

13-0-0427

(Do Not Write Above This Line)

**AN ORDINANCE
BY: COMMUNITY
DEVELOPMENT/HUMAN RESOURCES
COMMITTEE**

**AN ORDINANCE TO AMEND
SECTION 15-09.004 OF THE LAND
SUBDIVISION ORDINANCE FOR
THE PURPOSE OF DEFINING
SANITARY SEWER CONNECTION
REQUIREMENTS FOR LAND
SUBDIVISIONS; AND FOR OTHER
PURPOSES.**

**AUTOMATICALLY TERMINATED
AND
FILED BY CLERK
PER CHARTER SECTION 2-407
DEC 02 2013**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 3/18/13
 Referred To: CD/HR
 Date Referred 4/15/13
 Referred To: City Utilities
 Date Referred _____
 Referred To: _____

Committee _____
 Date 3/12/13 CD/HR
 Chair Clara Henderson
 Referred To CD/HR

Committee CD/HR
 Date 3/26/13
 Chair James H. Spivey
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other Refer to CU
 Members _____

 Refer To CU

Committee City Utilities
 Date April 30, 2013
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members 30

 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____

 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____

 Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED
 DEC 02 2013
 ATLANTA CITY COUNCIL PRESIDENT
CC

CERTIFIED
 DEC 02 2013
Rhonda Douslin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

AN ORDINANCE**BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE****AN ORDINANCE TO AMEND SECTION 15-09.004 OF THE LAND SUBDIVISION ORDINANCE FOR THE PURPOSE OF DEFINING SANITARY SEWER CONNECTION REQUIREMENTS FOR LAND SUBDIVISIONS; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta ("City") provides sanitary sewer services to its citizens throughout areas of the City by and through its public sanitary sewer system ("Sewer System"), making sanitary sewer services generally available throughout the City; and

WHEREAS, the process of collecting and treating sewerage in the City's Sewer System results in the return of water to the original source of water, thereby replenishing a portion of the water that was originally consumed by the respective water user; and

WHEREAS, returning water to its source through the use of public sewer treatment system is critical as a means of minimizing consumptive water uses, particularly during this period of extreme drought and in the future for water conservation principles, generally; and

WHEREAS, the City joins other jurisdictions in the metropolitan Atlanta area in desiring to conserve water to endure that sufficient water supply is available through the use of its public sewerage system; and

WHEREAS, based upon available information and data, it is also known that on-site sewage management systems ("septic tanks") may fail without obvious knowledge of such failure, which may cause raw sewerage to seep into ground water and eventually pollute stream, rivers and water sources and threaten critical natural habitats occurring in those waterways; and

WHEREAS, in line with other regional jurisdictions, the City finds that it in the public health, safety and general welfare to require its citizens to connect to the public sanitary sewer system when public sewer is available in order to best protect its water sources, promote better water quality and conserve water for the public safety and general welfare of its citizens; and

WHEREAS, Sec. 15-09.004 of the Code of Ordinances (Land Subdivision Ordinance) requires each subdivided lot connect to the Sewer System if available in the determination of the applicable County health department; and

WHEREAS, each county board of health along with the Georgia Department of Human Resources, regulates the installation, including the locations within the incorporated and unincorporated area of the county where installation is allowed, of septic systems up to 10,000 gallon tank capacity; and

WHEREAS, the Commissioner of the Department of Planning and Community Development and the Commissioner of Watershed Management recommend amendment to Sec. 15-09.004 to provide, in line with Fulton County's sewer connection ordinance, Section 34-509, that for each newly subdivided residential lot, the public sanitary Sewer System is available when within 200 feet of the nearest property line or within 500 feet of a dwelling, such distances being measured along the appropriate natural drainage course (gravity flow).

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA ORDAINS AS FOLLOWS:

Section 1. Sec. 15-09.004 of the City's Land Subdivision Ordinance and which reads as follows:

Sec. 15-09.004. - Sanitary facilities.

(a) *Sanitary Sewer Available.* Except as provided in subsection (b) below, the applicant shall provide a separate sanitary sewer service connection from a public sanitary sewer to each lot being developed. A City of Atlanta standard sanitary sewer cleanout shall be provided on each sewer connection at the right-of-way/property line location. All sanitary sewer connection and cleanouts shall be installed in accordance with standards and specifications promulgated by the commissioner of the department of public works.

(b) *Sanitary Sewer Not Available.* When in the written opinion of the health officer of Fulton or DeKalb County and the commissioner of the department of public works a public sanitary sewer is not accessible, proper provisions shall be made for the disposal of sanitary wastes in accordance with standards and requirements, including percolation tests, of the health officer of Fulton or DeKalb County. Septic tanks and drain fields shall not be permitted on any lot of less than 30,000 square feet in lot area and less than 100 feet minimum frontage.

(c) *Future Sanitary Outfall Sewers.* Easements granted to the city for future sanitary outfall sewers shall be executed by the owner, and the location of such easement shall be shown on the final plat in accordance with the location approved by the commissioner of public works.

Is hereby amended to hereafter read as follows:

Sec. 15-09.004. - Sanitary facilities.

(a) *Sanitary Sewer Available.* Public sanitary sewer is available if the municipal sanitary sewer system is available within 200 feet of the nearest property line or within 500 feet of a dwelling, such distances being measured along the appropriate natural drainage course (gravity flow). Except as provided in subsection (b) below, the applicant shall provide a separate sanitary sewer service connection from a public sanitary sewer to each lot being developed. A City of Atlanta standard sanitary sewer cleanout shall be provided on each sewer connection at the right-of-way/property line location. All sanitary sewer connection and cleanouts shall be installed in accordance with standards and specifications promulgated by the commissioner of the department of watershed management.

(b) *Sanitary Sewer Not Available.* When a public sanitary sewer is not available, pursuant to subsection (a) above, provisions shall be made for the disposal of sanitary wastes in accordance with standards and requirements for on-site sewage management systems (i.e. septic tanks and drain fields), including percolation tests, of the health officer of Fulton or DeKalb County. Septic tanks and drain fields shall not be permitted on any lot of less than 30,000 square feet in lot area and less than 100 feet minimum frontage.

(c) *Future Sanitary Outfall Sewers.* Easements granted to the city for future sanitary outfall sewers shall be executed by the owner, and the location of such easement shall be shown on the final plat in accordance with the location approved by the commissioner of public works.