

## ARTICLE X. - EROSION AND SEDIMENT CONTROL

## Sec. 5-121. - Purposes.

- (a) The purpose of this article is to establish comprehensive regulations for the control of erosion, sedimentation, and runoff from land-disturbing activities as well as certain transportation activities associated therewith within the City of Citronelle and its police jurisdiction so as to promote the public health, safety and general welfare, minimize the loss of property, prevent disruptions of commerce and public service, and avoid unnecessary expenditures of public funds.
- (b) The purpose of this article is also to establish the requirements of permits for land-disturbing activities and related transportation on public streets, and to establish the fees for administration of those permits. It is the intent of this article to control land-disturbing activities including erosion, sediment and storm water runoff control as well as related transportation of soils on public streets within the City of Citronelle, and its police jurisdiction.

(Ord. No. 1280, § 1, 1-24-13)

## Sec. 5-122. - Definitions.

For the purpose of this article, the following terms shall have the respective meanings ascribed to them:

*Land-disturbing activity:* Any land change including, but not limited to, clearing, grading or excavating of land, which would disturb the natural vegetation or the existing contours of the land, and/or which may result in soil erosion from water or wind and the movement of sediments into public or private storm drainage facilities or the increase the volume thereof and/or the transportation of soils associated therewith.

*Owner:* The person holding legal title to the land.

*Person:* Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative or other legal entity.

*Storm drainage facility:* Any pipe, ditch, storm water detention area, creek, river, lake, swale, water course or any other natural or manmade facility through which storm water or storm run-off may pass regularly or intermittently.

(Ord. No. 1280, § 2, 1-24-13)

## Sec. 5-123. - Applicability and compliance.

The provisions of this article shall apply to all lands within the city and its police jurisdiction. No land-disturbing activity shall take place except in full compliance with the provisions of this article.

(Ord. No. 1280, § 3, 1-24-13)

Sec. 5-124. - Effect on other regulations.

The provisions of this article shall not be deemed to abrogate any provision of any other code or ordinance which imposes additional or more stringent restrictions than those contained herein.

(Ord. No. 1280, § 4, 1-24-13)

Sec. 5-125. - Permit.

A permit for any land-disturbing activity (hereinafter a "land-disturbance permit") shall be required as set forth hereinafter:

- (a) Application for land-disturbance permits shall be filed with the City Code inspector, and no such 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 all applicable site control, erosion and drainage standards as administered by the City Code inspector, have been met.
- (b) An application for a land-disturbance permit shall include a site grading and drainage plan as described hereinafter.
- (c) An owner intending to engage in land-disturbing activities is required to obtain a land-disturbance permit from the city with the exception of a building, for which a building permit has been obtained, and which will have no land-disturbing activity apart from the actual building area where a site plan has been approved, or for such other minor land-disturbing activities as home gardens, construction or maintenance of electric or telephone lines, construction or maintenance of underground utility lines, home landscaping, minor repairs, maintenance work, agricultural or farming operations, emergency work to protect life or property, and emergency repairs. Notwithstanding the exclusions contained in this section, the city is specifically authorized to control and regulate, by means of a land-disturbance permit, all land-disturbing activities which encroach upon or obstruct any public or private storm drainage or involve the transportation of soils by heavy equipment on the highways, streets or other public ways of the city.
- (d) The city shall act on all permit applications submitted to it through its City Code inspector within thirty (30) days from receipt thereof by either granting the permit or disapproving the permit, in writing, and giving specific reasons for any disapproval

specifying such modifications, terms and/or conditions, as will allow the approval of the permit. These modifications, terms and/or conditions shall be communicated to the applicant.

- (e) The city may impose the following requirements in agreement form upon the applicant in the event that the anticipated land-disturbing activity will involve the use of heavy equipment such as hauling trucks and/or the transportation of soils using such equipment on the highways, streets or other public ways within the city.
- (1) *Statement of scope of work.* The applicant shall submit in writing to the City Code inspector a description of the site of the material removal, the estimated quantity of material to be removed, the anticipated route over which the trucks are to travel, and the beginning and completion time for the operation. It is understood that the above information may not at all times be submitted with certainty, but it is the intent of this provision to keep the City of Citronelle as well informed as possible regarding the anticipated operation in question.
  - (2) *Hours of operation.* The hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday, provided however, that no excavation or transportation shall be conducted on legal holidays as set forth in the Alabama Statutes. "Operation" shall be defined to include the driving of all hauling trucks or other heavy equipment into or out of the property covered by the permit, loading, roadwork, or engine start-up of any kind. It is the specific intent of this section that no loading, hauling, or engine start-up activity of any kind shall take place other than during those hours specified above.
  - (3) *Indemnity.* The applicant shall agree to comply with all requirements of this article and the particular permit, and indemnify the city from any cost and/or expense of repairing any highways, streets, or other public ways within the city made necessary by the special burden resulting from permitted hauling and transporting of soils by heavy equipment such as hauling trucks, and to further save the city free and harmless from any and all suits and claims for damages resulting from the removal or transportation of soils or other earthly deposits on the highways, streets or other public ways within the city.
  - (4) *Insurance.* The owner of the land involved shall secure and maintain or confirm that the owner's contractor has secured and maintained such insurance from an insurance company authorized to write casualty insurance in the State of Alabama as will protect himself and his agents and the City of Citronelle from claims for bodily injury, death, or property damage which may arise from operations under a permit duly issued under this article. The amounts of such insurance shall not be less than the following:
    - a. Workmen's Compensation and Employer's Liability Insurance: Shall be

secured and maintained as required by the State of Alabama.

- b. Public liability, personal injury, and property damage:
  1. Injury or death of one (1) person: Two hundred fifty thousand dollars (\$250,000.00).
  2. Injury to more than one (1) person in a single accident: Five hundred thousand dollars: (\$500,000.00).
  3. Property damage: Two hundred thousand dollars: (\$200,000.00).
- c. Automobile and truck public liability, personal injury and property damage, including owned and non-owned vehicles:
  1. Injury or death of one (1) person: Two hundred fifty thousand dollars (\$250,000.00).
  2. Injury to more than one (1) person in a single accident: Five hundred thousand dollars (\$500,000.00).
  3. Property damage: Five hundred thousand dollars (\$500,000.00).

(Ord. No. 1280, § 5, 1-24-13)

#### Sec. 5-126. - Permit fee.

A fee of one hundred fifty dollars (\$150.00) shall be charged and paid to the city by each person obtaining a land-disturbance permit to defray the cost of reviewing site grading and drainage plans, making on-site inspections, controlling or maintaining any highways, streets or public ways within the city used for any related transportation of soils by heavy equipment and providing such other services required in the administration of this article. This required permit fee shall be doubled when any work commences prior to securing the appropriate permit.

(Ord. No. 1280, § 6, 1-24-13)

#### Sec. 5-127. - Standards.

The City Code inspector shall require that all site grading and drainage plans submitted shall be accompanied by sufficient engineering for verification of discharge of stormwater runoff, and shall include, as a minimum, location and methods of control of erosion, sediment and stormwater runoff for the purpose of carrying out the terms of this article. Applicable site control, erosion and drainage standards administered by the City Code inspector are incorporated herein by reference.

(Ord. No. 1280, § 7, 1-24-13)

#### Sec. 5-128. - Enforcement.

A person commencing land-disturbance work prior to securing the permit required herein shall pay a doubled fee as hereinabove provided. Any person who fails to secure a permit or violates any other provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days for each offense, or both. Each day that the violation shall continue shall constitute a separate offense.

(Ord. No. 1280, § 8, 1-24-13)

Secs. 5-129—5-150. - Reserved.