

THE STATE OF ALABAMA
THE COUNTY OF BALDWIN

ORDINANCE NO. 371-86

AN ORDINANCE TO PROVIDE FOR ISSUANCE OF PERMITS
FOR CHANGE OF GRADE OF LAND OR WATER COURSES

WHEREAS, the Subdivision Regulations of the City of Foley provide for control of surface water in subdivisions within the corporate limits of the City of Foley and the police jurisdiction thereof, but

WHEREAS, the City has no specific permitting authority other than in connection with subdivisions to provide for the control of erosion, sediment, storm water, excessive water, changing of grades and water courses, filling or altering the contours of property, etc., all of which can be injurious to the welfare of the citizens of the City of Foley unless properly planned and controlled, and

WHEREAS, it is believed to be to the best interest of the City of Foley and its citizens to require permits for land disturbing activities, and

WHEREAS, it is considered that control of such activities as will concern surface water, storm water runoff, erosion, sediment, retention, detention, etc., will tend to prevent or minimize loss or damage to property, both private or public, and will avoid expenditure of public funds, promote the public health, safety and general welfare of the City of Foley and its citizens,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Foley, Alabama, as follows, viz:

Section 1. Requirements and procedures for review of any activity which shall disturb the land, water ways or water courses within the corporate limits of the City of Foley are believed necessary and desirable to control and/or restrict activities which may result in increase in storm water runoff, erosion or sedimentation and to control alteration or relocation of water courses, ditches, channels,

or drainage, including unchanneled surface waters, and to control filling, grading, and any activity which may cause increase in erosion, sedimentation or change of the flow of channeled or unchanneled waters.

Section 2. A permit shall be required which is to be issued by the City of Foley through its inspector or other designated persons when any changes or improvements to real property, such as clearing, grading, excavation, filling, or building up or adding to land, ditching, change of water course, providing ponds, channeling, detention or storage of water, or any change in the flow of surface drainage, as it is considered that such activities could cause or result in sediment, excess water, erosion, etc., not to the best interest of the City of Foley and the citizens thereof unless properly done.

Section 3. Application for permit shall be made at the office of the City Clerk in the City of Foley, at which time complete plans and specifications must be submitted showing thereon all necessary engineering data, showing extent of land disturbance, dumping and filling or change of grade, water runoff, change of flow of water, ditching, filling or changing of channels or water courses, storm water detention and storage as required, setting forth maintenance requirements, etc., and the parties to be responsible for such maintenance and upkeep. Application must be accompanied by a fee of Two Hundred Fifty Dollars (\$250.00), which shall provide for inspection by the City inspector, and a plan and design review and study by the City's professional engineers. If the plan is believed feasible, and in the opinion of the inspector and engineer will not result in damage to public or private property, then the permit shall be issued. On recommendation of its engineer or the inspector, the City may refuse to issue a permit. In the event further evaluation, study or inspections are required on the part of the City's

engineer, the cost thereof will be paid by the applicant.

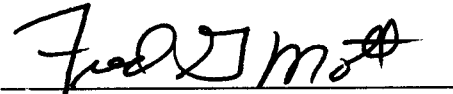
Section 4. The terms of this Ordinance shall not apply to subdivisions which are approved by the City of Foley Planning Commission and the Mayor and Council of the City of Foley, except as to such water, sediment, etc., which may leave the confines of the perimeter of the subdivision within the corporate limits of the City of Foley.

Section 5. Doing any work on land, water courses, etc., without first obtaining a permit or violating any of the provisions hereof shall be deemed to be a violation of the terms of this Ordinance, and upon conviction of a fine may be levied not to exceed Five Hundred (\$500.00) Dollars or thirty (30) days imprisonment, or both, for each violation. Each day of violation shall be considered a separate offense.

ADOPTED this 7th day of July, 1986.


MAYOR

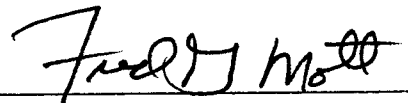
ATTEST:


CITY CLERK

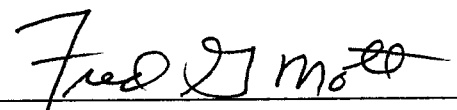
On motion made by Councilman Wright, that Ordinance Number 371-86 be presented for adoption, which motion was seconded by Councilman Ebert, and on being put to vote, voting "aye": Mayor Holk, Councilmen Foster, Koniar, Wright, Schreiber and Ebert, and voting "nay": None. The Mayor thereupon announced the foregoing Ordinance Number 371-86 has been unanimously adopted.

I, Fred G. Mott, duly appointed City Clerk of the City of Foley, Alabama, hereby certify that the above is a true and correct copy of an Ordinance duly adopted by the City of Foley, Alabama at its regular meeting held on July 7, 1986, and that the same appears of record in the Minute Book of said date and City. Given under my hand and Corporate Seal of the City of Foley, Alabama, this the 7th day of July, 1986.

I certify that the foregoing Ordinance was published in the Foley Onlooker, a newspaper of general circulation in the City of Foley on Thursday, June 19, 1986, prior to its adoption.


Fred G. Mott, City Clerk

I certify that the foregoing Ordinance was published in the Foley Onlooker, a newspaper of general circulation in the City of Foley on Thursday, June 11, 1987.


Fred G. Mott, City Clerk