

ORDINANCE
OUTDOOR SPRINKLER SYSTEMS

The Mayor and Council of the City of Duluth, Georgia, hereby ordain that the Code of Ordinances of the City of Duluth is hereby amended by adding the following article designated as Article V of Chapter 9 and commencing with Section 9-83:

ARTICLE V. OUTDOOR SPRINKLER SYSTEMS

Sec. 9-83. Findings.

- (a) The uncontrolled use of outdoor sprinkler systems when outdoor temperatures are near or below freezing, and where located near sidewalks and/or streets, present an inconvenience and danger to the safety and welfare of persons using the sidewalks and/or streets.
- (b) Outdoor sprinkler systems which are left on for an excessive period of time so as to cause puddling of water on sidewalks and/or streets, or which over-spray or spray directly onto sidewalks and/or streets constitute an inconvenience or danger to persons using the sidewalks and/or streets, both by the puddling of water and through the accelerated deterioration of streets.
- (c) These factors can cause dangerous accidents and accelerated deterioration of public sidewalks and/or streets resulting in additional city expense for repairs.
- (d) The mayor and council recognize, however, that the use of outdoor sprinkler systems serves a useful purpose and contributes to the beauty of the city, and that the use of outdoor sprinkler systems should not be absolutely denied.

Sec. 9-84. Purpose.

- (a) The purpose of this article is to recognize that although outdoor sprinkler systems are proper and necessary, these systems should be reasonably regulated in the interest of public safety and welfare by the establishment of standards for the timing, coverage and use of sprinkler systems.
- (b) In order to protect the public safety, to protect the public investment in sidewalks and streets, and to provide for orderly and reasonable use of outdoor sprinkler systems, the mayor and council hereby determine that the public health, safety and welfare require the adoption of this article.

Sec. 9-85. Operations prohibited.

It shall be a violation of this article to operate an outdoor sprinkler system when temperatures are at or below freezing. The formation of ice on a public sidewalk or street shall create a rebuttable presumption that the temperature was at or below freezing. It shall also be a violation of this article to continually operate a sprinkler system for excessive periods of time where such sprinkling creates puddling on adjacent public sidewalks and streets, or to operate a sprinkler system in a manner that results in over-spray or spray directly onto public sidewalks and public streets so as to cause an inconvenience and danger to persons and/or result in the accelerated deterioration of public sidewalks and streets.

Sec. 9-86. Remedies; penalties.

- (a) When the Director of Planning and Zoning or his designee determines that an outdoor sprinkler system is being operated in violation of this article, a written violation notice shall be issued to the owner/operator of the sprinkler system setting forth the actions deemed necessary to correct or remedy the violation.

1. If the violation pertains to excessive use or over-spraying the owner/operator shall, within seven (7) days of the violation notice, take such action as is necessary to correct the violation and shall certify to the director in writing the steps that have been taken to correct the violation.

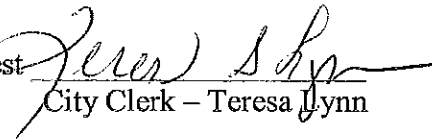
2. If the violation pertains to operating a sprinkler system when temperatures are at or below freezing, the owner/operator upon receipt of oral or written notice, shall immediately discontinue operation of the sprinkler system and shall also take such action as is necessary to remove any hazardous condition from the public sidewalks and streets of the city.

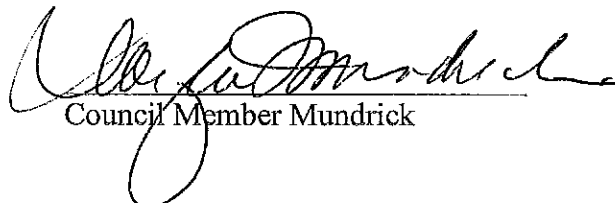
(b) When an emergency situation exists, and it is not practical to notify the owner/operator of the violation, the Director of Planning and Zoning or his designee may cause the city to take such action as is necessary to discontinue the operation of the sprinkler system and to remove or, to the extent possible, eliminate the hazardous condition created by operation of the system. In the event that the city removes or remediates the hazardous conditions created by operation of the system, the owner/operator of the sprinkler system shall be responsible for reimbursing the city for the cost of the removal. In the event that any removal fee remains unpaid for a period of thirty (30) days after written notice, the city may pursue any and all civil remedies available to the city at law or in equity to collect the fee. The payment of any unpaid removal fee shall not bar criminal prosecution for any violation of this article.

(c) Any person who is convicted of a first offense under this article shall be subject to a fine of one hundred dollars (\$100.00). Any person who is convicted of a second violation of this article shall be punishable by a fine of one hundred seventy-five dollars (\$175.00). Any person who is convicted of a third or any subsequent violation of this article shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), and each day that this violation occurs and continues shall constitute a separate offense.

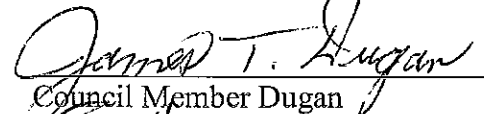
IT IS SO ORDAINED this 11th day of December, 2006.


Mayor Shirley Fanning-Lasseter

Attest 
City Clerk - Teresa Lynn


Council Member Mundrick

Council Member Anderson Bomar


Council Member Dugan


Council Member Hall


Council Member Kirouac