

# City of Spanish Fort Stormwater Management Program Plan

National Pollutant Discharge Elimination System Permit  
Administered by the Alabama Department of Environmental Management

Municipal Separate Storm Sewer System

Phase II General Permit Number

## ALR040041



Effective: October 1, 2016  
Expires: September 30, 2021



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## Certification

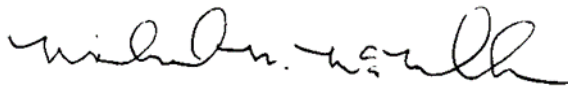
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



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# Chapter 1 – Introduction

## Program Overview

This document presents the City of Spanish Fort's Stormwater Management Programs Plan (SWMPP) as required by the Alabama Department of Environmental Management's (ADEM) National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) Permit. This permit covers stormwater discharges from regulated small municipalities. The overall goal of the program is to protect water quality through efforts to reduce the discharge of pollutants in stormwater to the maximum extent practicable.

## Regulatory Background

In 1990, the Environmental Protection Agency (EPA) promulgated regulations establishing Phase I of the NPDES stormwater program. The Phase I program for municipal separate storm sewer systems (MS4s) requires operators of "medium" and "large" MS4s that generally serve populations of 100,000 or greater to implement a stormwater management program as a means to control polluted discharges from certain municipal, industrial and construction activities into the MS4.

In 1999, EPA promulgated regulations establishing Phase II of the NPDES storm program. The Phase II program extends coverage of the NPDES stormwater program to regulated "small" MS4s. A regulated small MS4 is located within an "urbanized area" as defined by the Census Bureau or as designated by the NPDES permitting authority.

The Alabama Department of Environmental Management presently has primary jurisdiction over permitting and enforcement of the stormwater program for Alabama. On September 6, 2016, ADEM issued MS4 Phase II General Permit – NPDES Permit Number ALR040000 – for stormwater discharges associated with small MS4s.

## Regulated Area

The Phase II MS4 general permit applies to operators of regulated small MS4s that discharge stormwater to waters of the State. The City of Spanish Fort is located on the eastern shore of Mobile Bay; north of Daphne and south of Bay Minette (see Figure 1 - City Map). Spanish Fort is a rapidly developing city. From the 2000 Census to the 2010 Census, the City saw a twenty-four percent (24%) increase in population from 5,471 to 6,798 persons. This makes the City of Spanish Fort an appropriate size to be a Phase II MS4.

The City's total area is 30.9 square miles. Spanish Fort's drainage basins include the Tensaw-Apalachee Rivers, Upper and Lower Bay Minette Creek, D'Olive Creek, Whitehouse Creek, and the Upper Fish River.

## Water Quality Concerns

The City of Spanish Fort's primary receiving water is Mobile Bay. It is listed as Fish and Wildlife and Swimming by ADEM for its water use classification. Mobile Bay is Alabama's principal estuary, receiving drainage from all but the extreme northern and southeastern portions of the State. Mobile Bay is included in the National Estuary Program, one of only 28 officially designated estuaries across the nation that enjoy that status as authorized by the 1987 Clean Water Act. The following watersheds within the Spanish Fort MS4 discharge to Mobile Bay:

- D'Olive Creek
  - Areas generally south of US 31, west of AL 181, and north of Interstate 10 are part of the D'Olive Watershed, an impaired waterway on the ADEM 303(d) list for siltation and habitat alteration attributed to land use changes in the watershed. Major land uses within this watershed include the Spanish Fort Town Center development, including big box stores such as Bass Pro Shops, Kohl's and JC Penny's, as well as strip mall and residential development in close proximity to Joe's Branch. The watershed comprises about 1.69 square miles, or 1081 acres within Spanish Fort's jurisdiction. The Joe's Branch tributary has been a primary focus of restoration efforts between the Cities of Spanish Fort and Daphne, and the Mobile Bay National Estuary Program, with Phases I – III complete as of May 1, 2016.
- Tensaw River – Apalachee River
  - Land along and south of a general line from Southern Way to Blakeley Way and north of US 31 drains to the Tensaw-Apalachee Rivers via the Spanish Fort Branch. The Causeway is also part of the Tensaw-Apalachee River watershed. This watershed comprises about 2.76 miles, or 1765 acres within Spanish Fort's jurisdiction, primarily made up of residential and strip mall development in the highlands near the old Spanish and Confederate forts, and small-scale restaurants and mixed uses along the Causeway.
- Upper Fish River
  - Lands east of AL 181 and south of US 31 – primarily the Eastern Shore Regional Shopping Center – contribute to the headwaters of the Upper Fish River watershed. This area is relatively small, draining only 0.83 square miles, or about 530 acres within the City, however, there are large areas of impervious rooftops and pavement, as well as increased residential development within the City's Extraterritorial Jurisdiction that bear attention moving forward.
- Lower Bay Minette Creek
  - The bulk of Spanish Fort drains into Bay Minette Creek. In general, properties between US 31 and Bromley Road are part of the Lower Bay Minette Creek watershed. Approximately 10.7 square miles (6909 acres) of Spanish Fort's jurisdiction drains the Lower Bay Minette Creek watershed. Much of this watershed is part of a Large Scale Planned Unit Development which encompasses more than 11,000 acres north of US 31. While parts of Bay Minette Creek are protected by a "greenway" enforced by the "Highlands of Spanish Fort" design standards, smaller tributaries are not included. Lower Bay Minette Creek is perhaps the most threatened watershed in Spanish Fort due to land use changes.

- Upper Bay Minette Creek
  - Generally, properties north of Bromley Road and west of US 31 are part of the Upper Bay Minette Creek watershed. Although land in the Upper Bay Minette Creek watershed is largely undeveloped, it will most likely be impacted by residential development within the next two decades. In total, 13.5 square miles (8547 acres) of Spanish Fort’s jurisdiction drains the Upper Bay Minette Creek watershed. The bulk of the “Highlands of Spanish Fort” protected greenway is within this watershed.
- Whitehouse Creek
  - Properties near AL 225 north of Bromley Road (approximately 1.4 square miles or 917 acres) are part of the Whitehouse Creek watershed, which ultimately joins Bay Minette Creek south of Bromley Road. While the area within the City of Spanish Fort is completely undeveloped, parcels immediately adjacent to the City and Whitehouse Creek are under increasing threat of development, with several residential developments currently underway along Bromley Road and AL 225.

## Legal Authority

The City of Spanish Fort was officially incorporated in July 1993. Ala. Code §11-52-2 (a) states that “any municipality is hereby authorized and empowered to make, adopt, amend, extend, add to, or carry out a municipal plan as provided in this article and to create by ordinance a planning commission with the powers and duties herein set forth”. In accordance with the code, the City adopted a zoning ordinance in 1996, which – among other things – enforces certain requirements relating to erosion and sediment control, landscaping, and coastal protection measures. In 2011, the City adopted a revised Comprehensive Plan as a guide to future development and giving support to the creation and evolution of Land Use regulations. On February 8, 2016, the City adopted new Subdivision Regulations which place a heavy emphasis on stormwater quality, quantity and velocity, wetland and stream bank protection, and erosion and sediment control requirements. As of May 1, 2016, the City is currently developing a “Clean Water Ordinance”, which will accomplish many of the goals set forth herein with regards to water quality and erosion control.

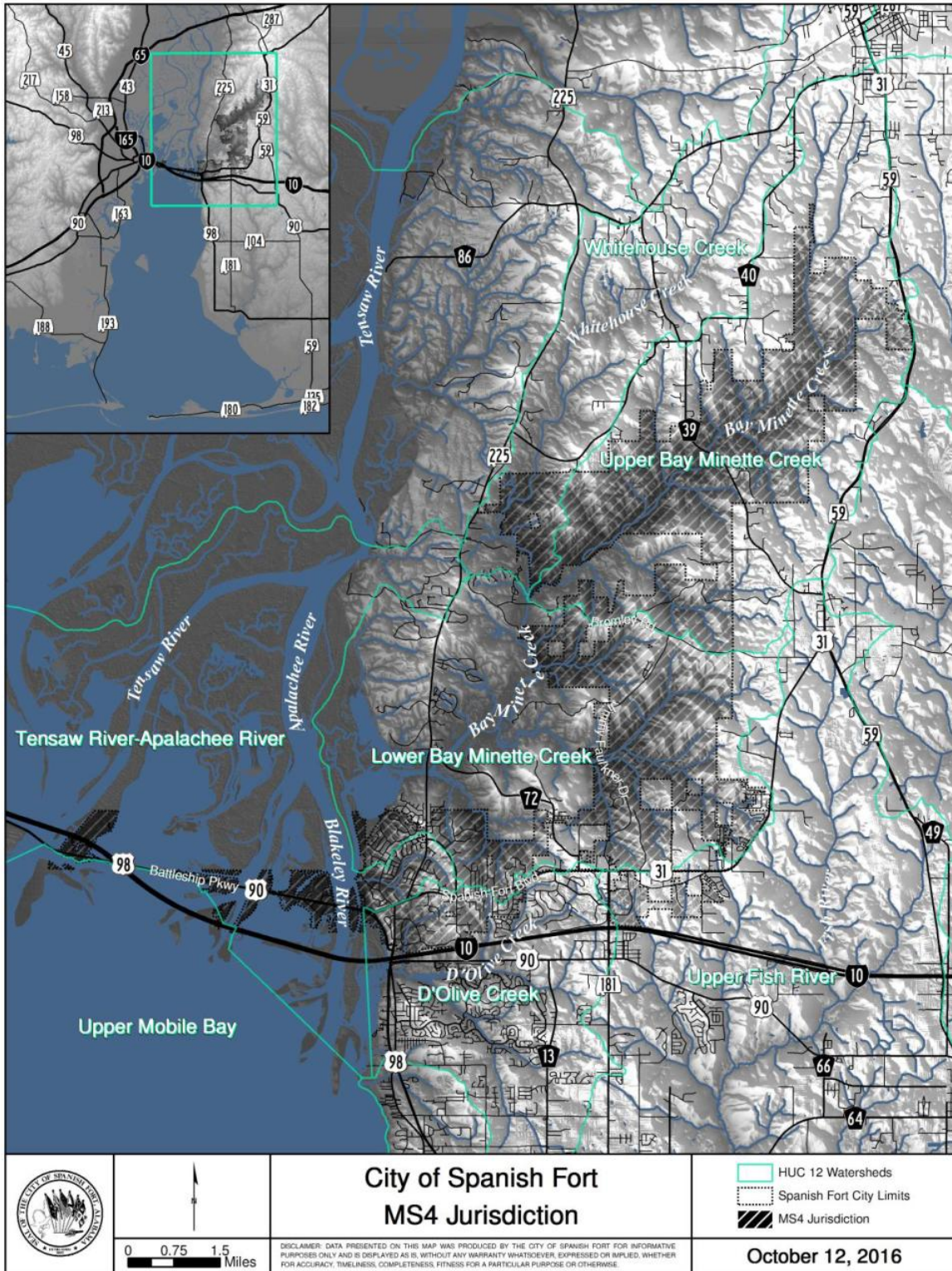


Figure 1: Spanish Fort MS4 Jurisdiction



## Chapter 2 – Management of the Stormwater Management Program

The General Permit requires, at a minimum, that permittees develop, revise, implement, maintain and enforce a stormwater management program (SWMP) which shall include controls necessary to reduce the discharge of pollutants from its MS4 consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Parts 122.30-122.37. These requirements shall be met by the development and implementation of a stormwater management program plan (SWMPP) which addresses the best management practices (BMPs), control techniques and systems, design and engineering methods, public participation and education, monitoring, and other appropriate provisions designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP). The Permittee is required to provide and maintain adequate finance, staff, equipment, and support capabilities necessary to implement the SWMPP and comply with the requirements of the permit. Once the initial SWMPP is acknowledged by ADEM, activities and associated schedules outlined by the SWMPP or updates to the SWMPP are conditions of the permit. Full implementation of BMPs, using all known, available, and reasonable methods of prevention, control and treatment to prevent and control stormwater pollution from entering waters of the State of Alabama is considered an acceptable effort to reduce pollutants from the municipal storm drain system to the maximum extent practicable.

### SWMPP Implementation Responsibilities

Although the Environmental Manager is the lead manager of the SWMPP, no single department within the City is responsible for all of the necessary activities; therefore, multiple departments and agencies have a role in program management. Figure 2 presents the departments and agencies with their anticipated relationships for the purposes of this program.

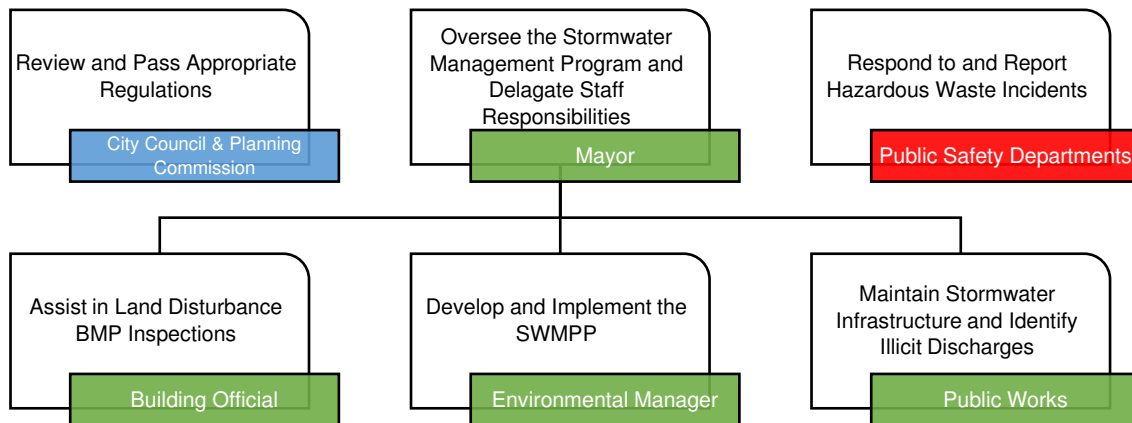


Figure 2: SWMPP Implementation Hierarchy

- Spanish Fort City Council and Planning Commission
  - The Planning Commission is responsible for reviewing resolutions and ordinances in the development phase, as well as passing, reviewing and amending the Subdivision Regulations. The City Council is responsible for the promulgation of all City resolutions and ordinances and the approval of budgetary expenditures related to the implementation of the Stormwater Management Program and maintenance of stormwater infrastructure.
- Public Safety Departments
  - Spanish Fort Police Department
    - The Police Department will assist with enforcement of environmental regulations and identification and reporting of illicit discharges and hazardous materials spills.
  - Spanish Fort Volunteer Fire Department
    - The Volunteer Fire Department will be responsible for hazardous chemical spill response and illicit discharge detection and elimination.
  - The Police and Volunteer Fire Departments provide a support role through hazardous waste spill reporting and cleaning techniques. The responsibilities include public education, illicit discharge detection and elimination and pollution prevention and good housekeeping.
- Mayor's Office
  - The Office of the Mayor is responsible for overall oversight of the program, and for maintaining communication with the City Council.
- Building & Zoning Department
  - Building Official
    - The Building Official will provide support in Illicit Discharge Detection and Elimination, primarily through construction site BMP inspections.
  - Environmental Manager
    - The Environmental Manager will oversee the day-to-day duties of implementing the SWMPP.
- Public Works Department
  - The Public Works Department will ensure all city-owned stormwater facilities are inspected and maintained on a regular basis. Department staff will also assist in Illicit Discharge Detection and Elimination.

### **Coordination between Local MS4s**

The City is actively sharing some of the efforts in implementing various Minimum Control Measures (MCM) of the permit such as Education Outreach and Public Participation with the Cities of Daphne and Fairhope and Baldwin County. Additionally, the City signed a Memorandum of Agreement with the City of Daphne and the Mobile Bay National Estuary Program to install and maintain continuous water quality monitoring devices throughout the D'Olive Creek watershed until 2018.

## **SWMPP Revisions and Updates**

As part of the annual review of the SWMPP in conjunction with the preparation of the annual report, all revisions and updates that are required by ADEM or necessary to maintain permit compliance will be submitted to the Department for review. Upon approval of the revisions and updates, the modified SWMPP plan will become effective.

## Chapter 3 – Minimum Control Measures

This chapter provides guidance to staff and others to meet the requirements of the NPDES Permit for stormwater discharges from the Municipal Separate Storm Sewer System. The five minimum control measures (MCM) are:

1. Public Education and Public Involvement on Stormwater Impacts
2. Illicit Discharge Detection and Elimination (IDDE) Program
3. Construction Site Stormwater Runoff Control
4. Post-Construction Stormwater Management in New Development and Redevelopment
5. Pollution Prevention/Good Housekeeping for Municipal Operations

### MCM 1 – Public Education and Public Involvement on Stormwater Impacts

#### Overview

The City must develop and implement a public education and outreach program to inform the community about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff to the maximum extent practicable. The City must continuously implement this program in the areas served by the MS4, and must also comply, at a minimum, with applicable state and local public notice requirements when implementing a public involvement/participation program.

As one of the fastest growing communities in the State of Alabama, the primary sources of water pollution in Spanish Fort include sedimentation and litter resulting from construction sites, erosion and sedimentation caused by extensive land use changes, roadside litter and illegal dumping, as well as household and light commercial pollution sources. The City of Spanish Fort will utilize its partnership with the Create a Clean Water Future Campaign to reach out to target audiences to reduce these pollutants to the maximum extent practicable. The goals listed below detail the methods the City will use to educate and involve various groups and individuals about the impacts of major pollution sources in its MS4 jurisdiction.

#### Measurable Goals

- A. Illicit Discharges
  - i. Utilize digital and print materials provided by the Create a Clean Water Future Campaign regarding illicit discharge identification, the impacts of stormwater pollution, and ways to report.
    - AUDIENCE                      General Public
    - RESPONSIBILITY            Environmental Manager
    - TIMELINE                      Years 1 – 5
  - ii. Attend at least one (1) Community Action Committee (CAC) meeting per permit year to discuss public education and involvement opportunities.

- AUDIENCE General Public
- RESPONSIBILITY Environmental Manager
- TIMELINE Years 1 – 5

iii. Attend at least one (1) Coastal Alabama Clean Water Partnership meeting per permit year to discuss public education and involvement opportunities.

- AUDIENCE General Public
- RESPONSIBILITY Environmental Manger
- TIMELINE Years 1 – 5

B. Construction Site Runoff

i. Provide Construction Best Management Practices pamphlets, copies of the *Field Guide for Erosion and Sediment Control on Construction Sites in Alabama*, and other informational material in the Building Department and on the City’s website.

- AUDIENCE Engineers, Contractors, Developers, Review Staff, & Planners
- RESPONSIBILITY Environmental Manager
- TIMELINE Years 1 – 5

ii. Provide information about Construction Best Management Practices, including a link to the *Alabama Handbook*, on the City’s Environmental Outreach and Building Department web pages.

- AUDIENCE Engineers, Contractors, Developers, Review Staff, & Planners
- RESPONSIBILITY Environmental Manager
- TIMELINE Years 1 – 5

iii. Establish a digital form on the City’s website to solicit comments in regards to erosion and sediment control requirements of the “Clean Water Ordinance”.

- AUDIENCE Engineers, Contractors, Developers, Review Staff, & Planners
- RESPONSIBILITY Environmental Manager
- TIMELINE Years 1 – 5

iv. Sponsor at least two interactive workshops focusing on erosion and sediment.

- AUDIENCE Engineers, Contractors, Developers, Review Staff, & Planners
- RESPONSIBILITY Environmental Manager
- TIMELINE During Permit Cycle

C. Land Use Impacts

i. Utilize materials provided by the Create a Clean Water Future Campaign to educate the general public about the impacts of increased stormwater flows from impervious surfaces into receiving water bodies.

- AUDIENCE General Public, Engineers, Contractors, Developers, Review Staff, & Planners
- RESPONSIBILITY Environmental Manager
- TIMELINE By Year 5

ii. Provide educational materials regarding runoff reduction techniques, including Low Impact Development (LID), site design, forest retention, and stormwater pond maintenance.

- AUDIENCE Property Owners, Engineers, Contractors, Developers & Planners
- RESPONSIBILITY Environmental Manager
- TIMELINE Years 1 – 5

iii. Participate in meetings regarding D'Olive Creek watershed restoration, including all Intergovernmental Task Force meetings.

- AUDIENCE General Public, Government Leaders
- RESPONSIBILITY Environmental Manager
- TIMELINE Years 1 – 5

D. Roadside Litter and Illegal Dumping

i. Continue to place ads in the Spanish Fort High School football program in coordination with the Create a Clean Water Future Campaign to address litter and its transmission via the MS4 into waters of the State.

- AUDIENCE General Public
- RESPONSIBILITY Environmental Manager
- TIMELINE Years 1 – 5

ii. Pursue volunteers to continue the work of placing storm drain labels on inlets and catch basins.

- AUDIENCE General Public
- RESPONSIBILITY Environmental Manager
- TIMELINE Years 1 – 5

iii. Place signage referencing local litter laws at dumping hot spots and public access points to waterways.

- AUDIENCE General Public
- RESPONSIBILITY Environmental Manager
- TIMELINE By Year 5

iv. Work with the Alabama Department of Transportation (ALDOT) and the Create a Clean Water Future Campaign to create watershed signage which meets MUTCD standards to install along major corridors throughout the MS4.

- AUDIENCE General Public
- RESPONSIBILITY Environmental Manager
- TIMELINE Years 1 – 5

v. Work with the Mobile Bay National Estuary Program (MBNEP), the Alabama Department of Conservation and Natural Resources (ADCNR), the Alabama People Against a Littered State (PALS), and/or the Create a Clean Water Future Campaign to organize an annual cleanup of Joe's Branch.

- AUDIENCE General Public
- RESPONSIBILITY Environmental Manager
- TIMELINE Years 2 – 5

E. Household and Commercial Pollution

- i. Utilize materials provided by the Create a Clean Water Future Campaign addressing yard care techniques that protect water quality, including but not limited to: pet waste disposal, the use, storage and disposal of pesticides and fertilizers, landscaping, and rain water reuse.
  - AUDIENCE Homeowners, Landscapers, Property Managers & General Public
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Years 1 – 5
- ii. Utilize materials provided by the Create a Clean Water Future Campaign addressing Best Management Practices for carpet cleaning and auto repair and maintenance, as well as the use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials.
  - AUDIENCE Homeowners, Property Managers, Businesses
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Years 1 – 5
- iii. Utilize materials provided by the Create a Clean Water Future Campaign addressing the maintenance of detention ponds and other drainage facilities.
  - AUDIENCE Homeowners, Property Managers, Businesses
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Years 1 – 5
- iv. Continue the “Tidy the City” campaign each permit year to promote the proper disposal of non-hazardous household and commercial waste.
  - AUDIENCE General Public
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Years 1 – 5
- v. Coordinate with local municipalities to sponsor a hazardous waste “amnesty day” once per permit year.
  - AUDIENCE General Public
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Years 2 – 5

F. MS4 Phase II

- i. Seek input on the development, revision, and implementation of the SWMPP via the City’s Facebook Page.
  - AUDIENCE General Public
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Years 1 – 5
- ii. Provide educational materials regarding Phase II MS4 requirements.
  - AUDIENCE General Public
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Years 1 – 5

- iii. Participate in at least one (1) conference and/or meeting concerning MS4 Phase II compliance each permit year.
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Years 1 – 5
- iv. Assess the effectiveness of the goals listed above by calculating the number of people reached via social media posts, website clicks and print materials, as well as the number of those participating in events involving environmental stewardship. This assessment will be provided to ADEM annually.
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Years 1 – 5

## Annual Report

In addition to reporting on the status of the goals stated above, the City is required to describe the following in each year's annual report:

- A description of the activities used to involve groups and/or individuals in the development and implementation of the SWMPP;
- A description of the individuals and groups targeted and how many groups and/or individuals participated in the groups;
- A description of the activities used to address the reduction of litter, floatables and debris from entering the MS4 as required in Part III.B.1.b.iii of the General Permit;
- A description of the communication mechanisms or advertisements used to inform the public and the quantity that were distributed (i.e. number of printed brochures, copies of newspapers, workshops, public service announcements, etc.); and
- Results of the evaluation of the public education and public involvement program as required in Part III.B.1.b.vi of the General Permit.



## MCM 2 – Illicit Discharge Detection and Elimination (IDDE)

### Overview

Illicit discharges into a storm drain system are defined by EPA as "...any discharge to a MS4 that is not composed entirely of stormwater..." Some exceptions include but are not limited to permitted industrial sources and discharges from firefighting activities. Illicit discharges can enter a storm drain system directly via "point sources", typically discharged from pipes, or indirectly via "nonpoint sources" such as construction site erosion, litter, pet waste and other overland runoff sources. As a result, untreated waste containing high levels of pollutants enters stormwater and makes its way to creeks, rivers, and waterbodies. To curb the introduction of pollutants into these waterways, the City is required to develop, implement, enforce and evaluate a program to detect and eliminate illicit discharges and improper disposal, including spills not under the purview of another responding authority, into the City's regulated MS4 area, to the maximum extent practicable. Major elements of this program include:

- Identifying the location of all known outfalls within the regulated MS4, and providing the latitude and longitude, names of all waters of the State that receive discharges from the outfalls, and any structural BMPs owned, operated, or maintained by the City;
- An ordinance that effectively prohibits non-stormwater discharges to the MS4, which shall include escalating enforcement procedures and require the removal of illicit discharges and the immediate cessation of improper disposal practices upon identification of responsible parties;
- A dry-weather screening program designed to detect and address non-stormwater (illicit) discharges to the MS4; and
- Procedures for identifying, tracing and eliminating illicit discharges.

### Exceptions

The NPDES permit authorizes the following non-stormwater discharges, provided they do not cause or contribute to a violation of water quality standards, and that they have been determined not to be substantial contributors of pollutants to a particular small MS4:

- Water line flushing
- Landscape irrigation
- Diverted stream flows
- Uncontaminated ground water infiltration
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensate
- Irrigation water (not consisting of wastewater)

- Rising ground water
- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering runoff
- Individual residential car washing, to include charitable car washes
- Residual street wash water
- Discharge or flows from firefighting activities, including fire hydrant flushing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges, and
- Discharges authorized and in compliance with a separate NPDES permit.

### Illicit Discharge Identification

The General Permit requires the City to provide a mechanism for the public to report illicit discharges. The City currently provides a link to the Environmental Manager's email address and direct phone number on the Environmental Outreach web page. Additionally, members of the Public Works staff are educated in the detection of illicit discharges and instructed to report all stormwater issues to the Environmental Manager.

### Dry Weather Screening and Source Tracing

The EPA considers dry weather screening an effective method for identifying illicit discharges and connections; the General Permit requires the City to develop a Standard Operating Procedure for dry weather screening and source tracing. As a result, City staff will be required to conduct dry weather screening of no less than 15% of all major outfalls each year. Any major outfall observed to be flowing at least 72 hours after the most recent rain event is investigated as a potential illicit discharge. Any dry weather flow that is confirmed as an illicit discharge via field screening and/or analytical analyses shall be traced to the source of the discharge in accordance with the Dry Weather Screening and Source Tracing Standard Operating Procedure.

*Appendix A – Standard Operating Procedure: Dry Weather Screening and Source Tracing*

### Enforcement of Illicit Discharges

The General Permit requires the City to develop an ordinance or other regulatory mechanism that effectively prohibits non-stormwater discharges to the MS4. The ordinance must include escalating enforcement procedures and actions and require the removal of illicit discharges as expeditiously as practicable as well as the immediate cessation of improper disposal practices upon identification of responsible parties.

The City of Spanish Fort does not currently have an ordinance to address illicit discharges such as litter and non-construction related discharges. The Zoning Ordinance and Subdivision Regulations require erosion and sediment

control devices; however, the regulations lack adequate enforcement mechanisms. As a result, the City is developing a “Clean Water Ordinance”, which will effectively prohibit illicit discharges. The Environmental Manager has developed a preliminary IDDE Enforcement Standard Operating Procedure, which will serve as a guide for developing the enforcement mechanisms within the ordinance. As such, the Standard Operating Procedure may be altered in accordance with the final language of the “Clean Water Ordinance”.

*Appendix B – Standard Operating Procedure: IDDE Enforcement*

## Addressing Land Use Changes and Downstream Effects

The geography of Spanish Fort peculiar to the entire Gulf Coastal Plain. With the exception of the Causeway, the City is composed almost entirely of steep sandy loam hills and bluffs. This, coupled with some of the most intense rainfall events in the United States and increased runoff associated with rapid urban development has created a “perfect storm” for head cutting and mass wasting events which fill area creeks and rivers with sediment, threatening wetland habitats. The total estimated cost to repair the known erosion problems within the City’s MS4 has topped \$20 million, much more than the City’s annual budget. Many of these problem areas are not only threatening wetlands and wildlife, but also private properties and utility lines. Because of this, the City is dependent on state and federal grant dollars, as well as cooperative public-private partnerships to accomplish its water quality goals.

The City of Spanish Fort has been a proud partner of watershed restoration efforts in the D’Olive Creek watershed. Alongside the City of Daphne, the Mobile Bay National Estuary Program, several state agencies and private utilities and property owners, the City been a partner in restoring large segments of Joe’s Branch, which has been listed on ADEM’s 303(d) list of impaired waterways for siltation caused by erosion. The project was such a success, it earned a Gulf Guardian 1<sup>st</sup> Place Award for Partnerships. The project has set the standard for watershed planning and restoration across Coastal Alabama, and has ignited a groundswell of community support. In 2015, the City solidified its commitment to watershed restoration and protection by hiring an Environmental Manager to oversee the day-to-day operations of the MS4, identify problems and organize solutions in hopes of replicating the successes of Joe’s Branch across the MS4.

The City has also committed itself to preventing runoff problems during the planning process. On February 8, 2016, the Planning Commission adopted new Subdivision Regulations which impose more stringent stormwater regulations, wetland setbacks, stream bank buffers, and pre-application requirements for NPDES permitting. The Environmental Manger is currently drafting a “Clean Water Ordinance”, which will encompass all illicit discharges addressed in the SWMPP, and provide regulation and/or guidance for Low Impact Development.

## Measurable Goals

The goals listed below detail the methods the City will use to detect and eliminate illicit discharges from the regulated MS4:

### A. Clean Water Ordinance

- i. Develop a “Clean Water Ordinance” draft to effectively prohibit illicit discharges to the MS4 to ensure the elimination of stormwater pollutants to the maximum extent practicable in accordance with Part III.B.2.ii of the General Permit.
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Year 1
- ii. Review, amend and forward a positive recommendation to the City Council.
  - RESPONSIBILITY Planning Commission & Environmental Manager
  - TIMELINE Year 2
- iii. Solicit public input on the “Clean Water Ordinance” and provide comments to the City Council for consideration.
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Years 2 – 3
- iv. Review, amend and pass the “Clean Water Ordinance”.
  - RESPONSIBILITY City Council & Environmental Manager
  - TIMELINE Year 3
- v. Evaluate and amend the “Clean Water Ordinance” based on staff response and citizen input as needed.
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Year 4 & 5

### B. Outfall Mapping

- i. Locate, inspect, and record GPS coordinates and attributes of all known outfalls in the D’Olive Creek, Tensaw River – Apalachee River, and Upper Fish River Watersheds within the MS4. Attributes shall include the names of all waters of the State that receive discharges from the outfall and an indication of whether or not the outfall is owned, operated, or maintained by the City.
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Year 1
- ii. Locate, inspect, and record GPS coordinates and attributes of all known outfalls in the Lower Bay Minette Creek, Upper Bay Minette Creek, and Whitehouse Creek Watersheds within the MS4. Attributes shall include the names of all waters of the State that receive discharges from the outfall and an indication of whether or not the outfall is owned, operated, or maintained by the City.
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Year 2

- iii. Following the dry weather screening procedure, inspect at least fifteen percent (15%) of all outfalls within the MS4 no less than once per year with all (100%) screened at least once per five (5) years. Provide a summary of screenings to ADEM on an annual basis.
    - RESPONSIBILITY Environmental Manager
    - TIMELINE Years 1 – 5
- C. Illicit Discharge Investigations, Documentation, Mitigation and Reports
- i. Keep record of all illicit discharge investigations in accordance with the Dry Weather Screening and Source Tracing Standard Operating Procedure.
    - RESPONSIBILITY Environmental Manager
    - TIMELINE Years 1 – 5
  - ii. Evaluate Dry Weather Screening and Source Tracing Standard Operating Procedure on an annual basis and report any needed changes in the Annual Report.
    - RESPONSIBILITY Environmental Manager
    - TIMELINE Years 1 – 5
  - iii. Provide information about how to report an illicit discharge on the City's social media account(s) and Environmental Outreach website.
    - RESPONSIBILITY Environmental Manager
    - TIMELINE Years 1 – 5
  - iv. Develop a program to train new and existing employees about illicit discharge identification and reporting.
    - RESPONSIBILITY Environmental Manager
    - TIMELINE Years 1 – 5
  - v. Attend at least one (1) Project Implementation Committee (PIC) meeting per permit year to discuss ongoing watershed restoration projects and other MS4-related topics.
    - RESPONSIBILITY Environmental Manager
    - TIMELINE Years 1 – 5
  - vi. Provide ADEM with an annual summary of erosion mitigation and watershed restoration projects commenced during each permit year, including funding sources, partners, and timelines.
    - RESPONSIBILITY Environmental Manager
    - TIMELINE Years 1 – 5

## Annual Report

In addition to reporting on the status of the goals stated above, the City is required to describe the following in each year's annual report:

- List of outfalls observed during the dry weather screening;
- Updated MS4 map(s) unless there are no changes to the map that was previously submitted. When there are no changes to the map, the annual report must state this;
- Copies of, or a link to, the IDDE ordinance or other regulatory mechanism; and

- The number of illicit discharges investigated, the screening results, and the summary of corrective actions taken to include dates and timeframe of response.

## MCM 3 – Construction Site Stormwater Runoff Control

### Overview

The Construction Site Stormwater Runoff Control Minimum Control Measure (MCM 3) requires the City to develop/revise, implement and enforce an ongoing program to reduce, to the maximum extent practicable, the pollutants in any stormwater runoff to the MS4 from qualifying construction sites.

### Pre-Construction Review Requirements and Procedures

The permit requires specific procedures for construction site plan review and approval to include an evaluation of plan completeness and overall BMP effectiveness. While the City does not currently issue a Land Disturbance Permit, the Zoning Ordinance and Subdivision Regulations require an Erosion and Sediment Control Plan be submitted with all site plans and major subdivision applications to the Planning Commission, as well as a copy of the Notice of Intent (NOI) and Construction Best Management Practices Plan (CBMPP) that has been submitted to the Alabama Department of Environmental Management for all qualifying construction sites, as well as Jurisdictional Determination from the Army Corps of Engineers for any on-site wetlands. Any application lacking an Erosion and Sediment Control Plan, Notice of Intent and CBMPP (if applicable), or Jurisdictional Determination (if applicable) is rejected by staff and is not placed on the Planning Commission agenda.

Complete applications are reviewed by the City Planner/Environmental Manager and the City Engineer for conformance with regulations. A field inspection is conducted following the plan review and comments are compiled for return to the applicant. Plans are returned and reviewed by staff once again to ensure all comments have been addressed. The City Planner/Environmental Manager makes a recommendation to the Planning Commission based, in part, on the effectiveness of erosion and sediment control measures outlined in the plan. In the event the Planning Commission approves a plan against staff recommendation, based in whole or in part on environmental concerns, staff will contact ADEM to discuss the plan and its deficiencies. A Building Permit may be withheld until the Erosion and Sediment Control Plan is determined to be acceptable; however, this does not prevent an applicant from disturbing a site. The "Clean Water Ordinance" currently under development will require a permit for any qualifying construction site within the City. This will provide staff the legal authority to delay or prevent land disturbance activities until an acceptable plan is approved.

*Appendix C – Subdivision Regulations, Article VI, Section F: Stormwater Management*

*Appendix D – Subdivision Regulations, Article IV, Section C & D: Preliminary Review*

*Appendix E – Preliminary Subdivision Plat Checklist*

*Appendix F – Zoning Ordinance, Article VIII: Erosion and Sediment Control*

*Appendix G – Site Plan Review Checklist*

## Construction Site Inspections

Construction sites that lack adequate stormwater controls can contribute a significant amount of sediment to nearby bodies of water. NPDES Permit Number ALR040041 requires the City to develop procedures for the periodic inspection of qualifying construction sites to verify the use of appropriate erosion and sediment control practices that are consistent with the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas (“Alabama Handbook”) published by the Alabama Soil and Water Conservation Committee, including the frequency and prioritization of inspection activities.

*Appendix D – Subdivision Regulations, Article IV, Section C & D: Preliminary Review (Construction Observation Requirements: see Section D, Subsection 7)*

*Appendix H – Standard Operating Procedure: Construction Site Inspections*

## Reliance on ADEM for Setting of Standards and Enforcement

As provided by 40 CFR Part 122.35(b), the City of Spanish Fort has elected to rely on ADEM for the setting of standards for appropriate erosion controls and sediment controls for qualifying construction sites and for enforcement of such controls until the appropriate regulatory mechanisms have been passed in accordance with the goals stated herein. The City remains responsible for notifying ADEM of non-compliant qualifying construction sites within its regulated MS4 area.

## Measurable Goals

### A. Clean Water Ordinance

- i. Require all Site Plan applicants to include a copy of the Notice of Intent (NOI) and Construction Best Management Practices Plan (CBMPP) submitted to ADEM, where applicable. The “Clean Water Ordinance” is to be passed in accordance with MCM 2.A.
  - RESPONSIBILITY      Environmental Manager
  - TIMELINE              Years 1 – 5
- ii. Require all construction site operators to implement appropriate erosion and sediment control BMPs consistent with the “Alabama Handbook”.
  - RESPONSIBILITY      Environmental Manager
  - TIMELINE              Years 1 – 5
- iii. Require all construction site operators, contractors and sub-contractors to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
  - RESPONSIBILITY      Environmental Manager



- TIMELINE                      Years 1 – 5
  - iv. Provide an adequate enforcement mechanism in coordination with the IDDE Enforcement Standard Operating Procedure to ensure compliance with the NPDES General Permit.
    - RESPONSIBILITY      Environmental Manager
    - TIMELINE                      Years 1 – 5
- B. Staff Training
- i. Provide ADEM with annual verification of all Qualified Credentialed Inspector (QCI) certified employees.
    - RESPONSIBILITY      Environmental Manager
    - TIMELINE                      Years 1 – 5
- C. Construction Site Inspections
- i. Include an affidavit confirming the applicant’s understanding of design standards, maintenance responsibilities, and enforcement procedures in regards to erosion and sediment control best management practices with all land use, subdivision, and building permit applications.
    - RESPONSIBILITY      Environmental Manager
    - TIMELINE                      Year 1
  - ii. Provide ADEM with an annual summary of construction site inspections in accordance with the Construction Site Inspection Standard Operating Procedure (SOP), including the total number of inspections, the rate of compliance, and an evaluation of the SOP and any changes that should be made to the procedure.
    - RESPONSIBILITY      Environmental Manager
    - TIMELINE                      Years 1 – 5
  - iii. Provide ADEM with an annual summary of all construction site enforcement proceedings in accordance with the Construction Site Inspection SOP and IDDE Enforcement SOP, including the number of non-compliant construction site referrals, enforcement actions, a description of the violations, an evaluation of the SOP and any changes that should be made to the procedure.
    - RESPONSIBILITY      Environmental Manager
    - TIMELINE                      Years 1 – 5
  - iv. Provide ADEM with an annual summary of all construction site runoff complaints received and any actions taken to address the complaints.
    - RESPONSIBILITY      Environmental Manager
    - TIMELINE                      Years 1 – 5

## Annual Report

In addition to reporting on the status of the goals stated above, the City is required to describe the following in each year’s annual report:

- A description of any completed or planned revisions to the ordinance or regulatory mechanism and the most recent copy or link to the ordinance; and
- List of all active construction sites within the MS4 to include the following summary:

- Number of construction site inspections;
- Number of non-compliant construction site referrals and/or enforcement actions and description of violations;
- Number of construction site runoff complaints received; and
- Number of MS4 staff/inspectors trained.

## MCM 4 – Post-Construction Stormwater Management

### Overview

Post-construction stormwater management refers to the activities that take place after construction occurs, and includes structural and non-structural controls including low-impact development and green infrastructure practices to obtain permanent stormwater management over the life of the property's use. The Post-Construction Stormwater Management in New Development and Redevelopment Minimum Control Measure (MCM 4) requires the City to develop, implement, and enforce a program to address stormwater runoff from qualifying new development and redevelopment projects, to the maximum extent practicable.

### Performance Requirements

The General Permit requires the City to develop and implement strategies which may include a combination of structural and/or non-structural BMP's designed to ensure, to the maximum extent practicable, that the volume and velocity of pre-construction stormwater runoff is not significantly exceeded; a design rainfall event with an intensity up to that of a 2 year – 24 hour storm event must be the basis for the design and implementation of post-construction BMPs. To accomplish this, the City is required to develop and institute the use of an ordinance or other regulatory mechanism to address post-construction runoff from qualifying new development and redevelopment projects.

The City's Subdivision Regulations currently require that "*post-development release rates shall not exceed pre-development rates for a 2, 5, 10, 25, 50 and 100 year event. In no case shall discharge from a drainage basin exceed the hydraulic capabilities of the initial receiving downstream drainage structures.*" The Zoning Ordinance does not apply such stringent standards, but states that "*the Building Official shall, in consultation with the City Engineer, determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design and report these findings for the Planning Commission's consideration in acting on building applications.*" Because the Zoning Ordinance does not prescribe a specific design criteria, the City Engineer generally reviews Site Plans based on standards set forth in the Subdivision Regulations as a matter of consistency.

*Appendix I – Subdivision Regulations, Article V, Section F: Stormwater Management Standards*

*Appendix J – Zoning Ordinance, Section 5.6: Surface Drainage*

### Approval Process

Proper post-construction stormwater management necessitates adequate planning and approval procedures. The General Permit requires the City to develop and outline procedures for the site-plan review and approval process and a required re-approval process when changes to post-construction controls are required. The permit also requires the City to detail procedures for post-construction processes to demonstrate and document that post-

construction stormwater measures have been installed per design specifications, which includes enforceable procedures for bringing noncompliant projects into compliance.

The City's Subdivision Regulations and Zoning Ordinance outline procedures for staff review of subdivision and site plan applications. Plans are approved by the Planning Commission as-is and any changes, no matter how minor, must be re-submitted for approval. Simply put, any improvements – specifically stormwater structures – not built according to plans approved by the Planning Commission must be brought into compliance prior to the issuance of a Certificate of Occupancy or Final Subdivision Plat approval.

*Appendix K – Subdivision Regulations, Article IV, Section E: Final Plat Approval*

*Appendix L – Final Subdivision Plat Checklist*

*Appendix M – Subdivision Regulations, Article VI, Section F, Subsection 4: Final Approvals*

*Appendix N – Zoning Ordinance, Article XI: Zoning Administration*

*Appendix G – Site Plan Review Checklist*

## Inspection and Maintenance Requirements

The NPDES General Permit requires the City to perform or require the performance of post-construction inspections to confirm that BMP's are functioning as designed. It also requires the City to maintain records or require the developer, owner or operator to maintain records of post-construction inspections and maintenance activities to be made available to ADEM upon request, and require corrective actions to poorly-functioning or inadequately-maintained post-construction BMP's. To accomplish this, the City must require adequate long-term operation and maintenance of stormwater facilities, including one or more of the following as applicable:

1. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
2. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
3. Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control management practices; and/or
4. Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.

While the City's Subdivision Regulations describe the process for repairing noncompliant stormwater facilities, the Zoning Ordinance does not provide a mechanism to enforce penalties upon property owners who do not maintain their stormwater facilities; however, failing stormwater facilities may be abated under the Nuisance Ordinance at

the expense of the owner. To clarify maintenance responsibilities and solidify enforcement procedures, the City will include inspection, maintenance and repair requirements for all post-construction stormwater facilities in the “Clean Water Ordinance”.

*Appendix O – Subdivision Regulations, Article V, Section F, Subsections 6 – 8: Easements, Ownership, and Maintenance*

*Appendix P – Zoning Ordinance, Section 8.8: Responsibility for Maintenance*

*Appendix Q – Ordinance No. 246-2006: Nuisance Ordinance*

## Low Impact Development

The NPDES General Permit requires the city to review and evaluate policies and ordinances related to building codes, or other local regulations, with a goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.

*Appendix R – Subdivision Regulations, Article IV, Section I: Conservation Subdivisions*

*Appendix S – Subdivision Regulations, Article V, Section G: Low Impact Development*

## Measurable Goals

### A. Clean Water Ordinance

- i. Require the developer, owner or operator of post-construction stormwater BMPs to carry out inspections on a regularly-scheduled basis. The “Clean Water Ordinance” is to be passed in accordance with MCM 2.A.
  - RESPONSIBILITY City Council & Environmental Manager
  - TIMELINE Year 3
- ii. Require the developer, owner or operator of post-construction stormwater BMPs to maintain records of inspections and maintenance activities to be made available to the City or ADEM on an annual basis.
  - RESPONSIBILITY City Council & Environmental Manager
  - TIMELINE Year 3
- iii. Require the developer, owner or operator to improve and correct poorly functioning or inadequately maintained post-construction BMPs.
  - RESPONSIBILITY City Council & Environmental Manager
  - TIMELINE Year 3
- iv. Include enforceable procedures for bringing noncompliant post-construction BMPs into compliance.
  - RESPONSIBILITY City Council & Environmental Manager

- TIMELINE Year 3

B. Development Requirements

- i. Amend Zoning Ordinance to require post-construction BMPs be designed to the same standards outlined in the Subdivision Regulations.
  - RESPONSIBILITY City Council & Environmental Manager
  - TIMELINE Year 3
- ii. Require an affidavit confirming the applicant’s understanding of design standards, maintenance responsibilities, and enforcement procedures in regards to post-construction stormwater facilities with all land use and subdivision applications.
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Year 1

C. Evaluation

- i. Review and evaluate policies and ordinance related to building codes or other local regulations with a goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.
  - RESPONSIBILITY Environmental Manager
  - TIMELINE Years 1 – 5

## Annual Report

In addition to reporting on the status of the goals stated above, the City is required to describe the following in each year’s annual report:

- Copies of, or link to, the ordinance or other regulatory mechanism;
- A list of the post-construction structural controls installed and inspected during the permit year;
- Updated inventory of post-construction structural controls including those operated by the City;
- Number of inspections performed on post-construction structural controls; and,
- Summary of enforcement actions.

## MCM 5 – Pollution Prevention & Good Housekeeping for Municipal Operations

### Overview

Pollution Prevention & Good Housekeeping for Municipal Operations (MCM 5) requires the City to develop and implement a program for pollution prevention and good housekeeping at municipal operations. It also requires the development and implementation of an employee training program designed to prevent and reduce stormwater pollutants, to the maximum extent practicable, in areas such as park maintenance, fleet and building maintenance, new construction and land disturbances, stormwater system maintenance, and all other applicable municipal operations.

The program must list all municipal operations and industrial activities that are impacted by this operation and maintenance program. The training program shall be coordinated with the public outreach programs for stormwater pollution and illicit discharges. The program shall include maintenance activities, schedules and long-term inspection procedures for controls to reduce floatables and other pollutants to the MS4, and must also address controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, recycling collection centers, fleet or maintenance shops with outdoor storage areas and fill dirt storage areas. Procedures must be outlined for the proper disposal of waste removed from the MS4 and municipal operations, including materials such as dredge spoil, accumulated sediments, floatables and other debris. There will also be procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

### Municipal Facility Inventory

The NPDES General Permit requires the City to list all municipal facilities and any potential pollutants which may be discharged from such facilities via stormwater runoff. Below is a list of all facilities and properties owned by the City of Spanish Fort and any potential pollutants which may be discharged into the MS4.

- Spanish Fort Community Center
  - Description – The Spanish Fort Community Center is a 30,000 ft<sup>2</sup> building that houses municipal offices, a multi-purpose auditorium, a library and senior center. Two enclosed dumpsters service the building, as well as a large parking lot which drains to a detention pond in the rear. No heavy equipment is stored on site. Potential pollutants include oils and greases resulting from vehicular leaks and trash/floatables.
  - Location – 7361 Spanish Fort Blvd. (30.671842, -87.894885)
- Public Works Facility

- Description – The Public Works facility houses several riding lawn mowers, weed eaters, and trucks, as well as fuel and oil and pesticides. The City does not own large maintenance equipment such as backhoes, bush hogs or street sweepers. Potential pollutants include pesticides, oils and greases resulting from equipment leaks and/or fuel spills, and trash/floatables.
- Location – 7581 Spanish Fort Blvd. (30.671825, -87.892558)
- Recycling Bins
  - Description – The City hosts six recycling bins at two locations. Two recycling bins are located at the Five Rivers Delta Resource Center, while four bins are located near the Public Works facility. Due to overwhelming demand, the City has added two additional bins at the Public Works facility as loose, overflowing trash had become a major concern. Potential pollutants include trash/floatables due to improper disposal of recyclables.
  - Location – 7581 Spanish Fort Blvd. (30.671825, -87.892558) and 30571 Five Rivers Blvd. (30.670509, -87.933602)
- Spanish Fort Kids Park
  - Description – the Spanish Fort Kids Park contains a small playground, park benches and several trash cans that are regularly emptied. Potential Pollutants include trash/floatables due to improper waste disposal.
  - Location – 30739 Ember Lane (30.672577, -87.892372)
- Spirit Park
  - Description – Spirit Park is a sports complex which includes eight tennis courts, three baseball fields, and a concession stand. Potential pollutants include oils and greases resulting from vehicular leaks and trash/floatables due to improper waste disposal.
  - Location – 30492 Emily Frances Dr. (30.668199, -87.896501)
- Joe’s Branch Detention Ponds
  - Description – the detention ponds located at the headwaters of Joe’s Branch were constructed to alleviate the stormwater runoff velocity leaving the Spanish Fort Ball Fields (owned by the Baldwin County Board of Education). Potential pollutants include sediment leaving the site of the ball fields and trash/floatables due to improper waste disposal at the ball fields and along Spanish Fort Blvd.
  - Location – Northwest corner of School Rd. at Spanish Fort Blvd. (30.671837, -87.902302)
- Spanish Fort Estates Property
  - Description – the City owns several acres of property, comprised primarily of wetlands, in the Spanish Fort Estates subdivision. This site is downstream of several washouts on private property, which have resulted in heavy sedimentation of the wetlands. Potential pollutants include sediment caused by off-site erosion and trash/floatables due to improper household waste disposal.
  - Location – Between General Canby Loop and Artillery Range S. (30.688106, -87.913752)



## Measurable Goals

- A. Strategies for Solid Waste Reduction & Removal
- i. Develop strategies for the implementation of BMPs at municipal facilities to reduce litter, floatables and debris from entering the MS4.
    - RESPONSIBILITY Environmental Manager
    - TIMELINE Years 1 – 2
  - ii. Develop a plan to remove litter, floatable and debris material from the MS4, including proper disposal of waste removed from the system.
    - RESPONSIBILITY Environmental Manager, Public Works Department
    - TIMELINE Years 1 – 2
  - iii. Provide ADEM a summary and evaluation of strategies developed, implemented, or modified within each permit year.
    - RESPONSIBILITY Environmental Manager
    - TIMELINE Years 1 – 5
- B. Standard Operating Procedures
- i. Develop Standard Operating Procedures for inspecting municipal facilities for good housekeeping practices, including BMPs. The S.O.P. shall include checklists and procedures for correcting noted deficiencies. Revise the SWMPP to include the inspection plan and schedule, included checklists and any other materials upon adoption.
    - RESPONSIBILITY Environmental Manager, Public Works Department
    - TIMELINE Year 1
  - ii. Develop Standard Operating Procedures for the maintenance of municipal roads, including but not limited to: paving; street sweeping; vegetation control; and cutting, removal and disposal of clippings.
    - RESPONSIBILITY Environmental Manager, Public Works Department
    - TIMELINE Year 2
  - iii. Develop Standard Operating Procedures for the maintenance of vehicle fleets, including but not limited to: equipment maintenance, repair and washing.
    - RESPONSIBILITY Environmental Manager, Public Works Department, Public Safety Departments
    - TIMELINE Years 2 – 3
  - iv. Develop Standard Operating Procedures for storage facilities and the storage and disposal of chemicals and waste materials.
    - RESPONSIBILITY Environmental Manager, Public Works Department, Public Safety Departments
    - TIMELINE Year 2
  - v. Develop Standard Operating Procedures for the external maintenance of municipal facilities, including landscaping and power washing.
    - RESPONSIBILITY Environmental Manager, Public Works Department

- TIMELINE Year 2

C. Staff Training

- i. Develop a training program for municipal facility staff in good housekeeping practices as outlined in the S.O.P.s developed under MCM 5.B. Report a description of the training program and training schedule to ADEM annually.

- RESPONSIBILITY Environmental Manager
- TIMELINE Years 1 – 5

## Annual Report

In addition to reporting on the status of the goals stated above, the City is required to describe the following in each year's annual report:

- Any updates to the municipal facility inventory;
- An estimated amount of floatable material collected from the MS4;
- Any updates to the inspection plan;
- The number of inspections conducted;
- Any updates to the SOP of good housekeeping practices;
- Records of inspections and corrective actions, if any; and
- Training records including the dates of each training activities and names of personnel in attendance.

## Chapter 4 – Water Quality Monitoring and Reporting

### Program Overview

If a waterbody with the City's MS4 jurisdiction is listed on the latest final §303(d) list, or otherwise designated impaired by ADEM, or for which a Total Maximum Daily Load (TMDL) is approved or established by the EPA, during this permit cycle, the NPDES General Permit mandates the City to implement a monitoring program, within 6 months, to include monitoring that addresses the impairment or TMDL. A monitoring plan must be included within this SWMPP and any revisions to the monitoring program must be documented in the SWMPP and the Annual Report.

The monitoring program must include any proposed monitoring locations and monitoring frequency, as well as any parameters attributed with the latest §303(d) list. Actual monitoring locations must be described in the Annual Report. An analysis and collection of samples must be done in accordance with the methods specified at 40 CFR Part 136. Monitoring results must be reported with the subsequent Annual Report and shall include the following monitoring information:

- The date, latitude/longitude of location and time of sampling;
- The name(s) of the individual(s) who performed the sampling;
- The date(s) analysis were performed;
- The name(s) of individuals who performed the analysis;
- The analytical techniques or methods used; and
- The results of such analysis.

If the City is unable to collect samples due to adverse conditions, the City must submit a description of why samples could not be collected, including available documentation of the event.

### Compliance

Currently, the City has implemented a monitoring program for Joe's Branch, part of the D'Olive Creek Watershed, which has been listed on the latest §303(d) list for impairment due to siltation caused by construction activity and severe erosion caused by land use changes. This monitoring plan was implemented in accordance with the City of Daphne and the Mobile Bay National Estuary Program. Monitoring results are provided in the Annual Report.

*Appendix T – Memorandum of Understanding: D'Olive Watershed Water Quality Testing*

## Chapter 5 – Record Keeping and Annual Reporting Requirements

The City is required to submit to ADEM an Annual Report on May 31<sup>st</sup> of each year, detailing its Stormwater Management Programs between April 1<sup>st</sup> and March 31<sup>st</sup> of the previous permit year. The annual report must include the following information, at a minimum, in addition to those requirements listed in Chapter 4:

- A list of contacts and responsible parties who had input to and are responsible for the preparation of the annual report.
- Overall evaluation of the stormwater management program developments and progress for the following:
  - Major accomplishments;
  - Overall program strengths/weaknesses;
  - Future direction of the program;
  - Overall determination of the effectiveness of the SWMPP taking into account water quality/watershed improvements;
  - Measurable goals that were not performed and reasons why the goals were not accomplished; and
  - If monitoring is required, evaluation of the monitoring data.
- Narrative report of all minimum stormwater control measures referenced in Chapter 3 of this SWMPP. The activities shall be discussed as follows:
  - Minimum control measures completed and in progress;
  - Assessment of the controls; and
  - Discussion of proposed BMP revisions or any identified measurable goals that apply to the minimum stormwater control measures.
- Summary table of the stormwater controls that are planned/scheduled for the next reporting cycle;
- Results of information collected and analyzed, if any, during the reporting period, including any monitoring data used to assess the success of the program at reducing the discharge of pollutants to the maximum extent practicable.
- Notice of reliance on another entity to satisfy some of the permit obligations.
- If monitoring is required, all monitoring results collected during the previous year in accordance with Chapter 4, if applicable. The monitoring results shall be submitted in a format acceptable to the Department.

The Environmental Manager is responsible for assembling information from the various City departments to author the annual reports. Forms for use in recordkeeping by involved departments will be developed to facilitate collection of the information required for the annual reports. The reports must be certified by the governing body or an official designated by the governing board.

The City will keep records required by the permit for at least five years, or the duration of the permit. The records used to document compliance with the SWMP will be available to the public during regular business hours from the

various implementing departments. The SWMP and related documents may be viewed in the Building Department – 7361 Spanish Fort Blvd, Spanish Fort, AL 36527 – or on the City’s Environmental Outreach website.



# APPENDIX

## Appendix A – Standard Operating Procedure: Dry Weather Screening and Source Tracing



### CITY OF SPANISH FORT

BUILDING DEPARTMENT  
7361 Spanish Fort Blvd.  
Spanish Fort, AL 36527

Office: (251) 626-4993  
Fax: (251) 626-4880

#### STANDARD OPERATING PROCEDURE

##### Dry Weather Screening and Source Tracing

SOP Number: IDDE-1601

Effective: June 30, 2016

#### PURPOSE

The EPA considers dry weather screening an effective method for identifying illicit discharges and connections. The standard time period for dry weather screening is at least 72 hours after the most recent rain event. Any major outfall observed to be flowing during dry weather screening should be investigated as a potential illicit discharge.

#### PROCEDURE

##### Dry Weather Screening


- Conduct dry weather screening at least 72 hours after a rain event.
- Locate outfall identified in the outfall database. Log the time, date, weather conditions, corresponding identification number of the outfall, and physical condition.
- If flow is observed, record characteristics to include water clarity, color, odor, floatables, deposits/stains and vegetation conditions. If an unknown pollutant is present, perform a field analysis to determine if the flow is from a natural source or an illicit discharge. If the discharge is determined to be an illicit discharge based on the field sampling, analyses and indicators, classify the discharge as a sanitary or non-sanitary illicit and initiate source tracing.
  - At any time during dry weather screening or source tracing, if a sanitary sewer illicit discharge has been identified, notify the appropriate utility company immediately.
- If full-scale chemical analyses are required to confirm an illicit discharge or assist source tracing efforts, collect – or arrange to have collected – samples for laboratory testing.
  - If hazardous discharges or other discharges are encountered that could affect health and safety, leave the area and immediately notify emergency response agencies.

##### Source Tracing

- Identify the storm drain network connected to the outfall. Review the storm drain network map for the area, if completed, and available As-Built drawings for adjacent properties.
- Continue the investigation upstream of the outfall to the next junction in the storm drain network to confirm evidence of the discharge by repeating field analyses and visual/odor observations. Collect samples for laboratory analyses from the upstream junctions, if needed.
- Repeat the steps upstream until a junction is found with no evidence of the discharge.
- Isolate the section between the junctions and try to identify the source of the discharge.
- If an illicit discharge is found to be originating from outside the MS4, document and notify the responsible party at ADEM's Mobile Central Field Office at (251) 450-3400.



## Appendix B – Standard Operating Procedure: IDDE Enforcement



**CITY OF SPANISH FORT**  
 BUILDING DEPARTMENT  
 7361 Spanish Fort Blvd.  
 Spanish Fort, AL 36527

Office: (251) 626-4993  
 Fax: (251) 626-4880

**STANDARD OPERATING PROCEDURE**  
 Illicit Discharge Enforcement  
 SOP Number: IDDE-1603                      Effective: June 30, 2016

**PURPOSE**

To ensure illicit discharges are discouraged and mitigated promptly to maintain water quality standards set forth in the NPDES Permit.

**PROCEDURE**

- Once the source of an illicit discharge is determined, or an inspection report is not addressed prior to a follow-up inspection as outlined in the Construction Site Inspection Standard Operating Procedure, identify the owner, contractor, manager, or other responsible party and initiate communication to abate the situation.

**Warnings**

- If a violation is minor and can be remedied expeditiously, the inspector shall issue either a verbal warning or written Notice of Violation (NOV).
- A *verbal warning* may be given to the onsite entity or other responsible party. If a verbal warning is issued, the corrective action must take place within a deadline not to exceed 72 hours, unless extenuating circumstances exist. If remediation is not completed within the deadline set forth, a Municipal Offense Ticket shall be issued.
- A *Notice of Violation (NOV)* is a written warning issued to an onsite entity, permit holder or other responsible party. The violation cited must be corrected within a deadline not to exceed 72 hours, unless extenuating circumstances exist.
  - Said notice shall indicate the date and time it was issued, the date and time of the compliance deadline, the name of the person contacted and the method of contact.
  - Said notice shall further advise that, should the violator fail to remediate or restore said violation by or before the compliance deadline, a Municipal Offense Ticket (MOT) will be issued.

**Municipal Offense Ticket**

- In the event an illicit discharge causes an immediate, substantial threat to a Water of the State, a Municipal Offense Ticket (MOT) shall be issued in person or by Certified Mail, unless extenuating circumstances exist.
- If a violation is not remediated within the deadline set forth, a MOT shall be issued in person or by Certified Mail.
  - The MOT shall indicate the date and time it was issued, the date and time of the compliance deadline, and the name of the person to whom it was issued.

- The MOT shall further advise that, should the violator fail to remediate or restore said violation by or before the compliance deadline, a Stop Work Order (SWO) shall be placed on the premises to prohibit all construction activities excluding BMP maintenance.
- Each subsequent documented day of violation may constitute an additional MOT until the violation is remediated.
- Any instance which constitutes a MOT shall be formally reported to ADEM within one business day.
- Issuance of a MOT is to be adjudicated in Municipal Court. The City of Spanish Fort Municipal Court is vested with the power and jurisdiction to hear and adjudicate the violations provided in the "Clean Water Ordinance" and to issue orders imposing fines, costs and fees.

**Stop Work Order**

- For qualifying construction sites, if remediation is not completed by the deadline set forth in the MOT, a Stop Work Order shall be issued, detailing the history of the violation, forbidding work of any kind from progressing on site – with the exception of work involved in remediating the violation – and setting terms for lifting the order. Police force may be used to enforce the SWO.
- A Stop Work Order will be in effect until the terms outlined in the order are met and the violation has been corrected. The Engineer of Record and the QCP shall submit a Plan of Action and sign off on the completed work before the City of Spanish Fort may allow work to resume. A sign off is required by e-mail or letter to the City's Building Department.

**Abatement**

- Civil court findings may result in the petition for a preliminary or permanent injunction from continuing illicit discharge activities or for abatement or remediation of the violation.
- Where practical, the City shall conduct abatement and/or remediation of the illicit discharge and assign the cost of abatement, including administrative and remediation costs, to the owner or responsible party, payable within a specified deadline. If the amount due is not paid, a lien may be assessed on the property for the amount of the assessment by the City.

## Appendix C – Subdivision Regulations, Article VI, Section F: Stormwater Management

### Minimum Requirements

The owner/applicant shall be required to install or construct all improvements in conformity with these minimum requirements:

- a. Requirements contained herein are in addition to the requirements of any National Pollutant Discharge Elimination System (NPDES) Permit issued for a development, particularly with regards to turbidity and impairment. Stormwater shall not be discharged so that:
  - i. Turbidity of the receiving water is increased by over 50 NTUs above background; or
  - ii. Discharge will cause or contribute to the listed impairment on any stream listed in the most recently approved 303(d) list.
- b. All necessary work to construct the approved stormwater management system shall take place, including grading, infrastructure construction, construction of ponds and structures, erosion and sedimentation protection and final stabilization in accordance with the Stormwater Management Plan.
- c. The work shall at all times be subject to inspection by the City Engineer, the Authorized Enforcement Personnel, the project engineer and any agency having jurisdiction or permit authority.
- d. Work shall be prosecuted in conformance with the design plans, the then-current edition of the Alabama Handbook, ALDOT Standard Specifications for Highway Construction and other applicable laws and permits.

## Appendix D – Subdivision Regulations, Article IV, Section C & D: Preliminary Review

*Article IV: Procedural and Administrative Processes*

### C. PRELIMINARY CONCEPT REVIEW

The purpose of the Preliminary Concept Review is for the owner or agent to become familiar with the process, time and regulations that may be applicable. The Preliminary Concept Review consists of a meeting with the City's Planning Department to discuss the project.

The applicant is encouraged to submit the Preliminary Concept for Planning Commission Review. This is not mandated or required, but is highly encouraged.

#### 1. Minimum Submission Requirements

Should the owner submit the Preliminary Concept to the Planning Commission, the following shall be provided:

- a. The drawings shall be drawn on a scale of not more than 1:200.
- b. A directional arrow clearly indicating North.
- c. Zoning designations for the subject property and adjoining properties, if applicable.
- d. Proposed lot lines, numbers and size of each lot in square feet and dimensions.
- e. Existing and proposed street width, locations and dimensions.
- f. Existing and proposed sidewalk width, locations and dimensions.
- g. Locations of existing and proposed utilities and easements.
- h. Common space dimensions and calculations, detention/retention areas and parks.
- i. Topography at no greater than 2' intervals.
- j. Proposed street or private right-of-way access for each lot.
- k. Estimated locations of all natural features such as preservation trees, wetlands, streams, rivers and similar features.
- l. Location of existing and proposed drainage easements.
- m. Generalized drainage plan.

#### 2. Staff Review

Should the owner or agent make a submission for Planning Commission review, the staff shall review the documents. The staff may or may not prepare written comments to the applicant or the Planning Commission. Staff, will, however, provide a recommendation on the conformance of the proposal to these Regulations. Recommendation of the staff is not binding on the Planning Commission.

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3. Optional Planning Commission Review

The Planning Commission may consider a Preliminary Concept Review at a regularly scheduled work session and/or meeting. Official public notice and a public hearing are not required for consideration.

- a. *Planning Commission Input*: the Planning Commission shall give input in either general or specific nature in response to the presented concept. Each commissioner shall have an opportunity to comment. The Planning Commission and/or individual commissioners may choose not to comment.
- b. *Inability to Approve*: during a Preliminary Concept Review, the Planning Commission has no power to approve any project or take a vote. There shall be no vote of the Planning Commission.
- c. *Planning Commission Input Not Binding*: no action taken or statement made by the Planning Commission, any commissioner or any representative of the City shall be binding on the Planning Commission or the City.

**D. PRELIMINARY PLAT REVIEW**

The proposed subdivision plat shall be prepared by a licensed P.E. or P.L.S. registered in the State of Alabama. The Preliminary Plat package consists of a “shovel ready” set of plans. The package should reflect the full design of the proposed subdivision in accordance with these Regulations and other applicable requirements. Submission of the Preliminary Plat shall be made to the City in accordance with the Planning Commission’s published yearly meeting schedule. No submission will be accepted or effective unless made on or before the second Tuesday of the month in order to be placed on the next regular Planning Commission meeting agenda.

The Preliminary Plat shall include all plats and construction plans necessary to build the project and must demonstrate conformity to these Regulations and any other applicable requirements. Two (2) hard copies of the plat, two (2) hard copies of construction plans and any other necessary documentation shall be submitted. In addition, all plats, plans, reports, and other required documentation shall be submitted in Portable Document Format (PDF).

1. Minimum Submission Requirements

- a. Completed preliminary plat application provided by the City (Appendix ‘A’).
- b. All applicable fees are paid.

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- c. Legal description of the property and total acreage of the parcel being subdivided submitted in Microsoft Word format.
- d. Title Policy, title opinion or title report to verify ownership.
- e. Name(s) and addresses of property owners as shown in the records of the Baldwin County Revenue Commissioner or the Baldwin County Judge of Probate for all properties located within 300 feet in any direction of the proposed project in Microsoft Excel format.
- f. Letters from utility companies indicating their ability to provide services to the proposed subdivision.
- g. Health Department approval, if applicable.
- h. Traffic Study, if applicable
- i. A copy of the transmittal to Baldwin County, if the subject property is located in the extra-territorial jurisdiction.
- j. The Preliminary Plat shall include at a minimum:
  - i. Two copies of the plat submitted on paper no larger than 30" x 40";
  - ii. One 11" x 17" copy of the plat submitted on paper and PDF format;
  - iii. Scale not less than one inch equals one hundred feet (1" = 100');
  - iv. Date, north arrow and graphic scales;
  - v. A vicinity map annotated as not to scale (NTS);
  - vi. The proposed name of the subdivision indicating the phase number, if applicable. The Planning Commission reserves the right to approve or disapprove a subdivision name. Similar sounding subdivision names, or names which are offensive, confusing or controversial in the opinion of the Planning Commission, shall not be permitted;
  - vii. The name, address and contact information of the owner(s);
  - viii. The name, address and contact information of the surveyor and Design Engineer;
  - ix. Names of owners and zoning of adjacent properties;
  - x. A site data table indicating the following:
    - 1) Zoning of subject property.
    - 2) Total acreage of the property to be subdivided.
    - 3) Minimum lot size.
    - 4) Net density per acre.
    - 5) Total number of lots.
    - 6) Area of common space and park space.
  - xi. A diagram reflecting all proposed blocks and lots with all bearings and dimensions shown, including clearly-defined site boundaries;

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- xii. The location and dimensions of existing and proposed streets within and adjacent to the proposed subdivision;
  - xiii. Proposed street names and proof of E-911 approval;
  - xiv. Any and all setback and buffer lines required by zoning ordinances, other regulations, covenants or restrictions;
  - xv. Scale drawings showing the location, nature and extent of any and all areas reserved for common space, park space, natural space or other public uses. Park space shall be indicated on the plat as "Park Space". All common and park spaces shall include a brief description of the intended purpose (i.e., "Playground" or "Detention"), as well as square footage or acreage;
  - xvi. Topographical contours at one (1) foot intervals within fifty feet (50') of the subject property;
  - xvii. Location of existing water courses, jurisdictional wetlands, railroads, major transmission lines, drainage structures and public utility easements, on proposed subdivision and adjacent land;
  - xviii. A designation and the location and boundaries of any and all flood zones in accordance with the National Flood Insurance Program Flood Insurance Rate Maps (FIRM);
  - xix. All proposed utility providers; and
  - xx. The location and description of any and all required or needed utility or drainage easements, both on or off site.
- k. Along with the Preliminary Plat, a complete set of Construction Plans shall include at a minimum:
- i. A Street Plan depicting the following:
    - 1) Location of all existing and proposed streets and all right-of-ways in or adjacent to the subdivision;
    - 2) Width of all existing and proposed streets and all right-of-ways and easements;
    - 3) Typical section(s) showing location and dimensions of sidewalks and landscaping;
    - 4) Centerline profiles of all proposed streets with existing and finished grades at a scale of horizontal 1"=50' and vertical 1"=5', or horizontal 1"=100' and vertical 1"=10';
    - 5) All curb radii for street intersections;
    - 6) Any and all offsite improvements, i.e. turn lanes, traffic signals, etc.;

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- 7) Cross Sections of proposed streets at a maximum of 100 foot intervals;
  - 8) Stopping Site distance;
  - 9) Curve Data for Centerline, Delta, Tangent, Radius and etc.; and
  - 10) Location of all proposed sidewalks, ramps and grades.
- ii. A Utility Plan depicting the following:
- 1) All existing and proposed utilities in or adjacent to the subdivision; and
  - 2) Location of all fire hydrants.
- iii. A Stormwater Management Plan depicting the following:
- 1) All surface waters, jurisdictional wetlands and FEMA flood zones;
  - 2) Existing and proposed one (1) foot contours of the subject property and all adjacent right-of-ways. Elevations must be field verified. Greater intervals may be allowed if approved by the City Engineer or Building Official;
  - 3) Minimum finished floor elevations for every lot within or adjacent to a flood zone;
  - 4) All proposed pipes, control structures, headwalls, rip-rap and junction boxes, including location, size and flow line elevations;
  - 5) Location of stormwater management facilities;
  - 6) Detailed drawings of the control structure(s);
  - 7) Cross sections of each stormwater facility including dimensions, elevations and characteristics;
  - 8) Design Q at each outfall structure; and
  - 9) Location of all existing drainage structures within 100 feet of proposed development.
- iv. A Stormwater Management Design Report (submitted on 8 ½" x 11" paper) describing the following:
- 1) A determination that no occupied first floor elevation of any structure will be constructed below the 100-year flood elevation;
  - 2) If wetlands are identified on site by National Wetland Inventory, Baldwin County or Spanish Fort geographic information systems, the applicant shall submit Jurisdictional Determination acquired through an environmental scientist, a letter of "No Impact", or other permits/documents issued by the Corp of Engineers, ADEM or other applicable government agencies;
  - 3) A Stormwater Facility Maintenance Agreement in accordance with Article V;
  - 4) Hydrologic-Hydraulic Study including the following:



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- a. Elevations of Pre and Post Differential Runoff;
  - b. Evaluations of Required Retention/Detention Ponds;
  - c. Pond Routing Calculations in Legible Tabulated Form;
  - d. Inlets and Gutters;
  - e. Culvert Pipes; and
  - f. Open Channel Drainage Systems.
- 5) Verification of Adequacy including the following:
- a. proof of adequacy of volume of retention for each drainage basin;
  - b. tributary (Q) peak runoff to basin;
  - c. balanced maximum outflow rate from the low-flow structure;
  - d. ratios of inflow to outflow;
  - e. sizing of the overflow facilities;
  - f. stability of dikes;
  - g. safety features;
  - h. maintenance features;
  - i. routing calculations in legible tabulated form;
  - j. A graphic illustrating the intensity and duration of runoff resulting from pre-development, post-development without stormwater management facilities and post-development with stormwater management facilities shall be submitted to illustrate compliance; and
  - k. Projects involving complexity of design may require more documented verification.
- v. Erosion and Sedimentation Plan including the following:
- 1) Sites which require coverage under the NPDES General Permit (generally, those which disturb greater than one acre of land) shall include the following:
    - a. A copy of the Notice of Intent (NOI) for coverage under the NPDES General Permit;
    - b. A copy of the Construction Best Management Practices Plan (CBMPP), including the Spill Prevention, Control and Countermeasures (SPCC) Plan submitted to the Alabama Department of Environmental Management; and
    - c. Application for "Class 1" Land Disturbance Permit.
  - 2) Sites which do not require coverage under the NPDES General Permit shall include the following:

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- a. An Erosion and Sedimentation Plan in accordance with the City's most-current Zoning Regulations and Clean Water Ordinance; and
  - b. Application for "Class 2" Land Disturbance Permit.
- vi. Landscape Plan in accordance with Ordinance No. 417-2012, as the same may be amended, depicting the following:
- 1) Tree saving and planting plan;
  - 2) Types of vegetation that will be used for stream bank(s), stabilization, erosion control, sediment control, aesthetics and water quality improvement; and
  - 3) Any special requirements related to the landscaping of the drainage system and efforts necessary to preserve the natural aspects of the drainage system, including required buffers.

2. Project Phasing

Should a project be developed and constructed in phases, an overall master plan shall be provided. The overall master plan shall show, to scale, the location of all streets, common areas and park spaces, lot sizes and an estimated schedule of construction/development. The Planning Commission may require that all streets and other areas intended to be publicly dedicated be submitted to dedication with phase one, if it is determined to be in the best interest of the City to do so.

3. Staff Review

The City's representatives/staff shall review the submitted package for conformity to these Regulations and for completeness. Staff shall notify the applicant in writing of any deficiencies in the application and shall provide the applicant with an opportunity to withdraw the application and resubmit a revised application. If an applicant fails to withdraw such application, it shall be placed on the Planning Commission's agenda with a notation that such application is non-compliant and in violation of these or other Regulations. The determination of deficiencies shall not be binding on the Planning Commission, nor shall any list of deficiencies determined by staff prevent the Planning Commission from determining that further deficiencies exist. Other than written notation of deficiencies, the staff may or may not provide written comments to the applicant. The applicant is encouraged to make revisions as a result of staff comments and any input from Planning Commission work sessions.

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Upon revision of the Preliminary Plat package, the applicant shall resubmit to the City any information requested by staff. These revisions shall be submitted no later than 12:00 p.m., seven (7) days prior to the next hearing at the regular Planning Commission meeting. In the event the Preliminary Plat package is not submitted in accordance with this deadline, the Preliminary Plat shall be removed from the Planning Commission agenda.

4. Hearing, Notice and Decisions of the Planning Commission

No subdivision application shall be approved unless it is heard and approved at a public meeting of the Planning Commission. Complete applications and packages will be heard by the Planning Commission at an appropriately called and noticed meeting. The City shall mail out notices of a pending subdivision application. Notice shall be mailed by certified mail to all property owners, as shown in the records of the Baldwin County Revenue Commissioner, whose property is located within 300 feet of the proposed development, not less than 5 calendar days from the scheduled Planning Commission meeting date. The notice will include the time and place of the Planning Commission meeting and a brief description of the application, together with the name of the applicant/owner and the address of the affected property.

a. *Decision Options and Empowerment:* after a hearing, the Planning Commission may:

- i. Approve the Preliminary Plat by simple majority of the members voting, or deny the Preliminary Plat by vote. Additionally, failure to obtain a majority vote in favor of the application shall be considered a denial of the application;
- ii. Approve the Preliminary Plat with conditions; or
- iii. Table the Preliminary Plat with the applicant's consent.

All decisions of the Planning Commission will be provided to the applicant in writing. If an application was denied, no subdivision affecting the subject property or a portion of the subject property will be considered for a period of two (2) months from the date of the Planning Commission decision, unless all reasons for denial or noted deficiencies have been corrected. If an application is approved with conditions, then prior to commencing construction, the applicant shall address such conditions and submit a revised Preliminary Plat, together with all required documentation to the City for staff review. If City staff finds the revised Preliminary Plat and Plans to be in compliance with these Regulations and in compliance with the conditions for approval, then such Preliminary Plat shall be deemed approved. If staff determines that such revised Preliminary Plat fails to comply with these Regulations and fails to meet the conditions for

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approval, staff may allow an additional opportunity to address conditions for approval. If staff ultimately determines that the revised Plat is not in compliance with these Regulations and with conditions for approval, staff shall notify the applicant in writing of all deficiencies, and no land disturbance permit shall be issued for the project.

5. Pre-Construction Requirements

No construction of subdivision or site improvements shall commence until after the Land Development Permit has been issued by the City. Anyone constructing a subdivision or site improvements without a Land Development Permit shall be subject to penalties as allowed by law. Upon approval of a Preliminary Plat and satisfaction of all conditions for approval, an applicant shall comply with the following requirements prior to commencing construction:

- a. *Applicable Permits*: prior to the commencement of construction, the applicant shall obtain a land disturbance permit and furnish copies to the City of all applicable permits including, but not limited to, ADEM permits, ALDOT permits and Corps of Engineer permits.
- b. *Contractor(s) Licensure*: prior to the commencement of work by the contractors or any sub-contractors, the applicant/developer shall provide a list of such contractors/subcontractors to the City, with contact names and addresses for each person so identified. All contractors and sub-contractors shall be licensed by the State and the City as required by law.
- c. *Pre-Construction Conference*: prior to the commencement of construction of a major subdivision, a conference shall be conducted to facilitate communication among responsible parties, utility providers and governmental agencies with permitting or regulatory authority over the development. All utility providers shall be invited, and the project engineer or his representative shall attend the meeting. Various officials including police, fire and Building and Planning Department officials shall also be invited and attend as necessary. This meeting is required. It is the responsibility of the applicant to schedule this meeting.

6. Plat Expiration and Revocation

- a. *Expiration of Approval*: the approval of a preliminary plat shall be valid for 2 years from the date of the Planning Commission approval. Any plat not receiving final approval within the 2 year “window” shall be null and void, and the applicant/owner shall be required to submit a new preliminary plat and meet all applicable requirements. The applicant/owner may request an extension of up to 24 additional months in writing to the Planning Commission. The

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extension request shall provide reasons to substantiate the need for an extension. Extension requests shall be processed in similar fashion as a plat application as it relates to submission dates, review times and public notices. The applicant/owner shall pay for all public notice costs. Extensions must be approved by the Planning Commission by majority vote.

- b. *Process of Revocation:* revocation of any approvals may take place if any information or data provided by the applicant is found to be materially incorrect or false as determined by the Planning Commission. Revocation must take place at a properly noticed meeting of the Planning Commission. The owner, subdivider or applicant will be notified at least 15 calendar days prior to the hearing. All adjoining property owners shall also be notified at least 15 calendar days prior to the hearing. The owner, subdivider or applicant, or the representative of the owner, subdivider or applicant, shall have an opportunity to be heard before the Planning Commission. Revocation of a plat or an approval requires the affirmative vote of seven Planning Commission members.

7. Construction Observation Responsibilities


The applicant/ owner shall provide construction observation at the applicant/owner's expense. The City shall bear no financial responsibility related to the construction or observation of the construction, nor shall the City have any duty to observe construction.

- a. *Observation Requirement:* The Project Engineer or the engineer's representative shall observe the construction of a project in accordance with generally accepted professional engineering standards. The Project Engineer is charged with certifying compliance with all applicable permits, building codes and with generally accepted construction standards. The observation personnel shall not be an agent or employee of any contractor, materialman or laborer, but shall be the employed by the owner/applicant.
- b. *Reporting:* The Project Engineer shall provide construction reports to the City on a bi-weekly basis, unless otherwise agreed in writing by the City Engineer. These reports shall provide documentation of the construction progress and conformance with applicable regulations, codes and permits. All reporting and documentation required by other permits such as ADEM, Baldwin County and ALDOT shall also be copied to the City.
- c. *Remedies:* Should the Project Engineer observe violations of the approved construction plans or any permit, the applicant/owner and the City shall be notified immediately. The City shall have the ability to issue stop work orders and to issue citations for violations of standards, permits and codes, which shall be enforceable through City Court or other appropriate venue.

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The City shall also have the authority to pursue any further or different relief or remedies deemed necessary by the City through court action, including, but not limited to, injunctive relief, nuisance abatement or penalties. The Project Engineer shall provide all documentation concerning the project to the City in the event of a violation. The Project Engineer shall make recommendations to the City in order to bring the project back into compliance with the approved construction plans or permit requirements.

**Appendix E – Preliminary Subdivision Plat Checklist**



Case No. \_\_\_\_\_

**SPANISH FORT PLANNING COMMISSION  
PRELIMINARY SUBDIVISION PLAT OR P.U.D. APPROVAL CHECKLIST**

Name of Subdivision or P.U.D.: \_\_\_\_\_

Name of Applicant(s): \_\_\_\_\_

Tax Parcel No(s): \_\_\_\_\_

All applicable requirements in the Spanish Fort Subdivision Regulations, Article IV, Section D, Subsection 1, including but not limited to the following, shall be submitted no later than the **second Tuesday of the month**:

1. \_\_\_\_\_ Completed application form, including this checklist
2. \_\_\_\_\_ All applicable fees are paid (see fee schedule)
3. \_\_\_\_\_ Legal description of the property in Microsoft Word format
4. \_\_\_\_\_ Title Policy, Opinion or Report to verify ownership
5. \_\_\_\_\_ Names and addresses of all property owners within 300 feet of subject property in Microsoft Excel format
6. \_\_\_\_\_ Letters from utility companies
7. \_\_\_\_\_ Health Department approval, if applicable
8. \_\_\_\_\_ Traffic study, if applicable
9. \_\_\_\_\_ A copy of the transmittal to Baldwin County (ETJ only)
10. \_\_\_\_\_ Preliminary Plat or P.U.D. which meets the following requirements:
  - a. \_\_\_\_\_ Scale not less than 1 inch = 100 feet
  - b. \_\_\_\_\_ Date, north arrow and graphic scales
  - c. \_\_\_\_\_ Vicinity map annotated as not to scale (NTS)
  - d. \_\_\_\_\_ Proposed name of the subdivision indicating the phase number, if applicable.
  - e. \_\_\_\_\_ Name, address and contact information of the owner(s)
  - f. \_\_\_\_\_ Name, address and contact information of the surveyor and design engineer
  - g. \_\_\_\_\_ Names of owners and zoning of adjacent properties
  - h. \_\_\_\_\_ Site data table indicating the following:
    - i. \_\_\_\_\_ Zoning of subject property
    - ii. \_\_\_\_\_ Total acreage of the property
    - iii. \_\_\_\_\_ Minimum Lot Size
    - iv. \_\_\_\_\_ Net density per acre
    - v. \_\_\_\_\_ Total number of lots
    - vi. \_\_\_\_\_ Average Lot Size
    - vii. \_\_\_\_\_ Total Area of Common Space

- viii. \_\_\_\_\_ Total Area of Park Space
  - i. \_\_\_\_\_ Diagram reflecting all proposed blocks and lots with all bearings and dimensions
  - j. \_\_\_\_\_ Location and dimensions of existing and proposed streets within and adjacent to the subject property, proposed street names and proof of E-911 approval
  - k. \_\_\_\_\_ Any required and/or proposed minimum setbacks and buffers
  - l. \_\_\_\_\_ Common Space and Park Space identified with a brief description of the intended use and total size
  - m. \_\_\_\_\_ Topographical contours at 1 foot intervals within 50 feet of the subject property
  - n. \_\_\_\_\_ Location of existing water courses, jurisdictional wetlands, railroads, major transmission lines, drainage structures and public utility easements on proposed subdivision and adjacent land
  - o. \_\_\_\_\_ Location and boundaries of any and all FIRM flood zones
  - p. \_\_\_\_\_ All proposed utility providers
  - q. \_\_\_\_\_ Location and description of proposed utility and drainage easements
11. \_\_\_\_\_ Construction Plans which meet the requirements of Article IV.D.1.k:
- a. \_\_\_\_\_ Street Plan
  - b. \_\_\_\_\_ Utility Plan
  - c. \_\_\_\_\_ Stormwater Management Plan
  - d. \_\_\_\_\_ Stormwater Management Design Report (8 ½" x 11")
    - i. \_\_\_\_\_ Jurisdictional Determination
    - ii. \_\_\_\_\_ Stormwater Facility Maintenance Agreement
    - iii. \_\_\_\_\_ Hydrologic – Hydraulic Study
    - iv. \_\_\_\_\_ Verification of Adequacy
  - e. \_\_\_\_\_ Erosion and Sedimentation Control Documentation
    - i. \_\_\_\_\_ Application for Land Disturbance Permit
    - ii. \_\_\_\_\_ Copy of Notice of Intent (N.O.I.) for NPDES Permit coverage, if applicable
    - iii. \_\_\_\_\_ Construction Best Management Practices Plan (CBMPP) certified by QCP
  - f. \_\_\_\_\_ Landscape Plan
12. \_\_\_\_\_ Two (2) printed copies of plat and construction plans no larger than 30" x 40"
13. \_\_\_\_\_ One (1) 11" x 17" copy of plat in print
14. \_\_\_\_\_ One (1) copy of all plats, plans, reports, and other required documentation



Appendix F – Zoning Ordinance, Article VIII: Erosion and Sediment Control

ARTICLE VIII

EROSION AND SEDIMENT CONTROL

- 8.1 PLAN REQUIREMENT. An erosion and sediment control plan shall be a part of the construction plans for all developments in Spanish Fort's corporate limits and planning jurisdiction. Such plan shall accompany any application for subdivision or zoning approval, building permit, excavation or other construction activity whenever the proposed activity is to be undertaken on a tract comprising more than one acre, or more than one contiguous acre is to be uncovered.<sup>4</sup>
- 8.2 PLAN SUBMISSION AND REVIEW. Whenever there is an area to be disturbed comprising more than one acre, three (3) copies of the erosion and sediment control plan shall be filed with the Building Inspector at the time the application for Land Use Certificate and Building Permit are submitted. A copy of the plans shall also be on file at the job site. If the Building Inspector and/or the City Engineer determine, either upon review of such plan or on inspection of the job site, that a significant risk of off-site sedimentation or erosion exists, a revised plan shall be prepared and submitted. Pending the preparation of the revised plan, the work shall be either suspended or continued under conditions outlined by the Building Inspector and the City Engineer.<sup>4</sup>
- 8.3 PLAN CONTENT. Erosion and sediment control plans shall contain architectural and engineering drawings, maps, assumptions, calculations and narrative statements as needed to accurately describe the proposed development of the site and the measures planned to meet the Basic Control Objectives. Plan content may vary to meet the needs of the specific site conditions, but the plan must show, at a minimum, the best management practices (BMP's) which will be used to control site erosion during and after construction. Examples of best management practices shall include, but shall not be limited to, the following:
- |                                |                              |
|--------------------------------|------------------------------|
| Mulching                       | Detention basins             |
| Sodding                        | Porous pavements             |
| Diversion berms                | Holding tanks                |
| Sedimentation catch basins     | Infiltration systems         |
| Clean up practices             | Channel storage              |
| Recreational area storage      | Minimize disturbed land area |
| Diversion structure            | Minimize the duration of     |
| Ponds                          | exposure to the natural      |
| Retain natural vegetation      | elements                     |
| Aeration of soils <sup>4</sup> |                              |
- 8.4 PROTECTION OF PROPERTY. Persons engaged in land-disturbing activities shall take all

reasonable measures to protect all public and private property, including roadways, from damage by such activities.

8.5 BASIC CONTROL OBJECTIVES. The basic control objectives which should be considered in developing and implementing an erosion and sediment control plan are to:

8.51 Identify Critical Areas. On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

8.52 Limit Exposed Areas. All land-disturbing activities should be planned and conducted to minimize the size of the area to be exposed at any one time.

8.53 Limit Time of Exposure. All land-disturbing activities should be planned and conducted to limit exposure to the shortest feasible time.

8.54 Control Surface Water. Surface water runoff originating upgrate of exposed areas should be controlled to reduce erosion and sediment loss during exposure.<sup>4</sup>

8.55 Control Sedimentation. All land-disturbing activities should be planned and conducted to minimize off-site sediment damage.<sup>4</sup>

8.56 Manage Stormwater Runoff. When any land disturbing activity increases the peak rates and velocity of stormwater runoff into receiving ditches or stream channels, plans indicating the management of stormwater runoff shall be submitted and approved by the City Engineer. These plans shall include measures that control both the velocity and rate of increased runoff to minimize erosion and sediment deposition in the ditch or stream channel.<sup>4</sup>

8.6 STANDARDS.

8.61 Mandatory Standards. No land-disturbing activity subject to these provisions and guidelines shall be undertaken except in accordance with the following requirements:

8.611 No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse or adjacent property, unless a buffer zone is provided along the boundary of sufficient width to confine visible siltration and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over or under a lake, natural watercourse or adjacent property.<sup>4</sup>

8.612 The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 30 working days of completion of final grading, be planted or

otherwise provided with ground cover, devices or structures sufficient to restrain erosion.

- 8.613 Whenever land-disturbing activity is undertaken on a tract comprising more than one acre, if more than one contiguous acre is uncovered, a ground cover sufficient to restrain erosion must be planted or otherwise provided within 30 working days on that portion of the tract upon which further active construction is not being undertaken, provided that this activity shall not apply to cleared land forming the basin of a reservoir later to be inundated.

- 8.62 Design and Performance Standards. Erosion and sediment control measures, structures and devices shall be so planned, designed, and constructed as to provide control from the calculated peak rates of runoff from a ten-year frequency storm. Runoff rates may be calculated using the procedures in the USDA, Soil Conservation Services "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area. All plans will be subject to review by the Building Inspector and the City Engineer.<sup>4</sup>

#### 8.7 OTHER REQUIREMENTS.

- 8.71 Permanent Downstream Protection of Stream Banks and Channels. Provision shall be made for the permanent protection of off-site stream banks and channels from the erosive effects of increased velocity and volume of stormwater runoff resulting from certain land-disturbing activities.
- 8.711 A combination of storage and controlled release of stormwater runoff shall be required for all highway construction; commercial, industrial, educational, institutional, and multi-family developments of one acre or more; and for single-family developments of five (5) acres or more.<sup>4</sup>
- 8.712 Detention, storage and controlled release will not be required in those instances where the person planning to conduct the activity can demonstrate that the stormwater release will not cause an increase in accelerated erosion or sedimentation of the receiving ditch, stream channel, or other drainage facility, taking into consideration any anticipated development of the watershed in question.
- 8.72 Borrow and Waste Areas. When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.


8.73 Access and Haul Roads. Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

8.74 Operations in Lakes or Natural Watercourses. Land-disturbing activity in connection with construction, in, on, over or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided.<sup>4</sup>

8.8 RESPONSIBILITY FOR MAINTENANCE. The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sediment control measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sediment control measures and facilities, after site development is completed, shall lie with the landowner.

8.9 ADDITIONAL MEASURES. Whenever the Building Inspector and/or the City Engineer determines that significant erosion or sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity or the person responsible for maintenance will be required to take additional protective action.<sup>4</sup>

**Appendix G – Site Plan Review Checklist**



Case No. \_\_\_\_\_

**SPANISH FORT PLANNING COMMISSION  
SITE PLAN REVIEW CHECKLIST**

Name of Development: \_\_\_\_\_

Name of Applicant(s): \_\_\_\_\_

Tax Parcel No(s): \_\_\_\_\_

All applicable requirements in the Spanish Fort Zoning Ordinance (No. 51-96), Article VI, Section 6.33 including but not limited to the following, shall be submitted no later than the **second Tuesday of the month**:

1. \_\_\_\_\_ Completed application form, including this checklist
2. \_\_\_\_\_ Application fee payable to the City of Spanish Fort
3. \_\_\_\_\_ Letters from utility companies
4. \_\_\_\_\_ Recorded Ownership interests, including liens, encumbrances, title certification in the form of a current title policy, title opinion or title report and the nature of the developer’s interest, if the developer is not the owner
5. \_\_\_\_\_ Traffic impact analysis and corrective measures to address detrimental conditions brought about by the development
6. \_\_\_\_\_ Stormwater calculations
7. \_\_\_\_\_ In the case of plans which call for development over a period of years, a schedule indicating the proposed times within which applications for building permits are intended to be filed
8. \_\_\_\_\_ Plot plan of the proposed project, drawn to scale, depicting the following:
  - a. \_\_\_\_\_ The location and size of the site including its legal description and a current certified survey
  - b. \_\_\_\_\_ Site data table(s) indicating the following:
    - i. \_\_\_\_\_ Current zoning classification of subject property
    - ii. \_\_\_\_\_ Any setback or buffer requirements
    - iii. \_\_\_\_\_ Total acreage of the property
    - iv. \_\_\_\_\_ The density or intensity of land use – including building area, concrete, asphalt, gravel, grass/landscaped, etc. – to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density, including building

- v. \_\_\_\_\_ Parking data including the minimum number of parking spaces required (including handicap) and the total number of spaces provided.
- c. \_\_\_\_\_ A vicinity map showing the site relation to surrounding property
- d. \_\_\_\_\_ The relationship of the site to existing development in the area including streets, utilities, residential and commercial development, and physical features of the land including significant ecological features such as jurisdictional wetlands. This information may be combined with requirements for the vicinity map specified above
- e. \_\_\_\_\_ The most current names of owners and zoning classifications of adjoining properties
- f. \_\_\_\_\_ Actual location, footprint and dimensions of the proposed structure(s)
- g. \_\_\_\_\_ Use and maximum height, bulk and location of all buildings and other structures to be located on the site
- h. \_\_\_\_\_ Distance, in feet, of proposed structure(s) from all property lines (front, rear and sides)
- i. \_\_\_\_\_ Architectural renderings, elevations and representative floor plans in preliminary form
- j. \_\_\_\_\_ Actual location, footprint and dimensions of the existing improvements
- k. \_\_\_\_\_ Location and size of all existing or proposed signs to be located on the site
- l. \_\_\_\_\_ Means of ingress and egress to and from the property, to include traffic flow diagrams and location and size of curb cuts (*Article VII, Section 7.67*)
- m. \_\_\_\_\_ Dimensions and location of required off-street parking spaces, to include off-street loading and unloading areas (*Article VII, Section 7.62*)
- n. \_\_\_\_\_ Site Lighting Plan, to include Photometrics
- o. \_\_\_\_\_ Details on proposed property enhancements such as sidewalks, trails, walkways, parks or recreation areas, etc.
- p. \_\_\_\_\_ Location, size and character of any common space or commonly-owned facilities and form of organization which will own and maintain any common space and such facilities.
- q. \_\_\_\_\_ The substance of covenants, grants of easements or other restrictions
- r. \_\_\_\_\_ Topographical information at one foot (1') contour intervals on the property being developed, to include the first-floor elevations of the proposed structure(s).
- s. \_\_\_\_\_ Stormwater drainage and detention plan (*Article VIII*)

- t. \_\_\_\_\_ Erosion and sedimentation plan (during and after construction), to include protection measures to be employed to protect man-made and natural drainage ways and adjacent properties (*Article VIII*)
  - u. \_\_\_\_\_ Evidence of N.O.R. for sites larger than 1-acre
  - v. \_\_\_\_\_ Landscape and tree protection plan depicting buffer zones, as required (*Article X*)
9. The following additional information may be required:
- a. \_\_\_\_\_ Details on any proposed fencing and/or retaining walls to be constructed (if not part of an erosion plan) and details on natural barriers that are to remain on the property during and after construction
  - b. \_\_\_\_\_ Proposed location and types of on premise security and safety lighting
  - c. \_\_\_\_\_ Fire protection plan, which includes the location of fire lanes, fireplugs and drawings of emergency equipment access routes.
  - d. \_\_\_\_\_ For property located in any Flood Hazard Zone 'A' or 'V', details which address waterway, water course and flood hazard protection, elevation certificates and information on permits obtained or required to be obtained from state and federal regulatory agencies
  - e. \_\_\_\_\_ A signed statement from the developer, contractor or property owner certifying that the property does or does not have historical significance. If a proposed development site has historical significance, a statement from a recognized archaeological organization stating that the development site does not contain significant historical value
  - f. \_\_\_\_\_ An environmental impact statement
10. \_\_\_\_\_ Two (2) printed copies of plot plans no larger than 30" x 40"
11. \_\_\_\_\_ One (1) 11" x 17" copy of generalized site plan in print and PDF format

## Appendix H – Standard Operating Procedure: Construction Site Inspections



### CITY OF SPANISH FORT

BUILDING DEPARTMENT  
7361 Spanish Fort Blvd.  
Spanish Fort, AL 36527

Office: (251) 626-4993  
Fax: (251) 626-4880

#### STANDARD OPERATING PROCEDURE

Construction Site Inspections

SOP Number: IDDE-1602

Effective: June 30, 2016

#### PURPOSE

Construction sites that lack adequate stormwater controls can contribute a significant amount of sediment to nearby bodies of water. NPDES Permit Number ALR040041 requires the City to develop procedures for the periodic inspection of qualifying construction sites to verify the use of appropriate erosion and sediment control practices that are consistent with the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas ("Alabama Handbook") published by the Alabama Soil and Water Conservation Committee, including the frequency and prioritization of inspection activities.

#### PROCEDURE

##### General Guidelines

- Inspections to monitor stormwater compliance should be performed **at least once per month** at each active NPDES-permitted construction site.
- Sites located in the watershed of any impaired 303(d) water bodies or Outstanding Alabama Waterways shall be inspected **within 72 business hours of any 3/4" rainfall**.
- The inspection shall begin at a low point and work uphill, observing all discharge points and any off-site support activities.
- Written records shall be maintained for each construction site inspection. Photographic documentation of stormwater BMPs may be kept at the discretion of the inspector.
- During the inspection, the inspector should ask questions of the contractor. Understanding the selection, implementation, and maintenance of BMPs is an important goal of the inspection process, and requires site-specific input.
- The inspector should not recommend or endorse solutions or products. The inspector may offer appropriate advice, but all decisions must be made by the contractor.
- The inspector shall always wear personal protective equipment appropriate for the site.
- The inspector shall abide by the contractor's site-specific safety requirements.
- The inspector has legal authority to enter the site; however, if denied permission to enter the site, the inspector should never force entry.

##### Pre-Inspection

- Prior to planning a site visit, an inspector shall determine if the project is subject to the NPDES Construction General Permit. To verify if a permit is active, visit <https://echo.epa.gov/facilities/facility-search> or <http://app.adem.alabama.gov/eFile/>. Print a copy of the project's NOI.



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- If a project disturbs one or more acres and is under construction, but does not show up in either database, the project is in violation of the NPDES Construction General Permit.
  - Contact the contractor to determine if the NOI process has been started.
  - If not, notify the contractor of this requirement and the violation and place a Stop Work Order (SWO) on the premises. Work may not proceed on the site – outside of installation and maintenance of BMPs – until an NOI has been approved by ADEM.
  - The inspector may choose to print instructions on how to file an NOI and meet with the contractor to review these.
  - If the contractor proceeds with work at the site without seeking coverage under the NPDES Construction General Permit, notify ADEM's Mobile Central Field Office at (251) 450-3400, or Dana Denson, ADEM's Baldwin County Stormwater Inspector, at (251) 450-3425.
  - Once it has been determined that a site is in compliance with the NPDES Construction General Permit, the site inspection process can continue.
- Plan the inspection before visiting the construction site.
  - Obtain and review permits, site plans, previous inspection reports, and any other applicable information.
  - Print the approved NOI from the website listed previously.
  - Inform the contractor of the planned site visit.

#### Inspection

- Meet with the contractor.
  - Review the Construction SWPPP or other Erosion and Sediment Control document as required.
  - Review the project's approved NOI and confirm the information shown continues to be accurate.
  - Get a general overview of the project from the contractor.
  - Review inspections done by the contractor.
  - Review the status of any issues or corrective actions noted in previous inspection reports.
  - Discuss any complaints or incidents since the last meeting.
- Inspect perimeter controls.
  - Examine perimeter controls to determine if they are adequate, properly installed, and properly maintained.
  - For each structural BMP, check structural integrity to determine if any portion of the BMP needs to be replaced or requires maintenance.
- Inspect slopes and temporary stockpiles.
  - Determine if sediment and erosion controls are effective.
  - Look for slumps, rills, and tracking of stockpiled materials around the site.
- Compare BMPs in the site plan with the construction site conditions.
  - Determine whether BMPs are in place as specified in the site plan, and if BMPs have been adequately installed and maintained.
  - Note any areas where additional BMPs may be needed which are not specified in the site plans.
- Inspect site entrance/exits.
  - Determine if there has been excessive tracking of sediment from the site.
  - Look for evidence of additional entrances/exits which are not on the site plan and are not properly stabilized.

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- Inspect sediment basins.
  - Look for signs that sediment has accumulated beyond 50% of the original capacity of the basin.
- Inspect pollution prevention and good housekeeping practices.
  - Inspect trash areas and material storage/staging areas to ensure that materials are properly maintained and that pollutant sources are not exposed to rainfall or runoff.
  - Inspect vehicle/equipment fueling and maintenance areas for the presence of spill control measures and for evidence of leaks or spills.
- Inspect discharge points and downstream, off-site areas.
  - Walk down the street and/or in other directions off-site to determine if erosion and sedimentation control measures are effective in preventing off-site impacts.
  - Inspect down-slope catch basins to determine if they are protected, and identify whether sediment buildup has occurred.
- Meet with the contractor again prior to leaving.
  - Discuss the effectiveness of current controls and whether modifications are needed.
  - Discuss possible violations or concerns noted during the site inspection, including discrepancies between approved site plans, the SWPPP, and/or the implementation of stormwater controls.
  - Agree on a schedule for addressing all discrepancies, and schedule a follow-up inspection.
- Provide a written copy of the inspection to the contractor.
- Follow-up, as determined, and provide copy of subsequent inspection to the contractor.

**Enforcement**

- If problems outlined in the inspection report are not addressed prior to the follow-up inspection, follow the Enforcement Standard Operating Procedure.

**Documentation**

- Documentation of construction site inspections shall include, at a minimum:
  - Facility type
  - Inspection date
  - Name and signature of inspector
  - Location of construction project
  - Owner/operator information (name, address, phone number, email)
  - Description of the stormwater BMP condition that may include:
    - The quality of vegetation and soils
    - Inlet and outlet channels and structures
    - Embankments
    - Slopes and safety benches
    - Spillways, weirs and other control structures
    - Sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures.
- The inspector shall record all enforcement actions in an enforcement tracking system designed to record instances of non-compliance and the MS4's responding actions. The enforcement case documentation should include:
  - Name of owner/operator

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- Location of construction site
- Description of violations
- Required schedule for returning to compliance
- Description of enforcement response used, including escalated responses if a repeat violation occurred or violations are not resolved by established deadlines.
- Accompanying documentation of enforcement response (e.g., notices of violation, municipal offense tickets, etc.)
- Any referrals to different departments or agencies; and
- Date violation was resolved
- The inspector shall keep record of all public complaints including:
  - The date, time and description of the complaint
  - The location of subject construction sites
  - Identification of any actions take (e.g. inspections, enforcement, corrections). Identifying information must be sufficient to cross-reference inspection and enforcement records.

## Appendix I – Subdivision Regulations, Article V, Section F: Stormwater Management Standards

*Article V: Planning and Design Standards*

### F. STORMWATER MANAGEMENT STANDARDS

#### 1. General

- a. No person shall develop any land without having provided for appropriate drainage and stormwater management measures that control or manage runoff in compliance with these Regulations.
- b. The responsible Design Engineer shall not submit any plat of a subdivision or plan of development which does not make provision for stormwater runoff as required by these Regulations.
- c. All plans, specifications and calculations submitted to the City for review shall be prepared, signed and sealed by a licensed professional engineer registered in the State of Alabama.
- d. The Design Engineer shall submit a drainage narrative, drainage calculations, assumptions and maps for each inlet, pipe and ditch within the proposed development. The drainage narrative shall, at a minimum, summarize the assumptions, calculations and results of the design for each drainage basin as well as the whole project.
- e. The storm water drainage system shall be separate and independent of any sanitary sewer system.
- f. The developer and Design Engineer are encouraged to contact the City for a pre-design conference at the conceptual stage of the project. Such conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process. Subsequent conferences during the preparation of plans may be arranged by the Design Engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.
- g. Drainage openings shall be designed as to not restrict flow of flood waters or increase upstream flood heights.
- h. Potential development may be derived from the most-current City or County comprehensive plan or zoning ordinances, or large-scale development master plans.
- i. The applicant shall be required to carry away by pipe or open ditch any spring or surface water within or affecting the Right of Way, that exists either previously to, or as a result of, the subdivision or development. Such drainage facilities shall be located in the road right-of-way or in areas with perpetual unobstructed drainage easements of sufficient width, unless approved by Spanish Fort Planning and Zoning Commission.
- j. Developments which produce an increase in the volume or velocity of stormwater runoff shall be required to construct stormwater management facilities. The Design Engineer shall submit

*Spanish Fort Subdivision Regulations*

detailed engineering calculations and plans to the City including pre-development runoff, post-developed runoff, post-developed runoff with detention/retention, stormwater facility details, method of discharge, and other information as required for review.

- k. The drainage system and all stormwater management structures within the City limits or within the extra-territorial jurisdiction over which the City regulates subdivisions, whether publicly or privately owned, shall be designed to the same engineering and technical criteria and standards.
  - l. Provisions shall be made to address an event in excess of the 100 year event to ensure that the retention/detention facility survive such event.
  - m. All retention/detention facilities shall be owned, operated and maintained by the owner or Property Owners' Association and shall not be accepted for maintenance by the City of Spanish Fort. The developer/owner shall include the method and responsibility of maintenance for the retention/detention facility after it is constructed.
  - a. Post-development release rates shall not exceed pre-development rates for a 2, 5, 10, 25, 50 and 100 year event. In no case shall discharge from a drainage basin exceed the hydraulic capabilities of the initial receiving downstream drainage structures. The Planning Commission may withhold approval of the subdivision until provision has been made for the necessary downstream improvement.
2. Minimum Requirements for Stormwater Management and Design Criteria
- a. The design criteria establishes minimum elements of design which must be implemented with good engineering and good workmanship. Use of the information contained herein for placement of any structure or use of land shall not constitute a representation, guarantee, or warranty of any kind by the City of Spanish Fort, its officers or employees, of the practicability, adequacy or safety of such designs and shall not create liability upon or a cause of action against any such public body, officer or employee for any damage that may result pursuant thereto.
  - b. At a minimum, storm drainage structures shall be designed to the following standards:

*Article V: Planning and Design Standards*

DRAINAGE STRUCTURE	MAXIMUM STORM EVENT
Side Drain or Lateral Storm Sewer	10 year, 24 hour
Crossing (Closed) Storm Sewer	25 year, 24 hour
Culvert (Open) Cross Drainage	25 year, 24 hour
Bridge or Bridge Culvert	50 year, 24 hour*
Detention/Retention Ponds	100 year, 24 hour
*FEMA Flood Zone Requirements may require a 100 year design and FEMA coordination.	

3. Drainage Systems

- a. The method of determining stormwater runoff shall be as follows:
  - i. For areas less than 200 acres, the engineer may use the Rational Method for determining inlet spacing, roadway spread, and the sizing of opened and closed pipe network and collection basins. The Kirpich Equation shall be the only method which may be used to determine the time of concentration.
  - ii. For areas greater than 200 acres, the engineer may only use Regression Equations (rural or urban) or SCS Method.
- b. Calculations shall include a scale map of the off-site and on-site drainage areas and the slope, type, size, flow, velocity and the headwater and tailwater elevations for each pipe and structure.
- c. The Design Engineer must analyze the backwater produced and verify that no upstream property will be flooded or otherwise adversely affected by the design storm.
- d. Inlets shall be provided so that surface water is not carried across any intersection or for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. The spread of surface water carried in the gutter shall not exceed ½ of the design lane width.
- e. All cross drain pipes and common driveway culvert pipes shall be reinforced concrete and have a minimum size of 18 inches in diameter, or an equivalent arch pipe. Only pipe that meets specifications equaling ALDOT Specifications will be acceptable.
- f. Open ditches or swales shall be constructed with a maximum slope of 3:1 unless otherwise approved by the City Engineer. Ditches shall have flat bottoms. Calculations shall show the volume and velocity for each different ditch section. Ditch lining shall be designed based on the stormwater volume and velocity calculations.
- g. The longitudinal grade of an open ditch or swale shall not be less than 0.3%.
- h. A minimum 3:1 concrete sloped paved headwall shall be required on all pipe culverts; a minimum 4:1 concrete sloped paved headwalls are required on pipe culverts that are parallel to traffic flow.

*Spanish Fort Subdivision Regulations*

- i. Where proposed lots will gain access across an existing or a proposed roadside ditch, calculations shall be submitted that show the required size of future driveway culverts. These culvert sizes must be shown on the Final Plat or Site Plan.
  - j. Special types of headwalls, rip-rap and other materials may be required by the City Engineer or his/her designee when deemed necessary for erosion control, protection of existing downstream drainage facilities and roadside safety.
  - k. Storm sewer networks, cross drains, driveway pipes, etc. located within right-of-ways or in easements must have an access opening – either an inlet or junction box – at a maximum spacing of 300 feet.
4. Detention/Retention Facilities
- a. The SCS Method shall be used to determine the sizing of stormwater detention/retention areas. The Rational Method will not be permitted for such use.
  - b. Retention/detention facilities shall be dedicated as common space located within the parcel limits of the project under consideration. No retention/detention or ponding will be permitted within public road right-of-ways.
  - c. Location of retention/detention facilities off-site will be considered by special request if proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed.
  - d. No retention/detention facility shall be located in jurisdictional wetlands, unless approved by the COE.
  - e. It is required that retention/detention facilities along with access to those facilities shall be located in common areas. Projects developed under these procedures shall include provisions for maintenance by the owners or property owners' association.
  - f. Existing areas that currently retain stormwater shall be preserved within common space and in their current state. The developer may request to fill the area as long as no wetlands are involved and similar capacity is provided onsite or included in a proposed retention/detention facility that discharges into the same drainage basin.
  - g. In locations where the discharge from a development will be directly into a tidally influenced body of water, the Planning Commission may consider waiving the stormwater management requirement, upon request by the Design Engineer. The Planning Commission has the sole discretion of whether or not this will be allowed. This will not alleviate the developer from any

*Article V: Planning and Design Standards*

erosion/sedimentation control requirements. However, the development will be required to control velocities of stormwater leaving the site.

- h. Differential runoff evaluation consists of determination of rates of runoff before and after development, determination of required volume of retention/detention and verification of adequacy of discharge and control structures.
- i. Design of the facility outlet structure will be based upon land use conditions for the area within the proposed development and existing land use characteristics for upstream areas draining to the facility outlet structure.
- j. The expected timing of flood peaks through the downstream drainage system shall be considered by the Design Engineer when planning the use of detention facilities.
- k. Permanent lakes with fluctuating volume controls may be used as retention/detention areas provided that the limits of maximum ponding elevations are no closer than 30 feet horizontally from any building and less than 2 feet below the lowest sill elevation of any building.
  - i. Maximum size slopes for the fluctuating area of permanent lakes shall be one (1) foot vertical to three (3) feet horizontal (1:3); unless proper provisions are included for safety, stability and ease of maintenance.
  - ii. Special consideration is suggested for safety and accessibility for children in design of permanent lakes in residential areas.
  - iii. Viability of the permanent impoundment shall be considered. An acceptable guideline is to make the area of the permanent pool no greater than one-tenth the size of the tributary drainage area. It is suggested that the minimum depth of 25 percent of the permanent pool area be no less than 8 feet. Allowances for silting under denuded soil conditions (during construction) for a period no less than one year is also recommended.
  - iv. The entire fluctuating area of the permanent reservoir shall be seeded, fertilized and mulched, sodded or paved prior to release of surety if required by the City. Any area susceptible to or designed as overflow by higher design intensity rainfall, as indicated previously, shall be sodded or paved.
- l. Other methods of retention/detention such as seepage pits, french drains, etc. are subject to approval by the City Engineer. If other methods are proposed, the Design Engineer shall submit documentation, including, but not limited to, soils data, percolation data, geological features, maintenance procedures, etc. for review and consideration.



*Spanish Fort Subdivision Regulations*

- m. Calculations shall be included in the drainage narrative developed by the Design Engineer that demonstrates adequacy of the system for a 2, 5, 10, 25, 50 and 100 year event. Additional items include, but are not limited to:
  - i. Proof of volume of retention for each facility is included
  - ii. Ratios of in-flow to out-flow
  - iii. Tributary peak flow runoff to basin
  - iv. Sizing of the overflow structure(s)
  - v. Stability of berms, dikes, slopes, etc.
  - vi. Safety features
  - vii. Routing calculations in tabulated form
  - viii. Pre-development, post-development and post-development with detention intensity/duration graph to illustrate design is in compliance for each storm event.

5. Bridge Standards

- a. Any structure(s) – including culverts, battery of pipes, etc. – that spans 20 feet or more along the centerline of the roadway shall be considered a bridge structure. Any bridge structure proposed within the City’s jurisdiction shall be designed and constructed in accordance with the currently approved ALDOT Standard Specifications and Standard Drawings.
- b. A pre-design conference with the City is mandatory.
- c. The bridge structure must be designed to pass a minimum of a 50 year storm event with a minimum of 2 feet of freeboard to the girders. The City reserves the right to require greater design criteria requirements.
- d. The bridge structure shall be designed as to not affect upstream or downstream flood elevations. When a bridge structure is proposed within a flood prone area, the Design Engineer shall submit appropriate design calculations showing no adverse effect.
- e. All bridges used for vehicular traffic must be constructed with reinforced concrete components including, but not limited to, reinforced concrete pipe, precast bridge components or cast in place bridge components, unless otherwise approved by the City. No precast concrete box culverts are allowed.

6. Easements

- a. Where a subdivision or development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater or drainage easement conforming substantially to

## Appendix J – Zoning Ordinance, Section 5.6: Surface Drainage

5.6 SURFACE DRAINAGE. Owners, particularly developers of larger paved areas such as those in connection with apartment complexes, shopping centers, etc., shall be responsible for increased runoff resulting from these developments which cause flood damage to neighboring property. The Building Official shall, in consultation with the City Engineer, determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design and report these findings for the Planning Commission's consideration in acting on building applications. If such reasonable provisions are not made in the applicant's design, the Planning Commission shall make such remedies as may be available to the applicant as a condition of the building permit issuance.

## Appendix K – Subdivision Regulations, Article IV, Section E: Final Plat Approval

### *Article IV: Procedural and Administrative Processes*

The City shall also have the authority to pursue any further or different relief or remedies deemed necessary by the City through court action, including, but not limited to, injunctive relief, nuisance abatement or penalties. The Project Engineer shall provide all documentation concerning the project to the City in the event of a violation. The Project Engineer shall make recommendations to the City in order to bring the project back into compliance with the approved construction plans or permit requirements.

#### E. FINAL PLAT APPROVAL

Prior to the expiration of Preliminary Plat approval or extension thereof, the applicant shall make an application for Final Plat approval. All required improvements approved during the Preliminary Plat phase are to be substantially constructed and completed prior to the submission of a Final Plat package.

##### 1. Minimum Submission Requirements

No Final Plat application shall be processed until a complete package consisting of the following has been submitted:

- a. Completed Final Plat application provided by the City (Appendix 'C').
- b. All applicable fees are paid.
- c. Subject to Article IV, a written certification from the Project Engineer that all improvements have been constructed and completed in accordance with the design plans and City regulations and standards.
- d. Subject to Planning Commission and City Council approval, in their discretion, the applicant may submit either a financial guaranty of performance in the form of cash, an irrevocable letter of credit or a performance bond in the amount of 125% of the value of any uncompleted improvements. The cost figures shall be prepared and stamped by the Project Engineer and approved by the City Engineer. Acceptance of cash, a bond or irrevocable letter of credit by the City pursuant to this section shall not constitute acceptance of any improvements for maintenance and/or control by the City.
- e. The plat and plans as required in the Preliminary Plat minimum submission requirements.
- f. As-built plans that detail the location of all utilities and underground stormwater improvements in relation to a visible above ground monument such as a fire hydrants, monuments or markers.
- g. All storm water management facilities indicating actual field verified sizes, locations, materials, elevations and grades.

*Spanish Fort Subdivision Regulations*

- h. Location, bearings and dimensions, and purposes of all easements on the Final Plat.
- i. The following endorsements, dedications and certifications on the Final Plat:
  - i. Engineer’s Certificate (Appendix ‘E’);
  - ii. Engineer’s Affidavit (Appendix ‘F’);
  - iii. Surveyor’s Certificate (Appendix ‘G’);
  - iv. Owner’s Dedication (Appendix ‘H’);
  - v. Notary’s Acknowledgment of Owner’s Dedication Certificate (Appendix ‘I’ or ‘J’)
  - vi. A Certificate of Approval by the affected utility providers (Appendix ‘K’ and ‘L’);
  - vii. Certificate of Approval by the Baldwin County E-911 addressing (Appendix ‘M’);
  - viii. A Certificate of Approval by the Baldwin County Coastal Area Program (if applicable) (Appendix ‘N’);
  - ix. A Certificate of Approval by the Baldwin County Health Department (if applicable) (Appendix ‘O’);
  - x. Certification of Flood Hazard Zone (Appendix ‘P’);
  - xi. A Certificate of Approval by the City of Spanish Fort Planning Commission (Appendix ‘Q’); and
  - xii. County Engineer Certificate (ETJ Only) (Appendix ‘R’).
- j. Deed restrictions and formation of a property owners association detailing maintenance responsibility, if applicable.
- k. Sufficient data to reproduce on-the-ground location, bearing and length of every road line, block line, boundary line and building line, whether curved or straight, including radius of arc, central angle, length of tangent and length of curve for the centerline of all roads or streets and for all party lines. Dimensions shall be shown to the nearest 1/100 foot and bearings to the nearest second.
- l. Location and description of all monuments and lot corner pins.
- m. Submission of video of all storm water drains and pipes documenting damage free and sedimentation free structures.
- n. Operation and maintenance plan.
- o. Copy of plat and as-built plans in PDF.
- p. Copy of plat and as-built plans in shapefile or CAD format.
  - i. Projected Coordinate System: NAD 1983 StatePlane Alabama West FIPS 0102 (US Feet).
- q. Copy of all geotechnical materials and test reports in PDF format.

*Article IV: Procedural and Administrative Processes*2. Project Phasing

If the Final Plat is a portion of a larger development, the lines marking each separate phase shall be noted and clearly defined on the plat.

3. Staff Review

The City shall review the submitted package. Incomplete applications will not be accepted. The City's representatives/staff shall review the submitted package for conformity to these Regulations, and for completeness. Staff shall notify the applicant in writing of any deficiencies in the application and shall provide the applicant with an opportunity to withdraw the application and resubmit a revised application. If an applicant fails to withdraw such application, it shall be placed on the Planning Commission's agenda with a notation that such application is non-compliant and in violation of these or other Regulations. The determination of deficiencies shall not be binding on the Planning Commission, nor shall any list of deficiencies determined by staff prevent the Planning Commission from determining that further deficiencies exist. Other than written notation of deficiencies, the staff may or may not provide written comments to the applicant. The applicant is encouraged to make revisions as a result of staff comments and any input from Planning Commission work sessions.

Upon revision of the Final Plat package, the applicant shall resubmit to the City any information requested by staff. These revisions shall be submitted no later than 12:00 p.m., seven (7) days prior to the next hearing at the regular Planning Commission meeting. In the event the Final Plat package is not submitted in accordance with this deadline, the Final Plat shall be removed from the Planning Commission agenda.

4. Final Inspections

Prior to the Final Plat being considered by the Planning Commission, the project shall have a final inspection. The final inspection shall be coordinated by the Project Engineer, and at a minimum, the following persons or their representatives shall have the opportunity to attend:

- a. The City Engineer, City representatives from building/planning, public works and fire departments.
- b. All utility providers.

*Spanish Fort Subdivision Regulations*

- c. Representatives from the Baldwin County Planning and Zoning Department or Highway Department, if the subdivision is located in the ETJ. In its discretion, Baldwin County Planning and Zoning or Highway Department may forego having their representative attend the conference and may submit a copy of their inspection report and/or punch list.
- d. ALDOT's representative, or in the alternative, a document reflecting ALDOT's acceptance or approval of the streets/roadways, if needed.
- e. The Project Engineer or his representative.

A punch list identifying any corrections needed shall be generated by the Project Engineer and copied to the City. Once any identified corrections are made, the Project Engineer shall certify the corrections to the City.

5. Hearing, Notice and Decisions of the Planning Commission

Complete applications and packages will be heard by the Planning Commission at an appropriately called and noticed meeting. Notice of a pending subdivision application shall be mailed no less than 5 calendar days from the Planning Commission meeting date by certified mail to all property owners, as shown in the records of the Baldwin County Revenue Commissioner, owning property within 300 feet of the proposed subdivision. The notice will include meeting time and place of the Planning Commission meeting and a brief description of the application, together with the name of the applicant/owner and the address of the affected property.

- a. *Meeting Required:* no subdivision application shall be approved unless it is heard at an open meeting of the Planning Commission. No public hearing shall be required, but the Planning Commission chairman may, at his/her discretion, allow for public comments.
- b. *Decisions of the Planning Commission:* when considering a subdivision application, the Commission may:
  - i. Approve the Final Plat by simple majority vote of the members present;
  - ii. Deny the Final Plat with written explanation of deficiencies in said plat;
  - iii. Approve the Final Plat with conditions; or
  - iv. Table the Final Plat with the applicant's consent.

All decisions of the Planning Commission will be provided to the applicant in writing. If an application was denied, no subdivision application affecting the subject property, or a portion of the subject property, will be considered for a period of two (2) months from the date of the Planning Commission decision, unless all noted deficiencies have been addressed or corrected. If approved

*Article IV: Procedural and Administrative Processes*

with conditions, all conditions must be satisfied before execution of the plat by the City or recordation of the plat.

6. Recording

After the Final Plat has been approved by the Planning Commission, the applicant shall produce an original full size rendering of the Final Plat. This original plat will contain all the original certifications, signatures and professional stamps as required. The applicant shall secure all other signatures and certifications prior to providing it to the City for signature. Once the plat is signed by the City, the original will be given back to applicant for recording in the Office of the Judge of Probate of Baldwin County along with the operations and maintenance plan and any restrictive covenants, if applicable. The applicant shall have 180 days from the date of Final Plat approval by the Planning Commission to record the Final Plat, the operations and maintenance plan and any restrictive covenants, or the Final Plat approval shall expire.

7. Copies of Recordation

The City shall be provided a copy of the recorded Final Plat, the operations and maintenance plan and any restrictive covenants, if applicable.

8. Validity of Recording the Final Plat

Any owner within the jurisdictional limits of these Regulations wishing to subdivide land shall make the appropriate application to the Planning Commission for approval. Except as authorized by state law, no subdivider shall proceed with any improvements, transfer or sale of lots until the plat has been properly approved by the Planning Commission.

- a. *Authorization to Transfer:* property within a subdivision may only be transferred once the plat has been approved and recorded in the Office of the Judge of Probate of Baldwin County.
- b. *Building Permit:* the City of Spanish Fort will not issue building permits on land requiring a subdivision plat until:
  - i. A Land Disturbance Permit has been issued;
  - ii. The plat is recorded in the Office of the Judge of Probate of Baldwin County; and
  - iii. The City Council accepts for maintenance the public right-of-ways, if applicable.

## Appendix L – Final Subdivision Plat Checklist



Case No. \_\_\_\_\_

### SPANISH FORT PLANNING COMMISSION FINAL SUBDIVISION PLAT OR P.U.D. APPROVAL CHECKLIST

Name of Subdivision or P.U.D.: \_\_\_\_\_

Name of Applicant(s): \_\_\_\_\_

Tax Parcel No(s): \_\_\_\_\_

All applicable requirements in the Spanish Fort Subdivision Regulations, Article IV, Section E, Subsection 1, including but not limited to the following, shall be submitted no later than the **second Tuesday of the month** within two (2) years of Preliminary Plat approval:

1. \_\_\_\_\_ Completed application form, including this checklist
2. \_\_\_\_\_ All applicable fees are paid (see fee schedule)
3. \_\_\_\_\_ Surety bond, if required, to guarantee installation of improvements
4. \_\_\_\_\_ Written certification by Project Engineer verifying completion of all improvements in accordance with design plans and City regulations and standards
5. \_\_\_\_\_ Address the completion of all conditions, restrictions or other requirements placed on Preliminary Plat Approval
6. \_\_\_\_\_ All requirements of the Preliminary Plat (Article IV, Section D), including the following:
  - a. \_\_\_\_\_ The following endorsements, dedications and certificates:
    - i. \_\_\_\_\_ Engineer's Certificate & Affidavit
    - ii. \_\_\_\_\_ Surveyor's Certificate
    - iii. \_\_\_\_\_ Owner's Dedication (and notary's acknowledgement)
    - iv. \_\_\_\_\_ Certificate of Approval by utility providers
    - v. \_\_\_\_\_ Certificate of Approval by Baldwin County E-911
    - vi. \_\_\_\_\_ Certificate of Approval by Baldwin County Health Department (if applicable)
    - vii. \_\_\_\_\_ Certificate of Approval by Baldwin County Coastal Area Program (if applicable)
    - viii. \_\_\_\_\_ Certification of Flood Hazard Zone



- ix. \_\_\_\_\_ Certificate of Approval by the City of Spanish Fort Planning Commission
  - x. \_\_\_\_\_ County Engineer Certificate (ETJ only)
7. \_\_\_\_\_ Operation and maintenance plan, including any deed restrictions and formation of a property owners' association detailing maintenance responsibility (if applicable)
  8. \_\_\_\_\_ As-Built Plans including the following:
    - a. \_\_\_\_\_ Location of all utility and stormwater improvements in relation to a visible above ground monument such as a fire hydrant, monuments or markers
    - b. \_\_\_\_\_ All stormwater management facilities indicating actual field verified sizes, locations, materials, elevations and grades
    - c. \_\_\_\_\_ Video of all stormwater drains and pipes documenting damage free and sediment-free structures
    - d. \_\_\_\_\_ Location and description of all monuments and corner pins
    - e. \_\_\_\_\_ Sufficient data to reproduce on-the-ground location, bearing and length of every road line, block line, boundary line and building line, etc.
  9. \_\_\_\_\_ Two (2) printed copies of plat and as-built plans no larger 30" x 40"
  10. \_\_\_\_\_ Copy of plat and as-built plans in Portable Document Format (PDF)
  11. \_\_\_\_\_ Copy of plat and as-built plans in shapefile or CAD format – NAD 1983 StatePlane Alabama West FIPS 0102 (US Feet) Projected Coordinate System
  12. \_\_\_\_\_ Copy of all geotechnical materials and test reports in PDF format

## Appendix M – Subdivision Regulations, Article VI, Section F, Subsection 4: Final Approvals

### Final Approvals

- a. No final plat shall be approved and signed without the following:
  - i. Recorded easements for stormwater management facilities;
  - ii. Receipt of an as-built plan which includes a certification of the storm drainage system;
  - iii. All State and Federal permits required for the proposed development;
- b. The contractor or permittee shall ensure all construction waste and debris, silt fences, wattles, inlet protection, and other temporary BMPs are removed prior to final inspection;
- c. Permanent vegetation must be in place before a Certificate of Occupancy may be issued; and
- d. All off-site impacts shall be mitigated prior to issuance of a Certificate of Occupancy, provided that the owner of the impacted property provides written permission for mitigation activities to take place. If the removal involves streams or wetlands, proper Federal and State permits shall be required prior to removal.

## Appendix N – Zoning Ordinance, Article XI: Zoning Administration

### ARTICLE XI

#### ZONING ADMINISTRATION

##### 11.1 DUTIES AND POWERS OF THE BUILDING OFFICIAL AND ZONING ADMINISTRATOR.<sup>3</sup>

11.11 The Zoning Administrator is authorized and empowered to administer and enforce the provisions of this Ordinance to include receiving applications, inspecting sites, and approving Applications for Land Use for projects, uses, and structures which are in conformance with the provisions of this Ordinance. The Zoning Administrator may appoint or designate individuals to act in his or her behalf in the enforcement of this Zoning Ordinance and the subdivision regulations.

11.12 The Zoning Administrator or his or her designated representative does not have the authority to take final action on applications or matters involving planning approval, uses not provided for, commercial projects, variances, special exceptions or amendments which this Ordinance has reserved for consideration by the Planning Commission, the Board of Adjustment or the City Council or its assigns.

11.13 The Building Official shall keep records of all permits and certificates issued, maps, plats and other documents with notations of all special conditions involved. He or she shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his or her office and shall be made as a public record.

##### 11.2 PERMITS AND CERTIFICATES.<sup>3</sup> Permits and certificates shall be issued in accordance with the following provisions:

11.21 Application for Land Use. Before a building may be added to, erected, reconstructed, structurally altered, moved, removed or demolished, an approved Application for Land Use shall be obtained from the Zoning Administrator. The Application for Land Use shall be approved or denied within seven (7) days from the date the completed Application for Land Use has been received by the Zoning Administrator, otherwise it shall be deemed to be approved. The Application for Land Use shall be on a form provided by the Zoning Administrator and no fee shall be charged. Approval of the Application for Land Use shall be obtained prior to issuance of any building permit.

The applicant may appeal the denial of the Application for Land Use to the Board of Adjustments in writing within twenty (20) calendar days after the denial of the application.

Each Application for Land Use shall be accompanied by a plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape, height and location of the building to be erected, dimensions and locations of existing buildings, and width of front, side and rear yards. Written evidence of applications for all required permits showing compliance with regulations of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County Health Department shall accompany the application and plot plan. The approval of an Application for Land Use may be conditioned upon the actual receipt of said permits by the applicant. When application is made to build upon a lot of nonconforming size, the application shall be accompanied by an affidavit that said lot was a lot of record as of the date of passage of this Ordinance.

An approved Application for Land Use shall be valid for the issuance of a building permit for a period of one hundred eighty (180) days after issuance. After that time a new application must be completed and approved by the Zoning Administrator. A record of the application and plot plan shall be kept in the files of the Zoning Administrator for a period of not less than three (3) years.

The Zoning Administrator may revoke a previously approved Application for Land Use in a case where there has been a false statement or misrepresentation in the application, plot plan or any supporting documentation for which the approved application was issued, or if after a documented warning has been issued, the applicant has failed to comply with the requirements of this Ordinance. Revocation of the approval of the Application for Land Use shall also cause suspension of the building permit until such time, as in the judgment of the Zoning Administrator, the applicant is in compliance with the requirements of this Ordinance. The Building Official shall immediately report any discovered violation of this Ordinance to the Zoning Administrator.

The Zoning Administrator shall circulate project applications to the City Engineer and the Planning Commission for review at the time of submission of the application.

- 11.22 Building Permits. It shall be unlawful to commence the excavation for or the construction of any building or other structures, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration or repair of any structure, including accessory structures, until the Building Official has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for the building permit shall be made to the Building Official on forms provided for that purpose.<sup>3</sup>
- 11.23 Approval of Plans and Issuance of Building Permits. It shall be unlawful for the Building Inspector to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in

conformity with this Ordinance. To this end, the Building Inspector shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing sufficient detail to enable the Building Inspector to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance. Such plan or plat shall include, as a minimum:

11.231 The actual shape, proportion and dimensions of the lot to be built upon;

11.232 The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot;

11.233 The existing and intended use of all such buildings or other structures.

If the proposed excavation, construction, moving, or alteration as set forth in the application, is in conformity with the provisions of this Ordinance, the Building Inspector shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall not be construed as waiving any provision of this Ordinance.

11.24 Certificate of Occupancy. No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Building Official shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance and the building codes as adopted by the City. It shall be the duty of the Building Official to make a final inspection thereof and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance and the building codes, or if such certificate is refused, to state the refusal in writing with the cause.

11.25 Continuance of Previously Issued Permits and Certificates. All permits and certificates which were previously issued shall not be affected by the provisions of this Ordinance, except as otherwise provided herein.

### 11.3 DUTIES AND POWERS OF THE PLANNING AND ZONING COMMISSION.

11.31 The Planning Commission shall hear and take action on matters which require Planning Approval.

11.32 The Planning Commission shall hear and render decisions on uses not provided for in the Table of Permitted Uses.

11.33 The Planning Commission shall hear and make recommendations to the City Council on all requests for Zoning Amendments.

11.34 The Planning Commission shall hear and take action on all major projects as defined in this Ordinance.

11.4 PROCEDURE FOR A HEARING BEFORE THE PLANNING COMMISSION.

11.41 An application must be submitted in writing to the office of the Zoning Administrator at least twenty (20) days prior to the regularly scheduled meeting of the City Planning Commission. The application must be on official City forms and must be accompanied by data, maps and plans that are adequate, in the opinion of the Zoning Administrator, to support the application.<sup>3</sup>

11.42 The application shall be heard by the Planning Commission at its next regular meeting following receipt of a correctly completed application and staff report on same.

11.43 Before acting on any application requiring Planning Commission approval, a public hearing thereon shall be held by the Planning Commission. Notice stating the time and place of such public hearing shall be posted in four (4) conspicuous locations within the municipality at least five (5) days prior to the date set for the hearing and stating further that at such time and place all persons who desire shall have an opportunity to be heard in opposition to or in favor of such application. Similar notice shall be sent by registered or certified mail at least five (5) days prior to the date set for the hearing to the applicant and to the owners of property within three hundred feet (300') of the affected property and all adjacent property owners on the same side of the street, across the street and to the rear of the affected property, as their names appear on the plats in the county tax assessor's office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county.<sup>3</sup>

11.44 The Planning Commission shall take action on the application following the public hearing thereon or within thirty-five (35) days from the date of the public hearing.

11.45 Any petition for a hearing may be withdrawn prior to action thereon by the Planning Commission at the discretion of the applicant initiating the request upon written notice to the Zoning Administrator.<sup>3</sup>

11.46 A property owner, or his appointed agent, shall not initiate action for a hearing affecting the same parcel of land more often than once every twelve (12) months.

11.5 DUTIES AND POWERS OF THE BOARD OF ADJUSTMENT.

11.51 The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance.

11.52 The Board of Adjustment shall hear and decide Special Exceptions to the terms of this Ordinance or to any regulation required under this Ordinance.

11.53 The Board of Adjustment shall authorize upon appeal in specific cases such variance from the terms of this Ordinance or regulation required thereunder as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance or regulation required thereunder will result in unnecessary hardship and so that the spirit of this Ordinance or regulation required thereunder shall be observed and substantial justice done; provided, however, that the foregoing provisions shall not authorize the Board of Adjustment to approve a use not permitted by this Ordinance or regulation required thereunder.

11.6 PROCEDURE FOR APPEALS TO THE BOARD OF ADJUSTMENT.

11.61 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or department of the City of Spanish Fort affected by any decision of any administrative officer representing the City in an official capacity in the enforcement of this Ordinance or regulation required thereunder. Such appeal shall be taken within thirty (30) days of said decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof and a fee of fifty dollars (\$50.00). The officer from whom the appeal is taken shall transmit forthwith to the Board of Adjustment all papers constituting the record upon which the action was taken.

11.62 An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record on application and notice to the officer from whom the appeal is taken and on due cause shown.

11.63 The Board of Adjustment shall fix a reasonable time for hearing the appeal, give public notice to the interested parties and decide the appeal within a reasonable time. Any party may appear in person, by agent, or by an attorney.

11.64 In exercising its authority, the Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken.

11.65 The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or decide in favor of the applicant on any matter upon which it

is required to pass under this or any such Ordinance or to effect any variation in such Ordinance or regulation required thereunder.

- 11.66 Any party aggrieved by an final judgment of decision of the Board of Adjustment may, within fifteen (15) days thereafter, appeal therefrom to the Circuit Court of Baldwin County, Alabama, by filing with the Circuit Court and the Board of Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, the Board of Adjustment shall cause a transcript of the proceedings and the action to be certified to the Court to which the appeal is taken, and the action of such court shall be tried de novo.

11.7 DUTIES AND POWERS OF THE SPANISH FORT CITY COUNCIL

- 11.71 The Spanish Fort City Council shall adopt any Ordinance or regulation necessary to effect the provision of zoning in the City of Spanish Fort.
- 11.72 The Spanish Fort City Council may levy permit and application fees deemed necessary to administer this Ordinance or regulation required thereunder.
- 11.73 The Spanish Fort City Council may adopt such administrative rules and procedures as it deems necessary to carry out the provisions of this Ordinance or any regulation required thereunder.
- 11.74 The Spanish Fort City Council shall adopt any amendment to this Ordinance or any regulation required thereunder.

11.8 PROCEDURE FOR ZONING ACITON BY THE SPANISH FORT CITY COUNCIL

- 11.81 A recommendation for adoption of any Ordinance, regulation or amendment thereto shall be made by the Spanish Fort Planning Commission.
- 11.82 The Spanish Fort city Council shall fix a reasonable time for consideration of the recommendation and give public notice thereof.
- 11.83 Before adoption of any proposed Ordinance, regulation or amendment thereto, said Ordinance, regulation or amendment shall be published in accordance with procedures as set out in applicable Section(s) 11-52-77, 1975 Code of Alabama and amendments thereof.
- 11.84 Any land annexed into the City of Spanish Fort hereafter shall automatically be classified R-1 immediately upon its annexation into the City; except that the City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications as a condition to such annexation.<sup>1</sup>



11.9 PENALTIES AND REMEDIES.

11.91 Penalties. It shall be a Class A misdemeanor punishable as provided by State Law for any person, firm, partnership, association or corporation to violate any provision of this Ordinance.

11.92 Remedies. Should any building or structure be erected, constructed, altered, repaired, converted or maintained, or land used in violation of this Ordinance, the City Attorney, or other appropriate Administrative Officer of Spanish Fort shall institute any appropriate action or proceeding to prevent such a unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of the land or to restrain, correct, or abate such violation, or to prevent the occupancy of any such building, structure, or to prevent any illegal act, conduct, business, or misuse in or upon any premises regulated under the authority of this Ordinance.

11.93 Fines. In addition to the foregoing, the Spanish Fort City Council is authorized to adopt ordinances or regulations providing for a penalty in the form of a fine for the violation of the provisions of this Ordinance or any regulation promulgated thereunder; provided that such fine shall not exceed one hundred fifty (\$150.00) and cost of court for such offense. Each day such violation continues shall constitute a separate offence.

11.10 ENFORCEMENT.

11.101 Whenever the Building Official or Zoning Administrator or other duly appointed Administrative Officer of the City determines that a violation of this Ordinance exists, he shall give written notice of the violation to the occupant, applicant and the property owner shown on the most recent tax roll of Baldwin County. A ~~copy~~ copy of such written notice shall be transmitted to the City Attorney.<sup>3</sup>

11.1011 Content. The notice shall include but not be limited to:

- a. A description of the location of the property involved, either by street address or by legal description.
- b. A statement indicating the nature of the violation.
- c. A statement showing the time within which all necessary remedial action must be accomplished which time may not be less than ten (10) days nor more than sixty (60) days from the date of such written notice.<sup>3</sup>
- d. The name of the person upon whom the notice of violation is served.

e. A statement advising that upon the failure to comply with requirements of the notice, such enforcement procedure as may be required under this Ordinance shall be taken.

11.1012 Service. The written notice required above shall be served upon the person violating the Ordinance and the person owning the land by either personal delivery or certified mail.

11.102 Enforcement. If corrective action is not taken within the time specified in the notice, then the City shall use all available means of enforcement in order to secure compliance with the provisions of this Ordinance.

11.11 REVERSIONARY CLAUSE. Any parcel or parcels of land rezoned to another use classification under the amendment authority of this Ordinance, shall revert back to the prior zoning classification after twelve (12) months from the date of approval of the rezoning if, by that time, said land is not actually being used for a permitted use in the classification to which it was rezoned.

11.12 FEES. Fees for hearings before the Planning Commission are established as follows:

11.121 A flat administrative and review fee of seventy-five dollars (\$75.00) shall accompany each request for hearing.

11.122 In addition, the actual costs for legal advertisement of the request, notification to adjacent property owners and public hearing shall be paid by the applicant prior to the public hearing by the Planning Commission.

## Appendix O – Subdivision Regulations, Article V, Section F, Subsections 6 – 8: Easements, Ownership, and Maintenance

### Easements

- a. Where a subdivision or development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater or drainage easement conforming substantially to the lines of such water course, and of such width as will be necessary for the purpose as determined by the City Engineer or his designee. Easement width must allow for maintenance access.
- b. As a minimum, easements shall have the following characteristics:
  - i. Provide adequate access to all portions of the drainage system and structures.
  - ii. Provide sufficient land area for maintenance equipment and personnel to adequately and efficiently maintain the system with a minimum of 10 feet along both sides, or 15 feet along one side, of all drainage ways, streams, channels, etc., and around the perimeter of all detention and retention facilities. This distance shall be measured from the top of the bank or toe of the dam, whichever is applicable.
  - iii. Restrict the use of the property containing stormwater maintenance facilities through the use of easements which shall prohibit all fences and structures which would interfere with access to the easement areas and/or the maintenance function of the drainage system.
- c. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-ways, common areas with perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road right-of-ways and with satisfactory access to the road. All existing and proposed easements shall be clearly indicated in the plan view of the proposed subdivision as depicted in the application for Final Plat or Site Plan approval. Such easements will vary in width according to depth of structure. Where drainage facilities are adjacent to public right-of-ways or public property, no fence, hedgerow or other obstruction may be placed in such a manner as to obstruct access to the drainage facilities from such public right-of-way or public property.
- d. A minimum 15 foot (total width) drainage easement shall be provided along all side and rear lot lines to allow for the proper drainage of stormwater from both rear yards and off-site areas.

### Ownership and Municipality Participation

- a. Any stormwater discharge control facility which services a single lot or residential, commercial, or industrial development shall be privately owned and maintained. The owner thereof shall grant to the City a perpetual, non-exclusive easement which allows for public inspection and emergency repair, in accordance with the terms of the maintenance agreement set forth in Section 8 below.
- b. All storm water management measures relying on designated vegetated areas or special site features shall be privately owned and maintained as defined on the stormwater management plan.

### Maintenance, Construction and Inspection

- a. Private maintenance requirements shall be a part of the restrictive covenant to the affected property and shown as necessary on the final plat.

- b. *Maintenance Agreement Required:* a proposed inspection and maintenance agreement shall be submitted to the City Engineer for all private on-site stormwater discharge control facilities prior to the approval of the stormwater management plan. Such agreement shall provide access to the facility by virtue of a non-exclusive perpetual easement in favor of the City at reasonable times for regular inspection by the City Engineer. The agreement will identify who will have the maintenance responsibility. No maintenance bond shall be released until proof of the formation of a property owners' association is complete, and the formation documents of the property owners' association are recorded. Possible arrangements for this maintenance responsibility might include the following:
- i. Use of property owners' association(s)
  - ii. A statement that properties which will be served by the facility are granted rights to construct, use, reconstruct, repair, maintain and access the facility
  - iii. Routine and Non-routine maintenance: Description, expected schedule, and cost of maintenance activities that are routine and non-routine (expensive but infrequent, such as pond dredging or major repairs to stormwater structures). Non-routine maintenance shall be performed on an as-needed basis based on information gathered during regular inspections
  - iv. A statement that each lot served by the facility is responsible for repairs and maintenance of the facility and any unpaid ad valorem taxes, public assessments for improvements and unsafe building and public nuisance abatement liens charged against the facility, including all interest charges together with attorney fees, cost and expenses of collection. If an association is delegated these responsibilities, then membership into the association shall be mandatory for each parcel served by the facility and any successive buyer, the association shall have the power to levy assessments for these obligations, and that all unpaid assessments levied by the association shall become a lien on the individual parcel; and
  - v. A statement that no amendments to the agreement will become effective unless approved by the municipality
- c. The agreement shall provide that preventative maintenance inspections of stormwater management facilities may be made by the City Engineer, at his option. Without limiting the generality of the foregoing, the City Engineer's inspection schedule may include an inspection during the first year of operation and once every year thereafter, and after major storm events (i.e., 25-year floods or greater).
- d. The agreement shall provide that if, after an inspection, the condition of a facility presents an immediate danger to the public health, safety or general welfare because of unsafe conditions or improperly maintenance, the City shall have the right, but not the duty, to take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the Municipality shall be paid by the owner.
- e. The agreement shall be recorded by the owner in the Probate Court prior to final plat recording.
- f. The final plat shall reference the recorded location of the agreement.
- g. The agreement shall provide that the City Engineer shall notify the owner(s) of the facility of any violation, deficiency or failure to comply with this Ordinance. The agreement shall also provide that upon a failure to correct violations requiring maintenance work, within 10 days after notice thereof, the City Engineer may provide for all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the costs of the work performed by the City Engineer and there shall be a lien on all property of the owner which property utilizes or will utilize such facility in achieving discharge control, which lien, when filed in the Probate Court, shall have the same status and priority as liens for ad valorem taxes. Should such a lien be filed, portions of the affected property may be released by the City following the payments by the owner of such owner's pro-rata

share of the lien amount based upon the acreage to be released with such release amount to be determined by the City Engineer, in his reasonable discretion.

- h. The City Engineer, at his sole discretion, may accept the certification of a registered engineer in lieu of any inspection required by this Ordinance.

**Appendix P – Zoning Ordinance, Section 8.8: Responsibility for Maintenance**

8.8 RESPONSIBILITY FOR MAINTENANCE. The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sediment control measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sediment control measures and facilities, after site development is completed, shall lie with the landowner.

Appendix Q – Ordinance No. 246-2006: Nuisance Ordinance

**ORDINANCE NO. 246-2006**

**AN ORDINANCE TO ABATE PUBLIC NUISANCES**

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has determined that it is in the best interest of the City to address the existence in the City of unsanitary or hazardous conditions or conditions that may be injurious to the public health, safety, or general welfare, to declare such conditions public nuisances, to require any public nuisances to be abated, and to establish procedures whereby the City may abate public nuisances so as to protect the safety, health, and general welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

**SECTION 1. Definitions.**

1. **Building Official:** The Building Official is the City Building and Zoning Administrator or deputy or any other municipal official or municipal employee designated by the Mayor to perform the duties specified in this ordinance.
2. **Garbage:** Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of food.
3. **Junk:** Worn out or discarded material that has little or no value, including, but not limited to motors, vehicle parts, appliances, appliance parts, dilapidated furniture, machinery, machinery parts, equipment, building materials, or other items which are wholly or partially rusted, wrecked, dismantled, or inoperative.
4. **Rubbish:** All nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, including, but not limited to, paper, cardboard, glass, rags, cartons, wood, rubber, plastics, leaves, yard clippings, crockery, cloth, and metal cans.
5. **Trash:** Trees, tree limbs, refuse and debris generated by lot or land clearing or cleanup, and refuse and debris generated by construction, renovation, or repair work to structures.

**SECTION 2. Public Nuisance Declared.**

Any acts or conditions within the City that may endanger or impair any person's safety, health, or general welfare, or that may directly or indirectly cause disease are declared public nuisances and are prohibited. Acts and conditions constituting a public nuisance, include, but are not limited to, the following:

1. The accumulation of garbage, rubbish, trash or junk, unless kept or contained in garbage cans or containers maintained for regular collection and removal, for a period of 20 days or more.
2. Any lot or land, which is unfenced, unsecured or unscreened, which contains fallen trees, vegetative debris or other objects or materials that may endanger or impair any person's safety, health or welfare, or which may constitute a fire hazard, or which is favorable to the harboring or breeding of rats, mice, snakes or other vermin, which remains on the lot or land for more than thirty days.
3. The accumulation or storage of lumber or building materials not properly stacked or neatly piled at least twelve inches off the ground.

5. Any condition that violates any ordinance, code, regulation, or law of the City, County, or State in any manner that creates a condition that threatens the health, safety, or general welfare of persons near the condition.

**SECTION 3. Duties of Property Owners, Occupants, Lessees, and Agents.**

1. It shall be the duty of every property owner, occupant, lessee, and agent to keep all exterior private property free of any condition that constitutes a public nuisance.

2. Every property owner, occupant, lessee, or agent whose property abuts City streets shall be responsible for keeping sidewalks and City right-of-ways free of any condition that constitutes a public nuisance. If the development of conditions creating a public nuisance on sidewalks and City right-of-ways is beyond the control of the property owner occupant, lessee, or agent, the same shall report the conditions and circumstances to the Building Official.

3. No property owner, occupant, lessee, or agent shall allow another person to maintain a public nuisance on his or her property.

**SECTION 4. Notice.**

Mailing by registered or certified United States mail, properly addressed and postage prepaid, return receipt requested, constitutes notice whenever notice is required under this Ordinance.

**SECTION 5. Duties of the Building Official.**

1. The Building Official shall inspect or cause to be inspected any condition about which a complaint is filed by any person to the effect that the condition may constitute a public nuisance.

2. The Building Official shall inspect or cause to be inspected any condition about which the police or fire department of the City reports that the condition probably constitutes a public nuisance.

3. Upon finding that any condition constitutes a public nuisance, the Building Official shall give written notice to the owners of the property on which or abutting which the public nuisance exists and to any occupant, lessee, or agent that is known to the Building Official. The property owners shall be determined from the records of the office of the tax assessor. The notice shall be sent by registered or certified United States mail, return receipt requested, and shall include the following:

- (a) the date of the notice;
- b) an accurate street address or legal description of the property on which or abutting which the public nuisance is located;
- (c) a copy of this ordinance;
- (d) a description of the conditions that constitute the public nuisance;
- (e) an order that the owner must eradicate the conditions constituting the public nuisance;
- (f) a date certain, which shall not be less than thirty (30) days from the date of the notice, by which the owners must comply with the order;
- (g) the time, date, and location of a public hearing before the City Council on the



(i) a provision giving notice that (1) failure to comply with the enclosed orders may result in abatement of the public nuisance by the City, (2) the costs of the abatement shall be assessed against the property and collected as an ad valorem tax, and (3) failure to pay the assessment has the same consequences as failure to pay ad valorem taxes;

(j) a provision giving notice that failure to appear at the public hearing on this matter waives the right to object to the abatement of the public nuisance by the City;

(k) the address and telephone number of the Building Official; and

(l) the address and telephone number of the Clerk of the City of Spanish Fort.

4. Upon finding that any condition is a public nuisance, the Building Official shall post the notice provided pursuant to Section 5.3 in a conspicuous location on the property. In addition, the Building Inspector shall post the following notice, with the word NOTICE typed in print at least one inch in height, in a conspicuous location on the premises:

NOTICE

THE BUILDING OFFICIAL OF THE CITY OF SPANISH FORT HAS FOUND CONDITIONS CONSTITUTING A PUBLIC NUISANCE ON THIS PROPERTY. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL THE CONDITIONS HAVE BEEN ERADICATED. IF YOU HAVE ANY QUESTIONS OR CONCERNS, CONTACT THE BUILDING OFFICIAL AT <ADDRESS> <PHONE NUMBERS>

All notices required to be posted on the property pursuant to this subsection shall be posted within three days after mailing the notice provided pursuant to Section 5.3.

5. Provide a copy of the notice provided pursuant to Section 5.3 to the City Council.

6. Upon determination by the City Council that a condition constitutes a public nuisance and upon the City Council's resolution ordering that the condition is to be abated, the Building Official shall maintain records concerning the costs of the abatement.

**SECTION 6. Hearing by the City Council; Determination by the City Council as to a Public Nuisance.**

1. The City Council shall hold a hearing on the conditions found to be a public nuisance by the Building Official. The hearing shall be held at the time, date, and location specified in the Building Official's notice as provided for in Section 5.3 of this Ordinance. The City Council shall hear testimony under oath offered by the Building Official or persons with knowledge and any interested party entitled to receive notice under Section 5.3 of this Ordinance regarding the conditions constituting a public nuisance. The City Council may hear testimony under oath from any other party who desires to be heard on the subject. Failure of any interested party to appear at the hearing or to present written objections, filed with the City Clerk at least five days prior to the hearing, waives that party's right to challenge the City Council's determination on the subject.

2. The City Council shall make a determination as to whether the conditions constitute a public nuisance. Upon determining that the conditions constitute a public nuisance, the City Council shall make written findings to that effect and by resolution order the abatement of the public nuisance. A copy of the findings and resolution, along with a copy of this Ordinance shall be sent by registered or certified United States mail, return receipt requested, to all parties entitled to notice under Section

2. Any property owner has the right to eradicate the conditions constituting the public nuisance at the property owner's expense prior to the City or its agents commencing work.

**SECTION 8. Costs of Abatement; Hearing; Assessment.**

1. Upon completion of the abatement, the Building Official shall report the costs of the abatement to the City Council. The City Council shall set a date for a hearing on determining the costs of the abatement, and notice of the hearing, along with a copy of the Building Official's report, shall be mailed at least fourteen (14) days prior to the date of the hearing by certified or registered United States mail, return receipt requested, to the interested parties entitled to receive notice under Section 5.3 of this Ordinance. At the hearing to determine the costs of the abatement, any owner shall be heard. The City Council shall adopt a resolution fixing the reasonable costs incurred in the abatement and assessing the costs against the lands upon which or abutting which the public nuisance was located.

2. The fixing of the costs by the City Council shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which or abutting which the public nuisance was located. The special assessment thus made and confirmed shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property, except liens for taxes, and shall continue in force until paid. A certified copy of the resolution shall be filed in the Office of the Judge of Probate of Baldwin County, Alabama. Upon filing, the tax collector or revenue commissioner of Baldwin County shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax and remit the amount to the City of Spanish Fort.

**SECTION 9. Penalties.**

1. Any party who is responsible for compliance with any order made pursuant to this Ordinance who fails to comply with such order is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten (\$10.00) dollars nor more than five hundred dollars (\$500.00). Each day's violation of the provisions of this Ordinance shall constitute a separate punishable offense.

2. Any person removing any notice posted pursuant to the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten (\$10.00) dollars nor more than five hundred dollars (\$500.00).

**SECTION 10. Duties of the City Attorney.**

1. The City Attorney or his or her designee or the Municipal Court Prosecutor may prosecute any party who is responsible for compliance with any order made pursuant to this Ordinance who fails to comply with such order.

2. The City Attorney may take any legal action that is necessary to carry out the provisions of this Ordinance.

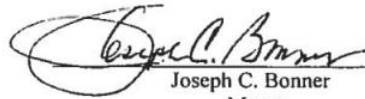
**SECTION 11. Emergency Cases.**

In cases where it reasonably appears that a condition constituting a public nuisance poses an immediate danger to the life or safety of any person, the Building Official shall report such facts to the City Council, and the City Council shall cause the immediate abatement of the condition. The costs of the emergency abatement shall be determined and assessed as provided for in Section 8 of this Ordinance.

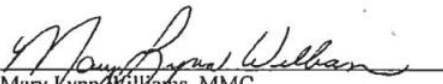
**SECTION 13. Severability.**

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.

**ADOPTED AND APPROVED** this 6<sup>th</sup> day of *February*, 2006.

  
Joseph C. Bonner  
Mayor

ATTEST:

  
Mary Lynn Williams, MMC  
City Clerk

## Appendix R – Subdivision Regulations, Article IV, Section I: Conservation Subdivisions

### CONSERVATION SUBDIVISION

Conservation subdivisions are allowed for those owners/applicants wishing to preserve significant amounts of natural space in perpetuity. The subdivision proposal may contain more density per developed area as long as the density does not exceed the overall limitations for the property as set forth below.

#### Applicability

A conservation subdivision development option is available within the entire jurisdictional limits of these regulations. A minimum of five (5) contiguous acres are required to propose a conservation subdivision.

#### Minimum Submission Requirements

- a. *Master Plan Package*: a completed master plan package containing the following information is required:
  - i. *Housing Density Determination*: the maximum number of housing units shall equal the density allowed by either the applicable zoning regulations and/or the minimum lot sizes as allowed by these Regulations. A yield plan prepared by the applicant will show development of the property in a conventional design. The yield plan is not required to be an engineered document, rather, it can be a detailed sketch plan that demonstrates maximum lot yield pursuant to these Regulations.
  - ii. *Site Analysis Map*: this map identifies the important site features of the property proposed to be included in the conservation subdivision. It is also intended to demonstrate that the conserved open space is significant. This map at a minimum must show the following:
    - 1) Property boundaries;
    - 2) All streams, watercourses, wetlands, lakes and ponds;
    - 3) Stands of preservation trees;
    - 4) Topography in two (2) foot intervals;
    - 5) General soil types;
    - 6) Proposed location and amount of conserved open space;
    - 7) Existing roads and structures;
    - 8) Connections to other trails, greenways or open space; and
    - 9) Proposed street or right-of-way connections.
  - iii. *Natural Space Management Plan*: this plan is intended to assign responsibility and guidance for the effective long term upkeep and use of the conserved natural space. All maintenance responsibilities should be noted with any capital costs and re-occurring costs. Strategies for long term upkeep and use shall be detailed. This may include, for example, identification of partners, particular user groups and other management details as warranted by the nature of the particular space. This management plan becomes part of the property owner's association documents, if an owner's association is made part of the subdivision. The owner/applicant or property owner's association should be designated as the responsible party.

- iv. *Legal Instrument for Permanent Protection:* the conserved natural space shall be preserved in perpetuity. This shall be accomplished through the identification of the preserved area on the final subdivision plat to be recorded and through a legally binding conservation easement. The City requires that the conservation easements are in favor of: 1) an established land-trust or 2) a governmental entity. Clear restrictions on the use and development of the natural space shall be expressly detailed in the easement and on the plat. The City Attorney shall review and approve all instruments prior to recording.

#### Process Description

The Conservation Subdivision may be approved pursuant to the following process:

- a. *Master Plan Approval:* the Planning Commission shall consider the proposed master plan package at a meeting. Should the master plan package earn approval, all subsequent development must be in substantial conformance with the approved package. Application and approval of master plans shall be conducted in accordance with the provisions applicable to a major subdivision as contained in Article IV of these Regulations. Public notice in accordance with Article IV of these Regulations is required.
- b. *Preliminary Plat:* the preliminary plat package shall consist of all required plans and documents as required for a Preliminary Plat in a major subdivision as required by Article IV of these Regulations.
- c. *Final Plat:* the final plat package shall consist of all the required plans and documents as required for a final plat in a major subdivision as required by Article IV of these Regulations.
- d. *Recording:* the final conservation subdivision plat shall be recorded as required for a final plat in a major subdivision as required by Article IV of these Regulations.
- e. *Public Infrastructure Acceptance:* the public infrastructure shall be accepted for maintenance by the City in accordance with the requirements for acceptance of infrastructure in a major subdivision as contained in Article IV of these Regulations, subject to applicable laws, rules and regulations.

#### Tax Assessment

The property owner's association may petition the Baldwin County Tax Assessor for a reduction in the tax liability of the conserved natural space. The basis of the petition shall be on the legally binding conservation documents, the recorded final plat and the particularly limited use of the conserved natural space in perpetuity.

## Appendix S – Subdivision Regulations, Article V, Section G: Low Impact Development

### LOW IMPACT DEVELOPMENT

While the planning and design standards contained within these regulations pertain to conventional methods of stormwater management, other practices may be acceptable to the City Engineer if they achieve an equivalent removal of sediment while ensuring water quality. Low Impact Development differs from conventional stormwater management in that it seeks to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate and detain runoff close to its source. Stormwater is controlled through small-scale landscape practices and design approaches that preserve natural drainage features and patterns. On a larger scale these practices are sometimes interconnected through a network of open spaces and natural areas that incrementally reduce the volume of stormwater on its way to the stream to replicate forest or natural hydrology and water quality. LID approaches not only help the City and downstream receiving areas, but also offer incentives to developers due to the potential of reduced construction costs and greater returns on their investments associated with their use. The City encourages well planned, designed, constructed and maintained LID Controls that can be certified as equally effective stormwater management procedures. Therefore, the following approach shall be used to review all subdivisions that propose to utilize LID Stormwater Management Controls:

#### Pre-Planning Conference

A pre-planning conference shall be requested by the Developer no less than thirty (30) calendar days prior to the submission deadline. The conference shall be attended by the Developer's design professionals and must, at a minimum, include an Alabama Licensed Professional Engineer. The Developer shall bear the burden of demonstrating/providing to the satisfaction of the City Engineer and the Planning Commission the following:

- a. Efficiency has been calculated for disturbed conditions for the 10-year, 24-hour design storm event.
- b. Controls will function as well as the conventional design criteria.
- c. The Developer's design professionals are adequately experienced in the construction, maintenance and use of proposed controls.
- d. A plan for adherence to an acceptable standard of care that will be followed by well documented and published design methodologies.
- e. A list of the particular controls proposed, as well as narratives describing their design, construction, and maintenance.
- f. A thorough knowledge and ability of sustainable maintenance together for specific maintenance plans for stormwater controls.
- g. A design plan containing calculations, data, maintenance schedules and responsibilities, and additional information that will be provided to the City with the SMP in accordance with Article IV.

#### Recommendation

Within one week following the pre-planning conference, the City Engineer shall provide the Planning Commission with the following opinions and recommendations:

- a. An opinion as to whether the Developer's design team thoroughly demonstrated the knowledge of the above referenced items in the pre-planning conference and an opinion on the potential success of the proposed stormwater controls.
- b. Additional calculations, data, criteria, and other information that should be provided with the SMP.  
The Planning Commission shall then review and either approve or deny the use of LID Stormwater Management Controls in accordance with the pre-planning conference and City Engineer's recommendations at a meeting of the Planning Commission.

## Appendix T – Memorandum of Understanding: D'Olive Watershed Water Quality Testing

### MEMORANDUM OF AGREEMENT

**Between  
City of Daphne,  
City of Spanish Fort,  
and  
Mobile Bay National Estuary Program**

**Whereas** the Cities of Daphne and Spanish Fort have the long term interests of preserving the health and functionality of the D'Olive Watershed to maximize economic and ecological health within their communities; and

**Whereas** the Mobile Bay National Estuary Program (MBNEP) has a long term interest in the coordination of restoration and post-restoration monitoring activities related to the enhancement and protection of coastal resources of Alabama;

The parties do agree, through this Memoranda of Agreement, to support, coordinate with, and assist each other with obligations and particulars as follow:

All parties agree to establish this cooperative agreement to coordinate actions and activities related to monitoring restoration in D'Olive Watershed for the purpose of documenting environmental improvements and removing all waterbodies in this watershed from the State 303(d) List of Impaired Waters.

#### **MBNEP Obligations**

MBNEP agrees to provide five continuous water quality monitoring devices (sondes) for a period of up to three (3) years, the initial sondes necessary for sampling as outlined in the Mobile Bay Restoration Monitoring Framework, and technical assistance as needed. At the end of this agreement's term MBNEP will evaluate the need for continued operation of these devices in this watershed. If the sondes are no longer needed at the end of the monitoring period, MBNEP will retain ownership of the units.

#### **Daphne Obligations**

Daphne agrees to commit staff time and expertise to regularly service and calibrate the sondes devices deployed throughout the D'Olive watershed during the three (3) year monitoring period. Daphne will provide the data to be uploaded to a centralized data repository located at the Dauphin Island Sea Lab, perform regular maintenance following the MBNEP's standard operating procedure, and troubleshoot malfunctions when necessary.

#### **Spanish Fort Obligations**

Spanish Fort agrees to assist in providing funding for the routine materials and supplies needed to maintain successful operation of the continuous monitoring devices including calibration solutions and batteries. The funding will not exceed \$1000.00 a year for the three (3) year monitoring period which is the current amount that Spanish Fort pays for its MS4 annual permit compliance sampling.



**Joint Spanish Fort & Daphne Obligations**


The Cities of Daphne and Spanish Fort will not be responsible for the sondes or any damage that may occur through unavoidable complications that arise from field deployment of scientific equipment such as damage, wear, or loss. In the event either City fails to meet their obligations under this agreement, MBNEP retains the right to remove these continuous monitoring devices.

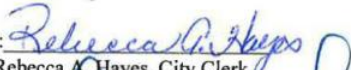
IN WITNESS WHEREOF, the parties have executed this agreement on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

MOBILE BAY NATIONAL ESTUARY PROGRAM

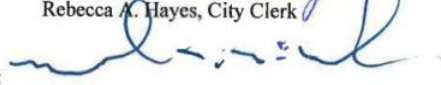
BY:   
Roberta Swann, Director


CITY OF DAPHNE

BY:   
TITLE: Mayor

ATTEST:   
Rebecca A. Hayes, City Clerk

CITY OF SPANISH FORT

BY:   
TITLE: MAYOR

ATTEST:   
Mary Lynn Williams, City Clerk