

## ARTICLE 7. SUPPLEMENTAL REGULATIONS

### SECTION 7. LAND DISTURBANCE REGULATIONS

WHEREAS, this ordinance controls the discharge and surface runoff of eroded soil, sediment and other pollutants from land on which land-disturbing activities are conducted, to the maximum extent practicable, and provides enforcement procedures and penalties to ensure compliance with such controls; and,

WHEREAS, the objectives of this ordinance are to:

- A. Control filling, grading, dredging, and other land disturbances which may increase erosion; and,
- B. Maintain and enhance community waters into which storm water outfalls flow, including, but not limited to lakes, streams, ponds, wetlands, sinkholes, and groundwater of the Town; and
- C. Preserve and enhance the landscape by encouraging the maximum retention of natural topographic features, such as drainage swales, streams, slopes, vistas, natural plant formations and trees; and,
- D. Minimize water runoff and soil erosion problems incurred in clearing and grading; and,
- E. Provide for application, inspection, surveillance and monitoring procedures necessary to determine compliance and non-compliance with any land-disturbing activities in accordance with the provisions contained herein; and,
- F. To prevent land change which could lead to erosion without proper authorization from the Town;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama that the following Land Disturbance Ordinance be, and the same hereby is ordained as follows:

#### **A. Purposes**

The purpose of this section is to promote the public health, safety and welfare of the community and the environment of the island through establishment of comprehensive regulations for control of erosion, sedimentation, and stormwater runoff and retention/detention, designed to minimize loss of property and vegetation, prevent unnecessary disruption of commerce and public service in times of flooding, avoid unnecessary and extraordinary expenditures of public funds, and contribute to the maintenance of a stable tax base. The purpose of this section is to also establish the requirement of permits for land disturbing activities and the fees for administration of the permits.

## **B. Scope of Article**

This section establishes requirements and procedures for review of proposed development and land-disturbing activity within the town and its police jurisdiction and includes provisions for:

- (1) Restricting development and land-disturbing activity which, acting alone or in combination with other development or activity, may cause unacceptable increases in erosion, sedimentation, stormwater runoff, and damage to natural habitat.
- (2) Controlling alteration or relocation of vegetation, watercourses, channels and drainage facilities, and controlling filling, grading, vegetation removal and other land-disturbing activity that may cause unacceptable increases in erosion, sedimentation, stormwater runoff, and damage to natural habitat.

## **C. Territory of Applicability**

The provisions of this section shall apply to all lands within the town of Dauphin Island and police jurisdiction.

## **D. Compliance**

No land shall hereafter be developed, no structure shall be located, constructed, reconstructed, enlarged, or structurally altered, and no land-disturbing activity shall take place except in full compliance with the provisions of this section.

## **E. Effect on Other Regulations**

The provisions of this section supersede other building and land-development-related codes and ordinances that may apply except that the provisions of this section shall not be deemed to abrogate any provision of another code or ordinance which imposes additional or more stringent restrictions.

## **F. Permit-Required; Application; Exceptions; Scope**

A permit for any land-disturbing activity shall be required as set forth hereafter:

- (1) A land-disturbing permit shall be required for any land-disturbing activity related to the clearing of an undeveloped piece of property, to include underbrush removal, small tree (< 4" diameter at 4' from ground level) removal, dirt removal, dirt addition, or driveway creation by use of heavy equipment (35 hp or greater) requiring an operator (ex. backhoe, mulcher, tractor, bobcat, debris removal truck, large chain saws, etc.) Note: If owner/contractor is uncertain as to the need for a Land Disturbance Permit, the Building Official/Zoning Enforcement Officer should be contacted for clarification and guidance. A separate land-disturbing permit shall not be required in the case of land-disturbing activity proposed in conjunction with construction, provided a building permit

application, a tree removal permit application, and a culvert application (if necessary) have been filed, along with a site grading and drainage plan, which shall be approved by the Building Inspector and/or their designee prior to issuance of said permits.

- (2) Tree removal proposed in conjunction with land-disturbing activity, with or without a building permit, requires a separate tree removal permit.
- (3) Driveway and/or yard culvert installation in conjunction with land-disturbing activity, with or without a building permit, requires a separate culvert permit.
- (4) Application for land-disturbing activity permits shall be made to the Town and no permit shall be issued, nor shall any site grading and drainage plan be approved, until the applicant has furnished satisfactory evidence that all applicable provisions of this article and the site control, vegetation/tree removal, erosion, and drainage standards are met.
- (5) A land-disturbing activity permit shall not be required in the case of:
  - a) Land-disturbing activity proposed in conjunction with such minor land-disturbing activities as home gardens, individual home landscaping, lawn maintenance (mowing, weeding, shrubbery trimming), minor repairs, and maintenance work.
  - b) Construction or maintenance of electric, telephone, or cable lines.
  - c) Construction or maintenance of underground utility lines in an existing hard-surfaced street, alley or sidewalk provided the activity is confined to the hard-surfaced area; construction or maintenance of individual underground utility connections.
- (6) Notwithstanding the exclusions contained in this section, the town is specifically authorized to control or regulate, by means of a permit for land-disturbing activity, all land-disturbing activities which encroach on or obstruct any public or private storm drainage facility.

#### **G. Fee.**

- (1) *Generally.* A fee of Twenty five (\$25) Dollars shall be charged and paid to the town by each person obtaining a permit for land-disturbing activities, to aid in defraying the cost of reviewing site grading and drainage plans, making on-site inspections and providing the other services required in the administration of this section.
- (2) *Penalty.* The required permit fee shall be Five Hundred (\$500) Dollars when any work commences prior to securing the appropriate permit.
- (3) *Non-Completion.* In the event work is not completed within six (6) months of the issuance of the land-clearing permit, application for a new permit must be submitted and approved prior to work beginning anew.