

**Ordinance No. \_\_\_\_**

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the **CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 24. UTILITIES.** is hereby amended by a new **ARTICLE XV – DROUGHT MANAGEMENT AND RESPONSE** as follows:

1.

**Article XV. Drought Management and Response.**

Sec. 24-475. - Purpose and Intent.

- (a) *Purpose.* The purpose of this Article is to protect the public health, safety, environment, and general welfare by adopting and enforcing water use restrictions that ensure adequate supplies of water for customers of the public water system and avoid or relieve any local water shortages during declared periods of drought.
- (b) *Intent.* It is the policy of the City of Cartersville to comply with the laws and regulations imposed by the State of Georgia and any local variances restricting water use, particularly during times of declared drought. The water use restrictions and exceptions in this Article are consistent with the EPD Drought Rule. Codifying these water use restrictions and exceptions is required by O.C.G.A. §12-5-7(a.1)(3) and is necessary to consistently, fairly, and lawfully enforce water use restrictions at the local level as part of the public water system’s drought response efforts.
- (c) *Delegation to City of Cartersville Water and Sewer Superintendent.* The Mayor and City Council of the City of Cartersville hereby delegates to City of Cartersville Water and Sewer Superintendent the authority and responsibility under this Article for the implementation of drought response efforts, for seeking local variances for additional or fewer drought restrictions as needed, and for the enforcement of water use restrictions.

Sec. 24-476. - Authority. The **City of Cartersville** has the authority to adopt this ordinance pursuant to applicable home rule provisions of Article 9, Section 2 of the Constitution of the State of Georgia and Title 36 of the Official Code of Georgia Annotated, Section 7 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, the EPD Drought Rule, and Sec. 1.03 of the **City of Cartersville’s** Charter.

Sec. 24-477. - Applicability.

- (a) *Applicable to Customers.* The water use restrictions in this Article apply to all retail customers of the public water system. This application is based on the public water system's water service area and, therefore, applies regardless of whether a given retail customer is located within or outside of the **City of Cartersville's general city limits.**
- (b) *Condition of Water Service.* As a condition of receiving continued water service from the public water system, customers agree to familiarize themselves with and comply by the water use restrictions for the applicable declared drought response level.
- (c) *Customer Responsibility for Third-Party Usage.* The customer is responsible for ensuring third-party water usage from their account complies with the restrictions in this Article, and all notices of violation and administrative fines resulting from violations of water use restrictions by third parties with water from the customer's account will be the responsibility of the customer. This applies whether such third-party is a tenant, property management company, landscaping contractor, lawncare company, employee, independent contractor, or any other person or legal entity that customer allows to use water from its account.

Sec. 24-478. - Definitions.

“affected drought area” means any area subject to a drought declaration made by the EPD Director in accordance with EPD Drought Rule.

“customer” means any person or legal entity that has established an account with, and makes retail water purchases from, the public water system.

“declared drought response level” means the applicable drought response level 1, 2, 3, or 3 plus as declared by the EPD director or pursuant to a local variance, if any.

“drip irrigation” means the use of an irrigation system manufactured and sold specifically for delivering water through small flexible pipes and emitters slowly and directly to the soil around the base of individual plants in a manner that minimizes evaporative losses, pooling, runoff and wetting of plant foliage. This type of system may be part of a larger automated irrigation system or may operate as a stand-alone system connected to a typical outdoor faucet.

“drought contingency plan” means the **City of Cartersville** plan submitted to, and approved by EPD, as part of the City of Cartersville's most recent new or modified water withdrawal permit. As required by Ga. Comp. R. & Regs. Ch. 391-3-6-.07(4)(b)(9), such plan includes drought condition indicators, potable

water use priorities, surface water low flow protections, and water storage availability analyses (if applicable).

“EPD” means the Environmental Protection Division of the Georgia Department of Natural Resources.

“EPD Director” means the director, or his/her designee, of the EPD.

“EPD Drought Rule” Georgia Department of Natural Resources Rules for Drought Management, Ga. Comp. R. & Regs. Ch. 391-3-30.

“even-numbered address” means an address number ending with the number 0, 2, 4, 6, 8, or no address number.

“Golf Irrigation Prediction and Estimation Worksheet” is an Excel spreadsheet tool that EPD has developed for drought response that a mathematical calculation that takes into account local evapotranspiration, distribution uniformity of irrigation, efficiency of the water application, crop coefficients, and local average rainfall to determine the annual irrigation needed to maintain healthy turf grass.

“landscape” means ground cover, trees, shrubs, or other plants such as grasses.

“odd-numbered address” means an address number ending with the number 1, 3, 5, 7, or 9.

“ornamental purposes” refers to when water is used outdoors for the purpose of adding beauty, aesthetic appeal, visual, or auditory appeal. Water used for ornamental purposes does not include fountains that must be operated to sustain aquatic animals or splash pads and other outdoor water features used primarily for recreation.

“pool covers” means a solid track, foam, or bubble cover which can be placed over the water area of a swimming pool and is intended for use during the open swim season. Pool covers may be automatically, semi-automatically, or manually controlled, and pool covers may, but are not required to be, safety pool covers. Pool covers do not include solar rings, liquid barriers, or chemical barriers.

“public water system” means the system owned and operated by **City of Cartersville** for the provision to the public of piped water for human consumption among other purposes.

*City of Cartersville Water and Sewer Superintendent* means the **City of Cartersville** staff member who is responsible for the management and direction of the public water system.

“soaker hose” means a hose that is connected to a typical outdoor faucet and that is manufactured and sold specifically for delivering water slowly and directly to the soil around the base of individual plants by allowing water to seep from it in a manner that minimizes evaporative losses, pooling, runoff and wetting of plant foliage.

Sec. 24-479. - Non-drought restrictions on watering hours and water waste.

(a) *Year-round restrictions on watering hours.* Subject to further limitations under any applicable declared drought response levels, customers may irrigate outdoor ground cover, trees, shrubs, or other plants such as grasses only before 10 a.m. and after 4 p.m. subject to the following exceptions:

- i. Agricultural operations as defined in O.C.G.A. § 1-3-3,
- ii. Capture and reuse of cooling system condensate or storm water in compliance with applicable local ordinances and state guidelines,
- iii. Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations adopted pursuant thereto,
- iv. Use of reclaimed wastewater by a designated user from a system permitted by the Environmental Protection Division of the department to provide reclaimed wastewater,
- v. Irrigation of personal food gardens,
- vi. 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,
- vii. Drip irrigation or irrigation using soaker hoses,
- viii. Hand watering with a hose with automatic cutoff or handheld container,
- ix. 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,
- x. Irrigation of horticultural crops held for sale, resale, or installation,
- xi. Irrigation of athletic fields, golf courses, or public turf grass recreational areas,
- xii. Installation, maintenance, or calibration of irrigation systems, and
- xiii. Hydroseeding.

(b) *Restriction on Water Wasting Activities.* The following are prohibited everyday and all the time under non-drought and all declared drought response levels as water wasting activities:

- i. Operating a landscape irrigation system under the following conditions:
  1. with visible leaks,
  2. with broken or missing sprinkler heads,
  3. during the rain or shortly thereafter when the landscape is visibly wet, or

4. in a manner that results in pooling or flowing water on hard surfaces such as streets, gutters, sidewalks, and driveways.
- ii. Failing to install correctly, maintain, or use the legally required rain-sensor shutoff for a landscape irrigation system,
- iii. Failing to repair a water service line, customer-side connection to the water meter, outdoor water spigot, or yard hydrant with a visible leak within 30 days after being notified by the public water system,
- iv. Using a water hose without a water shut-off nozzle,
- v. Operating water features as fountains, reflecting pools, and waterfalls, when water is regularly misting, splashing, or otherwise escaping outside the areas designed to be part of such water feature, and
- vi. Failing to offer and explain to hotel and motel guests the option of using their towels and linens for more than one day during multi-day stays.

Sec. 24-480. - Declared Drought Response Levels by the EPD Director and through Local Variances.

- (a) *Compliance with Water Use Restrictions.* The public water system and its customers shall comply with the water use restrictions imposed based on the declared response level by the EPD Director or by local variance. A variance is required before the public water system may impose additional or fewer water use restrictions at a local level.
- (b) *Drought Response Levels Declared by the EPD Director.* The EPD Director may declare drought response levels for affected drought area(s) based upon the severity of drought conditions and their impacts on water supplies and the factors established in the EPD Drought Rule. If the public water system is in an affected drought with a declared drought response level, the public water system shall implement the water use restrictions for the declared drought response level in this Article.
- (c) *Local Variance for Additional Restrictions.*
  - i. If the **City of Cartersville Water and Sewer Superintendent** determines based on the drought condition indicators that additional water use restrictions are needed to avoid or relieve a local water shortage, then the **City of Cartersville Water and Sewer Superintendent** may submit a variance request to the EPD director to impose additional restrictions. The local drought condition indicators are set forth in the **City of Cartersville's** drought contingency plan.
  - ii. For variance requests for drought response level 3 plus, the **City of Cartersville Water and Sewer Superintendent** must first submit the proposed water use restrictions to the public water system's governing body for consideration and approval.

- iii. The request shall include the information required under the EPD Drought Rule including but not limited to a statement of which drought response (level 1, level 2, level 3, or level 3 plus) the public water system seeks to declare, the duration of those restrictions, and a description of why such restrictions are necessary.
  - iv. Such variance shall be effective and become the declared drought response level for the public water system upon approval by the EPD director.
- (d) *Emergency Restrictions.* In the case of an emergency which immediately threatens the public health, safety, or welfare as determined by the **City of Cartersville Water and Sewer Superintendent**, the **City of Cartersville Water and Sewer Superintendent** may impose additional emergency restrictions on water use; provided, however, that such emergency restrictions shall be valid for a period not to exceed seven days unless a variance request is submitted and approved in accordance with Sec. 24-480(c) of this Article. Emergency water use restrictions shall be consistent with the water use priorities in the **City of Cartersville's** drought contingency plan.
- (e) *Local Variance for Fewer Restrictions.* If the **City of Cartersville Water and Sewer Superintendent** determines based on drought condition indicators that the water use restrictions under the declared drought response level are not needed to avoid or relieve a local water shortage, then the **City of Cartersville Water and Sewer Superintendent** may submit a variance request to the EPD director to impose fewer restrictions. The local drought condition indicators are set forth in the **City of Cartersville's** drought contingency plan. The request shall include the information required under the EPD Drought Rule including but not limited to a statement of which drought response level (non-drought, level 1, or level 2) the public water system seeks to apply, the duration of the less stringent restrictions, and a description of why the restrictions described in the Rule are not needed. Such variance shall be effective upon approval by the EPD director.

Sec. 24-481. - Drought Response Level 1. During a declared drought response level 1, the public water system will implement a public information campaign that will include, at a minimum, public notice regarding drought conditions and drought specific public-service messages. The restrictions on water wasting activities and the watering hours and exceptions in Sec. 24-479 of this Article continue to apply, but there are otherwise no additional water use restrictions under a declared drought response level 1.

Sec. 24-482. - Drought Response Level 2. During a declared drought response level 2, the following restrictions apply:

- (a) *Outdoor Irrigation Limited to Two Days Per Week.* Customers may irrigate outdoor ground cover, trees, shrubs, or other plants such as grasses only two

days a week on an odd-even schedule. Customers with even numbered addresses may irrigate on Wednesday and Saturday and customers with odd numbered addresses may irrigate on Thursday and Sunday. The restrictions on watering before 10:00 am and after 4:00 pm and the exceptions in Sec. 24-479 of this Article continue to apply.

(b) *Restrictions on other Outdoor Water Uses.* The following outdoor water uses are not allowed:

- i. Washing hard surfaces such as streets, gutters, sidewalks, and driveways, except when necessary for public health and safety,
- ii. Using water outdoors for ornamental purposes, such as fountains, reflecting pools, and waterfalls,
- iii. Use of fire hydrants, except for the purposes of firefighting, public health, safety, or flushing,
- iv. Non-commercial washing of vehicles, such as cars, boats, trailers, motorbikes, airplanes, or golf carts,
- v. Non-commercial washing, or pressure washing, of buildings or structures, except for immediate fire protection, and
- vi. Charity, or non-commercial fund-raiser, car washes.

(c) *Drought Response Strategies.* The public water system shall select and implement four or more of the drought response strategies listed in the EPD drought rule. Most of the drought response strategies involve internal operational actions by the public water system and, therefore, do not involve restrictions on customers that must be set forth in this ordinance. However, the following drought response strategies are included in this ordinance because they impose additional water use restrictions on customers. The public water system shall post on their website and make known by public notice if they select any of the following water use restrictions:

- i. Restaurant shall serve glasses of water only upon request by their patrons and shall provide drought education materials from their public water system to patrons either on tabletop placards or in another location highly visible to patrons.
- ii. Customers responsible for private and public pools must place pool covers over the water area of their swimming pools when not in use whether day or night during the open swim season; and
- iii. Customers, including but not limited to local governments, shall suspend their street cleaning programs that use water.

Sec. 24-483. - Drought Response Level 3. During a declared drought response level 3, the following restrictions apply:

- (a) *Outdoor Irrigation Ban.* Customers shall not irrigate outdoor ground cover, trees, shrubs, or other plants such as grasses subject to the exceptions in Sec. 24-479 of this Article modified as follows:
  - i. Irrigation of personal food gardens and hand watering with an automatic cutoff or handheld container may be conducted only before 10:00 a.m. and after 4:00 p.m.,
  - ii. Irrigation of athletic fields or public turf grass recreational areas may be conducted only before 10:00 a.m. and after 4:00 p.m. and subject to the two days a week odd-even schedule described in drought response level 2,
  - iii. Irrigation of golf courses shall be conducted in accordance with the "Golf Irrigation Prediction and Estimation Worksheet" and only before 10:00 am and after 4:00 p.m., provided, however, irrigation of golf course greens may occur at any time of day,
  - iv. Installation, maintenance, or calibration of irrigation systems is allowed provided it is done by professional landscapers or golf course superintendents, and
  - v. Reclaimed wastewater shall not be used for irrigating outdoor ground cover, trees, shrubs, or other plants such as grasses subject only to the exceptions in Sec. 24-479 of this Article as modified in (i) through (iv) above.
  
- (b) *Restrictions on other Outdoor Water Uses.* The restrictions in Sec. 24-482 of this Article continue to apply.
  
- (c) *Drought Response Strategies.* The public water system shall implement all ten of the drought response strategies listed in the EPD drought rule, including strategies involving operational changes and those water use restrictions on customers in Sec. 24-482(c) of this Article.

Sec. 24-484. - Drought Response Level 3 Plus.

- (a) *Creating Additional Water Use Restrictions.* Under a declared drought response level 3 plus, public water systems may create and implement water use restrictions in addition to those set forth in the EPD drought rule. Additional water use restrictions should be based on an evaluation of areas where the greatest water savings potential exists among and within its customer classes.
  
- (b) *Water Use Priorities.* Unless modified based on local conditions in the public water system's local drought contingency plan, the following order of potable



water use priorities provided in EPD rule 391-3-6-.07(9)(ii)(I) should be followed:

- i. Emergency facilities for essential life support measures;
- ii. Domestic and personal uses, including drinking, cooking, washing, sanitary and health related;
- iii. Farm uses;
- iv. Industrial uses;
- v. Other uses such as lawn sprinkling, non-commercial car washing, garden watering, etc.; and
- vi. Outdoor recreational uses.

(c) *Approvals and Notice of Additional Water Use Restrictions.* The **City of Cartersville Water and Sewer Superintendent** is responsible for creating and then seeking approval from the local governing board and from EPD for a variance to impose any necessary, additional water uses restrictions. Upon local and EPD approval, the public water system shall post the additional water use restrictions on their website and make them known by public notice, and then such additional water use restrictions may be implemented and enforced as water use restrictions under this Article.

Sec. 24-485. - Signage, Notice and Registration Required to Claim Exceptions for New and Replanted Landscapes and Reuse, Reclaimed, and Privately Sourced Water.

(a) *New and Replanted Landscapes.* To claim the exception from restrictions under this Article on outdoor irrigation for new or replanted landscapes being irrigated within 30 days following installation, the customer shall post one or more signs that list the date of planting and the date the 30-day period ends. The customer shall send notice on or before the date of planting to the public water system to claim the exception.

(b) *Reuse, Reclaimed, and Privately Sourced Water.* To claim the exceptions from restrictions under this Article on outdoor landscape irrigation using reuse, reclaimed, and privately sourced water, the customer shall post one or more signs that state as applicable: “This landscape is irrigated with [reuse water / reclaimed water / private well / private surface waters]”. The customer shall register their alternative water source with the public water system to claim the exception. The registration shall be made using the paper or electronic forms provided by the public water system and include the customer number, customer address, brief description of the alternative source, its intended use and estimated volumes, and a picture of the required signage.

(c) *Signage Requirements.* Each sign required under this section shall be at least 24-inches wide and 18-inches tall and shall be visible and readable from all rights-of-way from which outdoor landscape irrigation is visible to passersby.

If such irrigation is visible from two or more right-of-ways, then one sign shall be placed along each right-of-way.

- (d) *Grace Period.* Customers shall have 30-day grace period from the date of the declared drought response level imposing the outdoor water use restrictions to post the required signage, provide notice, and register with the public water system. This 30-day grace period applies regardless of whether a customer is given individual notice of the applicable water use restrictions.

Sec. 24-486. - Professional Exemptions; Applications Required for Essential Business Use Exception.

- (a) *Professional Exemptions.* The following commercial outdoor water uses are exempt from the outdoor water use restrictions of this Article:

- i. Pressure washing;
- ii. Permanent car wash facility, provided that it is connected to a sanitary sewer system of a political subdivision or local government authority or recycles used wash water;
- iii. Water use at construction sites;
- iv. Watering-in of pesticides and herbicides on turf grasses; and
- v. Other water using activities essential to daily business as established pursuant to Sec. 24-486(b) of this Article.

- (b) *Required Application for Professional Exemptions.* To claim the exemption in Sec. 24-486(a)(v) of this Article for water use activities essential to daily business, a customer must first apply in writing to the public water system with information and supporting materials showing why an otherwise restricted outdoor water use is essential to daily business. The public water system shall approve such outdoor water use as essential if there are no reasonable alternatives and the customer could not operate without such water use. Otherwise, the public water system shall deny the application. The public water system shall make its determination within 14 days of receiving each application.

- (c) *Grace Period.* Customers shall have 30-day grace period from the date of the declared drought response level imposing the outdoor water use restrictions to submit the required application to the public water system. This 30-day grace period applies regardless of whether a customer is given individual notice of the applicable water use restrictions.

- (d) *Dispute.* Following a denial of its application, a customer may dispute the determination through the same process used for disputing administrative fines set forth in Sec. 24-487(e) of this Article.

- (e) *Water Use While Application or Dispute Resolution Pending.* The customer may use water as if its application will be approved while waiting for a decision on their application and during any dispute resolution process. If the application is denied and following the resolution of any dispute, if initiated, the customer must cease the water use in question within 14 days.

Sec. 24-487. - Enforcement and Administrative Fines.

- (a) *Enforcement Authority.* The public water system is the enforcement authority for this Article. **The City of Cartersville City Manager** may also authorize other **City of Cartersville** departments as may be deemed necessary to support enforcement. The City of Cartersville Code Enforcement Officers are authorized to issue citations for violations of this Ordinance.

- (b) *Warning and Administrative Fines for Violations.*

- i. Customers that violate the water use restrictions in this Article shall be subject to the following schedule of administrative penalties:
  - a. First Violation – Written warning,
  - b. Second Violation – An administrative fine of \$125,
  - c. Third Violation – An administrative fine of \$250, and
  - d. Fourth Violation – An administrative fine of \$500.
  - e. Fifth Violation – An administrative fine of \$1,000.
  - f. Sixth and Subsequent Violations – An administrative fine of \$1,000 and water shut-off.
- ii. Violations shall be counted from the first violation after the first drought response level is declared and shall not reset until such time as there is no longer any declared drought response level for the public water system and the non-drought conditions in Sec. 24-279 of this Article once again apply. After and except for the first violation, one violation may be issued per day of noncompliance with the applicable water use restrictions.

- (c) *Notices of Violation.* Notices of violation for the first and all subsequent violations of the water use restrictions in this Article shall be posted at the property where the violation occurred and sent by first class mail to the customer. These notices shall be in writing, include the address of where the violation occurred, the restriction which has been violated, and the consequences of subsequent violations.

- (d) *Payment of Administrative Fine.* All administrative penalties shall become a part of the customer's regular bill for service. Failure to remit payment of the regular bill plus the administrative fine shall be subject to the public water

system's rules, procedures, and penalties for nonpayment, including water shut-off.

- (e) *Disputing Administrative Penalties.* Customers desiring to dispute an administrative fine must file a written request for the **City of Cartersville Water and Sewer Superintendent** to reconsider the administrative fine along with full payment of the fine amount plus a \$25 processing fee within 14 days of the notice of violation. The **City of Cartersville Water and Sewer Superintendent** will convene an administrative hearing on the matter where the customer will have the opportunity to show cause as to why an administrative fine under this Article should not be assessed. The **City of Cartersville Water and Sewer Superintendent** shall establish reasonable procedures for conducting such hearings and appointing members to decide customer disputes. Until such time as these procedures are established and members of general public are appointed, Customers disputes shall instead be referred to the local City of Cartersville Municipal Court. If the customer's appeal is successful, the payment of the fine and processing fee shall be returned to the customer.

Sec. 24-488. – 499. – Reserved.

2.

It is the intention of the city 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 Cartersville, Georgia, and the sections of this Ordinance may be renumbered and/or alphabetized accordingly to accomplish such intention.

**BE IT AND IT IS HEREBY ORDAINED**

FIRST READING: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_

\_\_\_\_\_  
MATTHEW J. SANTINI, MAYOR

ATTEST: \_\_\_\_\_  
JULIA DRAKE, CITY CLERK