Georgia to adopt an ordinance to be in effect no later than January 1, 2011 to allow outdoor watering of landscape to between the hours of 4:00 p.m. and 10:00 a.m. (with certain exceptions); and

WHEREAS, pursuant to O.C.G.A. § 12-5-7, the Board of Commissioners deems it in the best interest of the County to amend the Ordinance to address outdoor watering of landscape as hereinafter set forth.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by adding new Article V "Outdoor Watering of Landscape," and related sections 98-51 "Restriction on Outdoor Watering of Landscape" and 98-52 "Enforcement" to Chapter 98 "Utilities," to read and to be codified as follows:

Article V. Outdoor Watering of Landscape

Section 98-51. Restriction on Outdoor Watering of Landscape.

Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants in the county 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:

- (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, 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;
- (b) Capture and reuse of cooling system condensate or storm water in compliance with applicable Clayton County ordinances and state guidelines;
- (c) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2, section 50-2(d) of the code, and applicable county 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.

Section 98-52. Enforcement.

Terms not specifically defined within this section shall assume the definitions outlined in section 98-34. For purposes of this section only, the term "violator" shall mean a person or entity who engages in an action or omission that results in a violation of any provision of an outdoor watering of landscape restriction.

- (a) It shall be unlawful for any person or entity to engage in any act or omission that violates the provisions of any outdoor watering of landscape restriction contained in

this article. It shall be unlawful for any violator to continue to engage in such act or omission after service of a warning or citation under this section.

(b) Enforcement officers are hereby authorized to issue warnings and citations pursuant to this section and to assist otherwise in the prosecution of violators.

(c) All enforcement officers are hereby authorized to serve upon any violator a written warning for a first violation and citations for any and all subsequent violations, including failure to comply immediately with a warning, that occur during a single watering of landscape restriction period. Such written warnings and citations shall be served by certified U.S. mail, return receipt requested, or by hand-delivery to the last billing address of the violator known to the Clayton County Water Authority.

(d) The Clayton County Water Authority may, immediately upon either the failure of any violator to comply immediately, considering the totality of the circumstances, with a warning or the service of a citation upon any violator, terminate the provision of services to said violator.

(e) For each citation served hereunder, violators shall be fined up to \$500.00 or imprisoned for up to six months as imposed by the county magistrate court or other court of appropriate jurisdiction.

(f) Nothing contained in this article shall prevent or otherwise restrict the provisions of, and any activity related to, Article III "Emergency Water Conservation Procedures" of this chapter.

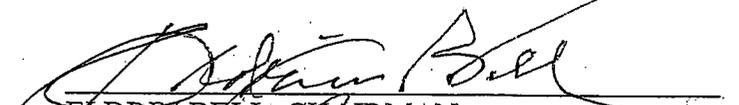
Section 2. The provisions of any ordinance or resolution or parts thereof in conflict herewith are repealed, save and except such ordinance or resolution or parts thereof which provide stricter standards than those provided herein.

Section 3. Should any section, subsection, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared to be invalid.

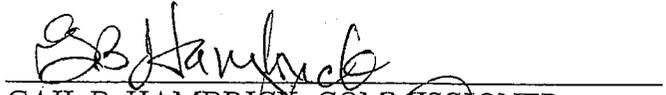
Section 4. This Ordinance shall become effective following its approval by the Board of Commissioners after the second reading of the Ordinance, provided the same receives an affirmative vote of three or more members, and provided further that a copy of the Ordinance has been published in the official organ of Clayton County and filed with the Secretary of State of Georgia as required by law.

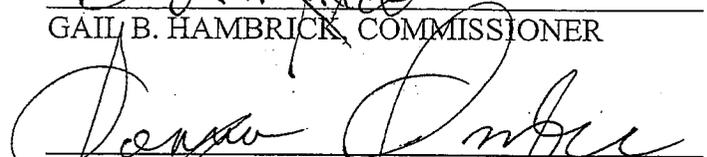
SO ORDAINED, this 14th day of December, 2010.

CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN


WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK