

CHAPTER 11.

MUNICIPAL UTILITIES AND SERVICES

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ARTICLE I. WATERWORKS

Section 11.1 Control and Supervision of Waterworks.

The municipal waterworks shall be under the immediate control and supervision of the Mayor, who shall perform all acts that may be necessary for the prudent, efficient, and economical management and protection of such waterworks, subject to the approval and confirmation of the Council.

Section 11.2 Water Pipe and Fixture Inspections.

The Mayor or a designated assistant may enter the premises of any water taker at any reasonable time to examine the condition of the water pipes and fixture.

Section 11.3 Application for Water.

Application for supply of water shall be made to the City Clerk by the owner or agent of the property to be benefitted, designating the location of the property and stating the purpose for which the water may be required.

Section 11.4 **Water Tapping—Charge; Responsibility for Maintenance; Approval of Work.**

a. Upon installation of a new tap and service connection by any consumer within the corporate limits of the municipality, the applicant shall pay to the City Clerk a sum sufficient to cover the cost of the fittings, installation of the tap by the municipality, and the necessary pipe from the main to the curb box.

b. The municipality shall own and maintain the water line from the main to the curb box, and the property owner shall own and maintain the service line from the curb box to the premises served.

c. All work upon the service line shall be subject to the prior approval of the Mayor.

Section 11.5 **Same—Size of Service Tap.**

No service tap shall be more than three-fourths inch in diameter; the Mayor may grant special permission for larger taps where the water supply and service facilities are sufficient to permit such taps. Where a larger tap is permitted, the City Council shall fix the tapping charge therefor.

Section 11.6 **Water Cut-off Valve.**

Each building or structure using City water shall have a cut-off valve installed by the City.

Section 11.7 **Water Use Restrictions During Water Shortage.**

In case of water shortage or scarcity, the Council may by resolution place any restrictions upon the use of water for irrigation or sprinkling purposes or other purposes which such body deems necessary.

Section 11.8 **Water Rate.**

The City Council shall adopt a schedule of fees for water usage as determined by the City Council from time to time.

Section 11.9 **Water Billing.**

All water bills shall be due on or before the tenth day of the month, and if not paid by the eleventh day of such month, the City Council shall assess a penalty as adopted by the Council from

time to time. Such penalty shall be added thereto and paid by the water user. The owner or occupant of each residential or commercial unit shall be responsible for the fee collected under this ordinance. The occupant shall be billed monthly by the City showing the amount due and payable. The bill for water, together with the bill for solid waste service, shall constitute the utilities bill for the City of Poulan. Customers of the City of Poulan utilities shall not be allowed to pay a water bill and not a solid waste bill or vice versa. Should service be discontinued for non-payment or should an owner or occupant relocate from premises served by the City's utilities services, the City shall not provide services to the premises until all current and delinquent charges have been paid to the City, together with the amount of the applicable connection or reconnecting fees for water service. A late payment penalty and an assessment of interest shall be imposed on each account for which payment is not made within the prescribed time limit. The occupant of each residential or commercial unit may pay the entire amount due for the calendar year in advance, if they so desire.

Section 11.10 **Discontinuance of Water Service for Nonpayment.**

If any bill for water, as provided in Section 11.9 hereof, is not paid by the fifteenth day of the month in which the bill is due, the water service shall be cut off and in no case shall it be reinstated to the same customer until all delinquencies have been paid in full.

Section 11.11 **Charges for Turning on Water after Turn-Off.**

If the water supply to any premises is turned off for nonpayment, the City Council shall establish a charge for turning the water back on.

Section 11.12 **Illegally Taking Water.**

a. No person shall connect, or permit to be connected, any hose, pipe, or other device to the water lines of a water system customer of the City in order to obtain water at a household or any other building occupied and/or owned by one other than such customer, such connection being for the purpose of avoiding the imposition of tapping charges and other charges imposed by this article.

b. No person shall turn on or otherwise connect water service to any household or other building which such water service has been disconnected by the City for nonpayment of a water bill or for any other reason, such action being a violation of this section and O.C.G.A. § 16-8-5 (Theft of Services).

Section 11.13 **Water Service Connection Fee and Security Deposit.**

Each applicant for water service shall pay to the City Clerk, upon approval of such water service, a connecting fee and security deposit as determined by the City Council from time to time. In the event that the water customer pays the water bills in a timely manner, as required by Section 11.9 hereof, for a period of one year after the establishment of services, then in such event the

security deposit shall be refunded to the customer. In the event that the customer has not paid the water bills in a timely manner during said period, then the security deposit shall be retained until such time as service is discontinued at the request of the customer and the final bill is paid. In the event that the final bill is not paid when due, then the security deposit shall be used to pay said final bill; and, in the event that the bill owing is less than the security deposit, then the balance thereof shall be paid to the water customer.

Section 11.14 **Private Wells.**

No person or corporation within the City limits shall dig a well for any purpose.

Section 11.15 **Penalties.**

Any person or corporation violating the provisions of this article shall, upon conviction thereof, be fined not more than \$1,000 and/or imprisoned for not more than 180 days.

Sections 11.16 - 11.19 **Reserved.**

ARTICLE II. SOLID WASTE COLLECTION AND DISPOSAL

Section 11.20 Definitions.

For the purpose of these regulations the following words and phrases shall have the meanings ascribed to them in this section:

Collector: A person who under formal agreement, verbal or written, with or without remuneration, does the work of collecting and/or hauling solid wastes.

Disposal area: The designated public landfill.

Garbage: Food waste, including waste accumulation of animal or vegetable matter used for or intended for food, or that attends the preparation, use, cooking, dealing in or storing of meat, fowl, fruit, or vegetables.

Hazardous waste: Material in a solid or semi-solid state resulting from the manufacture or use of pesticides or drugs other than normal household use, pathological wastes, chemical wastes, flammable or explosive material, and similar waste material in a solid or semi-solid state, that the administrative officer may consider a likely hazard to the public health or safety, except radioactive waste materials, as provided in the rules of the Georgia Department of Natural Resources--Rules and Regulations of Solid Waste Management, Chapter 391-1-1.

Industrial waste or industrial solid waste: The solid waste materials from factories, processing plants, and manufacturing enterprises, and including food processing wastes, meat and poultry processing wastes, condemned food, ashes and cinders from power plants, agriculture products wastes, land clearance wastes, and similar wastes.

Premises: Land, buildings, or other structures, vehicles, water craft, or parts thereof, upon or in which solid waste is stored.

Rubbish: A variety of combustible waste not subject to rapid decomposition derived from places of residence, commercial areas, and institutions and shall include paper, rags, plastics, cartons, boxes, tree and yard trimmings, furniture, appliances, metals, minerals, cans, bottles, glass, crockery, excelsior, bedding, rubber, discarded clothing, and similar materials.

Scavenging: Uncontrolled picking from discarded solid waste materials.

Solid waste: Putrescible and nonputrescible waste, except human body waste, and including garbage, rubbish, paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, tin cans, glass, crockery, dunnage, ashes, street refuse, dead animals, waste materials generated in industrial operations, residue incineration, food processing wastes, demolition wastes, construction wastes, and any other wastes in a solid or semi-solid state, not defined in this section.

Waste: Unwanted or discarded material except human body waste.

Section 11.21 **Service Established.**

The City Council, in order to protect the health and safety of the people in the City, authorizes and directs the Mayor, by implementing and enforcing the provisions of these regulations, to control the storage, collection, and disposal of solid waste in the City. The Mayor, with approval of the City Council, may plan, procure equipment and personnel, and manage a publicly owned and operated solid waste collection and disposal service and/or establish criteria for evaluation of private collection and disposal services, and may make recommendations to the Council regarding contracts for solid waste collection and/or disposal site owners and/or operation of public or private solid waste collection and/or disposal systems, methods, and sites.

Section 11.22 **Functions of the Mayor and City Council.**

Collection, transportation, and disposal of solid waste shall be under the supervision and control of the Mayor and City Council. The Mayor and City Council shall have authority to establish routes and days of collection, types and locations of solid waste storage containers, and such other matters pertaining to collection, transportation, and disposal of solid waste as they may find necessary and to change and modify the same after notice as required by law, provided such measures are not contrary to the provisions of these regulations.

Section 11.23 **Collection Restricted.**

All solid waste generated or accumulated in the City shall be collected, transported, and disposed of by the City through its designated agents, employees, or contract representatives. No other person shall collect, transport, or dispose of any solid waste generated or accumulated in the City except that these rules and regulations shall not prohibit the producers of industrial solid waste or the owner of premises upon which industrial solid waste has accumulated from collecting, transporting, and disposing of such waste, subject to laws and regulations pertinent thereto, if such service is not provided by the City.

Section 11.24 **Appeals.**

Any person aggrieved by a requirement of or fee charged by the City's utilities services shall have the right of appeal to the City Council which may confirm, modify, or revoke any such requirement or fee.

Section 11.25 **Containers.**

- a. Solid waste containers shall be provided by the City or the City's collector. Each

container shall be durable, rust resistant, nonabsorbent, watertight, rodent-proof, and easily cleaned. All garbage, ashes, and rubbish shall be placed in the container provided by the City or the City's collector.

b. Containers failing to comply with these provisions or with sharp or jagged edges or with defects liable to hamper or injure the person collecting the contents thereof shall be promptly replaced.

c. Disposable paper or plastic bags of a type, size, and material designed for solid waste storage and disposal shall be used to contain garbage and rubbish for storage and collection. Disposal bags shall be unbroken and securely sealed and loaded in a manner that normal handling will not cause the bag to open.

Section 11.26 **Pre-Collection Practices.**

Limbs, cuttings, rubbish, and other materials not subject to rapid decomposition shall not be required to be placed in a container and shall be collected and disposed of by the City. The City may require a special fee for recovering the cost of collection as may be established by the City Council.

Section 11.27 **Waste Storage.**

a. No person shall place any solid waste in any street, public place, roadway, or private premises except when it is in proper containers for collection or under the express prior approval of the Mayor and City Council. No person shall place any solid waste in any stream, lake, or other body of water.

b. Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste within such reasonable time as may be fixed by written notice of the Mayor shall be deemed a violation of these regulations and may be abated as provided in Section _____ hereof.

Section 11.28 **Scavenging.**

No person other than the owner thereof, an agent, or employee of the City, or any employee of a person holding a contract with the City for collection of solid waste shall interfere with any container placed for the purpose of storing solid waste pending collection, or remove or take any of the contents thereof, or remove any such container from the location where same shall have been placed by the owner thereof.

Section 11.29 **Pick-up Schedule.**

a. In residential and commercial areas not more than 10 days and not less than 7 days

shall elapse between one collection and the next, and routes of collection shall be arranged so that collections shall be made on the same day of each succeeding week.

b. Collections shall not be made on City holidays as named in the City Code of Ordinances, unless otherwise specified by the Mayor.

Section 11.30 **Private Collectors–License Required.**

No person shall contract for the collection, transportation, or disposal of solid waste who does not possess a current license for such business operation in the City. Applications for licenses shall be written and shall be considered after evidence has been presented to show that the applicant has received a current permit, appropriate to the type of business concerned, as required under Solid Waste Regulations of the Georgia Department of Natural Resources--Rules and Regulations for Solid Waste Management, Chapter 391-1-1.

Section 11.31 **Same–Contract Collectors.**

a. Subject to City Council approval, any person may contract with the City to engage in the business of collecting, transporting, or disposing of solid waste, provided such persons have applied for and obtained an appropriate solid waste permit in accordance with regulations of the Georgia Department of Natural Resources Rules and Regulations for Solid Waste Management, Chapter 391-1-1.

b. Persons contracting for solid waste collection shall, before engaging in such business, be licensed by the City and shall conform to all regulations providing for safe and sanitary collection and transportation of waste to a point of disposal, and shall execute a bond to the City in the sum of not less than \$25,000 with a responsible surety company duly authorized to do business in the state, to be approved by the City Council, which shall establish conditions for the full and faithful performance of all agreements and covenants in such contract.

Section 11.32 **Cleanliness of Vehicles; Construction, Covering, Etc.**

Vehicles to be used on streets and roadways for solid waste collection, transportation, or disposal shall be kept clean and shall be certified in regard to highway safety by the Motor Vehicle Division of the Georgia Department of Public Safety. Such vehicle bodies shall be in good condition and repair, covered and constructed in such manner that the contents thereof cannot be spilled, leaked, or blown from the vehicle. The outside of the body shall be painted and identified by the name, telephone number, and permit of the person owning the collection business in letters and numbers not less than three inches high and easily legible.

Section 11.33 **Dead Animal Collection.**

Small dead animals, not over 30 pounds in weight, if kept separate from garbage and rubbish, will be collected without charge upon notice to the Mayor, provided that a charge will be made for all such animals collected from animal hospitals, kennels, pet shops, and the like. Owners of large dead animals shall be responsible for their removal and disposal.

Section 11.34 **Solid Waste Classified for Disposal.**

a. *Acceptable solid waste:* The following classes of solid waste shall be acceptable for disposal at publicly owned and operated disposal sites.

1. Garbage, as defined in Section 20 hereof.
2. Ashes, the residue from burning of combustible materials for fuel.
3. Rubbish, as defined in Section 20 hereof.

b. *Unacceptable solid waste:* The following classes of solid waste shall not be acceptable for disposal at public expense on publicly owned and operated disposal sites:

1. Building waste, large quantities of materials resulting from the construction of demolition of building, such as plaster, mortar, broken masonry, scrap lumber, roofing, or similar materials.
2. Industrial waste, solid or semi-solid waste resulting from industrial processes.
3. Dead animals over 30 pounds.
4. Hazardous waste as defined in Section 20 hereof.

Section 11.35 **Private Disposal Sites--Permit Required.**

It shall be unlawful for any person to deposit or permit to be deposited on land under such person's ownership and control any solid waste without having first obtained a disposal area permit as required by regulations of the Georgia Department of Natural Resources--Rules and Regulations for Solid Waste Management, Chapter 391-1-1.

Section 11.36 **Same--Inspection.**

The Mayor or an authorized representative of the State Department of Natural Resources shall be permitted to enter private disposal sites at any time during normal business hours for free and unhindered inspections to determine compliance with these and all other pertinent laws and regulations.

Section 11.37 **Service Charges.**

a. The City Council of the City of Poulan shall adopt from time to time a fee for residential and commercial customers.

b. The owner or occupant of each residential or commercial unit shall be billed for the fee collected under this ordinance. The occupant shall be billed monthly by the City showing the amount due and payable. The bill for solid waste services, together with the bill for water services, shall constitute the utilities bill for the City of Poulan. Customers of the City of Poulan utilities shall not be allowed to pay a water bill and not a sewer bill or vice versa. Should service be discontinued for non-payment or should an owner or occupant relocate from premises served by the City's utilities services, the City shall not provide services to the premises until all current and delinquent charges have been paid to the City, together with the amount of the applicable connection or reconnection fees for water service. A late payment penalty and an assessment of interest shall be imposed on each account for which payment is not made within the prescribed time limit. The occupant of each residential or commercial unit may pay the entire amount due for the calendar year in advance, if they so desire.

Sections 11.38 - 11.49 **Reserved.**

ARTICLE III. WATER CONSERVATION RESTRICTIONS

Section 11.50 Definitions.

The following terms whenever used or referred to in this article shall have the respective meanings ascribed to them, unless a different meaning clearly appears from the context:

Commercial means any type of building other than residential.

Construction means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

Residential means any building or unit of a building intended for occupancy as a dwelling but shall not include a motel or hotel.

Section 11.51 Residential Building Construction Regulations.

On or after February 1, 1999, no construction may be initiated within the City for any residential building of any type which:

1. Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush; provided, however, this paragraph shall not be applicable to one-piece toilets until _____;
2. Employs a shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;
3. Employs a urinal that uses more than an average of 1.0 gallon of water per flush;
4. Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or
5. Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

Section 11.52 **Commercial Building Construction Regulations.**

On or after February 1, 1999, there shall be no construction of any commercial building initiated within the City for any commercial building of any type which does not meet the requirements of subparagraphs 1 through 5 of Section 51 of this article.

Section 11.53 **Applicability.**

The requirements of Section 51 of this article shall apply to any residential construction initiated after February 1, 1999, and to any commercial construction initiated after February 1, 1999, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

Section 11.54 **Exemptions.**

a. New construction and the repair or renovation of an existing building shall be exempt from the requirements of Sections 51, 52, and 53 of this article when:

1. The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets, or showerheads within such existing buildings; or
2. When such plumbing or sewage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets or showerheads required by this article were installed; or
3. Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal resident; or
4. Units to be installed are:
 - (a) Specifically designed for use by the handicapped;
 - (b) Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - (c) Toilets for juveniles.

b. The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in Paragraph A of this section shall obtain the exemption by applying at the office of the City Clerk for the City of Poulan. The applicant shall submit written certification from a licensed plumber setting forth the basis for such exemption.

Section 11.55 **Enforcement; Penalty.**

a. This article shall be enforced by the office of the building inspectors of the City. Citations for violations may be issued by the chief building inspector of the City.

b. Any person, corporation, partnership, or other entity violating this article shall be tried before the Municipal Court of the City. Upon conviction, a violation of this article may be punished by a fine not to exceed \$1,000 or imprisonment not to exceed 180 days.

Sections 11.56 - 11.60 **Reserved.**

ARTICLE IV. OUTDOOR WATER RESTRICTIONS.

Section 11.61 Definitions.

"Address" means the "house number" (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.

"Declared drought response level" means one of four levels of drought that can be declared based on the severity of drought conditions, with one being the least severe and four being the most severe.

Section 11.62 Outdoor Irrigation during Non-drought Periods.

a. Persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants 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:

1. 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 productions or as otherwise defined in O.C.G.A. § 1-3-3;
2. Capture and reuse of cooling system condensate or storm water in compliance with applicable ordinances and state guidelines;
3. Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
4. Use of reclaimed waste water by a designated user from a system permitted by the Environmental Production Division of the Georgia Department of Natural Resources to provide reclaimed waste water;
5. Watering personal food gardens;
6. Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of thirty (30) days

immediately following the date of installation;

7. Drip irrigation or irrigation using soaker hoses;
8. Hand watering 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. Watering horticultural crops held for sale, resale, or installation;
11. Watering athletic fields, golf courses, or public turf grass recreational areas;
12. Installation, maintenance, or calibration of irrigation systems; or
13. Hydroseeding.

b. This section governs outdoor irrigation activities during non-drought periods only. As to the restrictions on all other outdoor watering activities during non-drought periods, the provisions contained in Section 11.63 of Article V, Chapter 11 of the City Code of Ordinances shall govern.

Section 11.63 **Outdoor Non-Irrigation Use Schedule During Non-drought Periods.**

Except as provided in section 11.62 above regarding outdoor irrigation activities, and except as exempted in section 11.65 below, outdoor water use shall occur only as follows:

- a. Odd-numbered addresses: outdoor water use is allowed on Tuesday, Thursdays and Sundays.
- b. Even-numbered addresses: outdoor water use is allowed on Mondays, Wednesdays and Saturdays.

Section 11.64 **Outdoor Water Use Schedule During Declared Drought Response Levels.**

The City shall enforce Drought Response Levels as declared by the Director of the Environmental Protection Division.

- a. *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. and 4:00 p.m. to 12:00 midnight.

1. Scheduled days for odd-numbered addresses are Tuesdays, Thursdays and Sundays.
2. Scheduled days for even-numbered addresses are Monday, Wednesdays and Saturdays.
3. Use of hydrants for any purpose other than firefighting, public health, safety or flushing is prohibited.

b. *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 Tuesdays, Thursdays and Sundays.
2. Scheduled days for even-numbered addresses and golf course fairways are Mondays, Wednesdays and Saturdays.
3. The following uses are prohibited:
 - (a) Using hydrants for any purpose other than firefighting, public health, safety or flushing.
 - (b) Washing hard surfaces, such as streets, gutters, sidewalks and driveways except when necessary for public health and safety.

c. *Declared Drought Response Level Three.* Outdoor water use may occur on the scheduled day within the hours of 12:00 midnight to 10:00 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. The following uses are prohibited:
 - (a) Using hydrants for any purpose other than firefighting, public health, safety or flushing.
 - (b) Washing hard surfaces such as streets, gutters, sidewalks, driveways, except when necessary for public health and safety.

- (c) Filling installed swimming pools except when necessary for health care or structural integrity.
- (d) Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, golf carts.
- (e) Washing buildings or structures except for immediate fire protection.
- (f) Non-commercial fund-raisers, such as car washes.
- (g) Using water for ornamental purposes, such as fountains, reflecting pools, and waterfalls except when necessary to support aquatic life.

d. *Declared Drought Response Level Four.* No outdoor water use is allowed, other than for activities exempted in section 11.235 below, or as the EPD Director may order.

Section 11.65 **Exceptions to the rules in 11.63 and 11.64.**

a. The rules set forth in section 11.63 and 11.64 above shall not apply to the following outdoor water uses:

- 1. Capture and re-use of cooling system condensate or storm water in compliance with applicable local ordinances.
- 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 the rules set forth in section 11.63 and 11.64 above.

- 1. Use of reclaimed wastewater by a designated user from a system permitted by EPD to provide reclaimed wastewater.
- 2. Irrigation of personal food gardens.

c. With respect to the rules set forth in section 11.63 and 11.64 above, newly (in place less than 30 days) installed landscapes are subject to the following:

- 1. 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 the rules set forth in section 11.63 and 11.64 above:

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 tees 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 the rules set forth in section 11.63 and 11.64 above:

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.
12. Other activities essential to daily business.
13. Watering-in of pesticides and herbicides on turf.

Section 11.66 **Severability.**

The paragraphs, sentences, clauses and phrases of this article are severable. Should any section, paragraph, sentence, clause or phrase of this article be rendered invalid by any Court of law, the remaining paragraphs, sentences, clauses or phrases shall not be affected but shall continue in effect until amended or repealed by the City.

Section 11.67 **Enforcement.**

a. No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in this article.

b. The City shall be the enforcement authority for this section. The Mayor or City Manager may also authorize other departments as may be deemed necessary to support enforcement.

c. Any violation of this section may also be enforced by a citation or accusation returnable to the Magistrate Court or by any other legal means set forth in this Code of Ordinances.

Sections 11.68 - 11.70 **Reserved.**

ARTICLE V. WELLHEAD PROTECTION PLAN.

Section 11.71 **Short Title and Purpose.**

- a. This ordinance shall be known as the “Wellhead Protection Ordinance.”
- b. The purpose of this ordinance is to insure the provision of a safe and sanitary drinking water supply for the City by the establishment of wellhead protection zones surrounding the wellheads for all wells and springs which are the supply sources for the City water system, and by the designation and regulation of property uses and conditions which may be maintained within such zones.

Section 11.72 **Definitions.**

When used in this ordinance the following words and phrases shall have the meanings given in this section:

Hazardous waste or material: Any waste or material which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
2. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Sanitary landfill: A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, is disposed of on land by placing earth cover thereon.

Wellhead: The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

Section 11.73 **Establishment of Wellhead Protection Zone.**

There is hereby established a use district known as a Wellhead Protection Zone, identified and described as all the area within a circle, the center of which is the center of any city water supply wellhead and the radius of which is 100 feet.

Section 11.74 **Permitted Uses.**

The following uses shall be permitted within Wellhead Protection Areas:

a. Any use permitted within existing agricultural or single-family residential districts, except that the minimum residential lot size for a lot portion of which lies within the Wellhead Protection Zone shall not be less than one acre; and

b. Any open land use where any building located on the property is incidental and accessory to the primary open land use.

Section 11.75 **Prohibited Uses.**

The following uses or conditions shall be and are hereby prohibited within Wellhead Protection Zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 4 of this Ordinance:

a. Surface use or storage of hazardous material, expressly including commercial use of agricultural pesticides;

b. Septic tanks or drain fields appurtenant thereto;

c. Impervious surfaces other than roofs of buildings and street and driveways and walks serving building permitted under Section 4 of this Ordinance;

d. Sanitary landfills;

e. Hazardous waste disposal sites;

f. Storm water infiltration basins;

g. Underground storage tanks;

h. Sanitary sewer lines within 150 feet of a wellhead.

Section 11.76 **Administration.**

The policies and procedures for administration of any Wellhead Protection Zone established under this Ordinance, including without limitation those applicable to non-conforming uses, exceptions, enforcement, and penalties, shall be the same as provided in the existing zoning ordinance for the City, as the same is presently enacted or may from time to time be amended.

Sections 11.77 - 11.80 **Reserved.**