

ORDINANCE NO. 66-A

AN ORDINANCE TO AMEND ORDINANCE NO. 66
OF THE TOWN OF DAUPHIN ISLAND, ALABAMA
RELATING TO PROTECTIVE BERMS AND
REPEALING IN PART ORDINANCE NO. 66

WHEREAS, construction of a protective sand berm has been completed along the Gulf Beach on the Western portion of the Town of Dauphin Island and a small portion on the North side of the Island near Silver Cay and these berms serve as a protective barrier to the Island during periods of turbulent weather; and

WHEREAS, in order to enable the sand berms to further stabilize and serve their intended purpose, it is necessary to prohibit pedestrian and vehicle use of the sand berms; and

WHEREAS, structural walkways have been constructed over the sand berm along the Gulf Beach on the Western portion of Dauphin Island to provide pedestrian access for enjoyment of the shoreline; and

WHEREAS, the public's interest is served by preservation of the sand berms to prevent the overflow of the Island during periods of turbulent weather which may cause damage to public improvements, including public streets and the water and sanitary sewer system. Inundation of the Island creates a public health hazard by restricting access of emergency vehicles; by interfering with an orderly evacuation of the Island; and by causing an overload of the Town's sanitary sewer system, resulting in the discharge of contaminants onto public streets and into environmentally sensitive areas of the Island. Such a discharge poses a public health risk to all of the Town's inhabitants and visitors; and

WHEREAS, the protection afforded by the sand berms is necessary to maintain the Western portion of the Island for recreational use. The loss of recreational use impacts the Town by a loss of revenue derived from tourism and taxes levied on rental properties; and

WHEREAS, the Town Council determines that it is in the public interest to restrict pedestrian access to the Gulf beaches only to the structural sand berm walkovers or designated areas adjacent to the walkovers, and to prohibit pedestrian and vehicular use of the Gulf beach berm as well as the North side Silver Cay berm for a period of time necessary for the sand berms to become stabilized; and

WHEREAS, the Town Council determines that it is necessary to promote the public health, safety, and welfare to restrict use of the protective sand berms as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama that pedestrian and vehicular use of the sand berms along the Gulf beaches and

the Silver Cay area on the Western portion of Dauphin Island is prohibited. Enforcement of this Ordinance shall be done in accordance with the provisions of Ordinance 64-B of the Town of Dauphin Island. Each violation of this Ordinance shall be a Separate offense.

ADOPTED by the Town Council of the Town of Dauphin Island, this the 17th day of June, 2008.



Mayor

ATTEST:



Assistant Town Clerk