

House Bill 1039

By: Representatives Buckner of the 130th, Smith of the 131st, Thomas of the 100th, Thompson of the 104th, Nix of the 69th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-5-7 of the Official Code of Georgia Annotated, relating to local
2 variances from state restrictions on outdoor watering, so as to provide a state-wide outdoor
3 watering schedule during certain periods; to provide exceptions; to change certain
4 designations and cross-references; to eliminate an automatic repeal provision; to provide an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 12-5-7 of the Official Code of Georgia Annotated, relating to local variances
9 from state restrictions on outdoor watering, is amended by redesignating existing subsection
10 (a) as subsection (a.1) and adding a new subsection (a) to read as follows:

11 "(a)(1) No person shall irrigate outdoors for purposes of planting, growing, managing,
12 or maintaining ground cover, trees, shrubs, or other plants during the hours of 10 A.M.
13 and 6:00 P.M. daily.

14 (2) Paragraph (1) of this subsection shall not apply to the following outdoor water uses:

15 (A) Commercial agricultural operations. As used in this subparagraph, the term
16 'agricultural operations' has the meaning provided by Code Section 1-3-3;

17 (B) Capture and reuse of cooling system condensate or storm water in compliance with
18 applicable local ordinances;

19 (C) Reuse of gray water in compliance with Code Section 31-3-5.2 and applicable local
20 board of health regulations adopted pursuant thereto;

21 (D) Use of reclaimed waste water by a designated user from a system permitted by the
22 Environmental Protection Division of the department to provide reclaimed waste water;

23 (E) Irrigation of personal food gardens; or

24 (F) Irrigation of new landscapes installed by certified or licensed professionals, during
25 installation and for a period of 30 days immediately following the date of installation.

26 (3) Governing authorities of counties and municipalities shall adopt the provisions of
27 paragraphs (1) and (2) of this subsection by ordinance, to become effective not later than
28 July 1, 2010, and violations of such adopted provisions shall be punished as ordinance
29 violations."

30 **SECTION 2.**

31 Said Code section is further amended by revising subsections (c) and (d) as follows:

32 "(c) The director shall render a decision on an application made by a political subdivision
33 or local government authority under subsection ~~(a)~~ (a.1) or (b) of this Code section within
34 five business days after receipt thereof.

35 ~~(d) This Code section shall stand repealed and reserved on July 1, 2010. Reserved."~~

36 **SECTION 3.**

37 This Act shall become effective upon its approval by the Governor or upon its becoming law
38 without such approval.

39 **SECTION 4.**

40 All laws and parts of laws in conflict with this Act are repealed.