

ORDINANCE NO. A-239

ORDINANCE FOR STORMWATER OPERATION AND MAINTENANCE

BE IT ORDAINED by the City Council of the City of Tusculmbia in the State of Alabama, as follows:

Section I. Best Management Practice (BMP).

Definitions

Structural device, measure, facility, or activity that helps to achieve stormwater management control objectives at a designated site.

Plan

A document approved at the site design phase that outlines the measures and practices used to control stormwater runoff at a site. The plan shall be prepared by a professional engineer. The subdivision regulations and the building code shall be revised to include these regulations.

Section II. Design.

- A. All stormwater BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design guidelines are outlined in the most recent version of the subdivision regulations of the City of Tusculmbia.
- B. Stormwater easements and covenants shall be provided by the property owner for access for facility inspections and maintenance. Easements and covenants shall be recorded with the City of Tusculmbia prior to the issuance of a permit.
- C. Final design shall be approved by the City Engineer.
- D. The property owner/developer will acquire an NPDES Permit from ADEM and present a copy to the City Engineer.
- E. A permit will be issued by the City Engineer prior to construction start up. This permit acknowledges receipt of proper BMP and ADEM permit.

Section III. Routine Maintenance.

- A. All stormwater BMPs shall be maintained according to the measures outlined in the most recent version of The City of Tuscumbia Stormwater Pollution Prevention Plan, as required by the subdivision regulations and as approved in the permit.
- B. The person(s) or organization(s) responsible for maintenance shall be designated in the plan. Options include:
  - (1) Property owner.
  - (2) Homeowner's association, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements.
  - (3) Private contractor under contract with the Owner.
- C. Maintenance agreements shall specify responsibilities for financing maintenance.

Section IV. Nonroutine Maintenance.

Nonroutine maintenance includes maintenance activities that are expensive but infrequent, such as pond dredging or major repairs to stormwater structures.

- A. Nonroutine maintenance shall be performed on an as-needed basis on information gathered during regular inspections.
- B. If nonroutine maintenance activities are not completed in a timely manner or as specified in the approved plan, the City of Tuscumbia may fine the Owner an appropriate amount to cover the cost of the City providing maintenance.

Section V. Inspections.

- A. The person(s) or organization(s) responsible for maintenance shall inspect stormwater BMPs on a regular basis as outlined in the plan.
- B. Authorized representatives of the City of Tuscumbia may enter at reasonable times to conduct on-site inspections or routine maintenance.
- C. For BMPs maintained by the property owner or homeowner's association, inspection and maintenance reports shall be filed with the City of Tuscumbia, as provided for in the plan.

- D. Authorized representatives of the City of Tusculmbia, may conduct inspections to confirm the information in the reports filed under Section C.

Section VI. Severability Clause.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

This Ordinance shall become effective upon its approval by the City Council and upon its otherwise becoming law, and its publication as provided by law.

PASSED and ADOPTED this the 24<sup>th</sup> day of February, 2003.

Waide Gann

WAIDE GANN, MAYOR

ATTEST:

Flora Hanback

FLORA HANBACK  
CITY CLERK

CERTIFICATION

I, Flora Hanback, City Clerk for the City of Tuscumbia, Alabama, hereby certify that the foregoing ordinance was duly and properly adopted at a regular meeting of the City Council of the City of Tuscumbia on the 24<sup>th</sup> day of February, 2003.

That said Ordinance has been duly and properly published on this the 14<sup>th</sup> day of March, 2003, by publishing a copy of said Ordinance in the *Colbert County Reporter*.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office this the 14<sup>th</sup> day of March, 2003.

Flora Hanback  
Flora Hanback - City Clerk

ORDINANCE NO. A. 238

ORDINANCE FOR  
ILLCIT DISCHARGE AND CONNECTION TO  
THE STORMWATER SYSTEM

BE IT ORDAINED by the City Council of the City of Tusculmbia in the State of  
Alabama, as follows:

Section 1. Purpose/Intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Tusculmbia through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

Section 2. Definitions.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, which is not covered under a proper permit.

Illicit Connections. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342 (b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution, floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens, dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater means any water, or other liquid, other than uncontaminated storm water, discharged from a facility.

### Section 3. Applicability.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### Section 4. Responsibility for Administration.

The City of Tuscumbia shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may

be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Section 5. Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section 6. Discharge Prohibitions.

Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval



has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 7. Suspension of MS4 Access.

Suspension Due to Illicit Discharges in Emergency Situations

The City of Tusculmbia may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters or the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension Due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Section 8. Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit

may be required in a form acceptable to the City of Tuscumbia prior to the allowing of discharges to the MS4.

Section 9. Monitoring of Discharges.

1. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

2. Access to Facilities.

- (a) The City of Tuscumbia shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (b) Facility operators shall allow the City of Tuscumbia ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (c) The City of Tuscumbia shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- (d) The City of Tuscumbia has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Tuscumbia and shall not be replaced. The costs of clearing such access shall be borne by the operator.

- (f) Unreasonable delays in allowing the City of Tusculmbia access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (g) If the City of Tusculmbia has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

**Section 10. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.**

City of Tusculmbia will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U. S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

**Section 11. Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and

Section 19. Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000.00 dollars per violation per day and/or imprisonment for a period of time not to exceed 30 days.

The authorized enforcement agency may recover all attorney's fees, court cost and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Section 20. Remedies Not Exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Section 21. Severability Clause.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

This Ordinance shall become effective upon its approval by the City Council and upon its otherwise becoming law, and its publication as provided by law.

PASSED and ADOPTED this the 24<sup>th</sup> day of February, 2003.

Waide Gann

WAIDE GANN, MAYOR

ATTEST:

Flora Hanback

FLORA HANBACK  
CITY CLERK

CERTIFICATION

I, Flora Hanback, City Clerk for the City of Tuscumbia, Alabama, hereby certify that the foregoing ordinance was duly and properly adopted at a regular meeting of the City Council of the City of Tuscumbia on the 24<sup>th</sup> day of February, 2003.

That said Ordinance has been duly and properly published on this the 14<sup>th</sup> day of March, 2003, by publishing a copy of said Ordinance in the *Colbert County Reporter*.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office this the 14<sup>th</sup> day of March, 2003.

Flora Hanback  
Flora Hanback - City Clerk

ORDINANCE NO. A-240

ORDINANCE FOR EROSION AND SEDIMENT CONTROL

BE IT ORDAINED by the City Council of the City of Tuscumbia in the State of Alabama, as follows:

Section I. Introduction/Purpose.

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City of Tuscumbia. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Tuscumbia.

Section II. Definitions

Certified Contractor

A person who has received training and is licensed by ADEM to inspect and maintain erosion and sediment control practices.

Clearing

Any activity that removes the vegetative surface cover.

Drainage Way

Any channel that conveys surface runoff throughout the site.

Erosion Control

A measure that prevents erosion.

### Erosion and Sediment Control Plan

A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

### Grading

Excavation or fill of material, including the resulting conditions thereof.

### Perimeter Control

A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

### Phasing

Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

### Sediment Control

Measures that prevent eroded sediment from leaving the site.

### Site

A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

### Site Development Permit

A permit issued by the municipality for the construction or alteration of ground surface. Permitted BMP includes improvements and structures for the control of erosion, runoff, and grading.

### Stabilization

The use of practices that prevent exposed soil from eroding.

### Start of Construction

The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways;

excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse

Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of Tuscumbia.

Waterway

A channel that directs surface runoff to a watercourse or to the public storm drain.

Section III. Permits.

- A. No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of *1 acre or more* without the approval of an Erosion and Sediment Control Plan by ADEM.
- B. No site development permit is required for the following activities:
  - (1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
  - (2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- C. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm.
- D. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall provide inspection when construction or grading activity takes place.
- E. The applicant will be required to file with the City of Tuscumbia a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the city to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the City of Tuscumbia and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.



#### Section IV. Review and Approval.

- A. ADEM will review each application for a site development permit to determine its conformance with the provisions of this regulation. ADEM shall, in writing:
- (1) Approve the permit application;
  - (2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
  - (3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- B. Failure of the ADEM to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and ADEM. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by ADEM.

#### Section V. Erosion and Sediment Control Plan

- A. The Erosion and Sediment Control Plan shall include the following:
- (1) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
  - (2) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
  - (3) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

- (4) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
- B. Modifications to the plan shall be processed as approved or disapproved in the same manner as Section IV of this regulation, or modifications may be authorized by ADEM by written authorization to the permittee, and shall include:
- (1) Major amendments of the erosion and sediment control plan submitted to ADEM.
  - (2) Field modifications of a minor nature.

Section VI. Design Requirements.

- A. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the city's stormwater pollution prevention plan (SWPPP), and shall be adequate to prevent transportation of sediment from the site to the satisfaction of ADEM. Cut and fill slopes shall be *no greater than 2:1*, except as approved by ADEM to meet other community or environmental objectives.
- B. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in the SWPPP, shall be used to the satisfaction of ADEM.
- C. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- D. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by ADEM.
- E. Erosion control requirements shall include the following:
- (1) Soil stabilization shall be completed within *five days* of clearing or inactivity in construction.
  - (2) If seeding or another vegetative erosion control method is used, it shall become established within *two weeks* or ADEM may require the site to be reseeded or a non-vegetative option employed.
  - (3) Special techniques that meet the design criteria outlined in the SWPPP on

steep slopes or in drainage ways shall be used to ensure stabilization.

- (4) Soil stockpiles must be stabilized or covered at the end of each workday. Silt fence may be used. Silt basins may also be used.
- (5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
- (6) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
- (7) Techniques that divert upland runoff past disturbed slopes shall be employed.

F. Sediment controls requirements shall include:

- (1) Settling basins, sediment traps, or tanks and perimeter controls.
- (2) Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by ADEM.
- (3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls. The buffer strip shall be used only if required by the City Engineer.

G. Waterway and watercourse protection requirements shall include:

- (1) A temporary stream crossing installed and approved by the Army Corp of Engineers if a wet watercourse will be crossed regularly during construction.
- (2) Stabilization of the watercourse channel before, during, and after any in-channel work.
- (3) All on-site stormwater conveyance channels designed according to the criteria outlined in the SWPPP.
- (4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

- H. Construction site access requirements shall include:
- (1) A temporary access road provided at all sites.
  - (2) Other measures required by ADEM in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

Section VII. Inspection.

- A. ADEM or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City Engineer shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the City Engineer at least two working days before the following:
- (1) Start of construction.
  - (2) Installation of sediment and erosion measures.
  - (3) Completion of site clearing.
  - (4) Completion of rough grading.
  - (5) Completion of final grading.
  - (6) Close of the construction season.
  - (7) Completion of final landscaping.
- B. The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to ADEM at the time interval specified in the approved permit.
- C. ADEM or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports.

Section VIII. Enforcement.

- A. Stop-Work Order; Revocation of Permit

In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons

residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, ADEM may suspend or revoke the site development permit.

B. Violation and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$1,000.00 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

Section IX. Severability Clause.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

This Ordinance shall become effective upon its approval by the City Council and upon its otherwise becoming law, and its publication as provided by law.

PASSED and ADOPTED this the 24<sup>th</sup> day of February, 2003.

Wade Gann  
WADE GANN, MAYOR

ATTEST:

Flora Hanback  
FLORA HANBACK  
CITY CLERK

CERTIFICATION

I, Flora Hanback, City Clerk for the City of Tuscumbia, Alabama, hereby certify that the foregoing ordinance was duly and properly adopted at a regular meeting of the City Council of the City of Tuscumbia on the 24<sup>th</sup> day of February, 2003.

That said Ordinance has been duly and properly published on this the 14<sup>th</sup> day of March, 2003, by publishing a copy of said Ordinance in the *Colbert County Reporter*.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office this the 14<sup>th</sup> day of March, 2003.

Flora Hanback  
Flora Hanback - City Clerk