

AN ORDINANCE TO THE CITY OF DACULA, GA

WHEREAS, the City of Dacula is a Georgia municipal corporation; and

WHEREAS, the Mayor and Council are the governing authority of the City of Dacula; and

WHEREAS, the Mayor and Council are charged with the protection of the public health, safety and welfare to include water conservation; and

WHEREAS, in 2004 the Georgia General Assembly passed HB 1277 (Official Code of Georgia 12-5-6) which requires rain sensor shut-off switches on all new, in ground landscape irrigation systems within the Metropolitan North Georgia Water Planning District; and

WHEREAS, the Mayor and Council wish to enact an ordinance to regulate and enforce requirements of HB 1277 for water conservation:

NOW, THEREFORE, to accomplish the foregoing, the Mayor and Council of the City of Dacula, pursuant to their authority, do hereby adopt the City of Dacula's Lawn and Landscape Irrigation Ordinance for new irrigation systems:

The City of Dacula's Lawn and Landscape Irrigation Ordinance for new landscape irrigation systems to read as follows:

Conservation Measures Relating to Lawn and Landscape Irrigation

1.

Summary: It is a violation of the City Code of Dacula to water a lawn or landscaped area in a manner that wastes water or causes a substantial amount of runoff including causing water to fall on sidewalks, driveways, or other areas not considered lawns or landscapes. It is recommended that citizens have their irrigation system inspected annually, by a certified inspector, to ensure that the irrigation system is working properly, as well as, maintain their irrigation system to prevent waste by repairing broken, missing, or misdirected sprinkler heads. Beginning January 1st, 2009, rain and freeze sensors are required on all new automatic sprinkler systems. Rain and freeze sensor shut-off switches are defined as electric devices that detect and measures rainfall amounts and temperature and override the cycle of an irrigation system so as to turn off such system when a predetermined amount of rain has fallen or temperatures near or fall below thirty two (32) degrees Fahrenheit. Only freeze sensors are required for golf courses, public facilities or recreation areas, and/or irrigation systems dependent upon a nonpublic water source.

(A) Purpose.

Lawn and landscape irrigation practices within the City of Dacula, especially during the summer months, can cause a waste of valuable water resources. The purpose of this section is to mandate that water be used for lawn and landscape irrigation in a manner that prevents waste, conserves water resources for their most beneficial and vital uses, and protects the public health.

(B) Lawn and landscape irrigation restrictions.

- (1) A person commits an offense if he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:
 - (a) A substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or
 - (b) An irrigation system or other lawn or landscape watering device to operate during any form of precipitation.
- (2) A person commits an offense if, on premises owned, leased, or managed by him/her, if he/she knowingly operates a lawn or landscape irrigation system or device that:
 - (a) Has any broken or missing sprinkler head; or
 - (b) Has not been properly maintained in a manner that prevents the waste of water.

(C) Rain sensing devices and freeze gauges.

- (1) Any new irrigation system (commercial or residential) installed within the City on or after January 1, 2009 must be equipped with a rain sensing device. A freeze gauge is also required.

(2) Any irrigation system installed before January 1, 2009 shall be required to install a rain sensing device and freeze gauge when an irrigation system is repaired or replaced.

(3) The following constitute violation of this Section:

- (a) Installation, causing or permitting the installation of a new irrigation system in violation of Subsection (c)(1); or
- (b) Operating, causing or permitting the operation of an irrigation system that does not comply with Subsection (c)(1); or
- (c) Operating, causing or permitting the operation of an irrigation system that does not comply with Subsection (c)(2).

(D) Variances. The City may, in special cases, grant variances from the provisions of Subsection (B) (1) or Subsection (C) to persons demonstrating extreme hardship and need. The City may grant variances only under all of the following circumstances and conditions:

- (1) The applicant must sign a compliance agreement on forms provided by the City, and approved by the City Administrator, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.
- (2) Granting of a variance must not cause an immediate significant reduction in the Gwinnett County water supply.
- (3) The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person requesting it.
- (4) The health, safety, and welfare of other persons must not be adversely affected by granting the variance.

(E) Revocation of variances. The City may revoke a variance granted when the City determines that:

- (1) The conditions of Subsection (d) are not being met or are no longer applicable;
- (2) The terms of the compliance agreement are being violated; or
- (3) The health, safety, or welfare of other persons requires revocation.

2.

Penalties;

The City Administrator and his or her designee are hereby authorized and directed to monitor compliance with the above restrictions, issue a citation which imposes up to a one thousand-dollar (\$1000.00) fine at which such restrictions are not observed, as follows:

- (a) The first time a customer or consumer violates the above restrictions, a notice to comply will be issued to the owner, lease-e, or manager of the property.
- (b) The second time that a customer or consumer fails to comply with the above

restrictions; a citation shall be issued imposing up to a one hundred dollar (\$100) fine.

(c) The third time that a customer or consumer fails to comply with the above restrictions; a citation shall be issued imposing up to a three hundred dollar (\$300) fine.

(d) The fourth time of noncompliance, a summons can be served upon the citizen or consumer to appear before the judge of Dacula Municipal Court.

Appeal;

Any person aggrieved or affected by any decision hereunder may appeal to the City Administrator of the City of Dacula, or his/ her designee, for relief or reconsideration. Any person aggrieved or affected by any decision of the City Administrator relating to the application of these regulations may file an appeal with the Mayor and Council of the City of Dacula within thirty (30) days of the decision of the City Administrator. Appeals shall only be granted where unique circumstances are such that application of these regulations would create an undue hardship to the property owner.

Modification of Restrictions;

The City Administrator may modify or cancel the above restrictions or add additional restrictions from time to time as the emergency conditions affecting the water system may worsen or abate.

3.

Severability. Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

4.

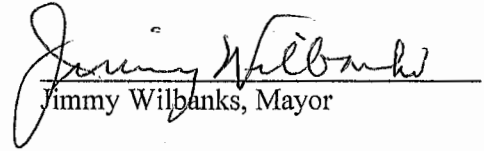
Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

5.


It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Dacula, Georgia.

The above Ordinance was read and approved by the Mayor and Council of the City of Dacula, Georgia on the

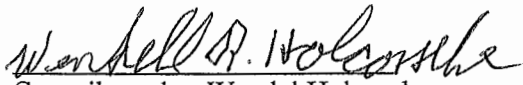
19th day of December, 2008.

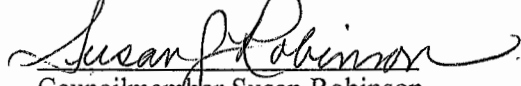

Jimmy Wilbanks, Mayor

Attest

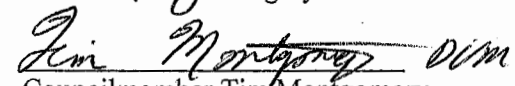

Jim Osborn, City Administrator

SEAL


Councilmember Wendel Holcombe


Councilmember Susan Robinson


Councilmember Gregory Reeves


Councilmember Tim Montgomery