



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: May 2, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: TA13-001 - An Ordinance to Create Section 105-23, Commercial Car Wash Water Recycling, of the Code of the City of Sandy Springs

MEETING DATE: For Submission onto the May 7, 2013, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Ordinance

APPROVAL BY CITY MANAGER:  APPROVED

PLACED ON AGENDA FOR: 5/7/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: April 26, 2013 for Submission onto the May 7, 2013 City Council Regular Meeting

Subject: TA13-001, An Ordinance to Create Section 105-23, Commercial Car Wash Water Recycling, of the Code of the City of Sandy Springs

MS4, NPDES, SWMP

A MS4 is a conveyance or system of conveyances that is owned by a state, city, town, village, or other public entity that discharges to waters of the United States. The state of Georgia has delegation authority from the federal government to run their permitting program requiring municipalities (of certain population sizes) to obtain National Pollutant Discharge Elimination System (NPDES) permits. Sandy Springs, as a condition to our MS4 permit, is required to develop and implement a stormwater management program (SWMP) to reduce the contamination of stormwater runoff and prohibit illicit discharges.

MNGWPD

The Metro Water District was created by the Georgia General Assembly in 2001 to establish policy, create plans and promote intergovernmental coordination of all water issues in the District from a regional perspective. The Metro Water District includes 15 counties and over 90 cities within the metro Atlanta region.

The primary purpose of the Metro Water District is to develop regional and watershed-specific plans for stormwater management, wastewater treatment and water supply and conservation. These plans protect water quality and public water supplies in and downstream of the region, protect recreational values of the waters in and downstream of the region, and minimize potential adverse impacts of development on waters in and downstream of the region.

Local governments and utilities are responsible for implementing the plans at the local level. Compliance with the plans is enforced through the Georgia Environmental Protection Division's permitting process.

Car Wash Ordinance

The Metro Water District developed a model ordinance requiring any new commercial conveyor car wash permitted and constructed after January 1, 2011 to install a recycled water system. The Metro Water District has mandated that all jurisdictions in the district implement the model ordinance. In addition to the mandate given by the Metro Water District, the City Council also supported all new carwashes recycling their water as a part of the Water Conservation Alternatives presentation at the February 13, 2009 Work Session.

Impact

This ordinance will have no impact on existing carwashes, but will apply to any carwash constructed subsequent to the date of adoption.

Alternatives

The City Council could choose to not approve the changes prepared by staff. However, doing so will likely impact the City's MS4 permit and result in further corrective action by The Georgia Environmental Protection Division.

If the City does not make a good faith effort to be at least in compliance, it runs the risk of forfeiting any future Georgia Environmental Finance Authority (GEFA) funding – whether it is state loans or state grants. Noncompliance would make the City ineligible.

ORDINANCE NO. 2013-XX-XX

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO CREATE SECTION 105-23, COMMERCIAL CAR WASH
WATER RECYCLING, OF THE CODE OF ORDINANCES OF THE CITY OF
SANDY SPRINGS**

WHEREAS, the Mayor and City Council of the City of Sandy Springs find that from time to time it is necessary to amend sections of its Code of Ordinances ("Code") to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, the Mayor and City Council supported implementing an ordinance requiring all new carwashes to recycle their water as a part of the Water Conservation Alternatives presentation at the February 13, 2009 Work Session; and

WHEREAS, the Metropolitan North Georgia Water Planning District ("Metro Water District") developed a model ordinance requiring new commercial conveyor car washes permitted and constructed after January 1, 2011 to install recycled water systems; and

WHEREAS, the Metro Water District has mandated that all jurisdictions in the district implement the model ordinance to maintain compliance with required federal and state stormwater permits;

NOW, THEREFORE, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, pursuant to their authority, do hereby adopt the following ordinance:

1.

The Code of Ordinances of the City of Sandy Springs is hereby amended to create Section 105-23, *Commercial Car Wash Water Recycling*, which shall read as follows:

Sec. 105-23. Commercial Car Wash Water Recycling.

(a) *Purpose and Intent*. The purpose of this ordinance is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install operational recycled water systems.

(b) *Definitions*. The following words and phrases, whenever used in this ordinance, have the meanings defined in this section:

- (1) *In-bay automatic car wash* means a commercial car wash in which a driver pulls into a bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.
- (2) *Conveyor car wash* means a commercial car wash in which a car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside the vehicle.
- (3) *Recycled water system* means a water system that captures and reuses water previously used in wash or rinse cycles.

(4) *Self-service car wash* means a commercial car wash in which the customers wash their own cars with spray wands and brushes.

(c) *Commercial car wash water recycling requirement.* All new commercial conveyor car washes permitted and constructed after January 1, 2011 shall be required to install operational recycled water systems. A minimum of fifty percent (50%) of water utilized shall be recycled.

(d) *Applicability.*

(1) This ordinance applies to all new conveyor car washes permitted and constructed after January 1, 2011, regardless of the water source.

(2) The provisions of this ordinance do not apply to conveyor commercial car washes that were permitted or constructed before January 1, 2011.

(3) The provisions of this ordinance do not apply to self-service car washes or in-bay car washes.

2.

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

3.

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.

It is the intention of the Mayor and City Council, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Sandy Springs, and the sections of this ordinance may be renumbered to accomplish such intention.

5.

This ordinance is effective as of the date hereof.

SO ORDAINED this the _____ day of May, 2013.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(SEAL)