

MEMORANDUM

To: Mayor and City Council

From: David Elliott, Stormwater Manager

Date: May 12, 2014

Subject: **Ordinance Amendment to Chapter 24 re: Litter Control Ordinance**

ITEM DESCRIPTION

Litter Control Ordinance Amendment to include the control of Construction Waste.

BACKGROUND

The Environmental Protection Division of the State Department of Natural Resources has added a requirement that certain municipalities, of which the City of Dunwoody is one, insert additional regulations to enforce litter control on construction sites within the City. The City has been directed by our MS4 permit regulator that compliance with our state permit and EPA regulation requires the use of the following language in one of the City's ordinances:

“Construction site operators shall control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse water quality impacts.”

RECOMMENDED ACTION

Staff recommends amending Chapter 24, Article VI (Litter Control) of the City of Dunwoody Code of Ordinance by adding the above language.

**AN ORDINANCE AMENDING CHAPTER 24, ARTICLE VI (LITTER CONTROL)
OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY ADDITION OF
REQUIREMENTS FOR CONSTRUCTION SITE OPERATORS**

WHEREAS, the City of Dunwoody (the "City") has heretofore adopted an ordinance for Litter Control, as set forth in Chapter 24, Article VI of the Code of the City of Dunwoody (the "Code"); and

WHEREAS, the Litter Control Ordinance currently provides for regulation of litter on public and private property in order to preserve the quality of life and the health, safety and welfare of the citizens of the City of Dunwoody; and

WHEREAS, the Environmental Protection Division of the State Department of Natural Resources has added a requirement that certain municipalities, of which the City of Dunwoody is one, insert additional regulations to enforce litter control on construction sites within the City; and

WHEREAS, the City has been directed by the MS4 permit regulator of EPD that it is necessary to insert the language below into the City's Litter Control Ordinance to comply with EPA regulations.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: Chapter 24, Article VI (Litter Control) is hereby amended renumbering Sections 24-156 and 24-157 as 24-157 and 24-158, respectively, and adding a new Section 24-156 to read as follows:

Sec. 24-156. Construction Site Operators

Construction site operators shall control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse water quality impacts.

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of _____, 2014.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2014-XX-XX

Approved:

Michael G. Davis, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk

City Attorney

(Seal)