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2 **STATE OF GEORGIA**
3 **COUNTY OF FULTON**
4 **CITY OF SOUTH FULTON**

5
6 **AN ORDINANCE AMENDING TITLE 3, BUILDING REGULATIONS, OF THE**
7 **CITY CODE OF ORDINANCES; PROVIDING REGULATIONS FOR THE REGULATION**
8 **OF WASTE AT CONSTRUCTION SITES WITHIN THE CITY AND FOR OTHER**
9 **LAWFUL PURPOSES**

10
11 **(Sponsored by Councilman khalid)**
12

13 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;

15
16 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council
17 thereof ("City Council");
18

19 **WHEREAS**, Section 1.12(b)(13) of the City Charter authorizes the City to enact
20 environmental regulations for the safety and protection of the City;

21
22 **WHEREAS**, the State of Georgia Environmental Division ("PPD") requires cities
23 throughout Georgia to adopt Municipal Separate Storm Sewer System ("MS4") Ordinances;
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25 **WHEREAS**, MS4 Ordinances are designed to reduce the discharge of pollutants,
26 mitigate construction site runoff control, detect and eliminate illicit discharge and reduce
27 pollution throughout the City;
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29 **WHEREAS**, this Ordinance is modeled on EPD MS4 Ordinance construction site
30 waste management regulations;
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32 **WHEREAS**, land development projects and other land use conversions also
33 contribute to increased nonpoint source pollution and degradation of receiving waters;
34

35 **WHEREAS**, the impacts of post-development stormwater runoff quantity and quality
36 can adversely affect public safety, public and private property, drinking water supplies,
37 recreation, fish and other aquatic life, property values and other uses of lands and waters;
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39 **WHEREAS**, localities in the State of Georgia are required to comply with a number
40 of both State and Federal laws, regulations and permits which require a locality to address
41 the stormwater runoff quality and nonpoint source pollution; and
42

43 **WHEREAS**, this Ordinance is in the best interests of the health and general welfare
44 of the City, its residents and general public.

45 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as follows:
46

Section 1. Title 3, Building Regulations, of the City of South Fulton Code of Ordinances, is hereby amended by adding a new Chapter 8, Construction Site Waste Management, which shall read as follows:

TITLE 3 – BUILDING REGULATIONS

...

CHAPTER 8. – POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT

Sec. 3-8001. – Discarded building materials and construction waste disposal requirements

The following shall apply to all owners and developers at construction sites:

- a. Discarded building materials, concrete truck washout, chemicals, paint washout, litter, sanitary waste, and other construction site wastes must be properly managed and disposed of to reduce the risk of pollution from materials such as surplus or refuse building materials or hazardous wastes.
- b. Practices such as trash disposal, recycling, proper material handling, and spill prevention and clean up measures must be implemented to reduce the potential for storm water runoff to mobilize construction site wastes and contaminate surface or ground water.
- c. The proper management and disposal of wastes should be practiced at all construction sites to reduce stormwater runoff.
 1. Waste management practices must be used to properly locate refuse piles.
 2. Cover materials that may be displaced by rainfall or stormwater runoff.
 3. Prevent all spill and leaks of hazardous wastes.
- d. Guidelines for the proper handling, storage, and disposal of construction site waste must be posted in storage and use areas on site.

Sec. 3-8002. – Storage and disposal of construction site waste

Owners and developers shall do the following at all times at construction sites:

- a. Designate a waste collection area onsite that does not receive a substantial amount of runoff from upland areas and does not drain directly to a water body.
- b. Designate areas for concrete trucks and equipment to be washed down so that it will not flow into storm drains or become surface water runoff that would lead to the storm drains. Under no circumstances should concrete truck wash out be conducted in the road or directly into storm drains.

- c. Designate areas for paint cans and equipment to wash down that will not flow into storm drains or become surface water runoff that would lead to the storm drains or ground water recharge areas. Under no circumstances should excess paint be washed out in the road or directly into storm drains.
- d. Ensure that containers have lids so they can be covered before periods of rain. Keep containers in a covered area whenever possible.
- e. Schedule waste collection to prevent containers from overflowing, which would prevent them from being able to be covered.
- f. Clean up spills immediately. For hazardous materials, follow cleanup instructions on the package. Use an absorbent material such as sawdust or cat litter to contain the spill.
- g. During the demolition phase of construction, provide extra containers and schedule more frequent pick-ups.
- h. Collect, remove, and dispose of all construction site waste at authorized disposal areas.

Sec. 3-8003. – Disposal of hazardous materials

The following steps must be taken by owners and developers at construction sites to ensure the proper disposal of hazardous materials:

- a. Local waste management authorities must be consulted about the requirements of disposing of hazardous materials.
- b. A hazardous waste container must be emptied and cleaned before it is disposed of to prevent leaks.
- c. The original product label must never be removed from the container as it contains important safety information. Follow manufacturer's recommended method of disposal, which should be printed on the label.
- d. If excess products need to be disposed of, they must never be mixed during disposal unless specifically recommended by the manufacturer.
- e. Consult State and local solid waste regulatory agencies and private firms to ensure the proper disposal of contaminated soils that have been exposed to and still contain hazardous substances.

Sec. 3-8004. – Disposal of pesticides

Owners and developers shall engage in the following actions at construction sites to reduce risks associated with pesticides and to reduce the amount of pesticides that come in contact with stormwater:

- a. Follow all federal, state, and local regulations that apply to the use, handling, and disposal of pesticides.
- b. Do not handle pesticides any more than necessary.
- c. Store pesticides in a dry, covered area.
- d. Construction curbs or dikes to contain pesticides in case of spillage.
- e. Follow the recommended application rates and methods for any handled pesticide.
- f. Have equipment and absorbent materials available in areas where pesticides are stored and used in order to contain and clean up any spills that occur.

Sec. 3-8005. – Disposal of petroleum materials

Owners and developers shall engage in the following actions at construction sites to ensure the proper disposal of petroleum materials:

- a. Store petroleum products and fuel for vehicles in dry, covered areas with construction curbs or dikes to contain any spills.
- b. Immediately contain and clean up any spills with absorbent materials.
- c. Have equipment available in fuel storage areas and in vehicles to contain and clean up spills.

Sec. 3-8006. – Maintenance requirements

Owners and developers shall comply with the following regulations at construction sites:

- a. Containers or equipment that may malfunction and cause leaks or spills must be identified through regular inspection of storage and use areas.
- b. Equipment and containers must be inspected regularly for leaks, corrosion, support or foundation failure, or any other signs of deterioration and should be tested for soundness. Any found to be defective must be repaired or replaced immediately.
- c. If failures to the onsite BMPs occur, such as sediment build up in the road way, this must be shoveled by hand or with a road sweeper. Under no circumstances should this sediment be washed down into the storm drainage system or the creeks and streams.

Sec. 3-8005. – Violations

Violations of this Chapter will be handled according to the City of South Fulton's

ordinances as they relate to stormwater management, erosion control and illicit discharge or illegal connections or as otherwise allowed by law.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

The foregoing Ordinance No. 2020-xxx was moved for approval by Councilmember
_____. The motion was seconded by Councilmember
_____, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE so adopted this _____ day of _____ 2020. **CITY OF SOUTH
FULTON, GEORGIA.**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY