CITY OF CHICKAMAUGA
STATE OF GEORGIA

ORDINANCE NO.: 2010- 323

AN ORDINANCE REGULATING OUTDOOR WATER USE
IN THE CITY OF CHICKAMAUGA, GEORGIA

WHEREAS, the duly elected governing authority of the City of Chickamauga, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare and aesthetics of the citizens of the City of Chickamauga, Georgia; and

WHEREAS, the duly elected governing authority of the City of Chickamauga, Georgia is the Mayor and Council therefore; and

WHEREAS, the City 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. The City also recognizes that reasonable restrictions on the outdoor watering of landscape are necessary in furtherance of addressing this need. This ordinance has been adopted to comply with the state law requirement that all cities in Georgia adopt an ordinance to be in effect no later than January 1, 2011 to allow outdoor watering of landscape only between the hours of 4:00 p.m. and 10:00 a.m. with certain exceptions as provided herein.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHICKAMAUGA HEREBY ORDAINS:

Section 1: Restriction on Outdoor Watering 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:

(a) Commercial agricultural operations, as defined in O.C.G.A. §1-3-3 to the extent such operations are otherwise permitted in this Code;
(b) Capture and reuse of cooling system condensate or storm water in compliance with this Code 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) Hydroteering.

Section 2: Enforcement.

(a) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in ordinance.
(b) The City Manager, or his designee, shall be delegated with authority to enforce the provisions of this ordinance and to issue citations for violation. The council reserves the right to designate such other persons to enforce the provisions of this article.
(c) Any violation of this section may be enforced by a citation returnable to the Municipal Court and upon conviction the violator shall be subject to a civil penalty as follows:
   (i) First violation – a warning citation.
   (ii) A second violation within 12 months of a warning citation – a civil penalty of $25.00.
   (iii) A third violation within 12 months of a citation for a second violation – a civil penalty of $100.00.
   (iv) A third violation – a civil penalty of not less than $200.00 and not more than $1,000.00.

Section 3: Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4: Effective Date.

The effective date of this Ordinance is OCT. 4, 2010.
Section 5: Severability.

It is hereby declared to be the intention of the Mayor and Council of the City of Chickamauga that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance be declared unconstitutional, or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SO ORDAINED, this 4th day of OCTOBER, 2010.

CITY OF CHICKAMAUGA, GEORGIA

BY: [Signature]
Mayor

ATTEST:

By: [Signature]
City Clerk

(SEAL)