

City Council Agenda Items
and
Contracts, Leases or Agreements

2/7/2012

City Council Meeting Date
Agenda Items Only

Jeremy Pate

Development Services

Development Services

Submitted By

Division

Department

Action Required:

Approval of an ordinance to amend Ch. 163 Use Conditions, related to industrial wrecking, demolition and metal processing.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

Jeremy Pate
Department Director

1-20-2012
Date

Previous Ordinance or Resolution # _____

K. Pate
City Attorney

Jan 24, 2012
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bisher
Finance and Internal Services Director

1-24-2012
Date

Received in City 01-20-12 P01:23 RCVD
Clerk's Office
UP

Don Mann
Chief of Staff

1-24-12
Date

Received in Mayor's Office
ENTERED
1/24/12
PH

Donald Joseph
Mayor

1/25/12
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director
David Jurgens, Utilities Director

Date: January 20, 2012

Subject: Wrecking, Demolition and Metal Processing Operations

RECOMMENDATION

Staff recommends the City Council consider amending the Unified Development Code to prohibit industrial metal shredding, such as is used for car shredding, within the city limits, and to define the parameters by which other wrecking, demolition and metal processing operations may be permitted within the city limits.

BACKGROUND

The I-2, General Industrial district is “designed to provide areas for manufacturing and industrial activities which may give rise to substantial environmental nuisances, which are objectionable to residential and business use.” However, even in this most intense zoning district, some uses are either not permitted at all or have specific parameters by which they are allowed. One such use, Use Unit 23, Heavy Industrial, contains uses that are permitted by right such as the processing and sales of scrap metal and refuse, Lumber and wood products, Paper and allied products, Petroleum and related industries, wrecking and demolition services, and other manufacturing uses. Due to the problematic issues surrounding some metal processing operations that are seemingly impossible to resolve due to the inherent noise and other environmental impacts associated with the use, staff encourages the City Council to prohibit metal shredding operations altogether within the city limits. We do not feel this is an industrial operation that can be of any substantial benefit within an urban community such as ours, and would rather cause substantial concern among our residents and business community. Some operations within the metal processing industry can be permitted and still maintain a “good neighbor” presence. Staff has utilized current best management practices recommended by the industry and by ADEQ to create some parameters by which metal crushing and processing operations may operate within the I-2 district, keeping hazardous fluids out of our drinking water sources and prohibiting explosions from occurring.

DISCUSSION

Staff recommends the Council consider adopting the proposed ordinance amendments, which have been created with research and discussion by staff from the Utilities Department and Development Services Department, with input from the City Attorney and Mayor’s office.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE TO ENACT §163.17 WRECKING, DEMOLITION AND SCRAP METAL PROCESSING INTO THE UNIFIED DEVELOPMENT CODE AND TO ADOPT AN EMERGENCY CLAUSE

WHEREAS, the large machines used to shred automobiles and other vehicles and large metal structures or machines create unacceptably loud noise levels as well as unplanned, occasional explosions and other unacceptable consequences of their use for our citizens and especially nearby neighbors and, therefore, these machines should not be allowed to operate within the city limits of Fayetteville and damage the peace, quiet, health and safety of Fayetteville citizens by their operation; and

WHEREAS, machines that crush vehicles or other metal objects can cause the harmful release of hazardous liquids (such as oil, fuel, antifreeze, mercury, lead, acid, etc.) which could escape into the soil and eventually into our water supply unless such crushing is done after all the hazardous liquids have been properly drained and the crushing machine is located on a permanent, properly designed impervious surface which will catch any residual hazardous liquids that can result from the crushing of a vehicle; and

WHEREAS, the public health and safety require that these new controls prohibiting car/vehicle shredding and regulating car/metal crushing become effective immediately.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts §163.17 **Wrecking, Demotion and Scrap Metal Processing** of the Unified Development Code by enacting a new subsection §163.17 as shown on the attached Exhibit "A" which is hereby adopted.

Section 2: EMERGENCY CLAUSE. That the City Council of the City of Fayetteville, Arkansas hereby determines that in order to protect the peace, health and safety of the citizens of Fayetteville, this ordinance must become effective immediately upon its passage and approval, and therefore an emergency is declared to exist such that this ordinance will become effective immediately upon its passage and approval.

PASSED and **APPROVED** this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

163.17 Wrecking, Demolition and Scrap Metal Processing

Some types of wrecking, demolition, and processing of scrap metal, including vehicles, are permitted within the I-2, General Industrial zoning district by right, under Use Unit 23, Heavy Industrial. These uses generally are separated from others because they cause the greatest adverse environmental effects. In order to ensure adjacent property owners and the environment are impacted to the least extent possible, the following standards shall apply to these and similar uses:

- (A) *Automobile Shredding.* The shredding of automobiles within the city limits is prohibited.
- (B) *Metal crushing.* The crushing of metal may be permitted within I-2, General Industrial districts, subject to the following criteria, which protect adjacent property owners and reduces impact to the environment from the detrimental conditions of these types of operations:
 - (1) All metal crushing shall be setback a minimum of 100 feet from any exterior property line.
 - (2) Explosions of any kind are not permitted.
 - (3) Vehicles shall be properly drained prior to crushing in order to minimize the volume of waste fluids to manage. Materials and fluids such as fuel, oil, transmission fluid, antifreeze, mercury switches, etc. shall be stored in separate containers that are clearly labeled. Fluids collected during vehicle crushing operations shall be managed as hazardous waste and all fluids shall be disposed of in a lawful manner.
 - (4) Mobile crushers shall always be situated on an impervious floor surface such as concrete, asphalt or other similar surface approved by the City that is sloped to contain fluids, and shall be covered by a roof and protected from the weather. Vehicle fluids shall not be permitted to drain to the soil and allowing vehicle fluids to be carried away by stormwater is prohibited.
 - (5) Waste tires from vehicle crushing operations shall be disposed of in compliance with all Arkansas Department of Environmental Quality regulations.

