

OCONEE COUNTY
DROUGHT WATER CONSERVATION ORDINANCE

WHEREAS, the Georgia Department of Natural Resources, Environmental Protection Division, issues permits for withdrawal of water from waters of the State and for the operation of public drinking water supply systems; and

WHEREAS, the Oconee County Board of Commissioners, in complying with its responsibilities to its citizens and to the customers of the drinking water system, has determined that regulation of water use is required to comply with existing regulations promulgated by the Georgia Department of Natural Resources, Environmental Protection Division, and has also determined that regulation of water use is required to encourage water conservation; and

WHEREAS, the existing Oconee County Outdoor Water Use Ordinance does not adequately set forth all needed rules and regulations; and

WHEREAS, this ordinance shall apply only to public drinking water supply systems; and

WHEREAS, regulations and programs that regulate water use and encourage water conservation are adopted as an exercise of the police power of the County for the purpose of ensuring adequate water supplies and of protecting the public health, safety, environment and general welfare;

NOW THEREFORE BE IT ORDAINED by the Oconee County Board of Commissioners that the following Oconee County Drought Water Conservation Ordinance is and the same is adopted.

I. Short Title, Authority and Applicability.

- A. This ordinance shall be known and may be cited as the Oconee County Drought Water Conservation Ordinance.
- B. Oconee County has the authority to adopt this ordinance pursuant to Article 9, Section 2, Paragraph I and Article 9, Section 2, Paragraph III of the Constitution of the State of Georgia, Section 31 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, and the Georgia Department of Natural Resources Rules for Outdoor Water Use, Ga. Comp. R. & Regs. Ch. 391-3-30 (hereinafter, the "rules").

II. Purpose and Intent.

- A. The purpose of this ordinance is to protect the public health, safety, environment, and general welfare through adopting and enforcing water use measures that encourage water conservation and ensure adequate supplies of water for the citizens of the County.
- B. It is the policy of the County to promote water conservation by regulating water use and by complying with the laws and regulations imposed by the State of Georgia regarding drought management.

III. Definitions.

A. When used in this ordinance:

1. *Address*, means the "street address or service address" (a numeric or alphanumeric designation) that, together with the street name, describes a physical location of a specific property. "Even numbered address" means a house number ending with the number 0, 2, 4, 6, 8, or no house number. "Odd numbered address" means a house number ending with the number 1, 3, 5, 7, or 9.
2. *Declared Drought Response Level* means one of four levels of drought that can be declared by the Georgia Environmental Protection Division based on the severity of drought conditions, with one being the least severe and four being the most severe.
3. *Upper Oconee Basin Water Authority (UOBWA)* means the regional water supply agency created under the laws of the State of Georgia, to which Oconee County is an equity share member and whose function is to withdraw, store and treat the major portion of Oconee County's drinking water supply.
4. *Environmental Protection Division* means the Georgia Environmental Protection Division ("EPD") a division of the Georgia Department of Natural Resources, an agency of the State of Georgia, which is charged with issuing permits that authorize withdrawal of water and with administering the rules.
5. *Water Use Percentage Reductions* means the required reductions in the average daily water consumption by the Oconee County water system, as expressed on a monthly basis, and adopted annually, by the Oconee County Board of Commissioners. These reduction targets correspond to the Drought Response Levels, as declared by the Oconee County Board of Commissioners during periods of drought.
6. *Drip Irrigation*, also known as trickle irrigation, means an irrigation method that minimizes water use by allowing water to drip slowly to the roots of plants through a network of emitters or micro-spray heads, or may include the use of portable soaker bags.
7. *Hand Watering* means an irrigation method that distributes water directly to a plant or plants, but not to lawns, by means of a watering can or garden hose.
8. *Spray Irrigation* means an irrigation method that distributes water very quickly over a broad area by means of fixed or moving sprinkler devices.
9. *Gray Water* means spent water captured after domestic or other household use.

10. *Reclaimed Wastewater* means wastewater or sewage treated to reuse standards as defined and permitted by Georgia EPD.

IV. Water Conservation Schedule During Non-Drought Periods.

- A. Water conservation measures other than exempted activities shall occur as follows:
 1. Odd-numbered addresses: Outdoor water use is allowed on Tuesdays, Thursdays and Sundays.
 2. Even-numbered addresses: Outdoor water use is allowed on Mondays, Wednesdays and Saturdays.
 3. Drip Irrigation and Hand Watering is allowed on any day and at any time.

V. Water Conservation Schedule During Declared Drought Response Levels.

- A. When the Environmental Protection Division makes drought declarations as authorized by state law and the rules and regulations of the EPD, or the Upper Oconee Basin Water Authority or the Oconee County Board of Commissioners, acting through its Chairman, make a drought declaration based on water usage and availability, water conservation measures, other than activities deemed exempt, shall occur during scheduled hours on scheduled days. Notice of any such drought declaration shall be published in the County legal organ and posted at the Oconee County Utility Department and the Oconee County Courthouse.
- B. Water Use Percent Reductions, adopted by the Oconee County Board of Commissioners, shall be implemented corresponding to Drought Response Levels:
 1. Level One shall target a 5% reduction.
 2. Level Two shall target at 10% reduction.
 3. Level Three shall target a 15% reduction.
 4. Level Four shall target a 20% reduction.
- C. Declared drought response level one. Outdoor water use may occur on scheduled days within the hours of 12:00 midnight to 10:00 a.m.
 1. Scheduled days for odd-numbered addresses are Tuesdays, Thursdays and Sundays.
 2. Scheduled days for even-numbered addresses are Mondays, Wednesdays and Saturdays.
 3. Use of hydrants for any purpose other than firefighting, public health, safety or flushing is prohibited.
 4. No outdoor water use shall be allowed on Fridays.
 5. Drip Irrigation and Hand Watering is allowed from 12:00 midnight to 10:00 a.m. and 4:00 p.m. to 12:00 midnight on scheduled days.
- D. Declared drought response level two. Outdoor water use may occur on scheduled days within the hours of 12:00 midnight to 10:00 a.m.

1. Scheduled days for odd-numbered addresses are Thursdays and Sundays.
2. Scheduled days for even-numbered addresses and golf course fairways are Wednesdays and Saturdays.
3. No outdoor water use shall be allowed on Mondays, Tuesdays and Fridays, with the exception of drip or hand irrigation that is allowed the additional day of Tuesdays for odd numbered addresses and Mondays for even numbered addresses.
4. The following uses are prohibited:
 - i. Using hydrants for any purpose other than firefighting, public health, safety or flushing.
 - ii. Washing hard surfaces, such as streets, gutters, sidewalks, houses and driveways except when necessary for public health and safety.

E. Declared drought response level three. Outdoor water use may occur on the scheduled day within the hours of 12:00 midnight to 8:00 a.m.

1. The scheduled day for odd-numbered addresses is Sunday.
2. The scheduled day for even-numbered addresses and golf course fairways is Saturday.
3. No outdoor water use shall be allowed on any day except Saturday and Sunday.
4. The following uses are prohibited:
 - i. Using hydrants for any purpose other than firefighting, public health, safety or flushing.
 - ii. Washing hard surfaces, such as streets, gutters, sidewalks, houses, driveways, except when necessary for public health and safety.
 - iii. Filling installed swimming pools except when necessary for health care or structural integrity.
 - iv. Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, golf carts.
 - v. Washing buildings or structures except for immediate fire protection.
 - vi. Non-commercial fund-raisers, such as car washes.
 - vii. Using water for ornamental purposes, such as fountains, reflecting pools, and waterfalls except when necessary to support aquatic life.
5. Drip Irrigation and Hand Watering is allowed within the hours of 12:00 midnight and 10:00 a.m. on scheduled days.

VI. Declared Drought Response Level Four: No outdoor water use is allowed, other than for activities exempted in subsection VI of this ordinance, or as the Environmental Protection Division may allow.

VII. Exemptions

- A. This ordinance shall not apply to the following water uses:
 1. Capture and re-use of cooling system condensate and collected rainwater.
 2. Re-use of gray water in compliance with applicable local ordinances.
- B. The following established landscape water uses are exempt from the outdoor water use schedules of this ordinance:
 1. Use of reclaimed wastewater by a designated user from a system permitted by the EPD to provide reclaimed wastewater.
 2. Irrigation of personal food gardens if done by Hand Watering or Drip Irrigation.
- C. Newly (in place less than 30 days) installed landscapes are subject to the following:
 1. Upon application to the Oconee County Utility Department and issuance of a permit, irrigation of newly installed landscapes is allowed any day of the week, but only during allowed hours for the drought response level in effect, for a period of 30 days following installation. No watering is allowed during drought response level four.
 2. For new landscapes installed by certified or licensed professionals, commercial exemptions apply.
- D. The following golf course outdoor water uses are exempt from the outdoor water use schedules of this ordinance.
 1. Use of reclaimed wastewater by a designated user from a system permitted by EPD to provide reclaimed wastewater.
 2. Irrigation of fairways during times of non-drought and declared drought response level one.
 3. Irrigation of trees during times of non-drought and declared drought response levels one, two and three.
 4. Irrigation of greens.
- E. The following commercial outdoor water uses are exempt from the outdoor water use schedules of this ordinance.
 1. Professionally certified or licensed landscapers, golf course contractors,

and sports turf landscapers: during installation and 30 days following installation only. Professional landscapers must be certified or licensed for commercial exemptions to apply.

2. Irrigation contractors: during installation and as needed for proper maintenance and adjustments only.
3. Sod producers.
4. Ornamental growers.
5. Fruit and vegetable growers.
6. Retail garden centers.
7. Hydro-seeding.
8. Power-washing.
9. Construction sites.
10. Producers of food and fiber.
11. Car washes that recycle a demonstrable portion of their water use.
12. Other activities essential to daily business.
13. Watering-in of pesticides and herbicides on turf.

VIII. Emergency Powers

- A. In the event of a non-drought situation which threatens a water shortage or if a potential shortage exists, to the extent that the water system may not have sufficient supply for domestic service and fire protection, non-essential water usages may be restricted as ordered by the Chairman of the Board of Commissioners.
- B. The Utility Department Director, the Administrative Officer, or the Chairman of the Board of Commissioners, shall have the authority to temporarily suspend service to any water customer of the Oconee County Utility Department in the event that such customer is in violation of any provision of this ordinance for which suspension of service is authorized until such time as the matter is heard by the court, so long as the determination is made that such suspension will further the stated purposes of this ordinance and prevent the unnecessary waste of water.

VIII. Enforcement

The Board of Commissioners delegates the authority and responsibility to enforce the provisions set forth in this ordinance to the Oconee County Sheriff and Oconee County Utility Department or other County employees designated by resolution to enforce County ordinances.

IX. Penalties for Violation

- A. Any person convicted by a court of competent jurisdiction of violating any provision of this ordinance is guilty of an ordinance violation and may be punished pursuant to this ordinance by a fine pursuant to O.C.G.A. § 15-10-60, or by termination of water service, or both, subject to the following specific limitations.

B. The penalties for violation of this ordinance are as follows:

1. Declared Drought Response Levels One and Two.

- i. First Violation – A first violation under declared drought response level one or two may be punished by a written warning. Such warning shall include notification that future violations may include the following penalties: a fine or termination of water services for a period of time as determined by the court.
- ii. Second Violation – A second violation under declared drought response level one and two may be punished by a fine of not more than \$1,000.00. The surcharge amount shall be \$250.00
- iii. Third or Subsequent Violation – A third or any subsequent violation under declared drought response level one and two may be punished by a fine of not more than \$1,000.00, and may result in termination of water services for a period of time as determined by the court. The surcharge amount shall be \$1,000.00.

2. Declared Drought Response Level Three.

- i. First Violation – A first violation under declared drought response level three may be punished by a fine of not more than \$1,000.00. The surcharge amount shall be \$500.00.
- ii. Second Violation – A second violation under declared drought response level three may be punished by a fine of not more than \$500.00, and may result in termination of water services for period of time as determined by the court. The surcharge amount shall be \$1,000.00.
- iii. Third or Subsequent Violation – A third or any subsequent violation under declared drought response level three may be punished by a fine of not more than \$1,000.00, and may result in termination of water services for a period of time as determined by the court. The surcharge amount shall be \$1,000.00.

3. Declared Drought Response Level Four

- i. All Violations - A first violation under declared drought response level four may be punished by a fine of not more than \$1,000.00, and may result in termination of water services for a period of time as determined by the court. The surcharge amount shall be \$1,000.00.
- ii. Second or Subsequent Violation – A second or subsequent violation under declared drought response level four may be punished by a fine of not more than \$1,000.00 and may result in termination of water services for a period of time as determined by the court. The surcharge amount shall be \$1,000.00.

C. Upon citation for violation, the water system customer may elect to pay the specified surcharge amount by adding same to the customer's water bill or may elect to appear in court for a judicial determination of the fine and penalty.

X. **Severability.** If any section, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such declaration shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such invalid portion not been included herein.

XI. Repealer. All Ordinances or parts of Ordinances in conflict with this Ordinance, and not preserved hereby, are hereby repealed, including the "Oconee County Outdoor Water Ordinance" adopted November 27, 2007.

After a first reading on the 26th day of September, 2016, this Ordinance is hereby adopted and approved by the Board of Commissioners of Oconee County, Georgia, this 4th day of October, 2016, to be effective immediately, the public welfare demanding it.

OCONEE COUNTY BOARD OF
COMMISSIONERS

Chairman

Member

Member

Member

Member

Attest:

County Clerk

(SEAL)