

CITY OF DECATUR, ALABAMA



Stormwater Management Program Plan

Revised, December, 2016

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1.0 INTRODUCTION

The purpose of the Stormwater Management Program Plan is to demonstrate how the City of Decatur satisfies State and Federal regulations related to owning and operating a small municipal separate storm sewer system (MS4) as specified in the National Pollutant Discharge Elimination System (NPDES) Phase II General Permit #ALR040006.

The City submitted a Stormwater Management Plan (SWMP) to ADEM on February 6, 2013. We received comments from ADEM regarding revisions needed to the SWMP. Revisions were made and accepted by ADEM in July, 2013, with no further comments. The enclosed plan has been updated and has been revised in a new format that is due by January, 2017. On August 19, 2016, The Alabama Department of Environmental Management's Stormwater Management Branch conducted an audit of the City of Decatur's MS4 Phase 2 program for compliance with NPDES Permit ALR040006.

1.1 Site Description

The City of Decatur is located in North-Central Alabama in Morgan County and is bordered by the Tennessee River on the North. Decatur's historical and modern development is intrinsically linked to the Tennessee River. Due to the significant influence of the river on our city's economy and quality of life, protecting this natural resource continues to be important.

There is approximately 59 square miles (almost 38,400 acres) within the corporate limits of the City of Decatur. A map of the city is provided in Appendix C. The storm drainage system contains approximately 348 miles of infrastructure.

In the following dialogue, each minimum control measure will be discussed in detail, followed by necessary appendices as indicated in the Table of Contents.

1.2 Responsible Party

The City's SWMPP is implemented by several programs operating under various departments within the City's organization. Components of the SWMPP and each department's respective responsibilities are as follows:

Departmental Responsibilities and Contract Information

- **Building Department**

Commercial Plan Submittals

Permitting Department

FEMA Flood Zone Regulation Enforcement

Permit Submittal Logbook

Issuing Department for Certificate of Occupancy

Department Contact: Tom Polk

Phone: (256) 341-4582

- **Community Development**

Code Enforcement

Department Contact: David Lee

Phone: (256) 341-4965

- **Engineering Department**

Plan Review

IDDE Enforcement

Construction Site Inspection

Storm Water Management

NPDES Permit Administrator

Basin Inspections

Erosion & Sediment Control Regulation

Outfall Inspections

Department Contact: Carl Prewitt, PE, City Engineer

Phone: (256) 341-4875

- **Fire Marshall**

HAZMAT Response

Department Contact: Lt. Jason Jones, BS

Phone: (256) 341-4870

- **Information Services**

Mapping

Department Contact: Ben Armstrong

Phone: (256) 341-4708

- **Marketing**

Website and Social Media

Department Contact: McWhorter Communications, Inc.

Lynn Temple

Phone: (256) 351-0560

- **Parks and Recreation Department**

Litter Collection Crew

Monthly Workshops

Department Contact: Paul Floyd

Phone: (256) 341-4930

- **Planning Department**

Subdivision Plan submittals

Planning Commission Liaison

Landscape Inspection

Landscape Ordinance Review & Enforcement

Department Contact: Hannah Pearson

Phone: (256) 341-4724

- **Street & Environmental Services Department**

Social Media

Sanitation Management

Street Sweeping Management

Storm System Maintenance

Leaf Collection Management

Department Contact: Julia Chenault, Coordinator

Phone: (256) 341-4742

Wayne Wascavage, Departmental Manager

Phone: (256) 341-4746

1.3 Stormwater Management Program Components

The Phase II stormwater regulations require operators of small MS4s in urbanized areas to develop and implement stormwater management programs employing best management practices (BMPs) to adequately address five minimum control measures. These control measures include:

- Public Education and Public Involvement on Stormwater Impacts
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post Construction Stormwater Management
- Pollution Prevention/Good Housekeeping for Municipal Operations

2.0 PUBLIC EDUCATION AND INVOLVEMENT ON STORMWATER IMPACTS

2.1 Rationale Statement

The City of Decatur's goal is to communicate with the general public the steps that individuals and households can take through a Public Education and Involvement Program that has two primary goals: 1) inform and educate all target audiences within the City on the steps that they can take to reduce stormwater pollution in their daily routine, and 2) offer opportunities for all target audiences to become actively involved in the City's Stormwater Management Program. The City recognizes that many opportunities for education and outreach are unplanned and present themselves in a variety of ways through interactions with the community. The City will utilize every opportunity to educate the public about stormwater and watershed management, which, at a minimum, will include the following best management practices (BMPs) detailed below.

- General Public (homeowners and citizens)
 - Potential contributions of stormwater pollution through activities such as litter, illicit discharges, and over-fertilization of lawns. The primary pollutants potentially contributed by this target audience are gross solids, nutrients and pathogens.
- Engineers, Developers and contractors
 - Potential contributors of stormwater pollution through development and construction activities as well as engineering design of stormwater pollution prevention best management practices. The primary pollutants potentially contributed by this target audience are sediment and nutrients.
- Landscape companies
 - Potential contributors of stormwater pollution primarily through golf course maintenance activities. The primary pollutants potentially contributed by this target audience are excess nutrients, herbicides, and pesticides.
- Local Businesses
 - Potential contributors of stormwater pollution through activities such as illicit discharges and daily business activities. The

primary pollutants contributed by this target audience are excess nutrients and pathogens.

The City's Public Education and Involvement Program is designed to address all stormwater pollutants of concern city-wide,

The specific Public Education and Involvement Program strategy for each target audience will vary depending on the audience, type of pollutant contribution, potential risk and impact of pollutant contribution and the current level of education of each target audience.

The success of the City of Decatur's Public Education and Involvement Program will be determined by the results of both ADEM's and the City's water quality monitoring program and the level of awareness in the community regarding their role in the City's stormwater management program.

Specific components and measureable goals within our Public Education and Involvement Program consist of, but not limited to, the following best management practices (BMPs):

2.2 Marketing

The program is a multi-prong approach, using print, outdoor, digital and social media to reach the Decatur community. Decatur Utilities puts a statement stuffer brochure that reaches 30,000+ households. Digital billboards reach 84,100 daily effective circulation/month. The messages will highlight four (4) areas – with these messages being targeted seasonally when appropriate: stormwater pollutants that are created from washing the car, leaking oil from automobiles, fertilizing the lawn and pet waste.

2.3 Brochure Publications

Pamphlets and brochures are an effective way to present and explain stormwater issues. Unlike other communication options, pamphlets and brochures can be distributed in many locations and at several city offices. The City's goal is to make the brochures available to the public at City functions.

2.4 City of Decatur's Website

Citizens will often go to the City's website to obtain information on items of local interest. The City of Decatur maintains a webpage dedicated to the education of the community regarding storm water management. They can access the website 24 hours a day and get the information that they are looking for, which in many cases, saves the citizen a trip to Decatur City Hall or any of the city offices around town. Upon entering the main page of "the City of Decatur", you will find a picture link in the right hand side of the page titled, "Stormwater Management". This link takes you directly to the Engineering Department titled "City of Decatur Stormwater Management" page. This page explains MS4 Stormwater Programs, who is affected, why we are a regulated community, what the permit requires, steps to take to reduce pollution and who to contact. The City's Stormwater Management Plan and ADEM's 2015 Annual Report – National Pollutant Discharge Elimination Systems (NPDES), Permit # ALR040006, are also listed, along with stormwater policies and ordinances, etc. that is available to the public. https://www.municode.com/library/al/decatur/codes/code_of_ordinances or <http://DecaturAlabamaUSA.com>

2.5 City of Decatur's Facebook Page

The City of Decatur launched a Facebook Page, as another tool to inform citizens of what is going on in the City and for them to be able to list any concerns they may want to relay to City officials/Department Directors. They list articles about garbage recycling, the Street and Environmental Services Dept. will list about picking up, old furniture, carpet, etc., picking up leaf and limbs. The leaves can now be put in the garbage container as the City now transforms the leaves in to mulch, through the Recycling Department, for the citizen's use, at no cost to the citizen. Messages are targeted seasonally when appropriate: storm water pollutants that are created from washing the car, leaking oil from automobiles, fertilizing the lawn and pet waste.

2.6 Public Presentations

The City of Decatur provides staff and/or resources for presentations, public meetings, conferences and workshops, upon request. The presentation depends on the target audience and is catered to their needs. Speaking engagements are conducted at schools, churches and civic groups. The City has a goal of

conducting a minimum of two (2) “Show and Tell” fairs at Decatur Elementary Schools.

2.7 Special Activities

Adopt-A-Mile Program – a program to influence local organizations, businesses and individuals to adopt an area in the city to clean and to keep clean in exchange for an Adopt-A-Mile sign with their name.

ChemiCollection Day – a Household Hazardous Waste (HHW) Program that the City hosts on the second Saturday of every month. This is for the removal of household recycling and household chemicals.

Litter Hotline – A litter reporting line that is accessed by phone and website to allow citizens to report littering in the city.

2.8 Newspaper Articles

Newspaper articles covering local stormwater/environmental issues is another way to get the information to a large and diverse group of residents. The City of Decatur has a local newspaper, The Decatur Daily, which is printed and distributed daily to the residents of Decatur. The newspaper is distributed in print and online form. The City monitors these reports and will continue to include these articles with the City’s annual report that is submitted each year.

2.9 Watershed Organizations

Watershed organizations bring together representatives from utilities, private industry, environmental awareness groups, farmers and branches of government to coordinate individual efforts, share information and plan for water resource and aquatic life protection.

The City of Decatur supports the efforts of the Flint Creek Watershed Project, Tennessee Riverkeepers, Outdoor Alabama and others for the work they are doing to protect our waterways.

2.10 Recycling Program

The City operates an in-house recycling program and has carts for collection of recyclable materials, operating four (4) days a week, within the city limits of Decatur and also services carts in the Athens area and drop site trailers in Morgan County. The City hosts a ChemiCollection Day – a Household Hazardous Waste (HHW) Program that is on the second Saturday of every month. This is for the removal of household recycling and household chemicals. The Recycling Department distributes brochures to the schools, various civic groups, as well as the ChemiCollection Day. Information is on the City's website, ads are placed in the local newspaper and run on the Charter Media cable channel each month, advertising the recycling program and ChemiCollection Day. Speaking engagements are conducted at schools, civic organizations and churches.

3.0 ILLICIT DISCHARGE DETECTION AND ELIMINATION

The City has developed and operates a very active illicit discharge detection and elimination (IDDE) program to locate, identify and eliminate illicit discharge to the MS4. The City will continue to manage, enforce and expand its IDDE program during this next permit cycle.

The primary target audiences within the City for the IDDE program and the rationale for selecting these audiences are listed below:

- General Public (homeowners and citizens)
 - Potential contributions of illicit discharges through activities such as dumping grass clippings, or dumping paint or motor oil, into a storm drain. The primary pollutants potentially contributed by this target audience are based on the material being improperly disposed of (grass, clippings = nutrients, dog waste = pathogens.)
- Developers, Contractors and Homebuilders
 - Potential contributors of stormwater pollution through development and construction activities as well as engineering design of stormwater pollution prevention best management practices. The primary pollutants potentially contributed by this target audience are sediment and nutrients.
- Landscape companies
 - Potential contributors of stormwater pollution primarily through golf course maintenance activities. The primary pollutants potentially contributed by this target audience are excess nutrients, herbicides, and pesticides.
- Local Businesses
 - Potential contributors of stormwater pollution through activities such as illicit discharges and daily business activities. The primary pollutants contributed by this target audience are excess nutrients and pathogens.

The City's Public Education and Involvement Program is designed to address all stormwater pollutants of concern city-wide, but specific emphasis and concentration is given toward the pollutants for which waterbodies within the City are currently listed as impaired. These specific pollutants include:

- Nutrients (primarily Total Phosphorus)
- Sediment
- Pathogens
- Fats, oils and greases
- Organic and Inorganic Chemicals
- Gross Solids

Potential sources of illicit discharges:

- Waste from poor fats, oils and grease (FOG) control operations
- Sanitary Sewer Overflows (SSOs)
- Leaking sanitary sewer infrastructure
- Illicitly cross-connected sanitary sewer infrastructure
- Petroleum-based products from leaking vehicles & equipment
- Paints, concrete, grass clippings etc. illicitly discharged by residents & businesses
- Littering
- Other chemicals from business and industry operations
- Illicit dewatering of construction site stormwater controls

The IDDE strategy for each target audience will vary depending on the type of audience, type and nature of the targeted pollutant, potential risk and impact of pollutant contribution and current level of education of each target audience on the City's IDDE program and previous IDDE issues with the target audience.

Overall success of our IDDE program will ultimately be gauged by having accurate and updated storm sewer system maps, elimination and reduction of illicit discharges, and the level of public awareness to potential illicit discharges.

Specific components and measureable goals within our IDDE program will consist of the following BMPs:

3.1 Storm Sewer System Map

The City maintains the existing Storm Sewer Map that is maintained in a Geographical Information Systems (GIS) Database. It contains detailed information on pipe size, pipe material, longitude and latitude, flow direction, inlets, manholes, bridges, box culverts, detention ponds and headwalls are provided on the map. It includes updates of the locations of all outfalls and the names and locations of all waters of the State that receive discharges from those outfalls; and structural BMPs owned, operated and maintained by boundaries of the Permittee's watershed. The map will be updated as new storm sewers are constructed, during annual inspections and any other changes throughout the next permit cycle, with updates submitted annually via the City's Phase II Report.

3.2 Nuisance Ordinance

The City of Decatur adopted a Nuisance Ordinance in 1956 and it has been updated as needed, with the latest time being in 2010. The City receives complaints from the public and works proactively to resolve the complaints. The complaint is investigated to determine whether there has been a violation. The City will continue to address these issues to correct the problems around the city.

3.3 Illicit Discharge Ordinance

The City of Decatur adopted a Stormwater Management (Illicit Discharge) ordinance with the original NPDES Phase II permit. The City passed the illicit discharge ordinance in April, 2005 (*Per the permit requirements Part II.B,3.iii*). The ordinance was received and determined to be satisfactory. The Illicit Discharge Detention & Elimination (IDDE) Ordinance will be reviewed on an annual basis.

3.4 Stormwater Outfall Inspections

The City shall include an ongoing program to detect and eliminate illicit discharges in to the City's small MS4, and improper disposal, including spills under the purview of another responding authority, in to the MS4 owned or operated by the City to the maximum extent practicable. The City will check 20% of the outfalls within a calendar year. The City will detect and address illicit discharges to the MS4 to include discharge from illegal dumping and spills. This plan must include dry weather screening for non-storm water flows, field tests or chemical

parameters selected as indicators of discharges sources, on-site sewage disposal systems that flow to MS4 and procedures for locating priority areas, procedures for tracing sources of illicit discharges, and procedures for removing the source of illicit discharge. The City will develop a list of occasional incidental non-storm water discharges that will not be addressed as illicit discharge. These are exceptions to illegal discharge prohibition. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except for the discharges described as follows:

- a. Water line flushing or other potable water sources;
- b. Landscape irrigation or lawn watering;
- c. Diverted stream flows;
- d. Rising ground water;
- e. Ground water infiltration to storm drains;
- f. Uncontaminated pumped ground water;
- g. Foundation or footing drains (not including active groundwater dewatering systems);
- h. Crawl space pumps:
- i. Air conditioning condensation;
- j. Springs;
- k. Noncommercial washing of vehicles;
- l. Natural riparian habitat or wetland flows;
- m. Swimming pools, if dechlorinated (typically less than one (1) PPM chlorine;
- n. Firefighting activities;
- o. Discharges specified in writing by the city engineer as being necessary to protect public health and safety;
- p. Dye testing, provided the mandatory requirement of verbal notification has been provided to the city engineer prior to the time of the test;
- q. Street wash water;
- r. Any other water source not containing pollutants.

3.5 Illicit Discharge Reporting

Upon receiving litter hotline and/or report information, we work with the city police department to get all of the information on the person/or person's vehicle in order

to write and mail a litter ordinance that includes General penalties and violations along with the litter report that states date, time and violation to the violators.

When the City finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the City Engineer may order compliance by sending written notice of the violation to the responsible person. Such notice may require, without limitation: (1) The performance of monitoring, analyses and reporting; (2) The elimination of illicit connections or discharges; (3) That violating discharges, practices or operations shall cease and desist; (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; (5) Payment of a fine to cover administrative and remediation costs; and/or (6) The implementation of source control or treatment BMPs (b) deadline for remediation/restoration. If abatement of a violation and/or restoration of affected property shall be required, the notice shall set forth a deadline within which such remediation and/r restoration must be completed. Said notice shall further advise that, should the violator fail to remediate and/or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

All rulings, requirements, decisions or interpretations of the City Engineer shall be final and binding upon all parties thereto unless properly appealed to the City Council. Any person receiving a notice of violation and wishing to appeal the same shall file written notice in the office of the City Clerk within ten (10) days from the date of the notice of violation. Hearing on the appeal before the City Council shall be held within thirty (30) days from the date of the filing of the notice of appeal. The decision of the City Council shall be final.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within fifteen (15) days of the issuance of a determination by the City Council upholding the decision of the City Engineer, then the City Engineer shall enter upon the subject private property and is hereby authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City, the City Engineer, or a city-designated contractor to enter upon the premises for the purposes set forth above.

Within thirty (30) of the abatement of the violation, the owner of the property will be notified of the cost of owner's cost of abatement, including administrative costs. If full payment of the costs is not received within fifteen (15) days of the owner's original receipt of notification of the costs due and owing, the costs shall be presented to the City Council for assessment as a lien on the property.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of the chapter, the City Engineer may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to either abate or remediate the violation.

In lieu of the enforcement proceedings, penalties and remedies authorized by this chapter, City Engineer may impose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

In addition to the enforcement processes and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this chapter is to be considered a threat to public health, safety and welfare; it hereby declared and deemed a nuisance; and may be summarily abated or restored at the violator's expense. In the event of a violation of this chapter, it is hereby declared that a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be instituted.

Any person violating or continuing to violate this chapter, shall be subject to criminal prosecution and to the range of penalties authorized by *Ala. Code § 11-45-9, as last amended, and established in the Code of Decatur, Alabama, § 1-8, as last amended.*

The remedies listed herein are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City Engineer to seek cumulative remedies. This can be viewed at Appendix A; Nuisance Ordinance or http://www.municode.com/library/al/decaturn/code_of_ordinances or <http://www.DecaturAlabamaUSA.com>

3.6 Grease Trap Inspection Program/FOG

The City of Decatur works closely with Decatur Utilities in the overseeing of installation and requirements for food service facilities. The City has a grease trap requirement for all food services. This diminishes the potential for sanitary sewer overflows (SSOs and potential illicit discharges as a result of these SSOs. The requirements for the grease interceptors can be found at Decatur Utilities site:

<http://www.decaturalabamausa.com/pdf/buildingdept/other/GreaseInterceptorInformationforFSFs.pdf>

3.7 Household Hazardous Waste Collection Day

The City of Decatur hosts a chemical collection day (Household Hazardous Waste program – HHW) on the second Saturday of every month. Citizens drop off hazardous household chemicals at the collection site, free of charge. The City has engaged a contractor for the removal and processing of the household hazardous waste.

3.8 Other IDDE Initiatives

The City of Decatur will actively pursue programs to detect and eliminate illicit discharges during the permit cycle period and will work to implement the programs.

4.0 CONSTRUCTION SITE STORMWATER RUN-OFF CONTROL

4.1 Rationale Statement

The City of Decatur adopted a Site Plan Review Ordinance (Appendix A, in 2008, which includes preventative practices in the Subdivision Regulations (see Appendix B). The City will continue to evaluate, manage, and enforce its construction site stormwater runoff control program during each permit cycle.

The primary target audience within the city for our construction site stormwater runoff control program and the rationale for selecting these audiences are listed below:

- Developers, Contractors and Homebuilders
 - Potential contributors of stormwater pollution through development and construction activities. The primary pollutant contributed by this target audience, as it relates to construction site stormwater runoff, is sediment.
- Engineers and other Design Professionals

Responsible for designing effective construction site best management practices plans (CBMPPs) to minimize the potential for sediment runoff during development or construction activities.

The City will enforce BMP/Erosion Control measures to reduce the amount of pollutants from leaving the construction site. It will maintain an ordinance that requires erosion and sediment controls with penalties to deter any pollution.

Erosion control plans are required and reviewed by the Engineering Department prior to plan being approved. The City Engineer must also approve the drainage plans prior to the issuance of a site grading permit. (*Subdivision Regulations, Appendix II Drainage and Section VI, I, 5. This is done on an ongoing basis. The Subdivision regulations were updated in May, 2011.*

The overall success of the construction site stormwater runoff control program is for staff to maintain knowledge of the current erosion control measures and

implementations, so staff periodically attend the Alabama Technology Transfer Center for trainings.

Specific components and measureable goals within our construction site stormwater runoff control program will consist of the following best management practices (BMPs):

4.2 Erosion and Sediment Control Ordinance

The City adopted the Erosion and Sediment Control Policy as a City Ordinance. This ordinance establishes rules and regulations, for erosion and sediment control that applies to contractors, developers and engineers performing work in the City. A copy of the ordinance can be found in *Appendix II; Section VI, K* or may be viewed at http://www.municode.com/library/al/decaturn/code_of_ordinances or <http://www.DecaturAlabamaUSA.com>

4.3 Erosion and Sediment Control Inspections and Enforcement Procedures

The City Inspector, in an effort to be sure that contractors are utilizing proper BMPs and are in compliance with its Erosion and Sediment Control Ordinance, checks construction sites after a rain event or within a minimum of thirty day increments. If necessary, the City Inspector will take appropriate enforcement action when and where necessary. The inspection program is designed to both identify deficiencies in erosion and sediment control and initiate corrective actions required to bring the site back to compliance according to the city ordinance. All construction sites disturbing more than 1 (one) acre of land in the city are inspected after each 3/4" inch, 24-hour rainfall event, or a minimum of once per month. The Inspector documents all site deficiencies of erosion and sediment control practices and utilize established, escalating enforcement mechanisms when conditions warrant. Enforcement may include routine notices of non-compliant conditions, 72-Hour Notices of Violation, stop-work orders, withholding of construction related inspections and certificates, and/or fines. This procedure process can be viewed at the following website:

4.4 Erosion and Sediment Control Plan Review Procedures & Permitting Process

Plan review procedures, as well as the construction site permitting process, for developments proposed in the City are outlined in the City of Decatur's Subdivision Regulations and Zoning Ordinance, which can be viewed at the

following website: http://www.municode.com/library/al/decaturn/code_of_ordinances or <http://www.DecaturAlabamaUSA.com>

In addition to a comprehensive review of all site development plans, staff utilize the checklist found to make sure standards are applied consistently and oversights are minimized.

4.5 Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Alabama Handbook)

The City has standardized the use of the Alabama Handbook for the design, construction and installation of proper erosion and sediment control best management practices on developments within the City. These are found in the Subdivision Regulations and Zoning Ordinance. The City also encourages the use of innovative practices and/or new products for erosion and sediment control, of which approval is authorized on a case-by-case evaluation. *Appendix A & B*

4.6 Qualified Credentialed Inspector (QCI) Program

All inspectors performing erosion and sediment control issues in the City of Decatur go through training programs. They keep up with the programs and each go to classes and take refresher courses each year. This allows them to be aware of any changes occurring in the state's program from year to year. The City will continue to invest the time and resources to ensure that the City Inspector receives the proper training.

4.7 Procedures for Notifying ADEM of Non-Compliance Sites

The City will notify ADEM, either by phone or email, of any construction sites where a possible violation of the Clean Water Act has occurred. Possible violations could include, but are not limited to: unpermitted land disturbance activities, activities causing uncontrolled release of sediments to a Water of the State/U.S., and/or failure to adhere to the City's corrective action request following an inspection.

4.8 Procedures for Receipt of Information Submitted by the Public

The general public can go to the city website at <http://www.DecaturAlabamaUSA.com> regarding potential erosion and sediment control concerns. They can also report potential concerns by contacting the City's

Engineering Department either by phone, (256) 341-4875, or by email at: grobertson@decatur-al.gov or clprewitt@decatur-al.gov. The City will respond to each concern in a timely and efficient manner.

5.0 POST-CONSTRUCTION STORMWATER MANAGEMENT

5.1 Rationale Statement

The City implemented a program to control and improve post-construction stormwater runoff from new development and redevelopment.

The primary target audiences within the City for our post-construction stormwater management program and the rationale for selecting these audiences are listed below:

- Developers, Contractors and Homebuilders
 - Responsible for development and construction activities that can potentially impact post-construction stormwater management. The primary pollutants contributed by this target audience, as it relates to post-construction stormwater management, are sediments and nutrients. In addition, development and construction activities can have potential flooding impacts.
- Engineers
 - Responsible for designing post-construction stormwater management plans to effectively manage post-construction stormwater from new developments and redevelopments.

The City's post-construction stormwater management program is primarily designed to address stormwater runoff from new development and redevelopment projects and include any specific priority areas. The City of Decatur ensures the proper construction of stormwater facilities as approved during the pre-construction phase.

The Subdivision Regulations (see Appendix B), as well as the Floodplain Management Ordinance (updated Feb. 2015, see Appendix A), for the City of Decatur, address storm water runoff controls for new development and redevelopment. The regulations specify project requirements and specifications.

The strategy for the target audiences described above will vary depending on the type of audience and the potential risk and impact of pollutant contribution from post-construction storm water runoff.

The overall management and implementation of the City's post construction stormwater management program will be the responsibility of the Engineering Department.

The overall success of our post-construction stormwater management program will primarily be gaged through water as well as visual observations of stream erosion and flooding impacts.

Specific components and measureable goals within our post-construction stormwater management program will consist of the following BMPs:

5.2 Non-Structural BMPs

- Policies and ordinances to provide requirements and standards to direct growth to identified areas, protect sensitive areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces and minimize disturbance of soils and vegetation.
- Policies and ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure.
- Education for developers and the public about project designs that minimize water quality impacts.
- Other measures such as: minimization of the percentage of impervious areas after development, and source control measures often thought as good housekeeping, preventative maintenance and spill prevention.

Decatur maintains ordinances requiring specific amounts of greenspace in relation to the size of impervious parking areas.

Any potential developer is encouraged to meet with various City departments to learn about requirements outlined in Subdivisions Regulations and City Ordinances.

5.3 Structural BMPs

Any structural BMPs in the program, including, as appropriate:

- Storage practices such as wet ponds, and extended-detention outlet structures.
- Filtration practices such as grassed swales, bio-retention cells, sand filters and filter strips.
- Infiltration practices such as infiltration basin and infiltration trenches.

Drainage structures are required to be designed and constructed based on a 10 yr. – 24 hr. rainfall event. The post construction volume and velocity will not exceed pre-construction levels.

5.4 Detention Pond Inspections

The existing detention facilities (see Appendix E) are inspected to evaluate the maintenance and operation of these components of the City's drainage system. Due to the high percentage of Decatur's storm water being routed through detention facilities, routine inspection of the facilities can identify potential problems and illicit discharges. The City conducts annual inspections of the detention facilities (public and private) listed in the storm water database. Pictures are taken and the Basin Inspection Form is used to document the inspection. Following each inspection, the owner is notified of any corrective action needed. Enforcement measure are taken in the owner does not address the items noted on the Basin Inspection Form.

5.5 Ordinances/Regulations for Post-Construction Stormwater Management

The City has a variety of ordinances and regulations in place for managing post construction stormwater runoff. They can be found at:

Ordinance 19.5 and 25-16, (Ord. No. 05-3824, § 1, 4-18-05), Decatur Ordinance Chapter 25-16, (9), Subdivision Regulations Appendix II Drainage and Section VI, I, 5

5.6 Long-Term Maintenance and Storm System Improvement Project

The City of Decatur evaluates the Storm Water System after each flood event to determine what, if any, improvements would be effective and practicable.

The City of Decatur will continue to strive to meet the long term goals indicated in the Storm Water Management Plan, while also pursuing short term goals listed below:

- To review landscape ordinance on an annual basis;
- To continue inspections of all detention/retention ponds on an annual basis;
- Update the list of detention/retention facilities as necessary;
- Review and update reporting forms as practicable;
- Continue storm system evaluations to ease localized flood events.

5.7 Green Infrastructure

The City of Decatur recognizes the importance of landscaping. In 2006, the City adopted a Landscaping Ordinance (see Appendix A). The ordinance lays out requirements for green space and a landscaping plan stamped by a licensed landscaper is required. The landscaping must be installed before a certificate of occupancy is issued or a bond posted.

6.0 POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

6.1 Rationale Statement

The City implemented a program intended to reduce stormwater pollution and promote good housekeeping measures in municipal operations.

Potential benefits from an effective pollution prevention/good housekeeping program for municipal operations include: reduced stormwater pollution from municipal operations and increased employee awareness regarding the effect of their daily activities on stormwater management.

The primary target audiences within the City for our pollution prevention/good housekeeping program for municipal operations and the rationale for selecting these audiences are listed below:

- City Employees
 - Responsible for daily municipal operations. The city of Decatur conducts in-house training for employees who deal with fuels and chemicals on a daily basis. The training provides the basic information on the proper management, handling and disposal of potential hazardous chemicals. They monitor drains from the city car wash, garage and other vehicle/equipment maintenance locations. The City provides garbage/trash collections bins on the Street and Environmental Services compound and checks City property for litter control.

The City's pollution prevention/good housekeeping program for municipal operations is primarily designed to address stormwater pollution from nutrients, sediments, pathogens and other various pollutants.

The strategy for the target audience described above will vary depending on the type of audience, the potential risk and the impact of pollutant contribution from their daily activities and the current level of education of the target audience.

The overall success of our pollution prevention/good housekeeping program for municipal operations will primarily be gauged through city employee awareness and appropriate pollution prevention and good housekeeping measures for municipal operations.

6.2 Stormwater Management Training

The city of Decatur conducts in-house training for employees who deal with fuels and chemicals on a daily basis. The training provides the basic information on the proper management, handling and disposal of potential hazardous chemicals. They monitor drains from the city car wash, garage and other vehicle/equipment maintenance locations. The City provides garbage/trash collections bins on the Street and Environmental Services compound and checks City property for litter control.

City personnel also attend a variety of stormwater/water quality related conferences, workshops and seminars annually. They also attend ADEM conferences and workshops and have been asked to be a speaker with other panel speakers.

Other trainings include:

- All fire personnel receive Hazmat Awareness and Operational level certification.
- Minimum requirement for Decatur Fire and Rescue personnel is to obtain technician certification. Technicians handle actual spill response; such as leak replacement and decontamination.
- The Parks & Recreation Department has employees recertified for hazardous materials operations/OSHA level II by Sigma Consulting & Training Inc.
- MS4 employees have knowledge of MS4 and other stormwater management techniques.

The City of Decatur will continue to offer in-house training and encourage employees to attend stormwater management training.

6.3 Litter Collection

The City of Decatur recognizes the appeal of a clean city for the overall well-being of the community. A Litter Removal Crew operates five (5) days a week. The crew works to eliminate trash and debris from roadsides, ditches, parking lots and retention basins.

6.4 Street Sweeping

Regular street sweeping has been proven to reduce overall pollutants from roads and storm sewer systems. The City has a dedicated street cleaning crew that runs four (4) street sweepers daily, weather permitting. They work on a continuous counterclockwise route around the City, Tuesday through Friday. They will continue this to be sure that the streets are clear and to help keep the storm sewers clear.

6.5 Leaf Collection

The City of Decatur provides a seasonal program of leaf collection. They work with five (5) leaf collection vehicles that run in a clockwise rotation through the city. They will start the curbside collection of leaves usually in November and work thru mid- February. Collection of leaves from storm water basins protects our waterways and minimizes the risk of flooding from drains being plugged up with leaves.

6.7 Goals

The City of Decatur will continue to strive to meet the long term goals indicated in the Storm Water Management Plan while also pursuing short term goals listed below:

- To track drainage maintenance information to include location and/or number of inlets;
- To continue training efforts with relevant courses

APPENDIX A

ORDINANCES

Nuisance Ordinances

Sec. 16-12. - Nuisances—Notice to abate.

Each and every one and all of the unlawful acts defined in sections 16-14 and 16-15 of this chapter are hereby declared to be public nuisances, and in the event the owner or person in charge, fails to make the premises lawful, or fails to remove the cause of such violation, within the required time after written notice by the respective city department to do so, then such person shall be guilty of a misdemeanor. When such person allows the same type violation to reoccur on a third or more occasion, within a two-year period, the respective city department may issue a summons and complaint without prior written notice.

(Code 1956, § 12-3; Ord. No. 92-3061, § 1, 5-18-92; Ord. No. 94-3234, § 1, 12-5-94)

Sec. 16-13. - Same—Authority of city to abate at expense of property owner.

Should the owner or other person in charge of premises subject to conditions described in sections 16-14 and 16-15 of this chapter fail or refuse to abate the nuisances or to remove the weeds and rubbish described in such sections upon being notified to do so as herein provided, then the city is hereby authorized to do such work at the expense of the owner of such property, the cost thereof to be a lien upon the property and to be collected as any other debts are collected or liens enforced.

(Code 1956, § 12-4)

Sec. 16-14. - Accumulation of rubbish constituting health hazard or weed nuisance.

(a) *Definitions.* For the purpose of this section, the following terms are defined as hereinafter set forth, to wit:

Approved, enclosed, covered structure shall mean any building, garage, accessory structure, or other structure, having four enclosing walls and a roof, built according to and in compliance with all applicable building, zoning, fire, or other codes of the city.

Automobile graveyard shall mean any establishment or place of business which is duly licensed and operated in accordance with all applicable laws and/or ordinances of the city, and which is maintained, used, or operated for storing, keeping, buying, or selling of wrecked, ruined, damaged, or dismantled motor vehicles or parts thereof.

Commercial property shall mean any lot, tract, parcel, land, or other property located within the city, that is zoned or designated for uses other than residential purposes.

Discarded household furnishings shall mean any furniture, appliance, carpeting, or similar item, intended for indoor residential use, placed outside of an approved, enclosed, covered structure.

Garbage shall mean the animal and/or vegetable waste resulting from the handling, preparation, cooking or consumption of food or food products.

Hazardous plant nuisance shall mean trees, shrubs, ornamental or non-ornamental plant growth, growing or standing on private property that is dead, damaged, deteriorated, decayed or has

otherwise become hazardous for any reason that could pose a danger to the property on which it is located, any adjacent property, whether public or private, or to the public in general, by danger of falling, splitting, uprooting, or shedding limbs, or any other reason determined to be a hazard.

Improved subdivision shall mean a division of a tract of land or acreage into tracts or parcels, and the improvement thereof by construction of streets, water lines and, where applicable, sewer lines to serve the subdivided property.

Inoperable shall mean incapable of being used for the manufactured, designed or intended purpose.

Inoperable vehicle shall mean any vehicle in a state of disassembly, or in the process of being stripped, dismantled, or overhauled; or undergoing body work; or any other condition that renders the vehicle inoperable or incapable of being used for its designed or intended purpose. Any vehicle that is not currently licensed as required by law that is kept or stored in a manner as to constitute a health, safety, or fire hazard is also defined as an inoperable vehicle.

Junk shall mean and include all metals, whether ferrous or nonferrous, including, but not limited to, any used or second hand parts of machinery; plumbing fixtures, or parts thereof; parts of an automobile, truck, bus, motorcycle, water craft, or other motor vehicle; gas or electrical appliances or fixtures, or parts thereof; household hardware or furnishings; wire; cable; bearings; valves; pipes and pipe-fittings; building materials; wood; or any other used or secondhand metal articles, including any inoperable motor vehicle(s) that is kept or stored upon the premises in such a manner as to constitute a health, safety, or fire hazard. This definition shall not apply to building materials stored temporarily for use on the same real property within a period of twelve (12) months, when said materials are neatly stored at least eighteen (18) inches above the ground.

Junk or salvage yard shall mean any premises, establishment, or place of business which is duly licensed and operated in accordance with all applicable laws and/or ordinances of the city, and which is maintained, operated, or used for storing, keeping, or dismantling of junk and salvage, but shall not include the place of business or premises of a scrap processor as herein defined,

Litter shall mean all waste material which can be or is subject to being blown from place to place or scattered by the elements, including, but not limited to, paper; cardboard; cartons; boxes; plastics; rags; cloth; fibers and fabrics; leather; polyethylene; and polystyrenes.

Natural condition shall mean uncultivated and unseeded land, still in a state of nature. But any growth on land once it has been cleared or plowed is not a natural condition, even though it has not been planted or cultivated by anyone.

Owner or owners of property shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or person last assessed for payment of ad valorem taxes; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person shall mean any individual, owner, title holder, agent, firm, corporation, partnership, association, or organization of any kind. It shall include, but not be limited to, any tenant, lessee, manager, operator, occupant, executor, executrix, administrator, guardian, trustee, bankruptcy trustee, or other person in charge of, care of, possession of, or control of any real or personal

property.

Premises shall mean any lot, yard, plot, tract, parcel, or other piece of land or property located within the city.

Residential property shall mean any lot, tract, parcel, land, or other property located within the city, on which single or multifamily structures used as a residence or for human habitation exist, or any property that is located within an area that is zoned for residential uses by the city.

Scrap shall mean other materials or waste, including, but not limited to old cordage, ropes; rubber; bottles and other glass; tin or aluminum cans; buckets; tree branches, tree limbs, tree stumps; or other waste or refuse not otherwise classified herein as junk, litter, or garbage.

Scrap metal yard shall mean any establishment or place of business which is duly licensed and operated in accordance with all applicable laws and/or ordinances of the city, and which is maintained, used, or operated solely for the processing or preparing of scrap metals for re-melting by steel mills and foundries.

Scrap processor shall mean any person who is duly licensed and operating in accordance with all applicable laws and/or ordinances of the city, and is engaged primarily in the purchase and collection of scrap metallics (e.g. manufacturing by-products, obsolescent machinery, and vehicles) for the specific purpose of processing into scrap materials for the metals recovery industry, such as steel mills, foundries, smelters, and refineries, and having machinery and facilities designed for such processing, and making regular shipments of such materials in the normal course of business.

Stagnant water nuisance shall mean any accumulation of water, whether natural or man made, and shall also apply to water in any type of open pool, container, or vessel, that is not moving, not flowing, is motionless, or is in a foul state from standing.

Vehicle shall mean any device in, upon or by which any person or property is or may be transported, carried, or drawn from one place to another, and shall include but not be limited to, motor vehicles, boat trailers, utility trailers, horse trailers, bicycles, carts, tractors, or other similar devices.

Weed nuisance shall mean any abundance of overgrown weeds or grass within the city, which could be injurious to the general public health, safety and general welfare by; providing breeding grounds and shelter for rats, mice, snakes, mosquitoes and other vermin, insects and pests; or attaining such heights and dryness so as to constitute a serious fire threat or hazard; or bearing wingy or downy seeds, that when mature, could cause the spread of weeds or, when breathed could cause irritation to the throat, lungs and eyes of the public; or hiding debris, such as broken glass or metal, which could inflict injury on any person going upon the property; or being unsightly; or any growth of weeds, other than ornamental plant growth, which exceeds twelve (12) inches in height.

(b) It shall be unlawful and constitute a nuisance for the owner or owners, or any person in control of, or in charge of any real property located within the city, to maintain such real property in such a manner as to constitute a nuisance as herein defined by any section of this section.

(c) It shall be the duty of the owner or owners, or any person in control of, or in charge of any

real property located within the city, to maintain any weeds, grass, or non-ornamental plant growth growing upon said property in such a manner as not to constitute a nuisance as herein defined.

(d) It shall be the duty of the owner or owners, or any person in control of, or in charge of any real property located within the city, to maintain plant growth upon said property in such a manner as not to constitute a hazardous plant nuisance as defined herein.

(e) This section shall not apply to the following:

(1) Any property which is in its "natural condition."

(2) Any property which is located outside any improved subdivision and is located more than one hundred (100) feet from any boundary of any lot or parcel of real estate upon which any dwelling is located, and more than one hundred (100) feet from any commercial enterprise.

(3) Cultivated row crops and garden plants in their respective growing seasons. This exception applies only to growing crops and garden plants, and shall not be construed to permit any crops or gardens to become overgrown with weeds in violation of the remaining terms of this section.

(4) Ornamental shrubbery and ground cover, provided that such uses are part of a landscaping theme and are not associated with a general deterioration of the property, are not in an overgrown or unmanaged condition, or are planted, maintained or overgrown so as to encroach over or onto adjacent properties.

(f) All weed nuisances may be declared to be a public nuisance by the governing body of the city and thereafter abated at the cost of the person last assessed for Ad Valorem taxes as provided in Act No. 95-500 of the Alabama Legislature. The administrative official for the purposes of this section shall be the community preservation board, as established by section 7-291 of this Code.

(g) It shall be unlawful and a violation of this section for the owner or owners, or any person in control of, or in charge of any residential or commercial property, within the city, to store or keep upon the premises of any residential or commercial property, any inoperable vehicle, discarded household furnishings, scrap, or junk, as defined herein, unless the same is housed in an approved, enclosed, covered structure so as not to be viewable from any street, alley, or other public right of way, or any other private premises, and in such a manner as to prevent a health, safety, or fire hazard. This paragraph shall not apply to the following:

(1) Materials stored or located on the premises of any junk or salvage yard, scrap metal yard, scrap processor, or automobile graveyard, as defined herein.

(2) Vehicles being repaired or awaiting repair that are located on the premises of any automobile dealer, automobile repair and body shop or garage, or other vehicle repair enterprise that is duly licensed and operated in compliance with all applicable codes and ordinances of the city, provided said vehicles are so located or stored in a manner as to prevent any health, fire, or safety hazard.

(h) It shall be unlawful and a violation of this section for the owner or owners, or any person in control of or in charge of any real property located within the city, to keep or store upon the

premises of any retail store or shop, secondhand store, thrift store, or similar commercial property or establishment, any merchandise, goods, or wares, including but not limited to, gas or electric appliances, parts thereof; plumbing fixtures, or parts thereof; lawn mowers or lawn mower parts; machinery, equipment, utensils, or other items displayed for sale to the general public, in such a manner as to constitute a health, safety, or fire hazard.

(i) It shall be unlawful and a violation of this section for any owner or owners, or any person in control of or in charge of any residential or commercial property to fail to maintain the property free from litter and garbage as herein defined, unless said litter and garbage is properly containerized and stored in such a manner as to prevent it from being blown, deposited, or otherwise scattered by the elements, animals, birds, or by any other means. Containers and storage practices shall conform to the requirements set forth in sections 19-1 through 19-22 of this Code.

(j) It shall be the duty of the owner or owners, or any person in control of or in charge of any real property located within the city to not allow any concentration of stagnant water to accumulate on any real property situated within the city. This section shall include but not be limited to poor surface drainage, non-engineered ponds (whether man-made or natural), swimming pools, wading pools, ornamental ponds, buckets, non-mounted tires, boats, vessels, or receptacles, etc., which could provide habitat or breeding areas for insects, or attract insects, vermin, or pests. This section is not intended to restrict the use of pools, spas, ornamental ponds etc., provided that they are equipped with the proper operable circulation and filtration systems, or children's wading pools that are being properly maintained and are not creating a nuisance.

(k) The community development director, or any other city employee designated as such by the appointing authority, shall be the enforcing official for this section.

(l) Whenever in the opinion of the enforcing official, a nuisance exists, the enforcing official shall order the owner, or owners, or any person in control of, or in charge of the property on which the nuisance is located to abate the condition.

(m) If any section, sentence, clause, phrase, or part of this section is for any reason declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such decision shall not affect any remaining sections, sentences, clauses, phrases, or parts of this section.

(Code 1956, § 12-2; Ord. No. 92-3032, § 1, 3-16-92; Ord. No. 98-3459, § 1, 7-20-98; Ord. No. 00-3602, § 1, 5-1-00)

Litter Ordinance

Sec. 19-1. - Definitions.

The following words and terms, when used in this chapter, shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates otherwise.

Business establishments. "Business establishments" shall mean each person, firm, corporation or association licensed to do business in the City of Decatur and having a location therein generating refuse; apartments and multi-family dwellings of more than six (6) family units; nursing homes; schools; libraries; governmental organizations and buildings; hospitals; trailer courts; and in addition thereto, all others generating more than two (2) cubic yards of refuse per week.

City. "City" shall mean the City of Decatur, Alabama, a municipal corporation, acting through its duly elected governing body, or other official designated by the governing body as the case may be.

City's contractor. "City's contractor," as the case may be, shall be taken to mean third parties to whom the City of Decatur has contracted for the performance of any portion or all of the services otherwise to be rendered by the sanitation department as provided in this chapter, and shall also include persons authorized by the city to haul refuse within the City of Decatur.

Garbage. "Garbage" includes all waste accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fowl, fish, fruits or vegetables; tin cans or other containers originally used for foodstuffs.

Garbage can. "Garbage can" means a watertight receptacle or containers of substantial construction having a capacity of not less than ten (10) nor more than thirty (30) gallons, with a tight-fitting lid or cover, with not less than one handle on the lid or cover, and two (2) handles on the receptacle or container, by which same may be conveniently lifted or moved. No cans in excess of thirty (30) gallon capacity will be serviced.

Garbage dump. "Garbage dump" means a place for dumping or disposing of refuse, operated by the City of Decatur, Alabama, or such other place as may be designated and approved by the county health officer of Morgan County, Alabama.

Oversized burnable wastes. "Oversized burnable wastes" are comprised of items which cannot readily be collected in the normal mechanized compaction truck or disposed of in the conventional refuse incinerator; also, items which cannot be easily crushed having bulk in excess of ten (10) cubic feet or a maximum single dimension exceeding five (5) feet in length or exceeding four (4) inches in diameter.

Oversized, nonburnable wastes. "Oversized, nonburnable wastes" include wastes which are largely of metallic construction such as refrigerators, stoves, barrels, metal furniture, boilers, washing machines and bed springs.

Premises. "Premises" means any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club, restaurant, boardinghouse, eating place, shop, church, place of business, manufacturing establishment, courthouse, jail, city hall, post office or other public building.

Refuse. "Refuse" shall mean both garbage and rubbish as defined in this section, dead animals and any other material or substance, regardless of definition, presently picked up and handled by the sanitation department of the City of Decatur, or the city's contractor, except oversized burnable and oversized nonburnable wastes.

Rubbish. "Rubbish" includes all nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, glass, crockery, excelsior, cloth and similar materials.

Superintendent of sanitation. "Superintendent of sanitation" means the duly designated head of the sanitation department.

(Code 1956, § 10-1)

Sec. 19-2. - Failure to pay charges.

Failure to pay the charges provided for in this chapter shall constitute a violation of the provisions hereof.

(Code 1956, § 10-23)

Sec. 19-3. - Littering.

(a) It shall be unlawful for any person to sweep, throw or otherwise deposit or cause to be swept, thrown or otherwise deposited any refuse into or on any public street, alley, sidewalk, park or the property of another person or property which is in the possession of another person within the corporate limits and police jurisdiction of the city or to permit any refuse to accumulate in such manner that it may be carried and deposited into or on any of the above places by action of the rain, wind or snow.

(b) It shall be unlawful for any person to throw, cast or otherwise deposit or cause to be thrown, cast or otherwise deposited any paper, garbage, rubbish, containers (either glass, metal or paper) or any other substance of any kind in or upon any curb, gutter, street, avenue, highway, tunnel, sidewalk, park, parkway or lot, vacant or occupied.

(Code 1956, § 10-9)

Sec. 19-4. - Dumping refuse other than in garbage dump.

It shall be unlawful for any person to dump, or cause to be dumped, any refuse upon any property other than a garbage dump as defined in section 19-1 of this chapter.

(Code 1956, § 10-5)

Sec. 19-5. - Spreading or scattering.

It shall be the duty of every person in possession, charge or control of any premises where refuse is created or accumulated at all times to keep or cause to be kept a sufficient number of garbage cans or other approved containers for the deposit therein of refuse to prevent the spreading or scattering of such refuse upon said premises or upon the premises of others.

(Code 1956, § 10-4)

Sec. 19-6. - Unkept premises as nuisance.

It shall be unlawful for any person in possession, charge or control of any premises to keep, or cause to be kept or allow the keeping on any premises within the city or its police jurisdiction, of refuse in such manner that it will become offensive or deleterious to health or likely to cause disease, and the same is hereby declared a public nuisance. The county health officer, his authorized representatives, the superintendent of sanitation or such other duly authorized inspectors as may be designated by the governing body are hereby authorized to inspect any premises in the city or its police jurisdiction for the purpose of seeing that the requirements of this chapter are being complied with, and it shall be unlawful for any person whomsoever to resist or interfere with such representative by word, deed or act in the performance of such inspection.

(Code 1956, § 10-6)

Sec. 19-7. - Collection of building debris, dirt, stumps, tree trunks.

Building debris such as scrap lumber, plaster, roofing, concrete, brickbats and sanding dust resulting from the construction, repair or remodeling of any building or appurtenances on private property, dirt, stumps and tree trunks, limbs and branches four (4) inches or larger in diameter, will not be removed by the sanitation department or the city's contractor. The owner must remove this waste privately.

(Code 1956, § 10-11)

Sec. 19-8. - Collecting and hauling from private property prior to occupancy.

The city shall not be responsible for the collecting or hauling of rubbish, trash, limbs, brush or other debris from private property preliminary to, during or subsequent to construction of new buildings of whatever type prior to occupancy. Said material shall be removed by the owner of said property or the contractor responsible for the accumulation of same.

(Code 1956, § 10-12)

Sec. 19-9. - Tree surgeons, etc.

It shall be the responsibility of all fence companies, tree surgeons, nurseries, and landscape contractors or any individual or company doing work on private property to remove from premises all residue and rubbish resulting from said work.

(Code 1956, § 10-14)

Sec. 19-10. - Business firms sweeping trash into streets or curblines; obstructing water flow in gutters.

(a) It shall be unlawful for any firm or business house to permit the residue from its sweeping of buildings, parking areas or sidewalks to be swept into curblines or streets; and it shall have said residue or trash placed in proper receptacles for pickup by authorized personnel.

(b) It shall be unlawful for any person to sweep or deposit in the public streets, sidewalks or gutters any solid waste or any other material or article that would tend to impede the flow of water in the gutters or along the streets or sidewalks or that would tend to clog the storm drainage system or be an obstruction to traffic or pedestrians.

(Code 1956, § 10-15)

Sec. 19-11. - Animals.

(a) Dead animals in the corporate limits of the city not in excess of fifty (50) pounds in weight will be picked up by the garbage collectors, but in no event shall any person having a dead animal on premises occupied or under the control of such person allow it to remain undisposed of for a period of longer than twelve (12) hours. In the event the dead animals must be disposed of on a day other than the regular designated collection day, the sanitation department shall be notified. All animals above fifty (50) pounds must be removed within twelve (12) hours by the owner and

it shall be unlawful for any person to throw or put into the streets, lanes, alleys, parkways or rights-of-way any dead animal.

(b) It shall be the duty of places of business making a business of treating, handling, keeping or disposing of animals to remove all dead animals from their premises to the city dump under the same regulations as apply in subsection (a) above.

(c) No animal excreta shall be placed in garbage cans or containers regardless of how packaged.

(Code 1956, § 10-13)

Cross reference— Animals and fowl, Ch. 4.

Sec. 19-12. - Use of garbage cans for disposal of garbage.

(a) It shall be the duty of every person in possession, charge or control of any premises where garbage is created or accumulated, and in case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to be kept a sufficient number of garbage cans (at least one garbage can for each family or other unit but not to exceed four (4) cans per family) for the deposit therein, and lids or covers of such garbage cans shall be kept tightly closed at all times other than when garbage is being deposited therein or removed therefrom. Containers used for the deposit of garbage for collection by the city sanitation department or the city's contractor shall be in good condition so that collection therefrom shall not injure the person collecting the contents thereof. Containers having ragged or sharp edges or other defects must be promptly replaced upon the receipt of notice from the superintendent of the sanitation department or his agent and if not so replaced within ten (10) days of receipt of such notice, such nonconforming or defective container may be collected by the superintendent of the sanitation department or his agent and disposed of as waste, and every person in possession, charge or control and, in the event of multiple occupancy, the owner of the premises, shall be held responsible. Only garbage as defined in this chapter shall be removed from the rear of the premises.

(b) Subject to the approval of the superintendent of the sanitation department, persons charged in this section with the duty of providing suitable containers may arrange for the refuse to be deposited in large removable containers, such as Dempster-Dumpmaster containers, or other large containers, approved by the superintendent or his agent, and in that event the same shall be classified as a business establishment.

(Code 1956, § 10-2)

Sec. 19-13. - Placement of containers.

(a) All garbage cans and approved containers to be emptied by the sanitation department or the city's contractor shall be placed at places to be determined by the sanitation department on the days and between the hours designated by the said department.

(b) All garbage cans and approved containers shall be so situated so that they cannot be overturned by wind or animals.

(c) All garbage cans and approved containers shall be placed and maintained so as to be fully accessible and convenient to workers emptying the same, and so as to accommodate the equipment used in the performance of such service.

(d) It shall be the duty of any person planning to construct any apartment house, multiple unit, business place or industrial building to submit plans showing the location of garbage containers, commercial containers and/or pickup points for the approval of the sanitation department prior to obtaining a building permit.

(Code 1956, § 10-7)

Cross reference— Buildings and building regulations, Ch. 7.

Sec. 19-14. - Public trash receptacles.

It shall be unlawful for any person to remove or cause to be removed from any street or sidewalk in the city any receptacle furnished by the city for the deposit of trash. It shall be unlawful for any person to sit upon or deface any such receptacle or cause it to be used in any way which will make it inaccessible for the receipt of trash. It shall be unlawful for any person to place, store or cause to be placed or stored, any goods, merchandise, lumber, trash or any other material near any such receptacle, in such manner as to interfere with or preclude the use of any such receptacle, for the purpose which it is intended to serve.

(Code 1956, § 10-16)

Sec. 19-15. - Access to garbage containers.

It shall be incumbent upon tenants, lessees, occupants or owners of said premises to provide a safe and convenient entrance to and through the premises for the purpose of collecting refuse. All vicious animals shall either be confined or garbage receptacles placed at a point where collectors may empty same without attack from said animals. Where commercial collections are made from private alleys and access ways, said approaches shall be maintained in such a manner as not to be a hazard to sanitation personnel or equipment. Failure to comply with the above provisions after notification by the sanitation department will cause service to be discontinued until such time as same is corrected.

(Code 1956, § 10-3)

Sec. 19-16. - Collection from residences.

(a) It is the intention of this chapter to provide collection of garbage at the alleys where they exist or, if no alleys exist, garbage will be collected at the edge of the street in front of the house. It will be the duty of the persons being served to place garbage cans at the alley or street on the outside of fences or obstructions for the convenient handling of the garbage collector.

(b) *Reserved.*

(c) At no time will collection personnel enter houses, buildings or fences for collection of garbage.

(d) Refuse other than garbage to be serviced hereunder shall be picked up at points designated for garbage pickup.

(Code 1956, § 10-8; Ord. No. 89-2802, §§ 1, 2, 1-9-89)

Sec. 19-17. - Removing garbage from cans.

It shall be unlawful for any person other than those removing the entire contents thereof for disposal, to remove any garbage or other like materials from any garbage can or other container within the corporate limits and police jurisdiction of the city after it has been placed therein.

(Code 1956, § 10-10)

Sec. 19-18. - Pickup of leaves, boxes, ashes, shrubbery and bulky waste.

(a) Leaves and grass clippings shall be containerized and placed for pickup on the collection day determined by the superintendent of the sanitation department. During the period October first to May first of each year, leaves and grass clippings in quantities greater than the equivalent of three (3) approved containers may be placed in loose piles adjacent to that portion of the street right-of-way normally used by vehicles and in such location so as not to obstruct the flow of storm drainage runoff in gutters and ditches.

(b) Pasteboard boxes and other similar containers shall be flat, cut if necessary, tied in bundles and shall be stacked in a manner that permits convenient removal and placed in a location designated by the sanitation department for collection.

(c) Containers for ashes shall be of metal construction with handles, tight-fitting lids and shall not be filled higher than five (5) inches below the top of the container. No single container shall be filled with ashes and placed for collection when the container and contents exceed fifty (50) pounds in weight. Ashes shall not contain live coals and shall be wetted sufficiently to prevent dust from forming during collection.

(d) Shrubby clippings and other small miscellaneous vegetation, including garden vegetation, shall be placed in neat piles for collection as provided in subsection (a) of this section.

(e) All bulky waste to be removed by the city from private residences or apartments shall be placed either beside the sidewalk and curb or in an accessible place approved by the sanitation department. Tree limbs shall be cut in lengths not exceeding five (5) feet in length with protruding branches trimmed. They shall be placed in an orderly and neat manner adjacent to that portion of the street right-of-way normally used by vehicles so as not to obstruct the flow of traffic or water. In no instance shall a bundle or limb be heavier than seventy-five (75) pounds. All bulky waste will be collected in accordance with the collection schedule established by the department charged with the duty of collecting such.

(f) It shall be unlawful for any person to place for collection any icebox, refrigerator or other container, including garbage or trash containers large enough to enclose a human being, which have a snap lock or other device thereon, without first removing said snap lock or doors, or without providing a device which will allow the door or doors to be operated from the inside of said container.

(Code 1956, § 10-20)

Sec. 19-19. - Residential refuse service and cost.

(a) There is hereby established in the city a residential refuse collection, hauling and disposal service to be operated by the sanitation department or the city's contractor, or both, as the case may

be. The collection, hauling and disposal of garbage shall be made by the sanitation department or the city's contractor not less than once each week in a residential area. The city shall provide one (1) container for garbage and refuse and one (1) separate container for leaves, grass, and shrubbery trimmings. Additional containers may be requested by the occupant as the supply of containers allows. Garbage or refuse shall be deposited in the designated containers provided by the city. Rubbish, trash, leaves, grass and shrubbery trimmings shall also be deposited in the designated containers provided by the city.

(b) In order to provide for the health and welfare of the citizens of the city, there is hereby levied a service fee to defray a part of the expenses of the collection, hauling and disposal of garbage, trash, rubbish and other refuse within the residential areas, together with the costs and expenses incurred in the collection of fees provided for and the enforcement of this chapter in such areas, as follows:

(1) Upon every person who is the occupant of a dwelling unit containing usual and ordinary kitchen facilities, other than apartments and multifamily dwellings classified as business establishments by section 19-1 of this chapter, the sum of thirteen dollars and five cents (\$13.05) per month per dwelling unit; and upon every person operating a business establishment as designated by the public works director or designee pursuant to subsection (d) of this section, the sum of twenty-nine dollars and twenty-two cents (\$29.22) per month per business establishment. Each dwelling unit using more than the base number of two (2) containers (one (1) for garbage and one (1) for leaves, grass, and shrubbery trimmings) shall be charged five dollars and 88 cents (\$5.88) per month for each additional container used. This charge shall be paid in the same manner as the base service fee is paid.

Effective October 1, 2010 and each subsequent October 1 thereafter each of the above listed fees will increase or be adjusted annually in an amount equal to the CPI trailing twelve-month index as of June 30 of that current year. Where electric service is furnished to a dwelling unit or business establishment by the electric department, the terms "occupant" and "person operating" shall be taken to refer it to the person in whose name such service is subscribed, regardless of whether or not such person resides in such dwelling unit or operates such business establishment.

(2) The above provision notwithstanding, any occupant who can show documentation to the city that the occupant's household has as its sole source of income only social security benefits shall be exempt from the payment of the monthly service fee for that dwelling unit. In order to continue to pay no monthly service fee, the occupant must at least every twelve (12) months present to the city the documentation described immediately above. It shall be the responsibility of the occupant to make sure that the documentation is presented timely or otherwise the provisions of subparagraph (1) shall apply to such occupant.

(3) If a dwelling unit containing usual and ordinary kitchen facilities, other than apartments and multifamily dwellings classified as business establishments by section 19-1 of this chapter, remains vacant for sixty (60) consecutive days, the occupant as defined above may file with Decatur Utilities a sworn statement stating that the dwelling unit has been vacant for sixty (60) consecutive days and that the dwelling unit has not generated any garbage, trash, rubbish, and other refuse for sixty (60) consecutive days. The statement should also state that the occupant agrees that once the dwelling unit is occupied, Decatur Utilities will be notified immediately. After receipt of the required sworn statement by Decatur Utilities, there shall

be no monthly service fee charged to the occupant for that dwelling unit for the next succeeding month and each month thereafter until such time as the dwelling unit is occupied; and then accordingly the provisions of subparagraph (1) above shall apply.

(c) All bills for service shall be rendered monthly on the same statement rendered by the electric department for electric service. Each bill shall be due when rendered and shall become delinquent if not paid within ten (10) days thereafter. If any such bill shall not be paid within five (5) days after it becomes delinquent, the furnishing of refuse service shall thereupon be discontinued to the dwelling or business establishment with respect to which such bill is so delinquent. The above service fee is net, the gross being ten (10) percent higher. In the event the current monthly bill is not paid within ten (10) days from the date of bill, the gross fee shall apply. The electric department is hereby designated as the agent for collection of said refuse fees, and said department shall remit the same to the city clerk periodically as they are collected. Provided however, that where the person liable for the fees prescribed has no electric service furnished to him by said department such shall be paid to the office of the city clerk on a quarterly basis, such quarterly payments to be an advance deposit for the service to be rendered for the succeeding three-month period, such payments to become due and payable on the first day of October, January, April and July of each year and shall be delinquent after the tenth day of each such month. Where service is instituted within the quarterly period, such payment and deposit shall be prorated for the partial quarter.

Failure to pay the charges herein provided shall constitute a violation of this chapter and shall be unlawful.

(d) The public works director or designee is authorized, in his discretion, to include within the residential service provided under this chapter those business establishments located on normal residential pickup routes, provided such establishments do not generate more than two (2) cubic yards of refuse per week. In no wise shall the business establishment be issued more than two (2) carts for garbage and refuse collection. In the event of such authorization, the person operating such establishment shall pay the business establishment rate as provided above and in the manner prescribed above. Any such authorization shall be revocable by the public works director or by the city.

(Code 1956, § 10-21; Ord. No. 89-2802, § 3, 1-9-89; Ord. No. 93-3116, § 1, 2-1-93; Ord. No. 99-3538, § 1, 6-21-99; Ord. No. 06-3856, § 1, 2-6-06; Ord. No. 09-4011A, § 1, 1-25-10)

Sec. 19-20. - Garbage service for business establishments.

(a) There is hereby established in the city a refuse collection, hauling and disposal service for business establishments within the city to be operated by the sanitation department. The collection, hauling and disposal of refuse shall be made by the sanitation department solely from containers furnished by the city, on a schedule to be determined as set forth in this section.

(b) In order to provide for the health and welfare of the citizens of the city, there is hereby levied a service fee to defray a part of the expenses of collection, hauling and disposal of garbage, trash, rubbish and other refuse within the areas of business establishments of the city, together with the costs and expenses incurred in the collection of fees provided for, and the enforcement of those provisions in such areas as follows:

(1) Upon every person operating a business establishment as defined in section 19-1 of this

chapter (except those designated for residential service pursuant to subsection (d) of section 19-19 hereof), a service fee per month per business establishment to be determined upon the below schedule by taking into account the container size furnished to such business establishment and the pickups per week for such business establishment, as follows:

CITY OF DECATUR
SANITATION DEPARTMENT
COMMERCIAL REFUSE COLLECTION
RATES/MONTH

Container	Pickups/Week					
Size Yards	1	2	3	4	5	6
2	\$21.00	\$25.00	\$29.00	\$ 33.00	\$ 37.00	\$ 41.00
4	35.00	43.00	51.00	59.00	67.00	75.00
6	45.00	57.00	69.00	81.00	93.00	105.00
8	55.00	71.00	87.00	103.00	119.00	135.00

The minimum commercial rate for businesses without dumpster is seven dollars (\$7.00) per month. Additional charges of twenty-five dollars (\$25.00) are to be billed for extra pickups beyond scheduled service.

(2) The superintendent of sanitation shall determine the size container and the number of pickups per week needed for each business establishment in order to keep the premises clear and sanitary, and to handle all refuse generated by such business establishment upon which the monthly charge shall be based. Any person aggrieved by the determination of service needed by the superintendent of sanitation shall have the right to appeal to the council, or to a committee which may be established by the council for the purpose of hearing such appeals, by filing with the city clerk a written application requesting resurvey of the refuse generated by such establishment and the service needed. Upon receipt of such application, it shall be the duty of the superintendent of sanitation to promptly resurvey the premises and report his findings to the council or designated committee. The council, or the designated committee established for such purpose, may make such adjustments as it may determine from the evidence shall be necessary, provided however, that no refund or extra charge shall be made for the month in which said application is filed. The superintendent of sanitation shall have the right at any time to recheck and resurvey any premises, and to reduce or increase the size container needed and the number of pickups required for the following months according to the volume of refuse found to be produced or accumulated upon said premises. Where electric service is furnished to a business establishment by the electric department, the user of refuse service shall be taken to refer to the person in whose name such service is subscribed, regardless of whether or not such person actually owns or operates such business establishment.

(3) The superintendent of sanitation is authorized to allow, in specific instances, the sharing of containers by groups of business establishments, where in his judgment, such promotes economy and does not impede the performance of service provided for in this chapter. In the event of such container sharing, the superintendent of sanitation shall fix and determine the proportion of the aforesaid service fee due to be paid by each such participating business establishment, which sum shall be billed and collected as provided in this chapter. Except as otherwise provided in this section, containers furnished by the city shall be used only by the business establishment designated for use thereof.

(c) All bills for service shall be rendered monthly on the same statement rendered by the electric department for electric service. Each bill shall be due and rendered and shall become delinquent if not paid within ten (10) days thereafter. If any such bill shall not be paid within five (5) days after it becomes delinquent, the furnishing of both electric service and refuse service shall thereupon be discontinued to the business establishment with respect to which such bill is so delinquent. The above service fee is net, the gross being ten (10) percent higher. In the event the current monthly bill is not paid within ten (10) days from date of bill, the gross fee shall apply.

The electric department is hereby designated as the agent for collection of said refuse fees, and said department shall remit the same to the city clerk periodically as they are collected. Provided however, that where the person liable for the fees prescribed has no electric service furnished to him by said department, such shall be paid to the office of the city clerk on a quarterly basis, such quarterly payments to be an advance deposit for the service rendered for the succeeding three (3) month period, said payments to come due and payable on the first day of October, January, April and July of each year, and shall be delinquent on the tenth day of each such month. When service is instituted within the quarterly period, such payment and deposit shall be prorated for the partial quarter.

(Code 1956, § 10-22; Ord. No. 89-2802, § 4, 1-9-89)

Sec. 19-21. - Hauling of refuse.

Any person hauling refuse shall do so with a covered or enclosed vehicle.

(Code 1956, § 10-18)

Sec. 19-22. - Depositing on property of another.

No person shall throw, place or dispose of any trash, litter, garbage, rubbish, refuse or like matter upon the property or premises of another person which is in the possession of another person.

(Code 1956, § 10-19)

Secs. 19-23—19-35. - Reserved.

STORMWATER MANAGEMENT (ILLICIT DISCHARGE) ORDINANCE

Sec. 19.5-1. - Intent.

The purpose of this chapter is to provide for the health, safety and general welfare of the citizens of the city through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-2. - Definitions.

For purposes of this chapter, the following words and phrases shall be defined as follows:

Best management practices (BMPs): Schedules of activities; prohibitions of practices; general good housekeeping practices; pollution prevention and education practices; maintenance procedures; and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters or stormwater conveyance systems. BMPs also include treatment practices; operating procedures and practices to control site runoff, spillage or leaks; sludge or water disposal; or drainage from raw materials storage.

City engineer: The director of the city's engineering department or his/her designated representative.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251, et seq.), as most recently amended.

Construction activity: Activities subject to NPDES construction permits. NPDES Stormwater Phase II permits are required for construction projects resulting in land disturbance of one (1) acre or more. Such activities include, but are not limited to, clearing and grubbing; grading; excavating; and demolition.

Hazardous material: Any material, including any substance, waste or combination thereof, which, because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Illegal discharge: Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted herein.

Illicit connection:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any non-stormwater discharge, including sewage, process wastewater and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by the city; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system and which has not been documented in plans, maps or equivalent records and approved by the city engineer.

Industrial activity: Any activity subject to NPDES industrial permits as defined in 40 CFR §122.26(b)(14).

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit: A permit issued by the United States Environmental Protection Agency (EPA) or by a state under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants into waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

Nonstormwater discharge: Any discharge to the storm drain system that is not composed entirely of stormwater.

Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of any premises subject to this chapter or as said owner's agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to:

- (1) Paints, varnishes and solvents;
- (2) Oil and other automotive fluids;
- (3) Nonhazardous liquid and solid wastes and yard wastes;
- (4) Refuse, rubbish, garbage, litter or other discarded or abandoned objects and accumulations that may cause or contribute to pollution;
- (5) Floatables;
- (6) Pesticides, herbicides and fertilizers;
- (7) Hazardous substances and wastes;
- (8) Sewage, fecal coliform and pathogens;

- (9) Dissolved and particulate metals;
- (10) Animal wastes; and
- (11) Wastes and residues that result from construction activity as defined herein.

Premises: Any building, lot, parcel of land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Storm drainage system: Publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.

Stormwater: Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater pollution prevention plan: A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters, to the maximum extent practicable.

Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-3. - Applicability.

This chapter shall apply to all water entering the storm drain system generated on any developed or undeveloped lands, unless specifically exempted by the city engineer.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-4. - Responsibility for administration.

The city engineering department shall administer, implement and enforce the provisions of this chapter. Any powers granted or duties imposed upon the city engineer may be delegated by him/her to persons or entities acting in the beneficial interest or in the employ of the city.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-5. - Severability.

The provisions of this chapter are hereby declared to be separate and severable. If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person, establishment or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-6. - Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution or unauthorized discharge of pollutants.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-7. - Discharge prohibitions.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any material, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(1) Exceptions to illegal discharge prohibition. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except for the discharges described as follows:

- a. Water line flushing or other potable water sources;
- b. Landscape irrigation or lawn watering;
- c. Diverted stream flows;
- d. Rising ground water;
- e. Ground water infiltration to storm drains;
- f. Uncontaminated pumped ground water;
- g. Foundation or footing drains (not including active groundwater dewatering systems);
- h. Crawl space pumps;
- i. Air conditioning condensation;
- j. Springs;
- k. Noncommercial washing of vehicles;
- l. Natural riparian habitat or wetland flows;
- m. Swimming pools, if dechlorinated (typically less than one (1) PPM chlorine);
- n. Fire fighting activities;
- o. Discharges specified in writing by the city engineer as being necessary to protect public health and safety;
- p. Dye testing, provided the mandatory requirement of verbal notification has been provided to the city engineer prior to the time of the test;

- q. Street wash water; and
- r. Any other water source not containing pollutants.

(2) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(3) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the date this chapter was adopted, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4 or allows such a connection to continue beyond the date of enactment of this chapter.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-8. - Suspension of MS4 access.

(a) *Suspension due to illicit discharges in emergency situations.* The city engineer may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent or substantial danger to the environment, to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the city engineer may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The city engineer will notify a violator of the proposed termination of its MS4 access. The violator may petition the city engineer for a reconsideration and hearing. A person commits an offense if, without the prior approval of the city engineer, the person reinstates MS4 access to premises to which access has been terminated pursuant to this chapter.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-9. - Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city engineer prior to the allowing of discharges to the MS4.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-10. - Monitoring of discharges.

(a) *Applicability.* This chapter applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity related thereto.

(b) *Access to facilities.*

- (1) The city engineer shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance herewith. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the city engineer.
- (2) Facility operators shall allow the city engineer ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (3) The city engineer shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the city engineer to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The city engineer has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city engineer and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delay in allowing the city engineer access to a permitted facility is a violation of a stormwater discharge permit and of this chapter. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the city engineer reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.
- (7) If the city engineer has been refused access to any part of the premises from which stormwater is discharged and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city engineer may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-11. - Requirement to prevent, control and reduce stormwater pollutants by the use of best management practices.

The city will adopt requirements identifying BMPs for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system or waters of the United States. The owner or operator of a commercial or industrial establishment

shall provide and bear the expense of reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise which the city engineer determines to be the source of an illicit discharge may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this chapter. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-12. - Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-13. - Notification of spills.

Notwithstanding other requirements of law, as soon as any person who is responsible for a facility or operation or who is responsible for emergency response for a facility or operation has information of any known or suspected release of materials which the city engineer determines to be causing or which may cause illegal discharges or pollutants discharging into stormwater, the storm drain system or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the city engineer in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city engineer within three (3) business days of the original notice. If the discharge of prohibited materials originates from a commercial or industrial establishment, the owner or operator or such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-14. - Enforcement.

(a) *Notice of violation.* Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the city engineer may order compliance by sending written notice of the violation to the responsible person. Such notice may require, without limitation:

- (1) The performance of monitoring, analyses and reporting;

- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and/or
- (6) The implementation of source control or treatment BMPs.

(b) *Deadline for remediation/restoration.* If abatement of a violation and/or restoration of affected property shall be required, the notice shall set forth a deadline within which such remediation and/or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate and/or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-15. - Appeal of notice of violation.

All rulings, requirements, decisions or interpretations of the city engineer shall be final and binding upon all parties thereto unless properly appealed to the city council. Any person receiving a notice of violation and wishing to appeal the same shall file written notice in the office of the city clerk within ten (10) days from the date of the notice of violation. Hearing on the appeal before the city council shall be held within thirty (30) days from the date of the filing of the notice of appeal. The decision of the city council shall be final.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-16. - Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within fifteen (15) days of the issuance of a determination by the city council upholding the decision of the city engineer, then the city engineer shall enter upon the subject private property and is hereby authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city, the city engineer, or a city-designated contractor to enter upon the premises for the purposes set forth above.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-17. - Cost of abatement of the violation.

Within thirty (30) days of abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If full payment of the costs is not received within fifteen (15) days of the owner's original receipt of notification of the costs due and owing, the costs shall be presented to the city council for assessment as a lien on the property.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-18. - Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the city engineer may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to either abate or remediate the violation.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-19. - Compensatory action.

In lieu of the enforcement proceedings, penalties and remedies authorized by this chapter, the city engineer may impose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-20. - Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this chapter is to be considered a threat to public health, safety and welfare; is hereby declared and deemed a nuisance; and may be summarily abated or restored at the violator's expense. In the event of a violation of this chapter, it is hereby declared that a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be instituted.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-21. - Criminal prosecution.

Any person violating or continuing to violate this chapter shall be subject to criminal prosecution and to the range of penalties authorized by Ala. Code § 11-45-9, as last amended, and established in the Code of Decatur, Alabama, § 1-8, as last amended.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-22. - Remedies not exclusive.

The remedies listed herein are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city engineer to seek cumulative remedies.

(Ord. No. 05-3824, § 1, 4-18-05)

Sec. 19.5-23. - Repeal of conflicting provisions.

All prior ordinances, sections and parts of ordinances in conflict with this chapter are hereby repealed.

(Ord. No. 05-3824, § 1, 4-18-05)

Landscape Ordinance

Sec. 25-16. - Off-street parking.

In each zoning district, each structure shall be provided with off-street parking in accordance with the following:

- (1) *Residential.* In all cases of new structures, provision for the parking of two (2) vehicles shall be provided for the use of the occupants of each dwelling unit.
- (2) *Nonresidential.* In all cases of new structures or converted structures which are increased in capacity, facilities for the storage of vehicles for the use of the occupants, employees, and patrons of buildings hereafter erected, altered or increased in capacity, shall be provided and maintained on the premises in accordance with the requirements of each type of use as follows:
 - (a) Schools: One (1) parking space for each four (4) seats in the main assembly room plus one (1) space for each classroom.
 - (b) Churches, community buildings, auditoriums, and places of public assembly: One (1) parking space for each five (5) seats in the main assembly area, or in the case of general purpose rooms without fixed seats, there shall be one (1) parking space for each thirty-five (35) square feet of floor area.
 - (c) Hotels: One (1) parking space for each two (2) guest rooms.
 - (d) Motel, tourist court, tourist house, boardinghouse, rooming house: One (1) parking space for each room or unit offered for rent.
 - (e) Clinics or professional offices: One (1) parking space for each professional plus one (1) parking space for each twenty-five (25) square feet of floor area in the reception room, plus one (1) parking space for each two (2) examining rooms.
 - (f) Restaurant or eating place: One (1) parking space for each seventy-five (75) square feet of gross floor area.
 - (g) Refreshment stands and drive-in restaurants: Six (6) parking spaces per one hundred (100) square feet of area occupied by the stand.
 - (h) Office and office buildings: One (1) parking space for each four hundred (400) square feet of floor area.
 - (i) Bowling alleys: Five (5) parking spaces for each alley.
 - (j) Industrial uses: One (1) parking space for each one and one-half (1½) employees.
 - (k) Trailer courts: One (1) parking space for each trailer.
 - (l) Planned shopping center: One (1) space per two hundred fifty (250) square feet of gross leasable area.

- (m) Sanatorium or nursing home: One (1) parking space for each two (2) beds, plus one (1) parking space for each five (5) employees or fraction thereof.
 - (n) Private club or lodge: One (1) parking space for each ten (10) members.
 - (o) Food stores and markets: One (1) space per two hundred fifty (250) square feet of gross floor area.
 - (p) Wholesale uses and storage buildings, warehouses, lumber or fuels business, truck terminals and similar uses: One (1) parking space for each one and one-half (1½) employees.
 - (q) Any use not otherwise specified: One (1) space per two hundred fifty (250) square feet of gross floor area.
 - (r) Whenever two (2) or more uses shall be made of the same property, the parking requirements for each shall apply.
 - (s) Whenever a structure or use may qualify under two (2) or more classifications the one with the larger requirements shall govern.
 - (t) Hospital: One (1) parking space for each one and one-half (1½) beds, plus one (1) parking space for each three (3) employees. Spaces reserved for other than a full-time employee shall not qualify under the requirements hereof.
 - (u) Class I lounges, and clubs, one (1) parking space for each forty (40) square feet of gross floor area.
 - (v) Store for off-premises sale of alcoholic beverages, one (1) parking space for each two hundred fifty (250) square feet of gross floor area.
- (3) *Measurement of area.* For the purpose of this section, "floor area" shall mean the gross floor area of all floors of a building or an addition to an existing building. The total area includes access drives within the actual parking area.
- (4) *Existing parking.* Any building which meets the parking requirements of this ordinance on the effective date hereof or at any subsequent time, shall continue to comply fully with all requirements thereof. Any existing building which partially meets the requirements of this ordinance on the effective date thereof or at any subsequent time shall thereafter continue to comply as nearly with these requirements as the highest degree of compliance reached.
- (5) *General.* No off-street parking required for a building or structure shall during its life be occupied by or counted as off-street parking for another building or structure but may be counted as yard space.
- (6) *Parking space.* An off-street space, enclosed or unenclosed must contain not less than one hundred eighty (180) square feet plus the appropriate driving isle for ingress and egress, consistent with current design standards, within the boundary lines of the property, with the exception of those parking spaces that have access from a public alley which must provide one hundred eighty (180) square feet for the automobile parking

space.

- (7) *Design.* No parking space shall be so designed as to require the vehicle parked therein to back onto a public street, with the exception of single and two-family residences.

All parking areas shall be surfaced for all-weather use equivalent to at least four (4) inches of limestone.

- (8) *Applicability of provisions.* The provisions hereof shall not be in force and effect in any B-5 Central Business District now or hereafter created, or any other zoning district hereafter established where the regulations for such district set forth provisions for off-street vehicle storage and parking facilities or make provision in relation thereto.

- (9) *Landscaping and lighting requirements for off-street parking areas.* Off-street parking areas that fall within the scope of this chapter shall have landscaping and lighting in accordance with these regulations.

(a) *Purpose.* This subsection is designed to establish the minimum criteria for the landscaping and lighting of off-street parking areas in order to protect and preserve the appearance, character and value of surrounding properties, and thereby promote the general welfare, safety and aesthetic quality of the city.

(b) *Scope of application.* The provisions of this subsection shall apply to all off-street parking areas within the corporate limits of the city, except for those areas in any single-family residential district.

(c) *General requirements.* Any off-street parking area (or system of off-street parking areas) providing space for at least fifteen (15) vehicles or containing at least five thousand (5,000) square feet or more on a single parcel of land must be constructed in accordance with the landscaping requirements contained within the regulations of this subsection.

In addition, any off-street parking area (or system of off-street parking areas) providing space for at least fifty (50) vehicles; containing at least twelve thousand (12,000) square feet or more on a single parcel of land; or adjoining any "R" designated district, including PRD, must be constructed in accordance with the landscaping and lighting requirements contained within the regulations of this subsection.

(i) *Minimum standards:* The requirements of these regulations are minimum standards for compliance.

(ii) *Off-street parking areas:*

1) Off-street parking areas providing space for at least fifteen (15), but no more than forty-nine (49), vehicles or containing at least five thousand (5,000) square feet, but no more than eleven thousand nine hundred ninety-nine (11,999) square feet, shall provide frontage landscaping or, at the option of the developer, foundation landscaping.

2) Off-street parking areas with fifty (50) or more spaces or at least twelve

thousand (12,000) square feet shall provide perimeter, frontage, foundation and interior landscaping. Foundation landscaping as required under these regulations may be offset by adding an equal amount of area to the interior landscaping.

- (iii) Landscaping buffer areas: All landscaped buffer areas required under these regulations shall consist of a solid unbroken visual screen eight (8) feet high within two (2) years of planting and in sufficient density to effectively reduce the transmission of noise and to afford protection to the residential districts from glare of head lights, blowing paper, dust and debris, and visual encroachment.
 - 1) Developments having at least fifty (50) and no more than one hundred (100) spaces and adjoining any "R" designated district, including PRD, shall have a landscaped buffer area at least ten (10) feet in depth between the legal lot and the adjoining residentially zoned property.
 - 2) Developments having at least one hundred one (101) spaces and adjoining any "R" designated district, including PRD, shall have a landscaped buffer area at least twenty (20) feet in depth between the legal lot and the adjoining residentially zoned property.
 - 3) Where a buffer is required by this subsection, the perimeter landscape requirement will be waived along the properly buffered side of the property.
- (iv) Parking garages and underground off-street parking areas: Only perimeter landscaping is required for parking garages; landscaping requirements for adjoining off-street parking areas at or near the grade of surrounding land will be calculated separately. Wholly underground off-street parking areas are exempt from the landscaping requirements of these regulations but subject to the lighting requirements.
- (v) Existing paved or unpaved off-street parking area: When a lawful paved or unpaved off-street parking area already exists at the effective date of this article, such area may continue until the total gross floor area is increased or decreased by fifty (50) percent or until a new additional structure is constructed on the property. In the case of a new or additional structure the landscaping and lighting requirements of this subsection will apply only to the new structure and the paved area associated therewith.
- (vi) Industrial zoning districts: In all developments occurring in ID zoning districts, off-street parking areas containing at least fifty (50) spaces shall comply with these requirements. However, foundation and interior landscaping may be offset by the addition of an equal amount of area to perimeter and/or frontage landscaping. Any additional frontage or perimeter landscaping added pursuant to this exception shall comply with all requirements contained herein.

(d) *Definitions.*

(i) Usage: For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth below.

- 1) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense.
- 2) Words used in the plural number include the singular.
- 3) The word "herein" means "in these regulations".
- 4) The phrase "these regulations" means "Chapter 25 of the Code of the City of Decatur, Alabama".
- 5) The word "person" includes a corporation, a partnership, and an incorporated association of persons such as a club, or any other legal entity.
- 6) The word "subsection" refers to section 25-16(9), et seq.
- 7) The word "shall" is always mandatory.
- 8) A "building" or "structure" includes any part thereof.
- 9) The words "used" or "occupied" as applied to any land or building shall be construed to include the word "intended, arranged, or designed to be used or occupied."
- 10) That which is "adjacent" may be separated by some intervening object.
- 11) That which is "adjoining" must touch in some part.
- 12) That which is "contiguous" must touch entirely on one side.

(ii) *Terms defined.*

Access way: One (1) or more driving lanes intended for use by vehicles entering or leaving an off-street parking area.

Approving authority: The city building director or his designated representative.

Berm: A planted or landscaped elevated ground area between two (2) other areas, generally designed to restrict view and to deflect or absorb noise. Berms with ground cover that necessitate mowing shall have a slope not greater than one (1) foot of rise per three (3) feet of run.

Caliper: Trunk diameter of a tree used in landscaping, measured six (6) inches above ground for trees up to four (4) inch caliper and twelve (12) inches above ground for larger trees.

Crown: The branches and leaves of a tree or shrub together with the associated upper trunk.

Deciduous plants: Those that shed their leaves during their dormant season and produce new leaves the following growing season.

Evergreen plants: Those that retain their leaves during their dormant season.

Foot candle: A measure of light striking a surface one (1) square foot in area on which one (1) unit of light (lumen) is uniformly distributed.

Foundation landscaping: Treatment of grade with ground cover, vegetation, ornamentation, etc., against the front of the primary structure.

Frontage landscaping: Treatment of grade with ground cover, vegetation, ornamentation, etc., between off-street parking area and adjacent street rights-of-way.

Ground cover: Plants, mulch, gravel and other landscape elements used to prevent soil erosion, compaction, etc.

Interior landscaping: Treatment of grade with ground cover, vegetation, ornamentation, etc., within an off-street parking area.

Island: An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

Landscape elements: A plant material (living or nonliving) or an ornamental material (river rock, brick, tile, statuary, etc.) differentiated from surrounding off-street parking area surfacing materials.

Luminaire: A complete lighting unit that consists of one (1) or more lamps and ballast, if needed, together with other parts designed to distribute light, position and protect lamps, and connect lamps to the power source.

Mulch: A material (pine straw, bark chips, wood chips, etc.) placed on the ground to stabilize soil, protect roots, limit weed growth and otherwise promote tree and shrub growth by simulating the role of natural forest leaf-litter.

Mulch bed: An area, generally bordered by a retaining device, with a covering of mulch over the soil.

Off-street parking area: An area, other than a public right-of-way, designated and/or used for the parking and movement of vehicles.

Organic landscaping materials: Plants or nonliving materials made from plants (pine straw, bark chips, etc.).

Ornamentation: Decorative features of a nonliving material used to enhance a landscaped area.

Parking garage: A structure used for parking of vehicles and having one (1) or more parking levels above the grade of surrounding land.

Parking space: An area marked for the parking of one (1) vehicle.

Peninsula: An interior landscaping feature attached on only one (1) side to perimeter landscaping, buildings, etc., and surrounded on all other sides by off-street parking areas.

Perimeter landscaping: Treatment of grade with ground cover vegetation and ornamentation, etc., between an off-street parking area and adjoining properties. Perimeter landscaping shall exclude landscaping between an off-street parking area and buildings on the same legal lot.

Shrub: A woody plant, generally multi-stemmed, of smaller stature than a tree.

Stem: See trunk.

Tree: A woody plant, generally with no more than one (1) or two (2) principal stems.

Trunk: A principal upright supporting structure of a tree or shrub.

Underground off-street parking area: A parking area completely covered by a structure or by grass or other landscaping elements.

Vegetation: Living plant material including grass, plants, ground covers, shrubs, trees, etc.

Visibility triangle: An area of critical visibility between the heights of two and one-half (2.5) feet and eight (8) feet above the street grade at an intersection in which landscaping is restricted in the interest of vehicular traffic safety. The visibility triangle will be determined by points twenty-five (25) feet from intersection right-of-way lines with a straight line connecting such points.

(e) *General off-street parking area landscaping requirements.* A detailed landscaping plan shall be required for all off-street parking areas containing either at least fifty (50) spaces or at least twelve thousand (12,000) square feet of off-street parking. If required, said plan shall be submitted with the construction plans and be approved before issuance of a building permit. For off-street parking areas not of sufficient size to necessitate submission of a landscaping plan, compliance with the landscaping requirements of this subsection is still required. Such plan, when required, shall indicate and include the following:

- (i) The number of parking spaces;
- (ii) The overall amount of off-street parking area;
 - 1) A schedule of the dimensions and the total amount of square footage or

linear footage of all foundation, frontage, perimeter and/or interior landscaping as detailed hereinbelow;

2) General information, including:

- a) Date;
- b) North arrow;
- c) Scale of one (1) inch to no more than fifty (50) feet;
- d) All property lines;
- e) Locations of all existing and proposed easements and rights-of-way;
- f) Existing and proposed topography drawn at maximum contour interval of five (5) feet and indicating drainage channels;
- g) Zoning designations of the subject property and all adjoining properties;
- h) Names, addresses, and telephone numbers of developers, architects, and property owners for whom the plan is designed; and
- i) Name and business affiliation of the person preparing the landscape plan.

3) Construction information, including:

- a) The locations of buildings and off-street parking areas;
- b) Utility fixtures, including light poles, power poles, above-ground pedestals (low voltage) and pad-mounted (high voltage) fixtures;
- c) Underground electrical communications and television cables and conduits;
- d) Location of hose bibs, sprinkler systems, meters, control boxes, etc.;
- e) Square footage of off-street parking areas;
- f) Intended surface types; and
- g) Landscaping details, including;

(iii) Locations, dimensions and treatments of all perimeter and interior landscaping areas;

(iv) A schedule and proposed location of all new and existing plants proposed for landscaping, including:

- 1) Size (caliper and height, container size, etc.);

- 2) Condition (bare-root, balled and burlapped, container-grown or pre-existing, etc.); and
- 3) Common names and botanical names (genus, species, and variety) of trees, shrubs, and ground cover, and the type and amount of turf grass.

(f) *Frontage landscaping.*

- (i) Frontage landscaping shall consist of a landscaped area or areas along all adjacent public rights-of-way. Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs and suitable groundcover per full fifty (50) linear feet of the frontage strip (less access ways); shrubs are optional in areas where a berm at least three (3) feet in height is used. Trees and shrubs shall be well-distributed, though not necessarily evenly spaced. The strip shall be protected by some barrier to prevent damage from vehicles and maintenance equipment.
- (ii) Frontage landscaping at driveways and street intersections shall have an area of visibility between the heights of two and one-half (2.5) feet and eight (8) feet above the street grade to afford a clear line of sight in the interest of vehicular traffic safety. This area at street intersections is a visibility triangle as defined hereinabove.
- (iii) In all other cases, frontage landscaping shall begin behind the edge of the public right-of-way rather than the edge of the pavement, unless they are the same.
- (iv) Frontage landscaping shall average five (5) feet in depth. The width of access ways may be subtracted from the frontage dimension used in determining the number of trees required. Access ways for sites must have specific approval from the city engineering department and, if fronted on a state highway, the state highway department.

(g) *Foundation landscaping.* Foundation landscaping shall require a landscaped bed with an average depth of four (4) feet along the front of the primary structure. The bed shall contain shrubs or other greenery spaced properly for plant size at maturity. Additionally, the bed shall contain mulch or ground cover, other than turf grass, and be protected by some barrier to prevent damage from vehicles and maintenance equipment. Greenery shall be well distributed though not necessarily evenly spaced.

(h) *Perimeter landscaping.* Perimeter landscaping shall be provided within the property lines between the off-street parking area and adjoining properties. Planting areas existing on adjoining property shall not count toward the required perimeter landscaping area. Adjacent plants should blend with the existing plantings so as not to detract from the existing plantings.

- (i) Perimeter landscaping areas shall be an average of five (5) feet in depth, excluding walkways, measured perpendicularly from the adjoining property to the back of curb.

- (ii) Excluded from this requirement are those perimeters bordering national or state owned wildlife preserves; navigable waterways; jurisdictional wetlands as defined by the U.S. Army Corps of Engineers; floodways; or other perimeters as approved by the planning commission on an individual basis.
- (i) *Interior landscaping.* Interior landscaping requirements shall be fulfilled in the form of planting islands and/or peninsulas and shall be in addition to frontage landscaping, foundation landscaping and/or perimeter landscaping.
 - (i) For off-street parking areas containing fifty (50) to one hundred (100) spaces, interior landscaping shall be no less than two (2) percent of the total parking area.
 - (ii) For off-street parking areas containing one hundred one (101) or more spaces, the minimum amount of interior landscaping shall be determined using the following formula:

$$(0.02 + (0.00005 \times (\text{number of spaces} - 100))) \times 100.$$

However, the minimum amount required shall never be greater than four (4) percent of the total parking area. To count toward the total interior landscape requirements, each island or peninsula shall be at least one hundred (100) square feet in area; however, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement shall be one thousand (1,000) square feet.
 - (iii) Islands and peninsulas must be at least six (6) feet in their least dimension, measured from back of curb to back of curb.
 - (iv) Islands and peninsulas in off-street parking areas shall be as uniformly distributed as practical in order to subdivide large expanses of parking areas; to regulate traffic flow; to protect pedestrians; and to permit access by emergency vehicles. When practical, islands and/or peninsulas shall be evenly distributed between the circulation drives and parking rows to channel traffic safely around the parking areas and to separate parking rows.
 - (v) The interior landscaped area shall contain at least an average of one (1) tree and four (4) shrubs per two hundred (200) square feet of landscaped area. Each island or peninsula shall contain at least one (1) tree.
- (j) *Credit for existing plant material.* If all other landscaping requirements are met, each existing tree meeting the following criteria may count, at the option of the owner, for two (2) trees required in the same type of landscaping (i.e. interior, perimeter or frontage) if:
 - (i) It has a minimum caliper of three (3) inches;
 - (ii) It is not one of the following species hereby determined to be unacceptable for parking lot landscaping (these are to be considered nuisance trees):

Large Trees

Box elder	
Native Elms (American, Winged, Cedar, Slipper and September Willows)	
Silver Maple	Tree-of-Heaven
Catalpa	Colorado Blue Spruce
Sycamore	Red Spruce
Cottonwood	Live Oak
True Poplars	Laurel Oak

Medium

Camphor	
Princess tree	
Cut leaf European Birch (Paulownia)	Silk tree
Eastern White Pine	Chinaberry
Willows	Yellowwood
Sassafras	Mulberry
Siberian Elm	Bradford Pears

Small Trees

Sumacs	
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- (iii) It is at least two (2) feet from the nearest planned curb and is within a planned planting of at least one hundred (100) square feet;
- (iv) It has a live crown at least thirty (30) percent of the total tree height and is free from serious root, trunk and crown injury.
- (v) It is indicated on the landscaping plan as a "tree to be saved"; and
- (vi) It is situated so that it can be incorporated into planned landscaping areas, islands or peninsulas with minimal grade cut or fill and/or compaction and it is protected during all phases of construction by a durable physical barrier

preventing vehicles, equipment, materials and activities from disturbing the existing area that is to become part of the planned landscaping area.

(k) *Plant materials and installation requirements.*

- (i) Trees and shrubs: In addition to any existing trees allowed under "existing plant materials", all trees and shrubs planted in required landscaped areas shall:
 - 1) Trees: Be of species other than those determined by these regulations as unacceptable for parking lot landscaping.
 - 2) Trees and shrubs: Conform to the minimum size standards based on the most recent American Standard for Nursery Stock, ANSI Z60.1—1996 draft, published by the American Association of Nurserymen and approved by the American National Standards Institute.
 - a) Trees and shrubs: Be planted within a bed of mulch or ground cover other than turf grass, and be protected by a durable physical barrier preventing vehicles, equipment, materials and activities from damaging the plantings.
 - b) Trees: Be spaced no closer than ten (10) feet apart to count toward the required ratio between perimeter and number of trees; such trees need not be evenly spaced along perimeter landscaping areas, and trees in excess of the minimum requirements may be closer than ten (10) feet apart.
- (ii) Grass and other permanent ground cover shall be installed and maintained on all parts of each landscaped area.
- (iii) Effective measures shall be taken to control erosion and storm water runoff through the use of mulches, ground cover plants, erosion-control netting, etc.
- (iv) Ground cover may include shrubs and low-growing plants such as liriopse, English ivy (*Hedera helix*), periwinkle (*Vinca minor*) and similar materials. Ground cover may also include non-living organic materials such as bark or pine straw and inorganic material such as pebbles, crushed rock, brick, tile, and decorative blocks; however, inorganic materials shall not make up more than ten (10) percent of the landscaped area at maturity.

(l) *Installation requirements and recommendations.*

- (i) Required landscaped areas adjacent to parking areas shall be protected by fixed vertical curbing along all sides exposed to parked or moving vehicles.
- (ii) When possible, trees should be located on extensions of parking stall lines to minimize bumper, exhaust, and engine heat damage to trees.
- (iii) The maximum recommended distance from any part of a required landscaped area to the nearest hose bib or other irrigation water supply fixture shall be

one hundred fifty (150) feet, except where built-in irrigation systems are provided.

- (iv) Synthetic or artificial material in imitation of trees, shrubs, turf, ground covers, vines or other plants shall not be used in lieu of plant requirements in this ordinance.
- (v) Hedges, walls, and berms, though not required, are recommended to help minimize the visual impact of off-street parking areas. Berms with ground cover that necessitates mowing shall have a slope not greater than (1) one foot of rise per three (3) feet of run.
- (vi) The use of permanent broad-area mulch beds is recommended to increase absorption of surface water; retard erosion, runoff, and stream siltation; protect tree roots and stems; and foster tree health.
- (vii) Landscaping shall be designed at maturity to be compatible and not to interfere with existing and planned overhead and underground electrical, communications, and television cables and conduits; public water supply lines; and storm and sanitary sewer lines.

(viii) Planting dates recommended by the city are shown in the following table:

Recommended Planting Dates

Type of Plant Materials	Normal Planting Dates
Noncontainer—Grown deciduous	October 1 to April 1
Noncontainer—Grown other	October 1 to April 1
Container grown	Year round if suitable precautions are taken to protect the planting stock from extremes of moisture and temperature; if there is doubt, obtain a variance or a performance bond

(m) *Guarantees of performance.* No certificate of occupancy shall be issued until the provisions of these regulations have been met or a performance bond or an irrevocable letter of credit has been posted in lieu of thereof. When circumstances preclude immediate planting, a certificate of occupancy may be granted after:

- (i) The owner or developer has completed all curbing, irrigation systems and other construction preliminary to planting; and
- (ii) The property owner or developer posts a performance bond, or irrevocable letter of credit with the planning department in an amount equal to one hundred (100) percent of the cost of the total required planting, including labor. Surety shall be made payable to the city. Landscaping must be completed and approved within six (6) months (180 calendar days) after a

certificate of occupancy is issued in order to redeem the bond.

- (n) *Required maintenance.* The owner, lessee, or his agent(s) shall be responsible for providing, maintaining and protecting all landscaping in a healthy and growing condition, and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced during the next appropriate planting period.
- (o) *General off-street parking area lighting requirements.* A detailed lighting plan shall be required for all off-street parking areas contained within a legal lot adjoining any "R" designated district, including PRD; all off-street parking areas containing at least fifty (50) spaces; and all off-street parking areas containing at least twelve thousand (12,000) square feet of off-street parking. If required, said plan shall be submitted with the construction and landscape plans. For off-street parking areas not of sufficient size to necessitate submission of a lighting plan, compliance with the landscaping requirements of this subsection is still required. A lighting plan, when required, shall be prepared and submitted as follows:
 - (i) The lighting plan shall be drawn on the border of the submitting professional and shall clearly define the property lines and the zoning classifications for all adjoining properties. The lighting plan shall provide the following information:
 - 1) The type of lamp to be used in each fixture, including the manufacturer's name and part number, lamp wattage, lumen output, and a copy of the manufacturer's lamp specifications;
 - 2) Fixture heights measured from grade and locations of the same;
 - 3) The type of fixtures, including the manufacturer's name and model number; wattage and light loss factor meeting the standards in these regulations; a picture of the fixture; and the IES file name;
 - 4) Point to point photometric calculations at intervals of not more than ten (10) feet at ground level demonstrating that the plan will provide a uniform intensity of lighting on vehicular surfaces in conformance with the requirements of these regulations;
 - 5) The area of each photometric calculation, including an extra calculation to identify the light level produced at the property line, and all data used in each calculation; and
 - 6) The seal of the qualified state registered design professional.
 - (ii) All lighting requiring submission of a detailed plan shall be installed and approved prior to issuance of a certificate of occupancy. The registered design professional who sealed the plans shall certify by letter that the installation complies with the approved plans. The letter shall specify fixtures, wattages, heights of fixtures at the point of attachment to poles or other structures, and any special requirements such as rotation, angle, shielding or positioning of critical poles and fixtures at property lines.

(iii) All exterior lighting fixtures shall be:

- 1) Protected by a weather and vandal resistant covering;
- 2) Located and fitted with appropriate cutoffs, if necessary, to prevent the light level on any adjoining roadway or residential property line from exceeding one (1) foot candle;
- 3) When using flood lights, aimed so that they do not exceed an angle of forty-five (45) degrees out from the base of the pole or structure to which they are attached; and
- 4) Installed thirty (30) feet or less in height unless the off-street parking area exceeds twenty-five thousand (25,000) square feet; in such cases, installations exceeding thirty (30) feet, as measured from the finished grade to the bottom of the fixture may be used if it is demonstrated that all the requirements of these regulations can be met.

(iv) Off-street parking area lighting shall be designed and installed in compliance with the following standards:

- 1) Illumination requirements for off-street parking areas as measured at ground level shall comply with the light levels and uniformity ratios set forth in the following table:

Type of Off-Street Parking Area	Required Minimum Light Level	Maximum/Minimum Uniformity Ratio
Nonresidential and residential off-street parking areas	1 foot candle	10:1
Parking garages and underground parking	5 foot candles	4:1
Garage stairwells	10 foot candles	NA
Garage rooftop surfaces	1 foot candle	10:1

- 2) The highest horizontal illuminance area divided by the lowest horizontal illuminance point or area should not be greater than the ratio shown. The maximum/minimum ratio must be calculated only for the area within the off-street parking area; maximum light level at all rights-of-way and at property lines shall also be shown.
- 3) Off-street parking area lighting meeting the standards of these regulations shall be utilized during all hours of operation between dusk and dawn.

(p) *Inspections and notification of violations.* The building director or his designated representative shall make inspections as necessary pursuant to these regulations and

shall initiate appropriate action to bring about compliance therewith. Upon becoming aware of any violation of the provisions of these regulations, the building director or his designated representative shall serve written notice of such violation upon the person(s) responsible for compliance. No penalty shall be assessed until the expiration of the bond, if one has been posted, or otherwise until sixty (60) days after notification of violation(s).

- (q) *Inspection checklist.* A current checklist generally reflecting the requirements of these regulations shall be devised and used in reviewing landscaping plans. Said checklist shall be made available to interested parties as a supplement to administration of these regulations.

(Code 1956, § 27-16; Ord. No. 85-2426, §§ 20—22, 2-4-85; Ord. No. 88-2745, § 1, 7-11-88; 01-3640, § 1, 3-5-01; Ord. No. 02-3741, §§ 1, 2, 12-2-02; Ord. No. 04-3806, § 4, 7-12-04; Ord. No. 07-3926, § 1, 1-7-08)

Sec. 25-25. - Interpretation and application of provisions.

In their interpretation and application the provisions of this chapter shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein compliance with such other ordinances or regulations is mandatory. This chapter shall not lower the restrictions of plats, deeds, or private contracts if such are greater than the provisions of this chapter.

(Code 1956, § 27-25)

Sec. 25-26. - Violations and penalties therefor.

Any person violating any provision of this chapter shall be fined upon conviction not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

(Code 1956, § 27-26)

Sec. 25-27. - Amendment procedure.

The regulations and the number, area, and boundaries of districts established by this chapter may be amended, supplemented, changed, modified, or repealed by the city council, but no amendment shall become effective unless it is first submitted to the city planning commission for its recommendation. The city planning commission upon its own initiative may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this chapter or to the zoning map, and report its recommendations to the city government. The provisions of Title 37, Chapter 16, Article 2, Sections 778 and 779, Code of Alabama, 1940, as the same may be amended, shall apply to all changes and amendments.

(Code 1956, § 27-27)

FLOODPLAIN MANAGEMENT

Ordinance No. 15-4210

ZTA 230-14 - Floodplain Management

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR, ALABAMA

Zoning Text Amendment 230-14

The effect of the proposed amendment will be to amend Article II, Floodplain Management.

Section 1. That Article 2 of Chapter 25 of the Code of Decatur, Alabama is hereby amended to read as follows:

“Article II. FLOODPLAIN MANAGEMENT*"

Section 25-29. Statutory Authorization, Findings of Fact, Purpose and Objectives.

(a) **Statutory Authorization.** The Legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24; Title 11, Chapter 45, Sections 1-11; Title 11, Chapter 52, Sections 1-85, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Decatur, Alabama, does ordain as follows:

(b) Findings of Fact.

(1) The flood hazard areas of the City of Decatur, Alabama are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(c) **Statement of Purpose.** It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase

flood heights, velocities, or erosion;

- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

(d) **Objectives.** The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) To minimize expenditure of public money for costly flood control projects;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions, and;
- (7) To insure that potential home buyers are notified that property is in a flood area.

Section 25-30. GENERAL PROVISIONS.

- (a) **Lands to which this article applies.** This ordinance shall apply to all Areas of Special Flood Hazard within the corporate limits of Decatur, Alabama.
- (b) **Basis for area of special flood hazard.** The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated December 16, 2005, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Morgan County are hereby adopted by reference. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

- (c) **Establishment of Development Permit.** A Development Permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any Development activities.
- (d) **Compliance.** No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.
- (e) **Abrogation and greater restrictions.** This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (f) **Interpretation.** In the interpretation and application of this ordinance all provisions shall be:
 - (1) considered as minimum requirements;
 - (2) liberally construed in favor of the governing body, and;
 - (3) deemed neither to limit nor repeal any other powers granted under state statutes.
- (g) **Warning and disclaimer of liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Decatur, Alabama, or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- (h) **Penalties for violation.** Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful actions as is necessary to prevent or remedy any violation.
- (i) **Savings clause.** If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be noncompliant with 44 Code of Federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this ordinance.
- (j) **Termination of Flood Insurance.** Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County,

or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure is noncompliant. Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied. The declaration must be in writing (letter or citation), from the community to the property owner and the applicable FEMA Regional Office, and must contain the following items:

- (1) The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;
 - (2) A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;
 - (3) A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 - (4) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
 - (5) A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.
- (6) If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance eligibility restored.

Section 25-31 Administration.

- (a) **Designation of ordinance administrator.** The Building Director is hereby appointed to administer and implement the provisions of this ordinance.
- (b) **Permit Procedures.** Application for a Development Permit shall be made to the Building Director (floodplain administrator) on forms furnished by the community prior to any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions of existing or proposed structures, fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

- (1) **Application Stage.**

- a. Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
- b. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

- c. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of section 25-32 b(2) and section 25-32e(2);
- d. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) **Construction Stage.** For all new construction and substantial improvements, the permit holder shall provide to the Building Director an as-built certification of the regulatory floor elevation or flood-proofing level using appropriate FEMA elevation or flood-proofing certificate immediately after the lowest floor or flood proofing is completed. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Building Director shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(c) **Duties and responsibilities of the administrator.** Duties of the Building Director shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied; and assure that sites are reasonably safe from flooding.
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1334). Require that copies of such permits be provided and maintained on file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Section 25-32(b), then the Building Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Section 25-32.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with Section 25-31 b(2).
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Sections 25-32 b(2) and 25-32 e(2).
- (6) When flood proofing is utilized for a structure, the Building Director shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Section 25-31(b)(1)(c) and Section 25-32 b(2) or Section 25-32 e(2).

- (7) Notify adjacent communities and the Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the Alabama Department of Economic and Community Affairs/Office of Water Resources/NFIP State Coordinator's Office.
- (8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA and State to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (9) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Director and shall be open for public inspection.

Section 25-32 PROVISIONS FOR FLOOD HAZARD REDUCTION

- (a) **General Standards.** In ALL Areas of Special Flood Hazard the following provisions are required:
 - (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure;
 - (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
 - (3) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
 - (4) **Elevated Buildings** - All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a **minimum of two (2) openings** having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one (1) foot above grade; and,
 3. Openings may be equipped with screens, louvers, valves and other coverings and devices provided they permit the automatic flow of floodwater in both directions.
- b. So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,
- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non- conformity is not furthered, extended or replaced.
- (b) **Specific Standards.** In ALL Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required:
- (1) New construction and substantial improvements. Where base flood elevation data are available, new construction and substantial improvement of any

structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 25-32 a (4), "Elevated Buildings."

(2) Non-Residential Construction. New construction and substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be floodproofed in lieu of elevation. **The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation**, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Section 25-31 c (6).

(3) Standards for Manufactured Homes and Recreational Vehicles. Where base flood elevation data are available:

a. All manufactured homes placed and substantially improved on:

1. individual lots or parcels,
2. in new or substantially improved manufactured home parks or subdivisions,
3. in expansions to existing manufactured home parks or subdivisions, or
4. on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement elevated no lower than one foot above the base flood elevation.

b. Manufactured homes placed and substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

1. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
2. Where no Base Flood Elevation exists, the manufactured home chassis and supporting equipment is supported by reinforced piers or other foundation elements of at least equivalent strength and is elevated to a maximum of 60 inches (five feet) above grade.

c. All Manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Refer: Section 25-32(a), above).

d. All recreational vehicles placed on sites must either:

1. Be on the site for fewer than 180 consecutive days, fully licensed and ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or
2. The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of Section 25-32 b(3)(a) and(c), above.

(4) Standards for Subdivisions.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- d. Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser.

(c) **Floodways**

(1) **Floodway:** Located within Areas of Special Flood Hazard established in 25-30(b), are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- a. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
- b. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment **shall not result in any increase** in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;
- c. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided

that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of 44 CFR § 65.12, and receives the approval of the Administrator.

d. Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than (1) one foot at any point within the community.

e. **ONLY** if Section 25-32 (c)(1)(b), (c) or (d), above are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 25-32.

(d) Building Standards for streams without established base Flood Elevations (approximately A zones). Located within the Areas of Special Flood Hazard established in Section 25-30 (b), where streams exist but no base flood data have been provided (Approximate A-Zones), the following provisions apply:

(1) When base flood elevation data or floodway data have not been provided in accordance with Section 25-30(b), then the Building Director shall obtain, review, and reasonably utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Section 25-32. Only if data are not available from these sources, then the following provisions (2&4) shall apply:

(2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five feet (25), whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(3) All development in Zone A must meet the requirements of Section 25-32 (a) and (b) (1) through (4).

(4) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Also, in the absence of a base flood elevation, a manufactured home must also meet the elevation requirements of Section 25-32(b) (3) (b)(ii) in that the structure must be elevated to a maximum of 60 inches (5 feet). Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 25-32 (a) (4) "Elevated Buildings". The Building Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(e) **Standards for areas of shallow flooding (AO zones).** Areas of Special Flood Hazard established in Section 25-30 (b), may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

(1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM) above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least Two (2) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 25-32 (a) (4), "Elevated Buildings". The Building Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(2) New construction and the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level or two (2) feet (if no map elevation is listed), above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Section 25-31(b)(1)(c) and 25-31(b)(2).

(3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Section 25-3 VARIANCE PROCEDURES.

(a) The Board of Zoning Adjustment as established by the city shall hear and decide requests for appeals or variance from the requirements of this ordinance.

(b) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Building Director in the enforcement or administration of this ordinance.

(c) Any person aggrieved by the decision of the Board of Zoning Adjustment may appeal such decision to the circuit court, as provided in 11-52-81 of the Code of Alabama.

(d) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.

(e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are

met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(f) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.

(g) In reviewing such requests, the Board of Zoning Adjustment shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.

(h) Conditions for Variances:

(1) A variance shall be issued ONLY when there is:

- a. a finding of good and sufficient cause,
- b. a determination that failure to grant the variance would result in exceptional hardship; and,
- c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(4) The Building Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.

(i) Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Zoning Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Section 25-34 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".

"Appeal" means a request for a review of the Building Director interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Section 25-30 (b).

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor sub grade (below ground level) on all sides.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or materials.

"Elevated building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, pilings, posts, columns, piers, or shear walls.

"Existing Construction" Any structure for which the "start of construction" commenced before September 1979.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before September 1979.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters; or
2. the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study"/ "Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodway" (Regulatory Floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding, and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic Structure" means any structure that is;

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

- (a) By an approved state program as determined by the Secretary of the Interior, or
- (b) Directly by the Secretary of the Interior in states without approved programs.

“Levee” means a man-made structure; usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Levee System” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

“Manufactured home” means a building, transportable in one (1) or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean Sea Level” means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929 or other datum.

“National Geodetic Vertical Datum (NGVD)” as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

“New construction” means ANY structure (see definition) for which the "start of construction" commenced after September 1979 and includes any subsequent improvements to the structure.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 1979.

"Repetitive Loss" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy of violation" means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Section 1316: No new flood insurance shall be provided for any property which the Administrator finds has been declared by a duly constituted State or local zoning authority or other authorized public body, to be in violation of State or local laws, regulations or ordinances which are intended to discourage or otherwise restrict land development or occupancy in flood prone areas.

"Start of construction" means the date the development permit was issued, provided the actual

start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. [Substantial damage also means flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty- five (25) percent of the market value of the structure before the damages occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Code of Federal Regulations 44CFR § Sec. 60.3 [(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5)] and corresponding parts of this ordinance is presumed to be in violation until such time as that documentation is provided."

Section 2: This Ordinance shall take effect immediately upon its approval and publication as provided by law.

SITE PLAN REVIEW

Sec. 25-160. - Purpose.

This article is designed to establish the minimum criteria for review of site plans by the city planning commission in order to provide for safe and convenient traffic movement throughout the city, and to provide for safe harmonious development between adjacent uses.

(Ord. No. 08-3935, § 1, 2-4-08)

Sec. 25-161. - Application and enforcement.

Any development, other than single-family residential, constructed along streets designated collector or above by the long range plan of the city shall be required to obtain site plan approval from the city planning commission prior to issuance of a building permit, subject to the provisions of section 25-166.

(Ord. No. 08-3935, § 1, 2-4-08)

Sec. 25-162. - Submittal.

Twenty-five (25) copies of a site plan as specified below shall be submitted to the planning department twenty-one (21) days prior to the planning commission meeting.

(Ord. No. 08-3935, § 1, 2-4-08)

Sec. 25-163. - Site plan.

A site plan shall be prepared and sealed by a registered professional engineer licensed in the state and show the following:

- (1) Ingress and egress to the property.
- (2) Building footprints (including any covered walk ways or entrances).
- (3) Traffic circulation within the boundaries of the property including drive through plans.
- (4) Drainage plans will include two-foot contours and proposed grading plan, drainage piping and inlets designed for a ten-year event (calculations required if requested by the city engineer), capacities of downstream drainage piping, curb and gutter in the parking lot(s) and a five-foot-wide sidewalk along collector streets.
- (5) Storm water detention facilities to include the following:
 - a. NO detention will be required for new development sites less than one (1) acre;
 - b. NO detention will be required for redevelopment sites which increase the net impervious area by less than two thousand five hundred (2,500) square feet;
 - c. For sites between one (1) to twenty-five (25) acres, provide detention for a minimum of a ten-year storm event along with calculations to show the effect of a twenty-five- and a one-hundred-year storm;

- d. For sites greater than twenty-five (25) acres, provide detention for a twenty-five-year-storm with calculations to show effect of one hundred-year storm.

(6) Erosion and Sediment Control – Minimum Requirements

Construction which disturbs one acre or more of ground surface within the city limits of Decatur will require a general permit for storm water runoff control. This permit will be obtained from ADEM (Alabama Department of Environmental Management) by the owner/developer of the property. A copy of the approved permit will be submitted to the City Engineering Department prior to beginning site construction, grading or clearing activity. The owner/developer, along with his construction plans, will be responsible for preparing a ***Construction Best Management Practices Plan (CBMPP)*** using good engineering practices that will result in specific strategies to protect water quality. The CBMPP must use the basic design principles available in the *Alabama Handbook for Erosion Control, Sediment Control and Storm Water Management on Construction Sites and Urban Areas* (Alabama Handbook) and other recognized ***best management practices*** (BMP) documents. The Alabama Handbook, such may be amended from time to time, can be downloaded from the ADEM (Alabama Department of Environmental Management) website. The CBMPP will describe in detail the use of silt fences, hay bales, rip rap siltation basins or other means to be used for erosion control.

All construction plans will include by notation in the project notes, requirements for the contractors to provide erosion control, for preventing fuel or hazardous chemical spills and over use of pesticides, fertilize, or herbicides. Waste material such as asphalt, petroleum products, sealants, concrete, etc., will not be left on site in contact with storm water runoff.

Any information provided by the public as to betterment of the proposed BMP or as to the failure of an operating BMP can be addressed to the City Engineering Department for consideration or correction.

Any owner/developer of a site one acre or larger which does not conform to these regulations is subject to a stop-work order and/or a fine of not more than \$500 per day.

Once an owner/developer has been notified by the City Engineering Department that his/her BMP is not meeting the requirements of these regulations, the owner/developer will have 10 working days to correct the problem before fines become effective. The fine will be enforced each day thereafter that the BMP is not corrected. The owner/developer will be responsible for the correction and for notifying the City Engineering Department when the corrections are made.

Maintenance of any detention or retention facilities and any other post construction water quality measures will have to be maintained on a continuing basis.

- (7) Number of parking spaces proposed (as established by the zoning ordinance or by applicant, whichever is greater).

- (8) Landscaping (fifteen (15) parking space or greater) will require compliance with the landscaping ordinance; see section 25-16 of this chapter.

(9) Lighting (more than fifty (50) spaces) will require compliance with the lighting requirements; see section 25-16 of this chapter.

(10) Dumpster location.

(11) Loading and unloading.

(12) A boundary survey prepared by a registered land surveyor licensed in the state that depicts all structures, known easements, ROW's, existing drainage facilities, existing utilities, blue line streams, current FEMA one hundred-year floodplain, and wetlands.

(Ord. No. 08-3935, § 1, 2-4-08)

Sec. 25-164. - Beltline Highway/Highway 67.

Property having frontage along Beltline Highway/Highway 67 will be required to make provisions (bond, build or realign) to construct a frontage road to city specifications.

(Ord. No. 08-3935, § 1, 2-4-08)

Sec. 25-165. - Conformance to zoning ordinance.

No site plan shall be submitted that does not conform to the zoning ordinance.

(Ord. No. 08-3935, § 1, 2-4-08)

Sec. 25-166. - Administrative review and approval.

Administrative review and approval may be obtained if the development does not:

- (1) Affect traffic flow;
- (2) Change the building footprint significantly;
- (3) Negatively affect the character of any surrounding residential neighborhood;
- (4) Affect the drainage.

Administrative approval shall require signatures from the planning director, city engineer and building director or their designated representative.

(Ord. No. 08-3935, § 1, 2-4-08)

Sec. 25-167. - Plan review.

Plans will be reviewed for well designed ingress and egress, and the impact on, and mitigation of impact on current traffic patterns; drainage systems; and on adjacent, contiguous or adjoining properties.

(Ord. No. 08-3935, § 1, 2-4-08)

Sec. 25-168. - Approval signature; requirement.

Prior to issuance of a building permit the site plan shall require an approval signature from an

officer of the planning commission as obtained by a member of the planning department staff.

(Ord. No. 08-3935, § 1, 2-4-08)

Secs. 25-169—25-174. - Reserved.

Act. No. 95-500

H. 417 – Rep. Dukes

AN ACT

Relating to the City of Decatur; to provide for the abatement of grass and weeds which become a nuisance under certain conditions; to provide for notice to the property owners; to provide for the assessment of the costs for abatement when the work is required to be performed by the city; and to provide for liens on the property under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the City of Decatur.

Section 2. An abundance of overgrown grass or weeds within the city which is injurious to the general public health, safety, and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; or attaining heights and dryness so as to constitute a serious fire threat and hazard; or bearing wingy or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation of the throat, lungs, and eyes of the public; or hiding debris, such as broken glass or metal, which could inflict injury on a person going upon the property; or being unsightly; or growth of grass or weeds, other than ornamental plant growth, which exceeds 12 inches in height, may be declared to be a public nuisance and abated as provided in this act.

Section 3. (a) Whenever in the opinion of the city official or any other city employee designated by the mayor, a nuisance exists, the official shall order the owner of the property on which the nuisance is located to abate the condition.

(b) The enforcing official shall give the owner written notice in person or by first class mail. The notice shall require the owner to abate the condition within the time stated in the notice or to request a hearing before an administrative official of the city designated by the mayor or council to determine whether there has been a violation. The notice shall apprise the owner of the facts of the alleged nuisance and shall name the particular date, time, and place for the hearing if requested by the owner.

(c) The notice shall be sent to that person shown by the records of the county to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of that person to promptly advise the enforcing official of a change of ownership or interest in the property.

(d) The notice shall also be posted in a conspicuous place on the property.

(e) The notice shall require the owner to complete abatement of the nuisance within 14 days from the date of notice, provided the enforcing official may stipulate additional time, but in no case more than 28 days.

(f) A hearing before the administrative official shall be requested within five days of the date of the notice by the enforcing official. The enforcing official shall notify the owner by personal service or by first class mail of the determination of the administrative official. If the administrative official determines that a nuisance exists, the owner shall comply with the initial

order to abate issued by the enforcing official, with modifications as may be made by the administrative official.

Section 4. (a) If the owner fails, neglects, or refuses to abate the condition after notice to do so, the enforcing official shall cause the offending grass or weeds to be cut.

(b) Upon completion of the abatement work performed by the city, including work by contractors employed by the city, the enforcing official shall compute the actual expenses, including, but not limited to, total wages paid, value of the use of equipment, advertising expenses, postage, and materials purchased, which were incurred by the city as a result of the work. An itemized statement of the expenses shall be given by first class mail to the last known address of the owner of the property. This notice shall be sent at least five days in advance of the time fixed by the city council to consider the assessment of the cost against property.

(c) At the time fixed for receiving and considering the statement, the council shall hear the same, together with any objections which may be raised by the owner whose property is liable to be assessed for the work and thereupon make modifications in the statement as they deem necessary, after which a resolution may assess the cost. The cost stated in the resolution shall constitute a lien on the property. The city clerk shall charge the assessments against the respective lots and parcels of land for municipal purposes. Thereafter, the amounts shall be collected at the same time and in the same manner as ordinary municipal assessments are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal assessments.

(d) The city clerk shall cause a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the county tax collector. Upon a filing the tax collector 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, using all methods available for collecting ad valorem tax, and remit the amount to the city.

Section 5. Where an assessment is made against a lot or lots or parcel or parcels of land, a subsequent redemption thereof by a person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien of the city for the assessment, but a redemptioner or purchaser at a sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to the assessment.

Section 6. This act is cumulative in its nature and in addition to any and all power and authority which a city may have under any other law.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part, which remains.

Section 8. All laws or parts of laws which conflict with this act are repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1995

Time: 9:40 a.m.

APPENDIX B

SUBDIVISION REGULATIONS

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CITY OF DECATUR, ALABAMA

SECTION I

I. AUTHORITY AND JURISDICTION

A. *Authority*

1. By authority of Resolution No. 004-95, September 26, 1995 the Planning Commission of Decatur, Alabama (hereinafter referred to as "Planning Commission") adopted pursuant to the powers and jurisdiction vested through Chapter 52 of Title II of the Code of Alabama and other applicable laws, statutes, ordinances, and regulations of the State of Alabama, the Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for subdivision of land within the corporate limits of the municipality (or unincorporated areas of the county) which show lots, blocks, or sites with or without new streets or highways.
2. By the same authority, the Planning Commission does hereby exercise the power and authority to pass and approve the development of platted subdivisions of land already recorded in the office of the Judge of Probate, if such plats are entirely or partially undeveloped. The plat shall be considered to be entirely or partially undeveloped if:
3. Said plat has been recorded with the Probate Judge's office without a prior approval by the Planning Commission, or
4. Said plat has been approved by the Planning Commission where the approval has been granted more than three (3) years prior to granting a building permit, on the partially or entirely undeveloped land and/or the zoning regulations, either bulk or use, for the district in which the subdivision is located, have been changed subsequent to the original final subdivision approval.

B. *Jurisdiction*

1. From and after the date of adoption these regulations shall govern all subdivision of land located within the corporate limits of the City of Decatur, as now and hereafter established and all land located within three miles of the corporate limits of the City of Decatur, Alabama, as now and hereafter established, except as otherwise excluded by operation of law. Any owner of land within the limits of said subdivision jurisdiction wishing to subdivide land shall submit to the Planning Commission such data,

information, drawings, plans, specifications, and other details and matters hereinafter required including but not limited to, a plat of subdivision which shall conform to the minimum requirements set forth in these regulations. No plat of a subdivision lying within such territory or part thereof, shall be filed or recorded in the Office of the Probate Judge, and no subdivider shall proceed with improvements or obtain building permits for structures or sale of lots until such subdivision plat, or a Certificate to Subdivide shall have been approved by the Planning Commission and such approval entered in writing on the plat by an officer of the Planning Commission.

SECTION II

II. GENERAL PROVISIONS

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Decatur, Alabama (the municipality).

A. *Policy*

1. It is hereby declared to be the policy of the municipality to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the municipality pursuant to the official master plan of the municipality for the orderly, planned, efficient, and economic development of the municipality.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until provision has been made for adequate public facilities and improvements such as drainage, water, sewerage, and capital improvements like schools, parks, recreation facilities and transportation facilities.
3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Master Plan, Official Map, and the capital budget and program of the municipality, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in Building and Housing Codes, Zoning Ordinances, Master Plan, Official Map and Land Use Plan, and capital budget and program of the municipality.

B. *Purposes.*

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the municipality.
2. To guide the future growth and development of the municipality in accordance with the Master Plan.
3. To provide for adequate light, air, and privacy to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the municipality.
5. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient transportation, public and semi-public utilities, schools, parks, playgrounds, recreation, and other public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
8. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
11. To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features.

12. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Zoning Ordinance of the Municipality.
13. To promote affordable housing.

C. *Conditional Approvals by the Planning Commission*

Conditional approvals by the Planning Commission shall lapse and reapplication will be required if the conditions have not been met within one year from the date of conditional approval.¹

SECTION III

III. Definitions

A. *Usage*

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth below.

1. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense.
2. Words used in the plural number include the singular.
3. The word "herein" means "in these regulations".
4. The phrase "these regulations" mean "Subdivision Regulations of the City of Decatur, Alabama".
5. The word "person" includes a corporation, a partnership, and an incorporated association of persons such as a club, or any other legal entity.
6. The word "shall" is always mandatory.
7. A "building" or "structure" includes any part thereof.
8. The words "used" or "occupied" as applied to any land or building shall be construed to include the word "intended, arranged, or designed to be used or occupied."
9. That which is "adjacent" may be separated by some intervening object.
10. That which is "adjoining" must touch in some part.
11. That which is "contiguous" must touch entirely on one side.²

¹ Amended by Planning Commission Resolution 010-05 dated September 20, 2005

² Amended by Planning Commission Resolution 010-05 dated September 20, 2005

B. Terms Defined

ADEM. Alabama Department of Environmental Management³

ADT (Average Daily Traffic). The average number of cars per day that pass over a given point.

Aggressive Soils. Soils that may be corrosive to cast iron and ductile iron pipe. These soils represent approximately five percent (5%) of the soils found within the United States and include dump areas, swamps, marshes, alkaline soils, cinder beds, polluted river bottoms, etc., which are considered to be potentially corrosive.

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side rear of those properties whose principal frontage is on some other street .

Applicant. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Application for Development. The application form and all accompanying documents required by ordinance for approval of a subdivision plat or site plan.

Approving Authority. The Planning Commission, unless a different agency is designated by ordinance.

Aisle. The traveled way by which cars enter and depart parking spaces.

Berm. A mound of soil, either natural or manmade, used to obstruct views and/or water.

Bikeway. A pathway designed to be used by bikers.

Bicycle Lane. A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

BMP. Best Management Practices. A term used to define methods or techniques found to be the most effective and practical means in achieving an objective (such as erosion and sediment control).⁴

³ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

⁴ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

Board of Adjustment. The Zoning Board of Adjustment established pursuant to Section 25-4 of the Code of Decatur.

Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Planning Commission. All bonds shall be approved by the Planning Commission whenever a bond is required by these regulations.

Buffer. An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, or movable property of any kind, and includes any structure.

Building and Zoning Inspector. The person designated by the City of Decatur to enforce the Zoning Ordinance.

Capital Improvements Program. A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual City of Decatur's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

Caliper. The diameter of a tree trunk measured in inches, six (6) inches above ground level for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter.

Capped System. A completed water supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

Cartway. The actual road surface area from curbline to curbline, which may include travel lanes, parking lanes, & deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved or hard surface width.

CBMPP. Construction Best Management Practices Plan – designed to protect water quality through erosion and sediment control. Construction which disturbs one acre or more will be required to prepare a CBMPP plan and obtain a permit from ADEM prior to any site construction, grading or clearing activity.⁵

⁵ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

Centerline Offset of Adjacent Intersections. The gap between the centerline of roads adjoining a common road from opposite or same sides.

Certificate to Subdivide. Any subdivision containing not more than three (3) lots fronting on an existing, improved street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance, or these regulations.

Channel. The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

Channelization. The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

City Attorney. The licensed attorney designated by the City of Decatur to furnish legal assistance for the administration of these regulations.

City Engineer. The licensed engineer designated by the City of Decatur to furnish engineering assistance for the administration of these regulations.

Cluster Development. A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space and recreational land.

Collector. Main interior streets. Feeds traffic from local streets to arterials. Should not form a continuous system as it will then act as an arterial. Unique to residential areas.

Common Open Space. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents.

Conventional Development. Development other than planned development.

Construction Plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat. (See Section VIII.B.2)

Cul-de-sac. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Culvert. A structure designed to convey a water course not incorporated in a closed drainage system under a road or pedestrian walk.

Curb. A vertical or sloping edge of a roadway.

Cushions. Supportive or protective bedding materials placed underneath piping.

Dedication. An act transmitting property or interest thereto and including acceptance by a governmental agency.

Density. The permitted number of dwelling units per gross acre of land to be developed.

Design Flood. The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area, and the water surface elevations.

Design Standards. Standards that set forth specific improvement requirements.

Detention Basin. A man-made or natural water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Developer. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Development. A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

Development Regulation. Zoning, subdivision, site plan, official map, flood plain regulation, or other governmental regulation of the use and development of land.

Director of Planning. The officer, as appointed by the City of Decatur, to coordinate and administer with the Building Director and the City Engineer these regulations.

Acting as custodian of minutes and official records of the City Planning Commission and assisting other public boards and commissions as may be required to further the intent and implementation of these regulations.

Divided Street. A street having an island or other barrier separating moving lanes.

Drainage. The removal of surface water or groundwater from land by drains, grading, or other means.

Drainage Facility. Any component of the drainage system.

Drainage System. The system through which water flows from the land, including all watercourses, waterbodies and wetlands.

Driveway. A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Drop Manhole. A manhole provided for inspection and maintenance of sewers where an incoming sewer is considerably higher than the outgoing.

Dry Lines. See Capped System.

Easement. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any structures.

Environmental Constraints. Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Erosion. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

Expressway/Freeway. Limited Access Road. Moves high volumes of traffic at high speeds. Signals at major intersections only. Generally at grade. No parking.

Final Plat. The final map of all or a portion of a subdivision which is presented for final approval.

Final Approval. The official action of the Planning Commission taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantee.

Frontage Street. Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

General Community Plan. Any legally adopted part or element of the General Community Plan of the City of Decatur or its environs. This may include, but is not limited to the Zoning Ordinance, Airport Obstruction Zoning Ordinance, Subdivision Regulations, International Fire

Code, Community Facilities Plan, Major Street Plan, Capital Expenditures Plan and the Land Use Plan. This may otherwise be referred to or known as the Master Plan, or Comprehensive Plan.⁶

Governing Body. The chief legislative body of the municipality, (i.e., City Council or other Board as designated by municipal ordinance).

Grade. The slope of a street, or other public way, specified in percentage (%) terms. (See Section VI.B.7)

Ground Cover. A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

Gutter. A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.

Health Department and Health Officer. The agency and person designated to administer the health regulations of the City of Decatur. This can be a State, County, or Federal agency.

Historic District. An area related by historical events or themes, by visual continuity or character, or by some other special feature that helps give it a unique historical identity. May be designated a historic district by local, state, or federal government and given official status and protection.

Historic Site. A structure or place of historical significance. May be designated.

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Impoundment. A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

Improvement. Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

Improved Street. A right-of-way dedicated for public use either by formal plat and formal governmental acceptance or by prescription; and subsequently, built and/or maintained at some level by grading, surface treatment, paving, and/or curbing and drainage by a government agency.

⁶ Amended by Planning Commission Resolution 008-03 dated August 19, 2005

Island. In street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing or lighting.

Lateral Sewers. Pipes conducting sewage from individual buildings to larger pipes called trunk or interceptor sewers that usually are located in street rights-of-way.

Layout. A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Lot Area. The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Frontage. That portion of a lot extending along a street line.

Main. In any system of continuous piping, the principal artery of the system to which branches may be connected.

Maintenance Guarantee. Any security which may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time.

Major Arterial. A freeway, or expressway, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Major Drainage Plan. See Master Drainage Plan.

Major Street Plan. See Master Street Plan.

Major Subdivision. All subdivisions of land not classified as minor subdivisions or certificates to subdivide. Also, any subdivision that would require any new street.

Master Drainage Plan. Shall mean any drainage plan or element thereof which has been approved by the City Engineer and adopted by the Planning Commission.

Master Plan. A comprehensive long range plan intended to guide the growth and development of a community or region. Includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, and land use.

Master Street Plan. Shall mean the major street plan as adopted by the Planning Commission as an element of the Master Plan.

Marginal Access Street. A service street that runs parallel to a higher-order street which, for purposes of safety, provides access to abutting properties and separation from through traffic. May be designed as a residential access street or subcollector as anticipated daily traffic dictates.

Median. That portion of a divided highway separating lanes of traffic proceeding in opposite directions.

Minor Arterial. Main feeder streets. Occasionally will form neighborhood boundaries, but should not penetrate into the neighborhood. Some signals; some parking.

Minor Street. See Local Street.

Minor Subdivision. Any subdivision containing more than three (3) lots, fronting on an existing improved street, not involving any new street or road, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Master Plan, official map, zoning ordinance, or these regulations.

Mulch. A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.

NARCOG (North Alabama Regional Council of Governments). The agency performing A-95 review of all federal grant-in-aid projects required to be reviewed by Regional and State Planning Commissions to insure the projects conform to Regional and State needs; the planning agency established to carry on regional or metropolitan comprehensive planning.

Off-Premise. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Onsite Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving public or private facilities.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Ordinance. Any legislative action, however denominated, of the City of Decatur which has the force of law, including any amendment or repeal of any ordinance.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Owner's Engineer. Shall mean the Engineer registered and in good standing with the State Board of Registration of Alabama who is the agent of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.

Pavement. See Cartway.

Perc Test. (Percolation Test). A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

Performance Guarantee. Any security that may be accepted by a municipality as a guarantee that the improvements required as part of an application for development are satisfactorily completed as required by State law.

Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

Planning Commission. Shall mean the City Planning Commission of the City of Decatur, Alabama.

Planning Department. Shall mean the duly designated Planning Staff of the City of Decatur, Alabama.

Planning Director. See Director of Planning.

Plat. A map or maps of a subdivision or site plan stamped by a registered land surveyor.

Police Jurisdiction. The territorial jurisdiction over the subdivision of land including all land located in the corporate limits, and all land lying within three (3) miles of the corporate limits of the city and not located in any other municipality or its territorial jurisdiction.

Potable Water. Water suitable for drinking or cooking purposes.

Pre-Application Conference. An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.

Preliminary Approval. The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Commission and the applicant.

Preliminary Plan. Shall mean a set of engineering drawings which meet the requirements of these regulations for a proposed subdivision submitted for approval by the Planning Commission.

Pervious Surface. A surface that permits full or partial absorption of storm water.

Probate Judge. Shall mean the Judge of Probate of the county wherein the property being subdivided or consolidated is located.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City of Decatur's responsibility is established. All such improvements shall be properly bonded.

Ratification of Plat Form. Mortgage lender acknowledges subdivision of land.⁷

Registered Engineer. An engineer properly licensed and registered in the State.

Registered Land Surveyor. A land surveyor properly licensed and registered in the State.

Residential Density. The number of dwelling units per gross acre of residential land area including streets, easements, and open space portions of a development.

Retaining Wall. A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

Retention Basin. A pond, pool, or basin used for the permanent storage of water runoff.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

⁷ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

Road Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Road Dead-End. A road or a portion of a street with only one (1) vehicular-traffic outlet.

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Screening. Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one (1) directional arrow with the name of the establishment with "For Patrons Only" or like limitation, not over two (2) square feet in area, which shall be non-illuminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

Sedimentation. A deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

Setback. The distance between the street right-of-way line and the front line of a building.

Septic System. A system with a septic tank used for the decomposition of domestic wastes.

Sewer. Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

Shade Tree. A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

Shoulder. The graded part of the right-of-way that lies between the edge of the main pavement (main traveled way) and the curbline.

Sidewalk (area). A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way or easement.

Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Site Plan. An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

Stabilized Turf or Earth. Turf, or earth (soil), strengthened usually by the mixing of cement or lime with the original material to achieve increased strength, thereby reducing shrinkage and movement.

Streets. Shall mean a way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, through way, road, avenue, boulevard, lane, place or however otherwise designated. (See Section VI.B)

Arterial or Major Streets are those which are used primarily for fast or heavy traffic.

Collector Streets are those which carry traffic from minor streets to the system of arterial and major streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

Local Streets are those which are used primarily for access to the abutting properties.

Residential Access Streets are those that have the sole purpose of providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself. The elimination of through traffic and the geometric design of the street are a means to promote safety and to create a desirable residential neighborhood.

Marginal Access Streets are minor streets which are parallel to and adjacent to arterial and major streets; and which provide access to abutting properties and protection from through traffic.

Streets Classification. For the purpose of providing for the development of the streets, highways, roads, and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated in the Thoroughfare Plan of the City of Decatur and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City of Decatur and its present and estimated future traffic volume and its relative importance and function as specified in the Master Plan of the City of Decatur. The required improvements shall be measured as set forth for each street classification on the Thoroughfare Plan.

Street Furniture. Man-made, aboveground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters, and phone booths.

Street Hardware. The mechanical and utility systems within a street right-of-way, such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, and parking meters.

Street Loop. A street that has its only ingress and egress at two points on the same subcollector or collector street.

Storm Water Detention. A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Stub Street. A portion of a street for which an extension has been proposed and approved. May be permitted when development is phased over a period of time, but only if the street in its entirety has been approved in the preliminary plan.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, or combined into one or more lots parcels, sites, units, plots, or interests for the purpose of offer, sale, ground lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. (See Certificate to Subdivide).

Major Subdivision. All subdivisions of land not classified as Minor Subdivisions or Certificates to Subdivide. Also, any subdivision that would require any new street.

Minor Subdivision. Any subdivision containing more than three (3) lots, fronting on an existing improved street, not involving any new street or road, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Master Plan, Official Map, Zoning Ordinance, or these regulations.

Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision and Site Plan Committee. A committee appointed by the Chairperson of the Planning Commission for the purpose of reviewing, commenting, and making recommendations with respect to subdivision and site plan applications.

Subdivision Plat. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the County Clerk or Recorder of Deeds for filing.

Subgrade. The natural ground lying beneath a road.

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Title Opinion. A written “Title Opinion” certified to by a licensed attorney that all names shown on the final plat includes all owners as of the date of signing, and that the owners of the property are one and the same as those signing the plat.⁸

Topsoil. The original upper layer of soil material to a depth of six inches which is usually darker and richer than the subsoil.

Trip. A single or one-way vehicle movement to or from a property or study area. “Trips” can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Unimproved Street. A right-of-way platted and/or dedicated and accepted by local government for public use; however, not opened, constructed, or maintained for public use.

USC&GS. United States Coast and Geodetic Survey.

Variance. A waiver from compliance with a specific provision of the Zoning Ordinance or the Subdivision Regulations granted to a particular property owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the ordinance.

Zoning Ordinance. Shall mean the Zoning Ordinance of the City of Decatur, Alabama.

SECTION IV

IV. Major Subdivision Procedures

A. *Layout Plat Review/Approval*

⁸ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

1. General

A pre-design conference is mandatory prior to layout submission with the developer, his engineer, and the Planning and Engineering Departments in order to ascertain the existence of any plans, policies or projects which would affect the design of the subdivision. There will also be discussion regarding the timing and completion of the public improvements, planning deadlines, and required engineering certifications.⁹

The purpose of layout approval is to give the Applicant and Engineer an opportunity to confer with the Subdivision Committee and the Planning Commission as to the proposed subdivision, in order to more effectively utilize engineering time, money and effort. Layout plan review can also give the City a general idea of the overall plan an applicant and their engineer have for an area. The layout plan should show all land that is proposed for development and a general idea of street layout, drainage plans, and proposed zoning. If the proposed subdivision plat is planned to be developed in sections, these sections must be shown and a proposed schedule included. It is important to remember that layout plan review is an optional, but useful, step and may be required by the Planning Commission if not initiated by the applicant.

The Applicant should also consult with parties interested in or affected by the development (i.e., lending and mortgage institutions and/or adjoining property owners and the Morgan County Commission if the proposed subdivision is in the Police Jurisdiction). Also, it would be advisable to engage a Land Planning Specialist to help resolve major factors into a workable and profitable plan.

2. Steps in Obtaining Layout Approval

1. The Applicant will set up a pre-design meeting with his Engineer and the Planning and Engineering Departments to discuss the requirements of the Subdivision Regulations with regard to the completion of public improvements, required engineering certifications etc.¹⁰
2. The Applicant shall submit a completed layout application and 25 copies of the Layout Plat (see Section VIII.A) to the Planning Department 21 days prior to the monthly Planning Commission meeting.¹¹
3. The Planning Department will set up a subdivision file and will start processing the subdivision application.

⁹ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

¹⁰ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

¹¹ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

4. The Layout Plan will be submitted to the Subdivision Committee for their review and comments. The committee will submit a recommendation to the Planning Commission for action at their next meeting. A representative or the Applicant's Engineer should attend the meetings of the Subdivision Committee and Planning Commission where his client's subdivision is discussed.
5. The Planning Commission may hold a public hearing regarding the subdivision. The Planning Commission will consider only those layouts which have been reviewed by the Subdivision Committee. The Planning Commission may approve layout, approve layout with conditions, or disapprove layout. All Commission action shall be recorded in the Planning Commission minutes.
6. The Applicant or their Engineer will be notified of the action taken by the Planning Commission.

B. *Preliminary Plat Review/Approval*

General

After conclusions have been reached and agreed upon, and layout approval granted, the Applicant must formally make application for Preliminary plat approval. At a minimum, conditional Preliminary plat approval is mandatory before the subdivision can be reviewed for final approval. Preliminary plat approval can be granted for a portion of the subdivision plat granted layout approval if it is shown and planned for on the layout plat. Preliminary plat approval shall be tentative in nature and shall in no way constitute a waiver of the requirements to be met for Final Plat approval; and shall lapse if final plat approval is not obtained within one year, unless such period of time is extended by the Planning Commission. Preliminary plat approval is also required prior to any grading or other improvements to the subdivision.

A pre-construction conference with Planning, Engineering and Utilities will be scheduled to review preliminary construction drawings and discuss the timing and completion of the subdivision improvements. Preliminary construction drawings must be approved and signed off by the City Engineer and the appropriate Utility Provider (Decatur Utilities or Joe Wheeler Utilities) before submission of the preliminary plat application to the Planning Department.¹²

The Applicant shall have a preliminary plat plan prepared by a certified engineer containing all plans and data as specified in the Subdivision Regulations, Sec VIII.B

¹² Amended by Planning Commission Resolution 004-13 dated May 21, 2013

Steps in Obtaining Preliminary Plat Approval (see chart)

1. The Applicant shall submit \$100.00 + \$5.00 per lot application fee ¹³ and a completed Preliminary Plat Application, (Appendix 1) 25 copies of the Preliminary Plan (Section VIII.B) and 5 sets of construction plans, as specified in Section VIII.B.1 of the Subdivision Regulations, and a completed "Ratification of Plat" (see Appendix 1) form signed by the mortgage lender acknowledging the construction of the subdivision.¹⁴ These items shall be submitted to the Planning Department no later than 5:00 p.m., CST, 21 days prior to the Planning Commission meeting where it is to be considered.
2. The Planning Department will update the subdivision file and start the preliminary application processing procedures.
3. The preliminary plat plan will be submitted to the Subdivision Committee for their review and comments. The committee, with input from the Planning Department, will review the plat for conformance to the layout plat, Subdivision Regulations, Zoning Ordinance, and other land regulating policies of this city. The committee will submit a recommendation to the Planning Commission for action at their next meeting. A representative or the Applicant's engineer should attend the meetings of the Subdivision Committee and the Planning Commission at which his client's subdivision is discussed.
4. The Planning Commission shall hold a public hearing regarding the subdivision. The Planning Commission shall consider only those Preliminary Plat Plans which have been reviewed by the Subdivision Committee. The Planning Commission may approve the Preliminary Plat Plan; approve the Preliminary Plat Plan with conditions; or disapprove the Preliminary Plat Plan. All Commission action shall be recorded in the Planning Commission Minutes.
5. The Applicant will obtain the required signatures of all utility service providers and municipal departments after they have reviewed and approved the proposed construction plans. These signatures, as well as, an amended and approved set of construction plans will be returned to the Planning Department before a Final Plat is signed by the Chairman of the Planning Commission.
6. Applicant's Engineer will be notified of the action taken by the Planning Commission.

C. *Final Plat Approval*

General

After preliminary plat approval has been obtained the next step is final plat approval. The Final Plat shall conform to the Preliminary Plat as approved. Final Plat approval may be obtained for the portion of the plat that was granted preliminary approval.

Final Plat approval of a subdivision by the Planning Commission is required prior to the recording of the plat in the Office of the Judge of Probate. Final approval of a plat by the Planning Commission shall be indicated by the signature of an officer of the Planning Commission (Chairman, Vice-Chairman or Secretary) on

¹³ Amended by Planning Commission Resolution 001-2000 dated June 27, 2000

¹⁴ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

the plat (please see sample signature boxes Section VIII.C). It is not legal to "transfer or sell, or agree to sell or negotiate to sell" any land shown as a portion of said subdivision until the plat is recorded.

If the proposed subdivision is located within the Police Jurisdiction of the City of Decatur, Final plat approval must also be obtained from the Morgan County Commission. Final plat approval from the Morgan County Commission shall be indicated by the signature of the Morgan County Engineer on the plat.

Final Plat approval is also required prior to the construction of any structure, and no building permit will be issued until such time as the subdivision has been recorded in the Office of the Judge of Probate.

A written "Title Opinion" will be required for all plats prior to the final plat being recorded. The "Title Opinion" shall be certified to by a licensed attorney that all names shown on the final plat include all owners as of the date of signing, and that the owners of the property are one and the same as those signing the plat.¹⁵

Steps in Obtaining Final Plat Approval (see chart)

1. After preliminary plat approval has been granted and all conditions of preliminary plat approval met, the Applicant's Engineer shall submit a completed Final Plat approval application (see Appendix I) and 25 copies of a final subdivision plat (Section VIII.C) to the Planning Department no later than 5:00 p.m. CST, 21 days prior to the Planning Commission meeting.
2. The Planning Department will update the subdivision file, and start the final plat application processing procedures.
3. The Final Plat will be submitted to the Subdivision Committee for review and comments. The committee, with input from the Planning Department, will review the plat for conformance to the layout and preliminary plats, Subdivision Regulations, Zoning Ordinance, and other land regulation policies of this city.
4. The committee will submit a recommendation to the Planning Commission for action at their next meeting. The Planning Commission will vote to approve, conditionally approve, or disapprove the Final Plat. A representative of the Applicant's engineer should attend those meetings of the Subdivision Committee and Planning Commission at which his client's subdivision is to be discussed.
5. The applicant will obtain the required signatures of all utility service providers and municipal departments after they have reviewed and approved the proposed subdivision.
6. After all the appropriate signatures (see Section VIII.C) have been obtained, the applicant shall return the plat to the Planning Department with a set of approved and signed construction drawings (see Section VIII.B), unless previously provided at the Preliminary

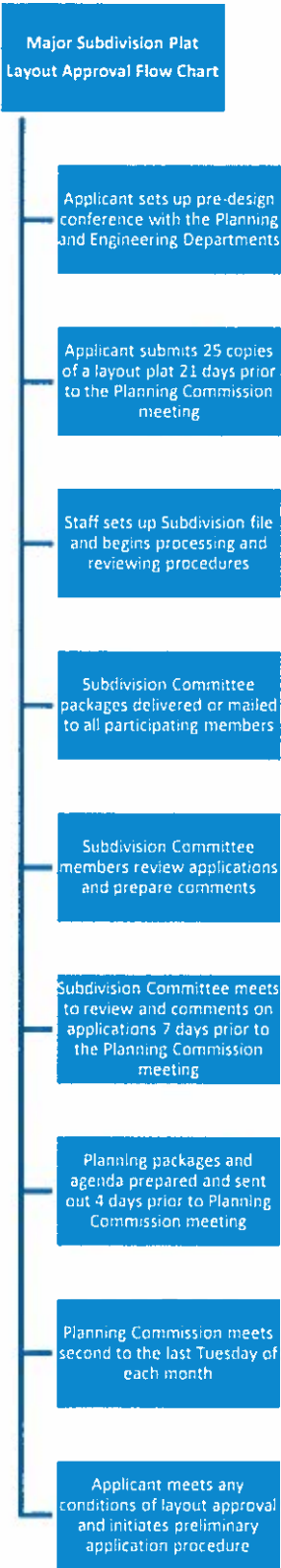
¹⁵ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

Stage and the "Title Opinion" prepared by a licensed attorney.¹⁶ The Planning Director, or his designated representative, will review the plat for conformity with the Planning Commission recommendations and conditions. If all the conditions have been met, and all the appropriate signatures (see Section VIII.B & C) are present, the Planning Commission Certificate Block will be signed by the Chairman, or another officer of the Planning Commission if the Chairman is unavailable.

7. The Planning Director, or his designated representative, will obtain the plat recording fee from the applicant and record the Final Plat in the Office of the Judge of Probate.¹⁷

¹⁶ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

¹⁷ Amended by Planning Commission Resolution no. 003-99 dated December 28, 1999







SECTION V

V. Minor Subdivisions

A. *Minor Subdivision Review/Approval*

General

The purpose of Minor Subdivision approval is to streamline the subdivision requirements for the applicant and his engineer when a proposed subdivision meets certain specific criteria (See Definitions Section III.B). Minor subdivision approval is a one-step plat approval procedure and can be obtained only if all lots in the subdivision front on an improved public street. A complete Minor Subdivision application must include a final subdivision plat and a topographic map or drainage plan (see Section VIII.B.2) and the Planning Commission shall require a public hearing.

Final plat approval of a subdivision by the Planning Commission is required prior to the recording of the plat in the Office of the Probate Judge. Final approval of a plat by the Planning Commission shall be indicated by the signature of an officer of the Planning Commission (Chairman, Vice-Chairman, or Secretary) on the plat (please see sample signature boxes, Section VIII.C). It is not legal to “transfer or sell, or agree to sell or negotiate to sell” any land shown as a portion of said subdivision until the plat is recorded.

Final plat approval is also required prior to the construction of any structure, and no building permits or Certificates of Occupancy will be issued until such time as the plat of subdivision has been recorded in the Office of the Judge of Probate.

A written “Title Opinion” will be required for all plats prior to the final plat being recorded. The “Title Opinion” shall be certified to by a licensed attorney that all names shown on the final plat include all owners as of the date of signing, and that the owners of the property are one and the same as those signing the plat.¹⁸

¹⁸ Amended by Planning Commission Resolution No. 004-13 dated May 21, 2013

Steps in Obtaining Approval

1. The Applicant's engineer shall submit a \$100 plus \$5.00 per lot application fee¹⁹ and a completed Minor Subdivision application, (Appendix 1) 25 copies of a Final Minor Subdivision plat prepared by a registered engineer or a registered land surveyor, (see Section VIII.C) and five drainage plans or topographic maps which references benchmarks on file in the City Engineer's office as established by the City of Decatur (see Section VIII.B.2). A public hearing shall be required by the Planning Commission and all names and addresses of adjoining property owners as shown in the County Tax Assessor's office will be required. A Minor Subdivision Plat will also include signature blocks (see Section VIII.C). This information shall be submitted to the Planning Department no later than 5:00 PM (CST), 21 days prior to the Planning Commission meeting at which the application will be considered.
2. The Planning Department will set up a subdivision file and start the Minor Subdivision approval procedure.
3. The Minor Subdivision Plat will be submitted to the Subdivision Committee for review and comments. The committee, with input from the Planning Department, will review the plat for conformance with the Subdivision Regulations, Zoning Ordinance, and other land use regulations (i.e., Long Range Plan, Master Drainage and street plans etc.). The committee will submit a recommendation to the Planning Commission at their next meeting. The Planning Commission will vote to approve, approve conditionally, or disapprove the Minor Subdivision Plat. A representative or the Applicant's engineer should attend those meetings of the Subdivision Committee and Planning Commission at which his client's subdivision is to be discussed.
4. The Applicant will obtain the required signatures of all utility service providers and municipal departments after they have reviewed and approved the proposed minor subdivision.
5. After all the appropriate signatures (see Section VIII.C) have been obtained, the applicant shall return the plat to the Planning Department with a "Title Opinion" prepared by a licensed attorney.²⁰ The Planning Director, or his designated representative, will then review the plat for conformity with the Planning Commission recommendations and conditions. If all the conditions have been met, and all the appropriate signatures (see Section VIII.C) are present, the Planning Commission certificate shall be signed by the Chairman or another officer of the Planning Commission if the Chairman is unavailable.
6. The Planning Director, or his designated representative will obtain the plat recording fee from the applicant and record the Final plat in the office of the Judge of Probate.²¹

¹⁹ Amended by Planning Commission Resolution No. 003-99 dated December 28, 2000

²⁰ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

²¹ Amended by Planning Commission Resolution 003-99 dated December 28, 1999



SECTION VI

VI. Design Standards

A. *Conformity to General Community Plan*

1. All proposed subdivisions shall conform to the City Zoning Ordinance and the General Community Plan and all major sections thereof, i.e., the Land Use Plan, Major Street Plan, Community Facilities Plan, etc. EXAMPLES:
2. Densities shall be established by the Zoning Ordinance and the Land Use Plan.
3. All thoroughfares as shown crossing or bordering a proposed subdivision on the Major Street Plan shall be required to be provided in the location and at the right-of-way width designated thereon.
4. All sites for parks, schools, and other public facilities as shown on the Community Facilities Plan as located within a proposed subdivision shall be offered for sale to the City at a price not to exceed fair market value of the land prior to development, except as otherwise provided or required by the Planning Commission.
5. All off-premise improvements necessary to the development of the subdivision shall be clearly noted in the Preliminary Plan. These improvements shall relate to such items as drainage, extension of water mains, sewers, street access and other such improvements.

B. *Streets*

General

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the General Community Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - ◆ Paved access should be provided to all developed parcels.
 - ◆ Street system design should discourage through traffic on local residential streets.
 - ◆ The layout of a local street system should not create excessive travel lengths.
 - ◆ Local street systems should be logical and understandable; the street system should be easily “read” by the user.
 - ◆ Local circulation systems and land development patterns should not detract from the efficiency of adjacent major streets.

- ◆ The local circulation system should not have to rely on extensive traffic regulations or control devices to function efficiently and safely.
 - ◆ Traffic generators such as schools, churches, or neighborhood shops within residential areas should be considered in the local circulation pattern.
 - ◆ Residential streets should clearly communicate their local function and place in the street hierarchy.
 - ◆ The local street system should be designed for a relatively uniform low volume of traffic. Collectors, however, should be planned to accommodate peak periods of demand.
 - ◆ To discourage excessive speeds, streets should be designed with curves, changes in alignment, and short lengths. Further, streets should not be designed to be wider than is necessary.
 - ◆ Conflict points between pedestrians and vehicles should be minimized.
 - ◆ Consistent with safety and livability, a minimum area should be devoted to streets.
 - ◆ The number of intersections should be minimized.
 - ◆ Local street layout should permit economical development of land and efficient lot layout.
 - ◆ Local streets should be responsive to topography and other natural features from the standpoint of both economics and amenity.
 - ◆ Residential areas should provide for public transit service where appropriate.
 - ◆ Streets should be designed to accommodate local emergency services.
 - ◆ Pedestrian movements, nonmotorized vehicle (i.e., bicycle) movements, and truck deliveries should be accommodated.
 - ◆ The residential street should enhance the community's visual image.
2. Where such is not shown in the General Community Plan, the arrangement of streets in a subdivision shall either:
- ◆ Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - ◆ Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
3. Local streets shall be so laid out that their use by through traffic will be discouraged.
4. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with

- rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
 6. A tangent shall be introduced between reverse curves on arterial and collector streets as approved by the City Engineer.
 7. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 200 feet for minor and collector streets, and of such greater radii as the City Engineer shall determine for special cases.
 8. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.
 9. Property lines at street intersections shall be rounded with a radius of twenty feet, or of a greater radius where the Planning Commission may deem it necessary. The Planning Commission may permit comparable cut-offs or chords in place of rounded corners.
 10. **Streets divided by medians**, or street furniture shall provide a minimum of 20' of paved travelway on each side of the median or street furniture.²²
 11. **Unusable Reserve Strips** - Unusable reserve strips abutting public street rights-of-way are prohibited.
 12. **Street Jogs** - Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
 13. **Minimum Street Right-of-Way Widths*** (please see Appendix III) - In undeveloped or vacant areas, the Planning Commission shall have the discretion of identifying or classifying a street to be a "Collector Street."

Street right-of-way widths shall be as shown on the Master Street Plan and where not shown thereon shall not be less than as follows: A sample of which can be found in Appendix III.

²² Amended August 19, 2003 by Planning Commission Resolution 008-03

<u>Street Type</u>	<u>Right-of-Way</u>	<u>Easements</u>
Freeways	210 Feet	10 feet either side
*Arterial Streets	120 Feet	10 feet either side
*Major Streets	80 Feet	10 feet either side
Collector Streets	60 Feet	10 feet either side
Local Streets	50 Feet	15 feet either side
Residential Access Streets	44 Feet	24.5 feet either side
Alleys	20 Feet ²³	

14. Minimum Roadway Widths

<u>Street Type</u>	<u>Pavement Width (Measured from Curb Faces)</u>
Freeways	As required
Arterial Streets	64 Feet (total)
Major Streets	48 Feet
Collector Streets	44 Feet
Local Streets	31 Feet
Residential Access Streets	31 Feet
Marginal Access Streets	26 Feet
Alleys (curb not required)	16 Feet

- The amount of right-of-way deemed reasonable to be required by dedication shall not exceed eight (115) feet in width. It is also deemed reasonable that an additional twenty (20) foot set back to be required along proposed Freeways,

²³ Amended by Planning Commission number 002-99 dated December 28, 1999

Arterial Streets and Major Streets, in addition to that set back required in the Zoning Ordinance.

- See Section VIII - "Required Improvements" for pavement participation required of a subdivider.

15. Street Grades

Street grades shall not exceed the following unless otherwise recommended and approved by the City Engineer.

<u>Street Type</u>	<u>Percent Grade</u>
Freeways	3.0%
Arterial Streets	5.0%
Major Streets	7.0%
Collector Streets	8.0%
Local Streets	10.0%
Residential Access Streets	10.0%
Marginal Access Streets	10.0%

Minimum grade of any gutter shall not be less than 0.75% unless otherwise approved by the City Engineer.

Cross drains are not permitted on Freeways, Arterial Streets, Major Streets, or Collector Streets unless recommended by the City Engineer. Vertical curves shall be such as to prevent abrupt change and shall be as approved by the City Engineer.

16. Half Streets

Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning Commission finds it will be practical to require the dedication of the other

half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

17. Cul-de-sacs (Dead-End Streets)

Streets designed to have one end permanently closed shall not exceed:

18. 750 feet in length, shall be provided at the closed end with a turnaround having a minimum roadway (pavement) diameter of 96 feet, and a minimum right-of way diameter of 115 feet and shall have a maximum density of 30 single-family dwelling units.²⁴

C. *Alleys*

1. Alleys shall be provided in Commercial and Industrial Districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
2. Provisions for alleys along the rear of residential lots is optional except where, in the opinion of the Planning Commission, such alleys are advisable. All alleys in the City should be public alleys.
3. Alley intersections and changes in alignment shall be avoided, but where necessary corners shall be cut off sufficiently to permit safe vehicle movement.
4. Dead-end alleys shall be avoided where possible; but if unavoidable, the alley shall be provided with adequate turnaround facilities at the dead-end, as determined by the City Engineer.

D. *Easements*

1. Easements across lots or centered on rear or side lot lines shall be provided for drainage, utilities, telecommunications, and other uses as determined by the Planning Commission where necessary and their width shall be as determined by the appropriate department(s).
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, or if such a proposed drainage way is reflected in an adopted Master Drainage Plan, there shall be provided a storm-water drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage ways. The width of such drainage easement or right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.

²⁴ Amended by Planning Commission Resolution Number 008-03, dated August 19, 2003

3. Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jogs or offsets and to facilitate the use of easements for power distribution, telephone service, drainage, water and sewer services.

E. *Blocks*

1. The length, width, and shapes of blocks shall be determined with due regard to:
2. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
3. Zoning Ordinance and Health Department requirements as to lot sizes and dimensions.
4. Needs for convenient access, circulation, control and safety of street traffic.
5. Limitation and opportunities of topography.
6. Block length shall not exceed 2,000 feet and shall normally be wide enough to allow for two tiers of lots of appropriate depth.

F. *Lots*

1. The lot size, width, depth, shape, and orientation, and the minimum building setback line shall be appropriate with the location of the subdivision and for the type of development and use contemplated.
2. Minimum lot dimensions must meet the requirements of the Zoning Ordinance or the requirements of the Health Department. In such cases where requirements may conflict, the larger requirement shall govern.
3. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate for off-street parking and loading for the uses contemplated.
4. Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.
5. Each lot must front upon a dedicated street whose right-of-way is not less than 50 feet in width and which is connected with the public street system unless otherwise provided by the City Planning Commission or these regulations.
6. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or so as to overcome specific disadvantages of topography and orientation. The subdivider shall put in a planting screen easement of not less than 10 feet in width, and across which there shall

be no right of access along the line of lots abutting such a traffic artery or other disadvantageous feature.

7. Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial.
8. Any restriction pertaining to any lot shall be noted on the lot on the recorded plat or a specific reference to a footnote stated within the boundaries of the lot.

G. *Public Sites and Open Spaces*

1. Where a proposed park, playground, school, or other public use shown in the General Community Plan is located in whole or in part in a subdivision, the Planning Commission may request the dedication or reservation of such areas within the subdivision in those cases in which the Planning Commission deems such requirements to be reasonable.
2. Where deemed essential by the Planning Commission upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments not anticipated in the General Community Plan, the Planning Commission may request the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.

H. *Names*

Streets

No street name shall be used which will duplicate by spelling or sound or otherwise be confused with the names of existing streets, except where a proposed street is an extension of an existing street in which case the proposed street shall bear the name of the existing street. In this situation, no street name shall be repeated more than once. Street names are subject to the approval of the Planning Commission.

Subdivisions

Subdivision names and apartment project names shall not duplicate or be confused with existing names. Subdivision and apartment project names are subject to approval by the Planning Commission.

1. *Drainage and Inundation*

1. A drainage plan shall be made for each subdivision by the Applicant's Engineer which shall take into account the ultimate or saturated development of the tributary area in which the proposed subdivision is located. Adequate provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision taking into account saturated development of the tributary area. The storm and sanitary sewer plan shall be made prior to other utility plans. Engineering considerations in subdivisions and other development shall give preferential treatment to these gravity-flow improvements as opposed to other utilities and improvements. (See Appendix II)
2. The requirements for the land being subdivided as specified by the Master Drainage Plan of the City of Decatur must be met in the drainage plan.
3. Off-premise drainage easements and improvements shall be required to handle the runoff of subdivisions into a natural drainage channel as determined by the City Engineer.
4. Low areas subject to periodic inundation shall not be developed or subdivided unless and until the City Engineer may establish that:
 5. The nature of the land use (i.e., recreational areas) will not lend itself to damage by water to an appreciable extent.
 6. The area may be filled or improved through such a manner to prevent such periodic inundation.
 7. Minimum floor elevations may be established to prevent damage to buildings and structures.
 8. The City Engineer or the Planning Commission may require whatever additional engineering information is deemed necessary to make a decision on subdivision and other developments in an area of questionable drainage.
9. Lakes, ponds, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park, or if such area constitutes a necessary part of the drainage control system, as determined by the City of Decatur.
10. Sewers shall be designed in accordance with good, accepted engineering practice.

J. *Building Restrictions*

1. If a subdivision does not lie within the force and effect of an existing Zoning Ordinance, the Planning Commission may require provisions for minimum front, side, and rear yard requirements based upon the standards of the Zoning Ordinance and Health Department regulations.

K. *Erosion and Sediment Control – Minimum Requirements*

Construction which disturbs one acre or more of ground surface within the City limits of Decatur will require a general permit for storm water runoff control. This permit will be obtained from ADEM (Alabama Department of Environmental Management) by the owner/developer of the property. A copy of the approved permit will be submitted to the City Engineering Department prior to beginning site construction, grading or clearing activity. The owner/developer, along with his construction plans, will be responsible for preparing a Construction Best Management Practices Plan (CBMPP) using good engineering practices that will result in specific strategies to protect water quality. The CBMPP must use the basic design principles available in the *Alabama Handbook for Erosion Control, Sediment Control and Storm Water Management on Construction Sites and Urban Areas* (Alabama Handbook) and other recognized best management practices (BMP) documents. The Alabama Handbook, such may be amended from time to time, can be downloaded from the ADEM website. The CBMPP will describe in detail the use of silt fences, hay bales, rip rap siltation basins or other means to be used for erosion control.

All construction plans will include by notation in the project notes, requirements for the contractors to provide erosion control, for preventing fuel or hazardous chemical spills and over use of pesticides, fertilizer, or herbicides. Waste material such as asphalt, petroleum products, sealants, concrete, etc. will not be left on site in contact with storm water runoff.

Any information provided by the public as to betterment of the proposed BMP or as to the failure of an operating BMP can be addressed to the City Engineering Department for consideration or correction.

Any owner/developer of a site one acre or larger which does not conform to these regulations is subject to a stop-work order and/or a fine of not more than \$500 per day.

Once an owner/developer has been notified by the City Engineering Department that his/her BMP is not meeting the requirements of these regulations, the owner/developer will have 10 working days to correct the problem before fines become effective. The fine will be enforced each day thereafter that the BMP is not corrected. The owner/developer will be responsible for the correction and for notifying the City Engineering Department when the corrections are made.

Maintenance of any detention or retention facilities and any other post construction water quality measures will have to be maintained on a continuing basis.²⁵

²⁵ Amended by Planning Commission Resolution #004-13 dated May 21, 2013

SECTION VII

VII. Required Improvements

A. *General*

The Applicant is required to install or construct the improvements hereinafter described prior to receiving approval of his Final Plat or prior to the releasing of bonds or other securities which guarantee such required improvements.

All improvements required under these regulations shall be constructed in accordance with City of Decatur specifications and under the inspection of the appropriate departments of the City of Decatur.

All water mains, sanitary sewers with laterals, and storm sewers shall be installed as necessary to minimize the future cutting of any street, sidewalk, or other required pavement.

All public improvements, except sidewalks, shall be completed within two (2) years from recording of the final plat OR one (1) year from the issuance of the first Certificate of Occupancy – whichever comes first.²⁶

B. *Streets and Alleys*

On all streets and alleys a suitable hardsurfaced permanent type of pavement shall be constructed in accordance with City of Decatur specifications (see Appendix II).

C. *Curbs and Gutters*

Standard "L" type curb and gutters shall be placed on both sides of all streets in accordance with the City specifications unless otherwise waived by the Planning Commission. (See Appendix II)

²⁶ Amended by Planning Commission Resolution 004-13 dated May 21, 2013

D. *Water Mains*

The design and specifications of the water distribution system shall meet Decatur Utilities requirements or in areas served by West Morgan East Lawrence Water Authority the Authority's requirements. If a well is to serve more than one (1) lot, a public water system is required. The design and specifications of such a system shall meet the requirements of and shall be installed under the Regulation of the Alabama Department of Environmental Management. (See Appendix II) ²⁷

E. *Sanitary Sewers*

The design and specifications of the sanitary sewer system shall meet Decatur Utilities requirements. If a private sewage treatment system is required for a lot, said system shall meet the specifications and requirements of the Health Department. (See Appendix II)

F. *Storm Sewers and Drainage*

Storm sewers and drainage structures shall be designed and installed as required by the City Engineer in accordance with good engineering practices and the Master Drainage Plan of the City of Decatur. (See Appendix II)

G. *Electric*

The design and specification of the electric distribution system shall meet Decatur Utilities or Joe Wheeler Electric Co-op requirements, whichever is applicable.

H. *Gas*

The design and specification of the natural gas distribution system shall meet Decatur Utilities requirements.

²⁷ Amended by Planning Commission Resolution 009-04 dated April 20, 2004

I. *Oversize Facilities*

The City of Decatur, or the appropriate Department of the City of Decatur may participate in the cost of "oversized" improvements within a subdivision (i.e., streets, water or sewer mains, drainage facilities, etc.) if it is judged that such oversized improvements are necessary to serve large areas of land not in the subdivision, and if the cost of such oversized improvements is an unreasonable burden on the Subdivider. For example, the Subdivider shall not be required to pay the cost of any freeway, arterial street, or major street, but shall participate in the cost of these improvements in the amount that a "collector street" would cost if situated where such freeway, arterial street, or major street is located.

J. *Property/Survey Markers*

Permanent property/survey markers shall be located on the ground at all angles in the boundaries of the land platted and at all intersections of the streets and alleys with the boundaries of the land platted and all intersections of streets, intersections of alleys, or of streets and alleys. Such property/survey markers shall be so constructed and set in the ground as required by the City Engineer.

K. *Sidewalks*

The intent of a sidewalk system is to provide a pleasant, safe, and efficient pedestrian access alternative. Sidewalks should be structurally and visually continuous and link residential subdivisions with schools, commercial centers, community facilities, jobs, local shopping and high density areas.²⁸

Sidewalks shall be designed and installed as indicated in the drawing found in Appendix II on page 79 of these regulations and be in full compliance with ADA requirements. Sidewalks shall be provided by the Subdivider subject to the provisions listed below.

1. Sidewalks shall be required on both sides of all new public streets, **except** in residential areas having a density of one dwelling unit or less per acre, excluding alleys.
2. New sidewalks shall be a minimum of four (4) feet in width with no obstructions such as mailboxes, streetlights, utility poles, guy wires, and fire hydrants.
3. Sidewalks shall be located no less than two (2) feet from the back of the curb within Right of Way dedicated to the city.

²⁸ Amended by Planning Commission Resolution Number 011-2009 dated July 21, 2009

4. Where sidewalks are replaced or adjoin an existing sidewalk, they shall be of similar color and texture.
5. Where sidewalks are replaced due to breakage, utility cuts, or age, they shall be upgraded or replaced with similar material and brought into compliance with ADA requirements.
6. Sidewalks shall be four (4) inches in depth except at vehicular crossings which should be six (6) inches in depth and at vehicular crossings sidewalks should be reinforced with wire mesh or equivalent and be handicapped accessible. Concrete should be 3000-psi minimum compressive strength at 28 days. (See Appendix II)
7. Where unique site characteristics make it necessary or desirable to deviate from these regulations alternate proposals for biking and pedestrian access shall be presented to the Planning Commission for approval.
8. Sidewalks for individual lots shall be constructed and completed before any Certificate of Occupancy (CO) will be issued and are the responsibility of the home builder. This statement to be shown as a "plat note" on all final plats. Sidewalks shall be required on both sides of all collector streets and must be completed by the Developer during the first phase of development OR within two (2) years from recording of the final plat, whichever comes first.²⁹

SECTION VIII

VIII. Plats and Data

A. *Layout Plat*

The Applicant's Engineer shall submit the following required information to the Planning Department prior to the review by the Planning Commission of such layout, plan or plat for approval action (See Section IV).

General

The following information is required for general subdivision layouts:

²⁹ Amended by Planning Commission Resolution #004-13, dated May 21, 2013

1. Existing Covenants
2. Land characteristics
3. Available community facilities and utilities
4. Number of residential lots
5. Typical lot width, depth, and area
6. Price range of lots
7. Price range of dwellings (if known)
8. Proximity to business areas, playgrounds, parks, schools, and other public areas
9. Proposed utilities and street improvements

Sketch Plan (showing the following)

10. Name of subdivision or other identification
11. Topography at five foot, or closer, contour intervals
12. Boundary lines of the proposed subdivision
13. Location of all streets within subdivision boundary
14. Adjoining development: property lines, streets, water courses
15. Adjoining land either owned, optioned, or planned for ownership or subdivision

B. *Preliminary Plat/Construction Plans*

The Applicant's Engineer shall submit the following required information to the Planning Department prior to the review by the Planning Commission of such preliminary plan or plat for action (see Section IV).

1. General

The following information is required for Preliminary Plan of subdivisions:

a) Name of:

- (1) Subdivision
- (2) Subdivider
- (3) Owner's Engineer
- (4) Adjacent Subdivisions
- (5) Adjacent land owners and addresses

- b) Date, acreage, northpoint and scale. Scale shall not be less than one inch equals 100 feet.
- c) Easements - location, width, and purpose of all easements.
- d) Public Land - Location and dimensions of land to be dedicated or reserved for parks, open space, or other public use.
- e) Lots and Blocks - Lot and block numbers. Dimensions and bearings of all lot lines; size of lot in square feet.
- f) Building setback lines shall be shown along all streets.
- g) Street furniture within the Public Right of Way and the dimensions of the Right of Way around it.³⁰

Construction

- 1. Periodic Inundation – Any area within or adjacent to the proposed subdivision subject to periodic inundation shall be clearly shown and identified on the Preliminary Plan
- 2. Street plan shall conform to the Major Thoroughfare Plan of the City of Decatur and contain the following information:
 - a) Location
 - b) Width of existing and proposed rights-of-way
 - c) Street names
 - d) Topography at five foot contour intervals unless a closer contour interval is required by the City Engineer
 - e) Plan and profile of all streets, showing natural and finished grades
 - f) Typical cross sections of proposed streets.
 - g) Curve data for the centerline of each street: Delta, T, and R
 - h) Location of all required sidewalks and crosswalks
 - i) Certificate executed as shown at the end of this section.
- 3. Storm Drainage Plan shall conform to the Master Drainage Plan of the City of Decatur and contain the following information: (This will also be required with a Minor Subdivision Plat).
 - a) Location of proposed drainage ways, streams, and ponds in the subdivision
 - b) Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets and top elevations of head walls, etc.
 - c) Area of land contributing runoff to each drainage structure
 - d) Location of easements and rights-of-way for drainage ways and maintenance access thereof
 - e) Typical cross sections of each drainage way
 - f) Direction of waterflow throughout subdivision
 - g) Certificate executed as shown at the end of this section

³⁰ Amended by Planning Commission Resolution No. 010-05, dated September 20, 2005

- h) Reference established benchmark location as established by the City of Decatur and on file in the City Engineer's office.
- 4. Sanitary Sewer Plan shall contain the following information:
 - a) Location and size of all existing and proposed sewers in the subdivision and tie-points of the subdivision. Location of sewer laterals.
 - b) Direction of flow of each sewer line
 - c) Location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds and treatment plants
 - d) Profile of sewage system including inverts existing and proposed surface grade
 - e) Certificate executed as shown at the end of this section
- 5. Septic tank plans shall contain the information required by the appropriate County Health Department.
 - a) Certificate executed as shown at the end of this section
- 6. Water distribution plan shall contain the following information:
 - a) Location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.
 - b) Certificate executed as shown at the end of this section provided the water distribution system is to be served by the City of Decatur Water System.
 - c) Certificate executed as shown at the end of this section provided the water system is not to be served by the City of Decatur Water System, but is to have a distribution system:
 - d) Certificate executed as shown at the end of this section provided individual wells are proposed for each lot:
- 7. Electric Distribution Plan shall contain the following information:
 - a) Location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision, and where necessary to abutting property.
 - b) Required easements, including anchor easements for guy wires.
 - c) Certificate executed as shown at the end of this section.
- 8. Gas Distribution Certificate executed as shown at the end of this section.

9. Erosion and Sediment Control Certificate as discussed in Section VI.K³¹

Examples of Required Certificates

Ex. b.9 CITY ENGINEER CERTIFICATE FOR STREET DESIGN

I, _____, the City Engineer of the City of Decatur, Alabama concur in the design of the street system and design as shown on this drawing.

Date

City Engineer, City of Decatur, Alabama

Ex. c.7 CITY ENGINEER CERTIFICATE FOR STORM DRAINAGE

I, _____, the City Engineer of the City of Decatur, Alabama concur in the design of the Storm Drainage System as shown on this drawing.

Date

City Engineer, City of Decatur, Alabama

³¹ Amended by Planning Commission Resolution #004-13, dated May 21, 2013

Ex. e.1 SEPTIC TANKS

It is permissible to install septic tanks which meet the requirements of the County Health Department until a public sanitary sewer system is available.

Date

County Health Department Official

Ex. f.2 WATER DISTRIBUTION SYSTEM

The Water Distribution System shown in these plans meets design requirements of West Morgan & East Lawrence County Water System.

Date

West Morgan & East Lawrence Water System ³²

Or

The Water Distribution System shown in these plans meets design requirements of Decatur

³² Amended April 20, 2004 by Planning Commission Resolution 009-04

Utilities; however, this subdivision will not be served by Decatur Utilities.

Date

Engineering Department Decatur Utilities

Ex. f.4 WELLS

Wells developed according to requirements of the Alabama Department of Environmental Management are acceptable until an approved public water supply is available.

Date

Department Official

Ex. of d.5, f.2, g.3, h.1

CERTIFICATE OF APPROVAL BY DECATUR UTILITIES

The system shown in these plans meets the requirements of Decatur Utilities for:

Wastewater Collection

Water Distribution

Electric Distribution

Gas Distribution

or will be designed by Decatur Utilities for:

Wastewater Collection

Water Distribution

Electric Distribution

Gas Distribution

Date
Department

Decatur Utilities Engineering

Ex. of g.3

IF ELECTRIC SERVED BY JOE WHEELER ELECTRIC CO-OP

The electric distribution system shown in these plans meets the requirements of Joe Wheeler Electric Membership Co-op or will be designed by Joe Wheeler Electric Membership Co-op.

Date

Engineering Department

Joe Wheeler Electric Membership Co-op

C. *Final Plat (Major or Minor Subdivision Plats)*

Subject to the provisions of Section IV of these regulations, the Final Plat will be considered for approval by the Planning Commission provided the following requirements are met, which requirements are conditions precedent to such final approval of said plat:

General

The Final Plat, as submitted to the Planning Department, shall be drawn in black ink upon mylar, or equal, on sheets 24" wide x 36" long at an appropriate scale of not smaller than 1:1200 and show the following information:

1. The location of all streets; alleys; lot lines; lots numbered in consecutive order; block numbers; reservations; easements; street furniture; street names; and areas to be dedicated to public use with notes stating their purpose and any limitations.³³
2. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, block line, and building line whether straight or curved.
3. The exact position of the permanent boundary/survey marker shall be indicated on the plat by a small circle "O". The character and description of said monuments.
4. The names and locations of adjoining subdivisions and streets.
5. Date, title, including the name of the subdivision, scale and north point.
6. The relation of the land so platted to the Government Survey.
7. The "point of beginning" as referred to in the written description shall be so indicated.
8. All curved boundary lines, lot lines, street centerlines and right-of-way lines on the plat shall be given a curve number and sufficient data shall be given to enable the re-establishment of the curves. This curve data shall include the following: point of curve (PC), point of tangency (PT), intersection angle (Delta), length of tangent (T), length of radius (R), and the degree of curve (D). A curve data box shall be shown on each Final Plat as shown below:

CURVE DATA

CURVE DELTA	T	R	D
NUMBER			

³³ Amended by Planning Commission Resolution No. 010-05, dated September 20, 2002

-
-
9. All dimensions shall be shown in feet and decimals thereof or in the metric system if required by State or County law.
 10. In the case of double frontage lots, the direction the house or building shall front shall be clearly indicated.
 11. The following endorsements, dedications, and certificates shall be placed on the Final Plat:
 - a) Surveyor's Certificate and Description of Land Platted
 - b) Dedication
 - c) A Notary's Acknowledgment of the Dedication Certificates
 - d) A Certificate of Approval by the Decatur Utilities or Joe Wheeler Electric Co-op or West Morgan East Lawrence Water Authority.
 - e) A Certificate of Approval by the City Engineer of the City of Decatur
 - f) A Certificate of Approval by the Planning Commission of the City of Decatur
 - g) A Certificate of Approval by the _____ County Health Department (if septic tanks are necessary)
 - h) A Certificate of Approval by the Alabama Department of Environmental Management (if wells are necessary)
 - i) A Certificate of Approval by the Morgan County Engineer³⁴

³⁴ Amended March 3, 2001 by Planning Commission Resolution

2. Examples of Required Certificates

Example of k.1

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED

State of Alabama
County of Morgan

I, (name of Surveyor), a registered Land Surveyor of Decatur, Alabama hereby certify that I have surveyed the property of the (name of company or proprietor), a (corporation or proprietor), situated in the City of Decatur, Morgan County, Alabama, and described as follows:

(Insert legal description)

And that the plat or map contained hereon is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and its number and showing the streets, alleys and public grounds and giving the bearings, length, width and name of the streets, said map further shows the relation of the land so platted to the Government Survey, and that permanent boundary/survey markers have been placed at points marked thus (O) as hereon shown.

WITNESS my hand this the _____ day of _____, 20____.

Registration #

(Name of Surveyor)

Example of k.2

DEDICATION

I/We (Land Owner or Developer, address), as proprietor(s), have caused the land embraced in the within plat to be surveyed, laid out and platted to be known as (Subdivision Name), a part of (Section Call Out), City of Decatur, Morgan County, Alabama, and that the (streets, drives, alleys, etc.) as signed and sealed in the presence of:

Witness

Property Owner

Witness

Property Owner

NOTE: In any case that the developer and the landowner are not one and the same, two or more Dedication Certificates may appear on the plat in order to allow for the owner's signature to be fixed to said plat. In which case, one of the following Notary's Acknowledgments must appear for each Dedication Certificate (see example k.3).

Example of k.3

ACKNOWLEDGMENT

STATE OF ALABAMA
COUNTY OF MORGAN

I, _____, a Notary Public in and for said County, in said State, hereby
certify that (individual's name), whose name as (title) of the (corporation name), is signed to

the foregoing instrument, and who is known to me, acknowledged before me on this day that,
being informed of the contents of the instrument, he as such officer and with full authority,
executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this _____ day of _____, 20____.

Notary Public

Example of k.3a

ACKNOWLEDGMENT

STATE OF ALABAMA

COUNTY OF MORGAN

I, _____, a Notary Public in and for said County, in said State, hereby
certify that (owner's name), whose name is signed to the foregoing instrument,
and who is known to me, acknowledged before me on this day, being informed of the
contents of the instrument, executed the same voluntarily.

GIVEN under my hand and official seal this _____ day of _____, 20____.

Notary Public

Example of k.4

CERTIFICATE OF APPROVAL BY DECATUR UTILITIES

The undersigned, as authorized by the City of Decatur, hereby approves the within plat for the recording of the same in the office of the Probate Judge this the _____ day of _____ 20____.

Decatur Utilities

Approval applies to:

- ☐ Gas
- ☐ Water
- ☐ Electric
- ☐ Waste Water

Example of k.5

The undersigned as authorized by West Morgan & East Lawrence Water System, hereby approve the within plat for recording in the Office of the Probate Judge of Morgan County, Alabama.

Date

West Morgan & East Lawrence Water System³⁵

Example of k.5

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

The undersigned, as City Engineer of the City of Decatur, Alabama, hereby approved the within plat for the recording of same in the Office of the Probate Judge this the _____ day of _____, 20____.

City Engineer, City of Decatur, Alabama

³⁵ Amended by Planning Commission Resolution Number 009-2004, dated April 20, 2004

Example of k.6

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

The within plat of (subdivision name), Morgan County, Alabama, is hereby approved by
the Planning Commission of the City of Decatur, Alabama, this _____ day of _____,
20____.

PLANNING COMMISSION FOR THE CITY OF
DECATUR, ALABAMA

Officer of the Planning Commission

Example of k.7

CERTIFICATE OF APPROVAL BY THE _____ COUNTY HEALTH DEPARTMENT

The lot(s) on this plat are subject to approval or deletion by the (name of County) County Health Department. The approvals may contain conditions pertaining to the onsite sewage treatment system that restrict the use of the lot (s) or obligate the owners to special maintenance and reporting requirements. These conditions are on file with the said Health Department, and are made a part of this plat as if set out hereon.

County Health Representative³⁶

³⁶ Amended by Planning Commission Resolution No. 001-2000 dated June 27, 2000

Example of k.8

**CERTIFICATE OF APPROVAL BY THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

The undersigned, as authorized by the Alabama Department of Environmental Management,
hereby approve the within plat for the recording of same in the Probate Office of _____
County, Alabama this _____ day of _____, 20_____.

ADEM Representative

Ex. of k.9

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

The undersigned, as County Engineer of Morgan County, Alabama, hereby approved the within
plat for the recording of same in the Office of the Probate Judge this the _____ day of
_____, 20_____.

County Engineer
Morgan County, Alabama

Ex. of k.12

OFFICE OF THE JUDGE OF PROBATE

STATE OF ALABAMA

COUNTY

I hereby certify that this Plat or Map was filed in this office for record this the _____ day
of _____, 20____, at _____ o'clock _____ M, and recorded in Book _____
of Plats and Maps, Page _____ Recording _____ paid.

Judge of Probate

(Continued from Section VIII C Final Plat)

3. That all improvements and utilities required, as set forth in Section VIII hereof, have been satisfactorily completed and installed in accordance with plans and specifications approved at the preliminary plan approval stage, proof of which shall be evidenced by the dedication and acceptance of the improvements and utilities required for public use and maintenance by the City Council. Said improvements shall be built to the specifications of the Preliminary Plat as approved by the Planning Commission and shown and dedicated on the Final Plat to the City of Decatur free and clear of all liens and encumbrances on the property. No improvements shall be recommended to the City Council for acceptance for Public Use and Maintenance without the approval and recommendation of the City Engineer. In the case of Subdivisions outside the City Limits of Decatur but within the Planning Jurisdiction, improvements must be accepted by the County Commission at the recommendation of the County Engineer which shall be evidenced by the Signature of the County Engineer on the Final Subdivision Plat. The Planning Commission in its sole discretion may waive the requirements that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and provide that, as an alternative the applicant post a bond secured by an insurance company licensed by the State of Alabama, or a cash bond, or an irrevocable letter of credit from an approved lending

institution, as approved by the City Attorney or his designated representative. The amount of the bond shall be estimated by the developer's registered professional engineer and approved by the City Engineer and the County Engineer if outside the City Limits and by the Local Utilities Engineer. The amount of the bond shall be at a minimum 150% of the estimated cost of the satisfactory construction, installation, and dedication of the uncompleted portion of the required public improvements.

a) Such bond or letter of credit shall comply with all statutory requirements and shall be satisfactory to the local government as to form, sufficiency, and manner of executions set forth in these regulations. A bare signature bond will not be accepted by the local government.

b) The period within which required improvements must be completed shall be specified by the Planning Commission in the recommendation to grant final approval of the subdivision plat and shall be incorporated in the bond or letter of credit and shall not, in any event, be more than two (2) years from recording of the final plat with the exception of sidewalks (see Section VII.K).³⁷

c) If the improvements are not completed, as determined by the city engineer, within the period specified by the Planning Commission, the applicant or principal and its surety shall be deemed to be in default. With the consent of the Planning Commission, the bond or the letter of credit shall be extended by the lending institution, forfeited, invoked or drawn upon as the case may be, to complete the improvements as specified by the final subdivision plat.

d) Existing subdivisions that have received final plat approval of the Planning Commission prior to August 26, 1997 but have not yet had their public improvements accepted for public use and maintenance by the local government may offer such improvements for acceptance for public use and maintenance when all required public improvements have been completed and constructed in accordance with the standard and specifications as stated in the Subdivision Regulations.

³⁷ Amended by Planning Commission Resolution #004-13, dated May 21, 2013

e) Unless otherwise specified, all required improvements shall be made by the applicant, at his expense, without reimbursement by the local government or any district herein.

f) Acceptance of formal offers of dedication of street, public areas, easements, and parks for public use and maintenance shall be in accordance with the procedure established by the local government. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the local government of any street, easement, or park shown on said plat. The Planning Commission may require said plat to be endorsed with appropriate notes to this effect.

g) Prior to acceptance of the public improvements in a subdivision by the City of Decatur the applicant shall provide a Maintenance Bond to assure the satisfactory condition of the required improvements for a period of one (1) year after the acceptance by the City of Decatur and dedication of same to the City of Decatur. The Maintenance Bond shall be secured by an insurance company licensed by the State of Alabama, or a cash bond, or an irrevocable letter of credit from an approved lending institution, as approved by the City Attorney or his designated representative. The amount of the bond shall be 5% of the cost of all the public improvements, excluding the cost of improvements installed by Decatur Utilities, in the subdivision to be accepted as determined by the applicant's engineer and approved by the City.

4. Where no lot in the proposed subdivision contains less than the minimum amount of area and where, in the opinion of the Planning Commission, the installations of water supply or sewage disposal systems would be an unreasonable request, the Planning Commission may approve the Final Plat if individual water supply or sewage disposal systems approved by the County Health Officer and or Alabama Department of Environmental Management have been or will be installed.

5. If the subdivision lies outside the force and effect of an existing zoning ordinance, or if any deed restrictions or restrictive covenants are proposed, there must be furnished a plan showing the proposed use of land or the restrictions, if any, on each lot and instruments whereby such use of building restrictions will be imposed and these restrictions are to be recorded on or with the Plat.³⁸

³⁸ Amended by Planning Commission Resolution No. 010-05, dated September 20, 2005

SECTION IX

IX. Variances

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the General Community Plan or these regulations.

A. *Experimental Subdivisions*

The Planning Commission may waive, vary, or modify the standards and requirements of these regulations, if, in its judgment, an unusual or experimental subdivision plan provides for adequate public spaces and improvements (i.e., circulation, recreation, light, air and service needs) to the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

B. *Certificate to Subdivide/Consolidate Procedures*

Certificate to Subdivide Review/Approval

1. General

A certificate to subdivide can be issued in certain cases of subdivision or consolidation of land resulting in not more than three lots and meeting some specific criteria (see definition of Certificate to Subdivide, Section III.B). A Certificate to Subdivide should not be used in place of a minor subdivision plat. The purpose of a Certificate to Subdivide is to allow for the adjustment of lot lines or the transfer of a small number of lots.

A Certificate to Subdivide must be signed by an officer of the Planning Commission and recorded in the Office of the Judge of Probate prior to the transfer, sale, or agreement to sell any lot created by said certificate. Approval of a Certificate to Subdivide is good for one year from the date of approval or

conditional approval by the Planning Commission. If all conditions have not been met within one year of submission to the Planning Department, said Certificate to Subdivide must be resubmitted.

2. Steps in Obtaining Approval

- (1) The Applicant or his designated representative shall submit the original and two copies of a Certificate to Subdivide (see sample, Appendix 1), a letter requesting the Certificate to Subdivide, signed by the property owner, a copy of the property owner's deed,³⁹ a map of the property (a survey will be required before recording the Certificate to Subdivide in the Office of the Judge of Probate), and a fee sufficient to cover the cost of recording the Certificate to Subdivide. The Planning Commission may require a public hearing for a Certificate to Subdivide. If a public hearing is required, the owner or his designated representative will be required to provide a list of adjoining property owners as shown in the County Tax Assessor's office. This information shall be submitted to the Planning Department no later than 5:00 PM CST, 21 days prior to the Planning Commission meeting.
- (2) The Planning Department will assign a file number to the Certificate to Subdivide and start the application procedure, and place it on the Planning Commission agenda.
- (3) The Certificate to Subdivide will be submitted to the Subdivision Committee for its review and comments. The committee, with input from the Planning Department, will review the request for conformance with the Subdivision Regulations, Zoning Ordinance, and other land use regulations (i.e., long range plan, master drainage plan, master street plan etc.). The Subdivision Committee will submit a recommendation to the Planning Commission for action at their next meeting. The Planning Commission will vote to approve, approve conditionally or disapprove the Certificate to Subdivide. The Applicant, or his designated representative should attend those meetings of the Subdivision Committee and Planning Commission at which the application is to be discussed.
- (4) If the Certificate to Subdivide is conditionally approved, the applicant is responsible for meeting the conditions of approval and providing the Planning Department with documentation that the conditions have

³⁹ Amended by Planning Commission Resolution #004-13, dated May 21, 2013

been met. **Conditions imposed by the Planning Commission which effect the future use of the land must be capitalized within the body of the certificate.**

- (5) When the Certificate to Subdivide is approved, the applicant will furnish the Planning Department a survey prepared by a registered land surveyor of the newly subdivided land, unless the property is a portion of a major or minor subdivision already on record with the Judge of Probate.
- (6) After all conditions have been met and the survey submitted to the Planning Department, they will obtain the signature of an Officer of the Planning Commission and record the Certificate to Subdivide in the Office of the Judge of Probate.

3. Corrections

- a) The applicant may submit a "Corrective Certificate" to the Planning Department which correct scrivener's, errors or omissions in a certificate that has been properly approved by the Planning Commission. The Planning Director shall have the authority to review said corrective certificate and have it signed by an officer of the Planning Commission for recording in the Office of the Judge of Probate.

C. *Conditions*

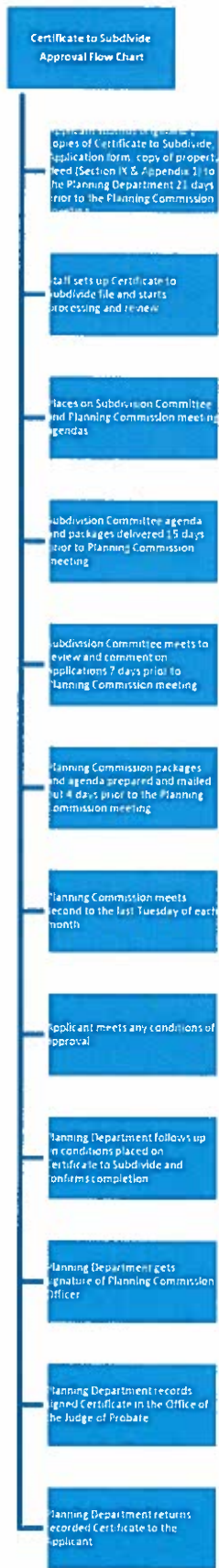
In granting variances, modifications, and approval for experimental subdivisions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied, modified, or approved. These may include, without being limited to: personal, security, performance, or maintenance bonds; affidavits, covenants, or other legal instruments.

D. *Gated neighborhoods with private streets shall be permitted as a platted subdivision provided that:*

- 1. All private streets must be constructed to City Standards as stated in the Subdivision Regulations or as approved by the Planning Commission.
- 2. Homeowners Associations, or other entity as approved by the Planning Commission, shall be responsible for maintenance of all streets within the subdivision. Also, provisions for construction and maintenance shall be made for utilities and drainage. However, if utilities are public, then they shall be maintained publicly.

3. Provisions for “acceptable” access by all public safety and emergency agencies and essential services (i.e., police, fire, trash and garbage, water, sewer, gas, electric, post office, telecable, telephone) shall be made prior to Planning Commission approval of the plat.
4. Adequate review and consideration so that the creation of private streets (gated neighborhoods) shall not create a barrier to the extension of major thoroughfares, and thus impede traffic flow in critical “cross” (east/west, north/south) City locations.
5. Even though “private streets” are permitted, the Zoning Ordinance shall be adhered to regarding the measurement of all setbacks from rights-of-way, and all other district regulations and standards, just as if the streets were “public.”⁴⁰

⁴⁰ Amended by Planning Commission Resolution No. 004-98, dated August 25, 1998



SECTION X

X. Severability and Separability

Should any article, section, subsection, or provision of these Subdivision Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of these Subdivision Regulations as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

SECTION XI

XI. Corrections/Amendments

- A. The Planning Commission shall have the authority to correct typographic or syntax errors in the Subdivision Regulations of the City of Decatur.
- B. Amendments to the Appendices of the Subdivision Regulations
- C. The Planning Commission shall have the authority to amend the appendices of the Subdivision Regulations of the City of Decatur.

SECTION XII

XII. Effective Date

These Subdivision Regulations shall take effect and be in force from and after the date of adoption. Subdivision Regulations heretofore adopted are hereby repealed.

ADOPTED THIS THE _____ DAY OF _____, 20____.

PLANNING COMMISSION OF THE

Stormwater Management Program Plan

CITY OF DECATUR, ALABAMA

BY _____

Gil Aldrich, Chairman

Attest: _____

Em Barran, Secretary

APPENDIX 1

XIII. (APPLICATION SAMPLES AND FORMS)

GENERAL PROCEDURES FOR SUBMITTING APPLICATIONS TO THE PLANNING DEPARTMENT

IMPORTANT:

- * ALL APPLICATIONS SUBMITTED TO THE PLANNING DEPARTMENT MUST BE ORIGINALLY TYPED

- * ALL APPLICATIONS MUST BE COMPLETED IN THEIR ENTIRETY. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

- * VACATION APPLICATIONS MUST BE SUBMITTED IN WRITING AND ELECTRONICALLY (DIGITAL), ON AN EDITABLE CD (NO SCANNED IMAGES) OR EMAILED – MUST BE COMPATIBLE WITH MICROSOFT WORD (2003 OR LATER).

- * REZONING APPLICATIONS MUST BE SUBMITTED IN WRITING AND THE LEGAL DESCRIPTION MUST BE SUBMITTED IN ELECTRONIC (DIGITAL) FORM – OR ON AN EDITABLE CD (NO READ ONLY IMAGES) OR EMAILED – MUST BE COMPATIBLE WITH MICROSOFT WORD (2003 OR LATER)

IMPORTANT DUE DATES:

- * ALL APPLICATIONS DUE 21 DAYS PRIOR TO THE
PLANNING COMMISSION MEETING _____

IMPORTANT MEETING DATES:

- * SUBDIVISION COMMITTEE WILL MEET ON _____
AT 1:15 P.M.- *City Hall Annex – 308 Cain St. NE*
- * PLANNING COMMISSION WILL MEET ON _____
AT 3:15 P.M. IN THE CITY COUNCIL CHAMBERS,
FIRST FLOOR, CITY HALL
- * CITY COUNCIL HEARING, IF APPLICABLE _____

Should you have any questions concerning your application, please do not hesitate to contact the Planning Department at (256) 341-4720. Our mailing address is:

City of Decatur, Planning Department
P. O. Box 488
Decatur, AL 35602-0488

We are located in the City Hall Annex – 308 Cain St. NE – (old Social Security Building)

SUBDIVISION APPLICATION PROCEDURE

DECATUR, ALABAMA

A. GENERAL

The Applicant's Engineer shall submit the following required information to the Planning Department prior to the review by the Planning Commission of such layout, plan or plat for approval action. (Layout - 21 days, Preliminary - 21 days, Final - 21days). These instructions are intended only as a guide; the Applicant's Engineer must comply with the Subdivision Regulations of the City of Decatur as amended.

B. LAYOUT (See Subdivision Regulations Sections III, IV, V, VI, VII, VIII & IX))

The following items constitute a full and complete application for layout approval:

1. Layout Approval Application
2. Sketch Plan, (25 copies) showing the following:
 - a. Name of Subdivision
 - b. Topography at five foot contour intervals
 - c. Boundary lines of the proposed subdivision
 - d. Location of all streets within the subdivision
 - e. Adjoining development: property lines, streets,
water courses, etc.
 - f. Adjoining land either owned, optioned, or planned for ownership
or subdivided

- g. If more than one zoning classification is planned, indicate zoning district boundaries

C. PRELIMINARY (See Subdivision Regulations Section III, IV, V, VII, VIII & IX)

The following items constitute a full and complete application for preliminary approval:

1. Preliminary Plan Approval Application form
2. Construction plans and specifications for the following: (5 sets)
 - a. Streets
 - b. Storm Drainage
 - c. Sanitary Sewer
 - d. Signature Page
3. Preliminary Plat (25 copies)
4. Plot Plan showing location, name and address of all adjacent landowners and names of all adjacent subdivisions.
5. Application Review Fee - \$100 + \$5.00 per lot
6. Ratification form signed by the mortgage lender, if applicable

Subdivision Application Procedure

- e. Fee for notification of adjoining property owner for the current cost of postage for the notification by the Planning Department by "Certified Letter, Return Receipt Requested."
- f. Legal description of proposed subdivision (to be shown on plat)

D. FINAL PLAT (See Subdivision Regulations Section IV, VII, VIII and IX)

The following items constitute a full and complete application for final plat approval:

- 1. Final Plat Approval Application Form
- 2. Original and 25 copies of the final plat
- 3. All improvements constructed and approved by the City of Decatur; or a surety bond for 150% of the estimated cost of construction
- 4. Cost for all street signs paid to City Clerk (\$91.00 each).
- 5. Title opinion prepared by a licensed attorney
- 6. You will be asked to provide two sets of "as built" construction drawings to the Planning Department prior to acceptance by the City Council

APPLICATION FOR LAYOUT APPROVAL

Gentlemen:

I hereby petition the City of Decatur for Layout approval of the following proposed subdivision:

Signature of Applicant

NAME OF SUBDIVISION: _____

DESCRIPTION OF PROPERTY:

Nearest street intersection: _____

Lot _____ Block _____ Plat _____

Drawings attached: _____

ZONING:

Present zoning: _____ District

Required zoning: _____ District

If zoning change is required, give status of change: _____

Flood Plain zoning & current flood zone information: _____

SUPPORTING DATA:

Existing use of land: _____

Proposed use of land: _____

Is this your entire tract or landholding in this area? _____ Yes _____ No

OTHER INFORMATION:

Name, title, full address and phone number of:

Property Owners: _____

Subdivision Architect/Developer: _____

Page 2

Application for Layout Approval con't.

Requested by: _____

General Subdivision Information:

A. Existing Covenants _____ Yes (if yes, attach one copy) _____ No

B. Land Characteristics (i.e., flat, wooded, some swamp)

C. Available community facilities and utilities

1. Public Schools (name)

Elementary _____

Jr. High School _____

Sr. High School _____

2. Decatur Fire Protection _____ Yes _____ No

_____ Miles to Fire Station No. _____.

3. Electric _____Decatur _____Other (Name)_____

4. Sanitary Sewer _____Yes _____No
_____Decatur _____Other (Name)_____

5. Water System _____Yes _____No
_____Decatur _____Other (Name)_____

6. Gas System _____Yes _____No
_____Decatur _____Other (Name)_____

Page 3

Application for Layout Approval con't.

D. Number of Residential Lots _____

If more than one zoning classification, please indicate number of lots in each zoning.

E. Typical Lot Width _____

Depth _____

Area _____

F. Price Range of Lots _____

G. Price Range of Dwellings _____

H. Are there any assessments against said property? _____ Yes _____ No

If Yes, how much \$ _____

I certify the above information is correct, and that all requirements as contained in the Decatur, Alabama Subdivision Regulations up to, but not including Section IX, have been met.

Applicant

PRELIMINARY PLAN APPROVAL APPLICATION

Planning Commission for the

Date_____

City of Decatur, Alabama

Gentlemen:

I hereby petition the City of Decatur for preliminary approval of the following plan:

NAME OF SUBDIVISION:_____

DESCRIPTION OF PROPERTY:

Nearest street intersection_____

Lot_____ Block_____ Plat_____

Drawings attached:_____

Names and addresses of all adjoining property owners:_____

ZONING:

Present zoning:_____ District

Required zoning:_____ District

If zoning change is required give status of change: _____

SUPPORT DATA:

Was this plan given Layout approval? Yes _____ No _____

Existing use of land: _____

Proposed use of land: _____

OTHER INFORMATION:

Name, title, full address and phone number of:

Mortgage Lender: _____

Property owners: _____

Owner's Engineer: _____

Petitioner for approval: _____

I certify the above information is correct, and that all requirements as contained in the Decatur, Alabama Subdivision Regulations up to, but not including, Section IX have been met.

Applicant

**MAJOR SUBDIVISION STATUS SHEET &
CHECKLIST FOR LAYOUT APPROVAL**

SUBDV.NAME _____

CTRL# _____ **SECTION/TOWNSHIP/RANGE** _____

APPLICANT'S NAME _____

APPLICANT'S ADDRESS _____

APPLICANT'S PHONE # _____ **RELATED FILES** _____

PROPERTY ADDRESS _____

TAX PARCEL ID# _____

Responsible Party	Completed	APPLICATION REQUIREMENTS
Plan. Tech.		Submission checklist complete and attached
Plan Tech.		Pre Design conference scheduled
Plan. Tech.		Distribute layout plan to Subdivision Committee a. City Engineer (1) b. Building Dept. (1) c. DU (3) d. Public Works (1) e. Health Dept. (1) f. Planning (1) g. Post Office (1) h. E-911 (1) i. Telecable (1) j. Bell South (1) k. City Schools (1) l. Police (1)
Plan. Tech.		Planning Dept. review and comments

Stormwater Management Program Plan

Plan. Dept.		Field Check
Plan. Tech.		Subdivision Committee Review Date _____
Secretary		Notify Subdivision Committee Members
Secretary		Attach Subdivision Committee meeting minutes
Secretary		Mail applicant copy of Subdivision Minutes
Plan. Tech.		Planning Commission Meeting Date _____
Secretary		OPTIONAL: Public Hearing Scheduled by Planning Commission – notify adjacent property owners by registered letter 7 days prior to meeting
Secretary		Names & addresses of extra handbills sent out, if applicable
Plan. Tech.		Planning Commission Action: Approved _____ Denied _____ Conditional/Tabled _____
Secretary		Attach Planning Commission Minutes
Secretary		Mail applicant copy of Planning Commission Minutes with conditions

MAJOR SUBDIVISION STATUS SHEET & CHECKLIST FOR PRELIMINARY APPROVAL

SUBDV.NAME _____

Responsible Party	Completed	APPLICATION REQUIREMENTS
Plan. Tech.		Submission checklist complete and attached
Plan. Tech.		Collect plat application fee (\$100 + \$5.00 per lot)
Plan. Tech		Ratification form signed by mortgage lender
Plan. Tech.		Confirm plan shows names & addresses of adjacent land owners
Plan. Tech / Draftsman		Run legal description of proposed subdivision
Plan. Tech.		Distribute preliminary plan to Subdivision Committee: a. City Engineer (1) b. Building Dept. (1) c. DU (3) d. Public Works (1) e. Health Dept. (1) f. Planning (1) g. Post Office (1) h. E-911 (1) i. Telecable (1) j. Bell South (1) k. City Schools (1) l. Police (1)
Plan. Tech.		Planning Dept. review and comments
Plan. Dept.		Field Check

Stormwater Management Program Plan

Plan. Tech.		Subdivision Committee Review Date _____
Secretary		Notify Subdivision Committee Members
Secretary		Attach Subdivision Committee meeting minutes
Secretary		Mail applicant copy of Subdivision Minutes
Plan. Tech.		Planning Commission Meeting Date _____
Secretary		REQUIRED: Public Hearing Scheduled by Planning Commission – notify adjacent property owners by registered letter 7 days prior to meeting
Plan. Tech./ Secretary		Collect fee for certified letters to notify adjacent property owners (\$5.32 each)
Secretary		Names & addresses of extra handbills sent out, if applicable
Plan. Tech.		Check for duplicate street names a. Check with E-911 for duplicate names in County _____
Plan. Tech.		Planning Commission Action: Approved _____ Denied _____ Conditional/Tabled _____
Secretary		Attach Planning Commission Minutes
Secretary		Mail applicant copy of Planning Commission Minutes with conditions
Plan. Tech.		Put street names on Rolodex (cover card with blue jacket to indicate new unaccepted street)
Plan. Tech.		Put signed construction drawings in tube file & log in plat book

MAJOR SUBDIVISION STATUS SHEET & CHECKLIST FOR

FINAL APPROVAL

SUBDV.NAME _____

Responsible Party	Completed	APPLICATION REQUIREMENTS
Plan. Tech.		Submission checklist complete and attached
Plan. Tech.		Distribute final plan to Subdivision Committee: a. City Engineer (1) b. Building Dept. (1) c. DU (3) d. Public Works (1) e. Health Dept. (1) f. Planning (1) g. Post Office (1) h. E-911 (1) i. Telecable (1) j. Bell South (1) k. City Schools (1) l. Police (1)
Plan. Tech.		Planning Dept. review and comments
Plan. Dept.		Field Check if needed
Plan. Tech.		Subdivision Committee Review Date _____
Secretary		Notify Subdivision Committee Members
Secretary		Attach Subdivision Committee meeting minutes
Secretary		Mail applicant copy of Subdivision Minutes
Plan. Tech.		Planning Commission Meeting Date _____

Stormwater Management Program Plan

Plan. Tech.		Planning Commission Action: Approved _____ Denied _____ Conditional/Tabled _____
Secretary		Attach Planning Commission Minutes
Secretary		Mail applicant copy of Planning Commission Minutes with conditions
Plan. Tech.		All improvements constructed or surety bond/LOC posted for unfinished improvements
Plan. Tech		Title opinion complete and accurate
Plan. Tech.		Cost for street signs paid to City Clerk (\$91.00/sign) Amounts received _____ (Receipt in file)
Plan. Tech.		Conditions Met and final approval granted
Plan. Tech.		Final Plat Signed
Plan. Tech.		Make 9 copies of final plat and distribute: a. Dept. Address File (1) b. Thomas Abstract (1) c. Copy attached to bond (1) d. City Engineering (1) e. Police Department Locator (1) f. Decatur Utilities (2) g. Bldg. Dept. with Addresses (1) h. Bell South (1)
Plan. Tech.		Plat Recording fee collected _____ Plat Recorded _____

APPLICATION FOR MINOR SUBDIVISION

Gentlemen,

I hereby petition the City of Decatur for Minor Subdivision approval of the following proposed subdivision.

Signature of Applicant



Name of Subdivision: _____

Description of Property:

Names and addresses of all adjoining property owners:

(Certified letter fee for notification of each adjoining property owner will be required).

Nearest street intersection: _____

Lot _____ Block _____ Plat _____

Metes and Bounds: _____

Drawings Attached _____

Zoning:

Present Zoning_____ Required Zoning_____

If rezoning is required, give status of change._____

Supporting Data:

Existing Use of Land:_____

Proposed Use of Land:_____

Name, Title, Full Address and Phone No. of Property Owner:_____

Mortgage Lender:_____

Subdivision Developer/Applicant (Requested by)_____

Application for Minor Subdivision con't.

General Information:

Existing Covenants: Yes _____ No _____ (If yes, please attach a copy)

Land Characteristics - Please check description that applies: _____ Flat _____ Wooded

Swamp _____ Other _____

Available Community Facilities:

- a. Public Schools _____
Elementary _____
Jr. High _____
High School _____

Decatur Fire Protection: Yes _____ No _____

Miles to nearest Fire Station: _____

Electric: _____ Decatur Utilities _____ Other (please specify)

Sanitary Sewer: Yes _____ No _____ If Yes, _____ Decatur Utilities

Other_____ (please specify)

Gas System: Yes_____ No_____ If yes, _____Decatur Utilities

Other_____ (please specify)

Number of Residential Lots: _____

Typical Lot Width: _____

Depth: _____

Area: _____

Price Range of Lots: _____

Price Range of Dwellings: _____

Are there any assessments against this property? ____Yes (If yes, how much?)

____No

I hereby certify that all changes, as agreed upon in the Minor Subdivision Approval, have been so made and that all requirements as contained up to and including Section IX of the Subdivision Regulations of Decatur, Alabama have been met.

MINOR SUBDIVISION STATUS SHEET & CHECKLIST**SUBDV.NAME** _____**CTRL#** _____ **SECTION/TOWNSHIP/RANGE** _____**APPLICANT'S NAME** _____**APPLICANT'S ADDRESS** _____**APPLICANT'S PHONE #** _____ **RELATED FILES** _____**PROPERTY ADDRESS** _____ **TAX PARCEL ID#** _____

Responsible Party	Completed	APPLICATION REQUIREMENTS
Plan. Tech.		Minor subdivision application submitted a. Application Fee (\$100 + \$5 per lot) Amt. Paid _____ b. Original + 25 copies of a final subdivision plat c. 5 copies of a drainage/topo plan d. List of adjoining property owners with addresses e. Fee for certified letters
Plan. Tech.		Place on Subdivision Committee agenda
Plan. Tech.		Distribute plat to Subdivision Committee a. City Engineer (1) b. Building Dept. (1) c. DU (3) d. Public Works (1) e. Health Dept. (1) f. Planning (1) g. Post Office (1) h. E-911 (1) i. Telecable (1) j. Bell South (1) k. City Schools (1) l. Police (1)
Plan. Tech.		Planning Dept. review and comments

Stormwater Management Program Plan

Plan. Tech.		Legal Description check
Plan. Dept.		Field Check
Plan. Tech.		Subdivision Committee Review Date _____
Secretary		Notify Subdivision Committee Members
Secretary		Attach Subdivision Committee meeting minutes
Secretary		Mail applicant copy of Subdivision Minutes
Plan. Tech.		Planning Commission Meeting Date _____
Secretary		Public Hearing Scheduled by Planning Commission – notify adjacent property owners by registered letter 7 days prior to meeting
Secretary		Attach Planning Commission Minutes
Secretary		Mail applicant copy of Planning Commission Minutes with conditions
Plan. Tech.		Planning Commission Action: Approved _____ Denied _____ Conditional/Tabled _____
Plan. Tech.		Fees paid, if applicable a. Street signs (\$91.00/sign) _____ b. Plat Recording fee _____
Plan. Tech.		Conditions Met _____
Plan. Tech.		Title opinion complete and accurate

Stormwater Management Program Plan

Plan. Tech.		Plat signed by Planning Commission Officer
Plan. Tech.		<p>Make 10 copies of Minor Subdivision Plat & distribute as follows:</p> <ul style="list-style-type: none"> a. File copy (1) b. Address File (1) c. Attach copy to bond, if applicable (1) d. Police Dept Locator (1) e. Bldg. Dept. with addresses (1) f. Bell South (1) g. Thomas Abstract (1) h. City Engineering (1) i. DU (2)
Plan. Tech.		Record in Office of Probate Judge _____
Secretary		Return original plat to applicant or their engineer, if applicable
Plan. Tech.		List of street names to the Police Dept. & Finance Dept.
Plan. Tech.		Assign addresses when applicable
Plan. Tech.		Request (1) set of as-built drawings
GIS Tech.		Update City property maps
GIS Tech.		Scan final plat
Plan. Tech.		Maps update review
Plan. Tech.		Close File/Check

PROCEDURE FOR CERTIFICATE TO SUBDIVIDE/CONSOLIDATE

DECATUR, ALABAMA

Submit to the Decatur City Planning Department, P. O. Box 488, Decatur, AL 35602

(or deliver to 308 Cain St. NE) the following information twenty-one (21) days prior to review by the Planning Commission (next to the last Tuesday of each month):

1. Letter from owner(s) or their authorized representative requesting the subdivision (or consolidation) by Certificate (see example letter) and a copy of the property owners deed verifying ownership.
2. The original and two copies of the "Certificate to Subdivide/Consolidate" (see sample certificate).
3. A plat plan drawn by a registered engineer or a land surveyor if available; and a metes and bounds description from the most current abstract or deed (must include original and adjoining boundaries). **A SURVEY WILL BE REQUIRED BY THE PLANNING COMMISSION BEFORE RECORDING THE DOCUMENT.**
4. Recording and Processing Fees:

No. of Pages

amount

1	\$ 9.00
2	12.00
3	15.00
4	18.00
5	21.00
6	24.00
7	27.00
8	30.00

**Certified Letters – current fee per adjoining property owner will be required
(if Planning Commission requires a public hearing)**

*** Amount based on recording fees of \$3.00 per page, \$6.00 per instrument**

- 5. After Planning Commission has approved the certificate and all conditions have been met, the Planning Department will record the certificate in the Office of the Probate Judge and return the original certificate to the applicant.**

6. CHECKLIST

Upon submission the application will be reviewed based upon the following criteria:

1. Do all proposed lots have direct access to publicly dedicated and accepted, and opened streets?
2. Do all proposed lots have direct access to publicly dedicated and accepted water and sewer mains?
3. If public sewer main is available, do all proposed lots meet minimum standards for a private septic system according to the State of Alabama Public Health standards?
4. No public improvements, streets, drainage, water, sewer are required.
5. Preferably, a certificate should be little more than the "adjustment" of lot lines between existing lots in a platted subdivision.
6. That portion of lots fronting existing public streets, will require "formal dedication" of property as public right-of-way of if such has never been granted, to be determined by the City Engineer.
7. Major existing drainage ways will require "formal dedication" of drainage easements, whose widths will be determined by the City Engineer.

8. Definition of Certificate to Subdivide:

“Any subdivision containing not more than three (3) lots fronting on an existing, improved street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance, or these regulations.”

**Page 5, Subdivision Regulations of the City of Decatur, Alabama,
Revised January 1996.**

REQUEST FOR SUBDIVISION BY CERTIFICATE

SAMPLE LETTER

Date_____

Decatur City Planning Commission

P. O. Box 488

Decatur, AL 35602

Ladies and Gentlemen:

I, _____, the owner, do herewith request that

the property described in the attached Certificate to Subdivide be subdivided as stated herein.

Signature

Address

Telephone

CERTIFICATE TO SUBDIVIDE

STATE OF ALABAMA)

MORGAN COUNTY)

KNOW ALL MEN BY THESE PRESENTS THAT:

The Decatur City Planning Commission does hereby certify that it has received a request from _____
the owner of the following described real estate, situated in Morgan County, Alabama, to wit:

(INSERT CURRENT LEGAL DESCRIPTION)

for permission to convey, hold, sell, purchase, or otherwise treat said property in one unit(s) or parcel(s) as follows, to-wit:

(INSERT NEW LEGAL DESCRIPTION)

It is further certified that the Decatur City Planning Commission has determined that the conveyance, holding, selling, purchasing, leasing and otherwise treating the said property in one unit(s) or parcel(s) as the subdivision of land contained in the Subdivision Regulations of the City of Decatur, and the above aforesaid is in harmony and conformity with the general requirements and minimum standards of design for described units may be conveyed without destroying the intent of said regulations and in conformity with the general requirements and minimum standards, as aforesaid, and the said Planning Commission does hereby authorize and approve the conveyance of deed, lease, mortgage, or other form of conveyance of said above described units by said owner and by any other person having an interest therein or being a successor in title thereto;

Stormwater Management Program Plan

provided, however, that said units as hereinabove particularly described and designated may not hereafter be conveyed without further approval of the Planning Commission, except in the footages and frontages as herein approved for the conveyance of said units and as complete units as hereinabove described.

IN WITNESS WHEREOF, the Decatur City Planning Commission has caused this certificate to be issued

and executed by its Chairman on this the _____ day of _____, 20____.

DECATUR CITY PLANNING COMMISSION

BY: _____

Its Chairman

STATE OF ALABAMA)

)

MORGAN COUNTY)

I, _____, a Notary Public in and for said County in said State hereby certify that

_____, whose name as Chairman of the Decatur City Planning Commission is signed to the foregoing certificate and who is known to me, acknowledged before me on this day that being informed of the contents of the certificate, he/she, in his/her capacity as Chairman of the Decatur City Planning Commission executed the same voluntarily for and as the act of said Planning Commission and with full authority.

GIVEN under my hand and the seal of my office, this the _____ day of _____, 20____.

NOTARY PUBLIC

**CERTIFICATE TO SUBDIVIDE
EXTRATERRITORIAL JURISDICTION**

(STATE OF ALABAMA)

(COUNTY OF MORGAN)

KNOW ALL MEN BY THESE PRESENTS THAT:

The Decatur City Planning Commission does hereby certify that it has received a request from (Name of Property Owner(s)), the owners of the following described real estate, situated in Morgan County, Alabama, to wit:

(DESCRIPTION INSERTED HERE)

for permission to convey, hold, sell, purchase, or otherwise treat said property in ____ units or parcels as follows, to-wit:

(DESCRIPTION FOR EACH UNIT INSERTED HERE)

It is further certified that the Decatur City Planning Commission has determined that the conveyance, holding, selling, purchasing, leasing and otherwise treating the said property in ____ units or parcels as aforesaid is in harmony and conformity with the general requirements and minimum standards of design for the subdivision of land as contained in the Subdivision Regulations/Standards of both (the more stringent shall apply) the City of Decatur, and Morgan County, Alabama, and the above described units may be conveyed without destroying the intent of said regulations/standards and in conformity with the general requirements and minimum standards, as aforesaid, and the said Decatur City Planning Commission and the Morgan County Engineer do hereby authorize and approve the conveyance of deed, lease, mortgage, or other form of conveyance of said above described units by said owner and by any other person having an interest herein or being a successor in title thereto; provided, however, that said units as hereinabove particularly described and designated may not hereafter be conveyed without further approval of the Decatur City Planning Commission and the Morgan County

Engineer, except in the footages and frontages as herein approved for the conveyance of said units and as complete units as hereinabove described.

IN WITNESS WHEREOF, the Decatur City Planning Commission has caused this certificate to be issued and executed by its Chairman on this the _____ day of _____, 20__.

DECATUR CITY PLANNING COMMISSION APPROVAL (MORGAN COUNTY COMMISSION)

BY: _____

Its Chairman

BY: _____

Morgan County Engineer

See Notary next page

STATE OF ALABAMA)

)

MORGAN COUNTY)

I, _____, a Notary Public in and for said County in said State hereby certify that _____, whose name as Chairman of the Decatur City Planning Commission is signed to the foregoing certificate and who is known to me, acknowledged before me on this day that being informed of the contents of the certificate, he, in his capacity as Chairman of the Decatur City Planning Commission executed the same voluntarily for and as the act of said Planning Commission and with full authority.

GIVEN under my hand and the seal of my office, this the _____ day of _____, 20__

NOTARY PUBLIC

STATE OF ALABAMA)

COUNTY OF MORGAN)

I, _____, a Notary Public in and for said County in said State hereby certify that _____, whose name as the Morgan County Engineer is signed to the foregoing certificate and who is known to me, acknowledged before me on this day that being informed of the certificate, he in his capacity as the Morgan County Engineer executed the same voluntarily for and as required for areas within the Decatur City Planning Commission extraterritorial jurisdiction.

Given under my hand and the seal of my office, this the _____ day of _____, 20__.

NOTARY PUBLIC

CERTIFICATE TO SUBDIVIDE STATUS SHEET & CHECKLIST

CERT. # _____ CTRL# _____ SECTION/TOWNSHIP/RANGE _____

APPLICANT'S NAME _____

APPLICANT'S ADDRESS _____

APPLICANT'S PHONE # _____ RELATED FILES _____

PROPERTY ADDRESS _____ TAX PARCEL ID# _____

Responsible Party	Completed	APPLICATION REQUIREMENTS
Plan. Tech.		Submission checklist complete and attached
Plan. Tech.		Copy of deed.
Plan. Tech.		Amount paid for recording and processing fees \$ _____
Plan. Tech.		Locate on certificate map –prepare sheet for subdivision package
Plan. Tech.		Identify zoning classification _____
Plan. Tech.		Check for assessments (City Clerk)
Plan. Tech.		Legal Description check
Plan. Dept.		Field Check

Stormwater Management Program Plan

Plan. Tech.		Subdivision Committee Review Date _____
Secretary		Attach Subdivision Committee meeting minutes
Secretary		Mail applicant copy of Subdivision Minutes
Plan. Tech.		Planning Commission Meeting Date _____
Secretary		Planning Commission Minutes Attached
Plan. Tech.		Planning Commission Action: Approved _____ Denied _____ Conditional/Tabled _____
Secretary		Mail applicant copy of Planning Commission minutes, if there are conditions to be met
Plan. Tech.		Conditions Met _____
Plan. Tech.		Signature by Planning Commission Chairman
Plan. Tech.		Record in Office of Probate Judge _____
Secretary		Signed original to applicant when approved Sent to: _____
Secretary		Copy to Minute Book
Secretary		Copy to City Clerk (include original document of Easements or ROWs)
Secretary		Copy to Certificate file

Stormwater Management Program Plan

Secretary		Scan to laser fiche file
Plan. Tech.		Assign address when applicable
GIS Tech.		Update City property maps
Plan. Tech.		Maps update review
Plan. Tech.		Close File/Check

RATIFICATION OF PLAT

THE STATE OF ALABAMA

COUNTY OF MORGAN

KNOW ALL MEN BY THESE PRESENTS

WHEREAS, _____, were the grantees in that certain warranty deed filed of record in the Office of the Judge of Probate of Morgan County, Alabama in Book _____ at Page _____, and

WHEREAS, _____, provided mortgages on property described in the plat recorded in Map Book _____ at Page _____ the mortgages being filed of record in the Office of the Judge of Probate of Morgan County, Alabama in Book _____ at Page _____; and

WHEREAS, the property known as _____ "the map of which is dated _____ and was filed on _____ in the Office of the Judge of Probate of Morgan County, Alabama, in Map Book _____ at Page _____ encompasses or lies within the property described in the deed and mortgages referred to above, and

WHEREAS, _____ and _____ did not execute said plat and are desirous of ratifying said plat;

OR

WHEREAS, _____ were owners of the property encompassed by or lying within the property boundaries of the above described Plat at the time that Plat was recorded and failed to sign such plat, but now desire to ratify such Plat;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, _____ hereby acknowledge, ratify, confirm and consent to all the terms and conditions of that certain plat known as " _____ " dated _____ and filed for record in the Office of the Judge of Probate of Morgan County, Alabama in Map Book _____ at Page _____ and acknowledge that part of the property conveyed to the undersigned,

_____ constitutes a portion of the property contained in the above referenced plat," _____

EXECUTED this _____ day _____, of 20____

By: _____
Its: _____

**THE STATE OF ALABAMA
COUNTY OF MORGAN**

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that _____ are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that being informed of the contents of the instrument; they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this _____, day of _____, 20_____.

Notary Public
My Commission Expires: _____

**THE STATE OF ALABAMA
COUNTY OF MORGAN**

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that _____ are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that being informed of the contents of the instrument; they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this _____, day of _____, 20_____.

Notary Public
My Commission Expires: _____

City of Decatur
City of Decatur Planning Department
P.O. Box 488
Decatur, Alabama 35602

APPENDIX II

XIV. SCHEMATIC OF DESIGN REQUIREMENTS FOR WASTEWATER SYSTEMS, SEWERS, STREETS, DRAINAGE, ELECTRIC*, GAS*AND WATER*

*These systems to be designed in conjunction with Decatur Utilities.

GENERAL DESIGN REQUIREMENTS FOR WASTEWATER SYSTEM

MATERIALS

- Mains – PVC per ASTM D-3034 SDR35
 - Ductile Iron when: 1) Pipe is exposed (ie ditch crossing)
 - 2) Clearance <2.5 feet under storm drain pipes
 - 3) Cover < 2.5 feet in traffic area
 - Other material on case by case basis
- Service laterals – PVC Schedule 40 per ASTM D – 2665
- Manholes – Precast concrete per ASTM C-478

SIZE

- Public mains shall be 8 inch or larger
- Service laterals for residential lots to be 4 inch minimum

TESTING

- Camera, low pressure air test, and deflection mandrel are typically used.

ALIGNMENT/ GRADE

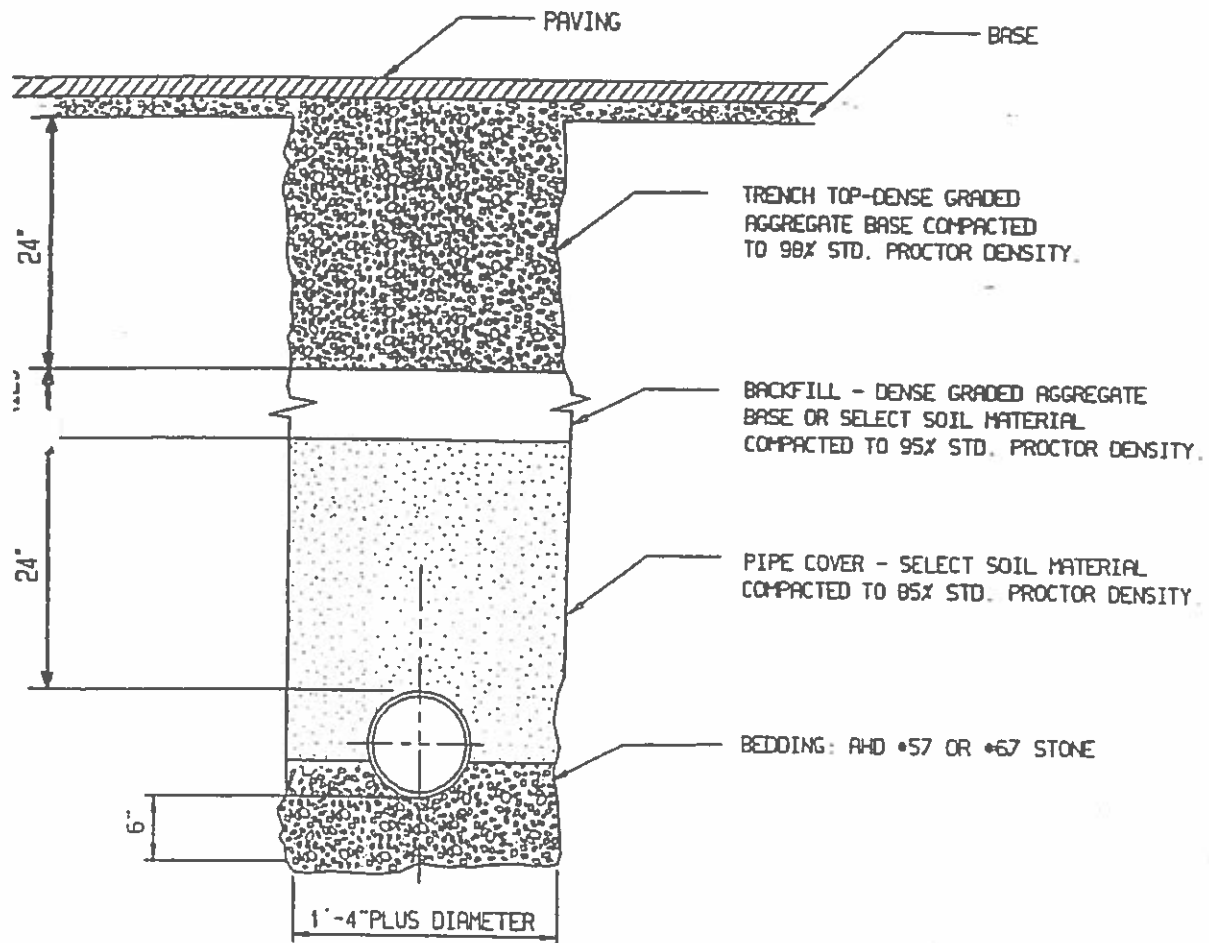
- Depth of cover > 4 feet is desirable
- Drop through manholes 0.1 feet minimum, 0.2 desirable, 1.0 maximum
- Manhole spacing 400 feet maximum
- Manholes required at line intersections, and at each change of size, grade or alignment
- Minimum slopes 0.4 % for 8 inch pipe, 0.22% for 12 inch pipe (based on 2 ft. / second flow velocity)
- Match crowns for different sized pipes
- Service laterals connections: 4 inch connects into main pipe, 6 inch and over connect to manhole

OTHER

- Manhole pads required for manholes back of curb
- Access roads required for manholes not accessible from streets / alleys

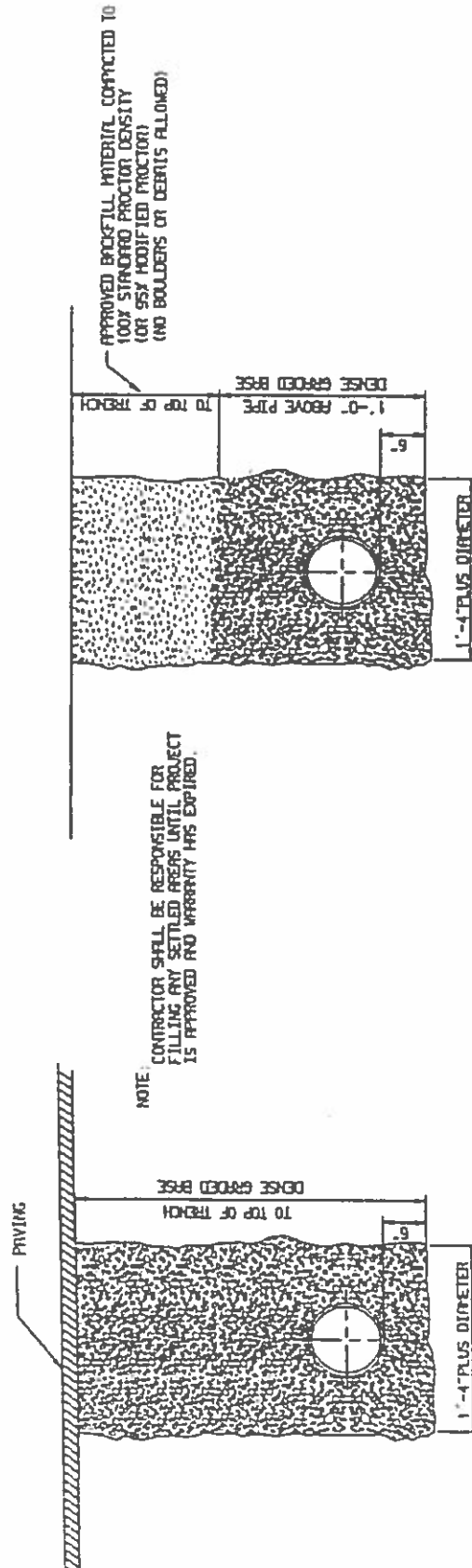
GENERAL

- Public main must abut tract it is to serve
- A service lateral shall serve only one tract.
- Mains shall be located in rights-of-way or easements
- Additional specifications can be obtained at Decatur Utilities.



CLASS "B" BEDDING
(NEW ROADWAY)

NOTE:
BACKFILL SHALL BE PLACED AND COMPACTED WITHIN 2%
OF OPTIMUM MOISTURE



CLASS "B" BEDDING
(UNDER PAVED AREA)

CLASS "C" BEDDING
(NOT UNDER PAVED AREA)

BEDDING AND BACKFILL FOR PVC PIPE

NOT TO SCALE

NOTE: SEWER MAINS AND SEWER SERVICES UNDER PROPOSED OR EXISTING STREETS SHALL BE BEDDED WITH DENSE GRADED BRSE OR APPROVED SUBSTITUTE MATERIAL. TRENCH BACKFILL SHALL BE COMPACTED TO 100% STANDARD PROCTOR DENSITY AND BE APPROVED BY CITY ENGINEER.

GENERAL NOTES

1. SPECIFICATIONS

CONSTRUCTION MATERIALS, EQUIPMENT AND PROCEDURES SHALL BE IN ACCORDANCE WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION'S STANDARDS FOR HIGHWAYS AND BRIDGES, 1992 EDITION.

2. SUBGRADE

THE ROADWAY SHALL BE CLEARED AND GRUBBED, STRIPPED AND UNSUITABLE MATERIAL EXCAVATED TO THE SATISFACTION OF THE ENGINEER PRIOR TO PLACING AND COMPACTING EMBANKMENTS.

3. DENSITY

- A. SUBGRADE SHALL BE COMPACTED TO NOT LESS THAN 100 % STANDARD PROCTOR DENSITY AS ESTABLISHED BY AASHTO -T-99 SPECIFICATIONS. EARTH FILL SHALL BE PLACED IN LAYERS NOT TO EXCEED SIX INCHES COMPACTED THICKNESS.
- B. BASE COURSE SHALL BE DENSE GRADED AGGREGATE, PLACED IN 2 LAYERS; EACH LAYER SHALL BE COMPACTED TO NOT LESS THAN 100% PROCTOR DENSITY AS ESTABLISHED BY AASHTO-T-180, METHOD C SPECIFICATIONS, OR 85% SOLID VOLUME, WHICHEVER PROVIDES THE GREATER DENSITY.
- C. SUBGRADE, EMBANKMENT, AND BASE COURSE MATERIAL SHALL BE PLACED AT OPTIMUM MOISTURE, NOT TO EXCEED 2% DEVIATION.

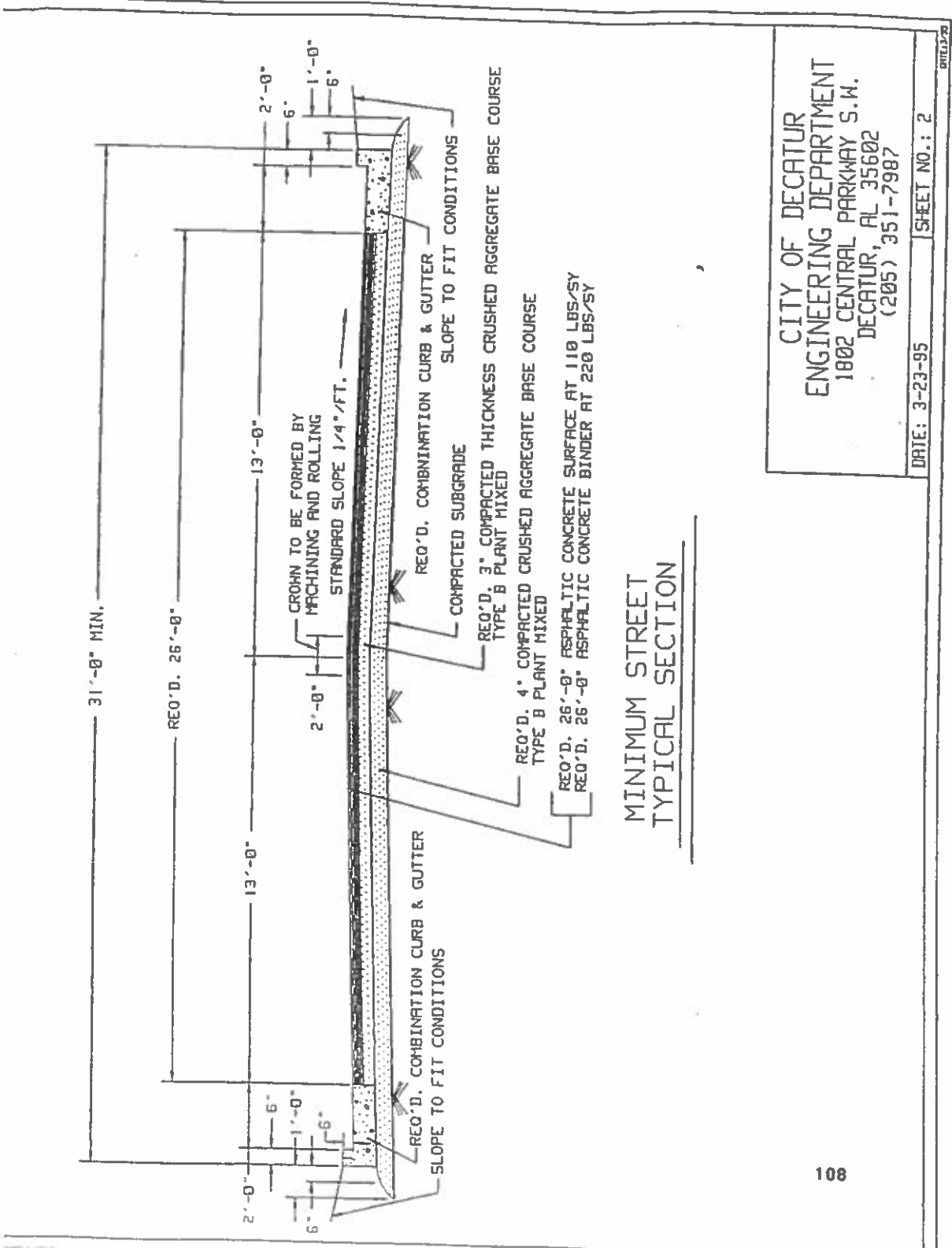
4. MATERIALS

- A. BASE: SECTION 825 OF SPECIFICATIONS.
- B. CONCRETE: 3000 PSI MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS AND IN ACCORDANCE WITH ACI MANUAL OF CONCRETE PRACTICE, LATEST EDITION.
- C. ASPHALT: SECTION 414 BINDER, SECTION 416 SURFACE.

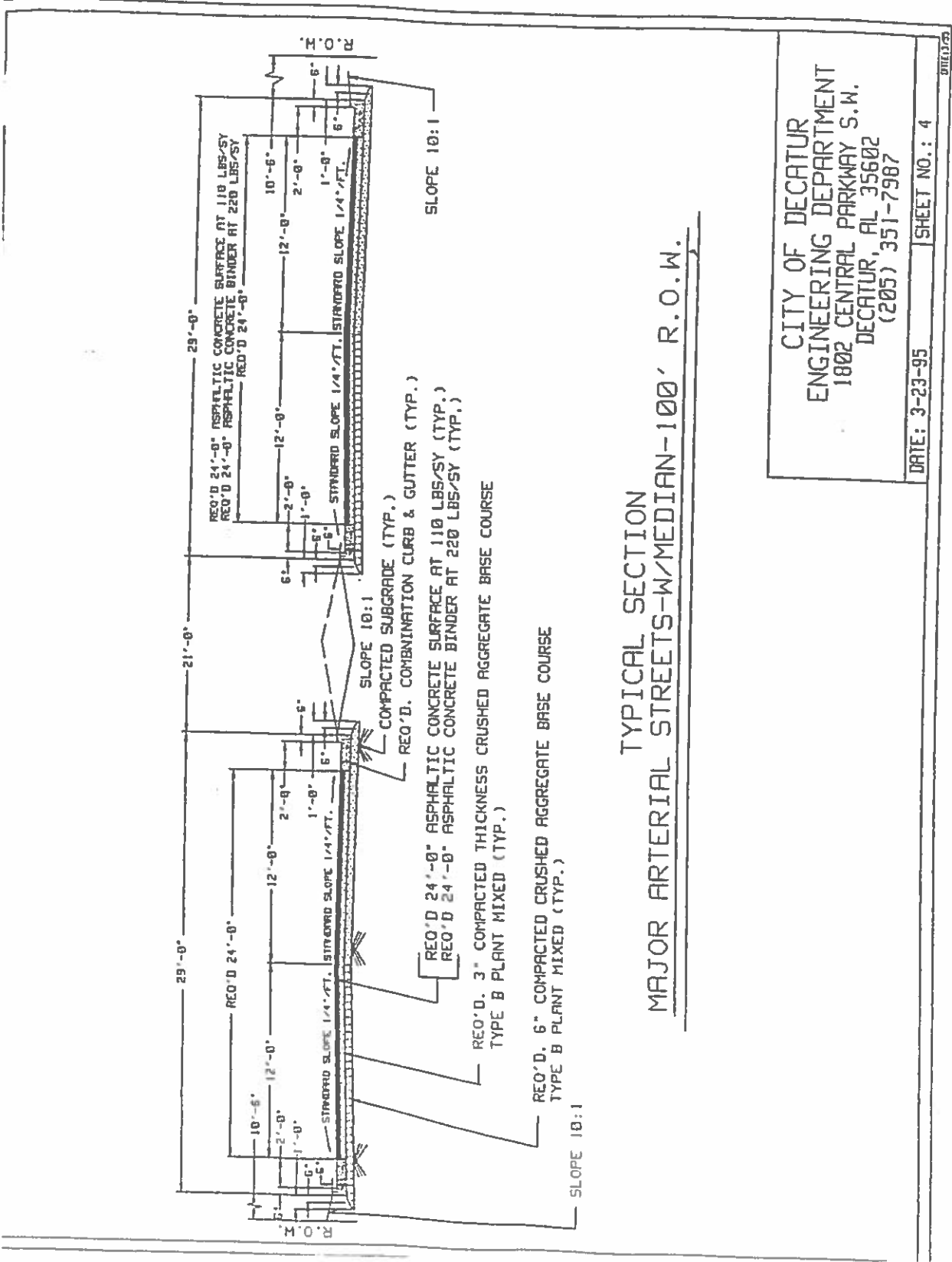
5. TESTING

THE OWNER, OR THE OWNER'S ENGINEER SHALL FURNISH COMPOSITE RECORDS OF TESTS AND INSPECTIONS TO THE CITY ENGINEER PRIOR TO APPLICATION FOR FINAL INSPECTION. THE TESTS AND INSPECTIONS SHALL BE PERFORMED BY AN ACCEPTED TESTING LABORATORY. DENSITY TESTS FOR EARTHWORK AND BASE MATERIAL SHALL BE PERFORMED ON EACH LAYER OR LIFT OFR EACH 1,200 SQUARE YARDS SURFACE AREA. THREE CONCRETE TEST CYLINDERS SHALL BE TESTED FOR EACH DAY'S POUR, OR EACH 50 C.Y. OR INCREMENT THEREOF, WHICHEVER IS GREATER.

CITY OF DECATUR ENGINEERING DEPARTMENT 3/23/95



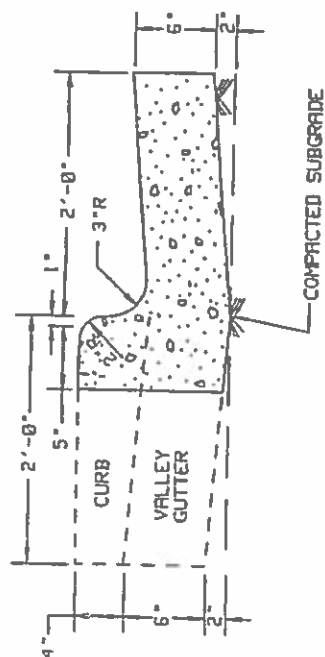






(UNDER CURRENT SUBDIVISION REGULATIONS)
(UNDERGROUND SERVICES WITH PAD MOUNT
TRANSFORMER WITH OVERHEAD FEEDER LINE)

• NOTE 10' MIN. CLEARANCE FROM A PAD MOUNT TRANSFORMER TO A BUILDING.

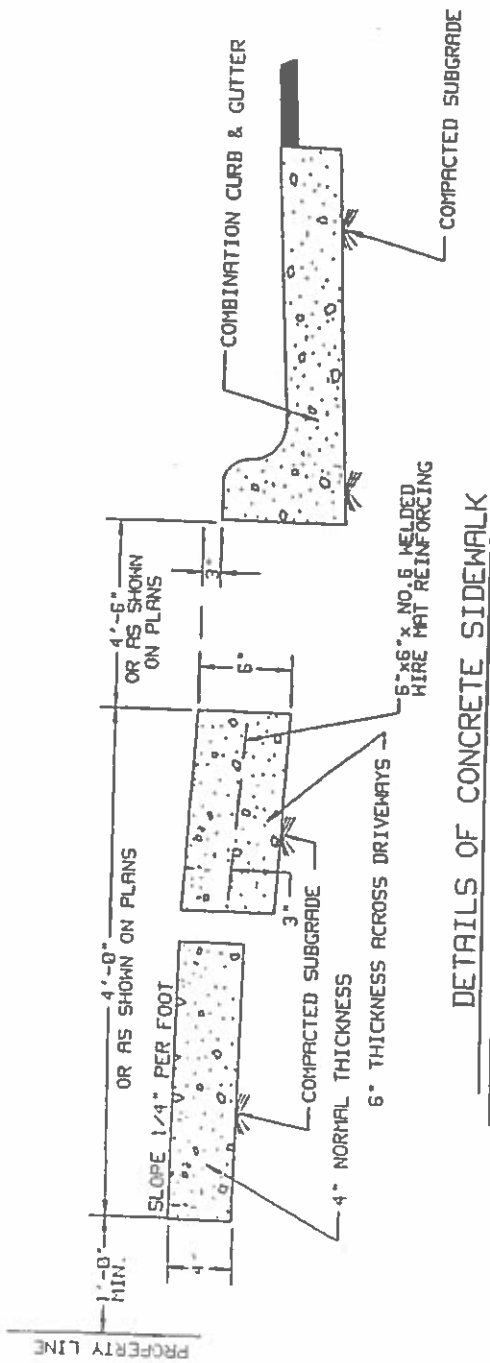


TYPICAL SECTION
COMBINATION CONCRETE CURB & GUTTER

CITY OF DECATUR
ENGINEERING DEPARTMENT
1802 CENTRAL PARKWAY S.W.
DECATUR, AL 35602
(205) 351-7987

DATE: 3-23-95 SHEET NO.: 5

DATE: 3-23-95



DETAILS OF CONCRETE SIDEWALK

- NOTES:
1. CUT 1/2" TRANSVERSE DUMMY JOINTS AT 6'-0" O.C.
 2. PROVIDE 3/4" TRANSVERSE PREHOLDED BITUM. EXPANSION JOINTS AT 30'-0" O.C.

CITY OF DECATUR
ENGINEERING DEPARTMENT
1802 CENTRAL PARKWAY S.W.
DECATUR, AL 35602
(205) 351-7987

DATE: 3-23-95 SHEET NO.: 6



DRAINAGE

When a proposed subdivision requires any drainage structures such as storm drain pipe or flumes, the developer's engineer shall submit with drawings to the City Engineer the drainage calculations used to size the proposed drainage structures. The City Engineer must approve the proposed drainage plans prior to the issuance of a building permit. The following guidelines are intended to assist the developer and his engineer with regard to drainage calculations.

Most subdivision work in the City of Decatur will be for small watersheds, i.e. less than 50 acres. For such watersheds the Rational Method may be used to size drainage structures. For larger watersheds the SCS TR -55 method may be used.

The rational formula for run-off is:

$$Q=CIA$$

Where:

Q= runoff flow taken as cubic feet/sec (CFS)
 C= runoff coefficient which varies with soil type, slope, and land use (see table)
 I= adjusted intensity in inches/hours which depends on the time of concentration and the design storm

And A= watershed area in acres.

Design storms for various improvements shall be as follows:

<u>Drainageway</u>	<u>Storm Event</u>
Minimum Standard	10 year
Collectors	25 year
Main Channels	50 year
Flood Control	100 year

Time of concentration, $t_c = 0.0078[(L^{3/2})/(H^{1/4})]^{0.770}$

Where:

t_c = time of concentration (minutes)
 H = height of the most remote point above the outlet (feet)

And

L= maximum length of travel (ft.)

Nomographs for time of concentration are available in stormwater management manuals.

Rainfall intensity – duration curves are also available in stormwater management manuals. For a 5 minute time of concentration and a 10 year design storm the adjusted intensity shall be no less than 7.3 inches/ hour.

Storm drain pipes in new developments shall be reinforced concrete pipe. Where such pipe may be going under roadways or driveways it shall be at least Class III pipe. Designers shall use slopes which provide for self-cleansing flow wherever possible. If outfall ditches take storm drainage from new drainage structures, the flow velocity shall be checked, and if necessary rip rap or some other means must be employed to prevent outfall velocities in excess of 5 feet/ sec.

Rational Method Run-off Coefficients

Ordinary Residential Areas	0.6
Paved Areas and Roof Surfaces	0.9
Parks, Golf Course	0.2
Pasture, flat (0 – 5% slopes)	0.1
Pasture, rolling (5- 10 % slopes)	0.3
Timber, flat (0 – 5% slopes)	0.15
Timber, rolling (5 – 10% slopes)	0.20
Timber, hilly (. 10% slopes)	0.25

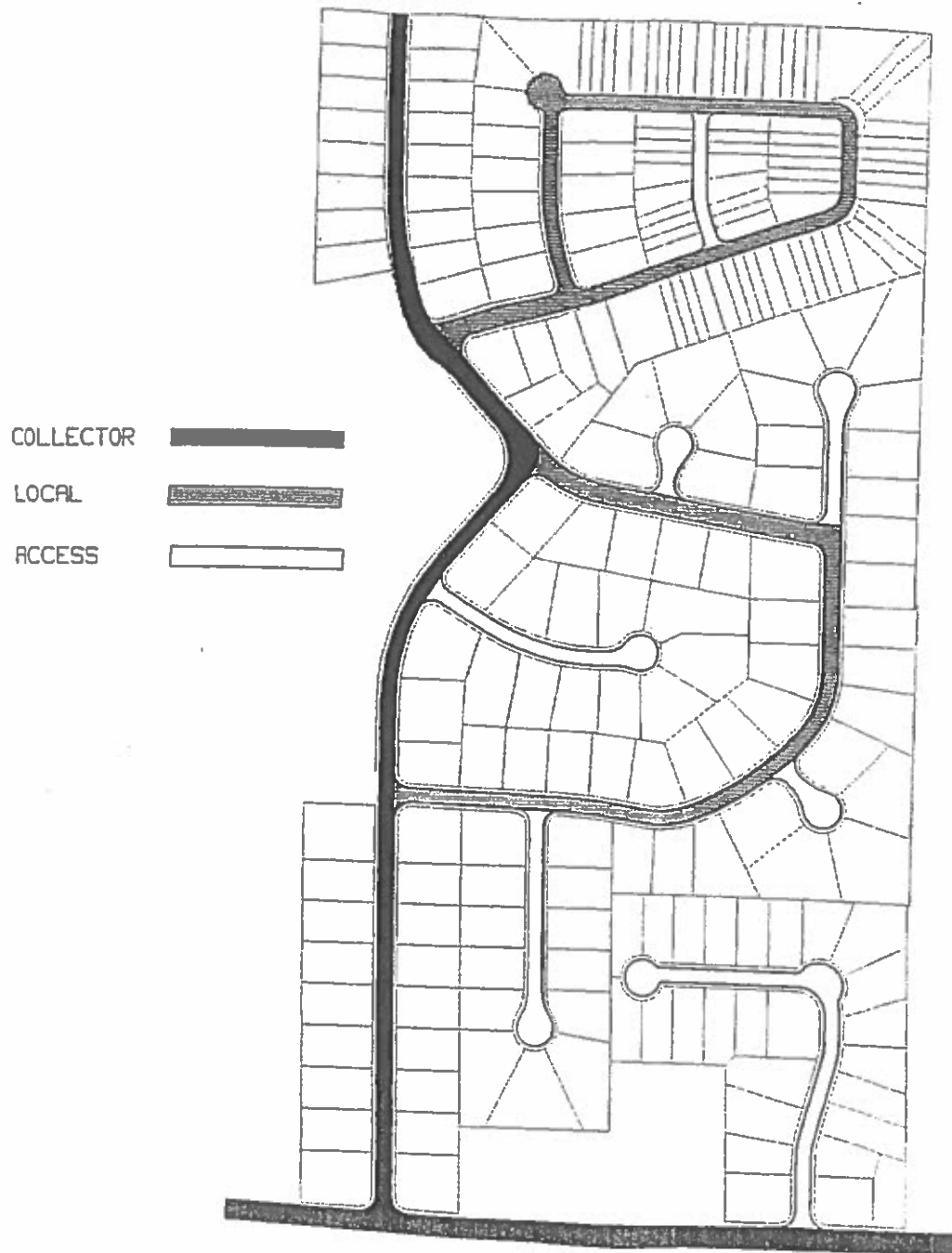
Design flows shall be based on full development of the watershed except in the most remote and rural areas of the city.

References

1. Concrete Pipe Design Manual, American Concrete Pipe Association, 1990
2. Stormwater Management Manual, City of Huntsville, Al. 1991
3. Drainage Manual, Alabama Department of Transportation.

APPENDIX III

xv. EXAMPLE OF STREET CLASSIFICATIONS



EXAMPLE OF STREET CLASSIFICATIONS

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APPENDIX IV

When any application other than a Major or Minor Subdivision as defined in the Subdivision Regulations of the Code of Decatur is presented to the Planning Commission for its approval and there is an existing need for dedication of an easement or right-of-way in relation to the application, the applicant or developer shall be responsible for the cost and preparation of the appropriate document(s) dedicating the easement or right-of-way to the City of Decatur. This document shall be a separate legal instrument from the Certificate to Subdivide. However, if the need for the easement or right-of-way is a speculative need, the service provider requesting that such easement or right-of-way be dedicated shall absorb the cost of preparing the appropriate document(s).⁴¹

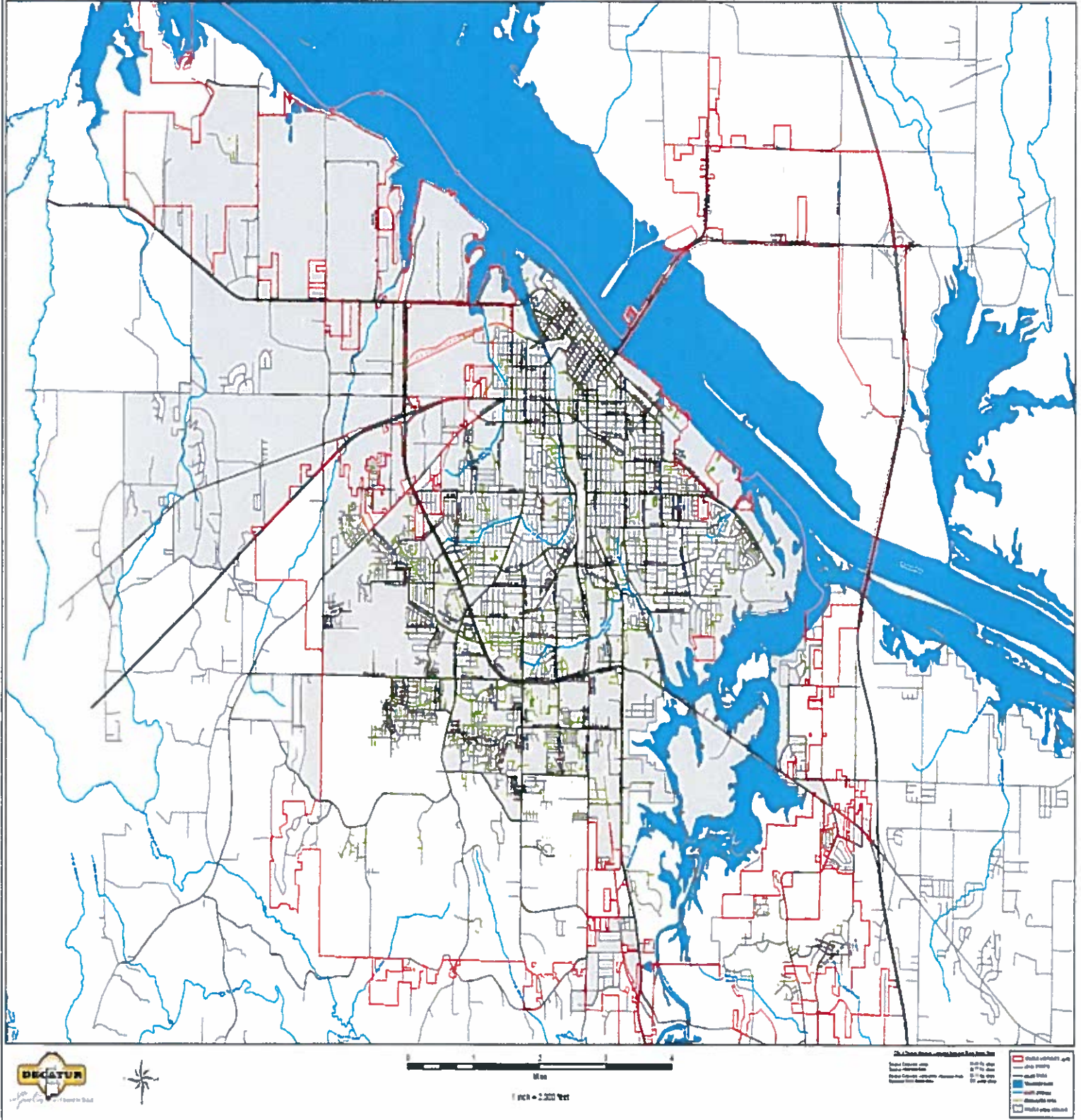
⁴¹ Amended July 29, 1997 by Planning Commission Resolution 006-97

APPENDIX C

CITY OF DECATUR MAP

City of Decatur, Alabama

NATIONAL HYDROGRAPHY DATASET AND 2010 CENSUS URBANIZED AREA



APPENDIX D

STANDARD REPORTING FORMS

City of Decatur Beautification
Litter Hotline Form

The driver or passenger of the listed vehicle has been reported as having littered at the time and date shown below:

Registered Owner: _____	Tag # _____
Address: _____	Vehicle Make _____
_____	Vehicle Model _____
City, State, Zip _____	Vehicle Color _____

Litter was seen coming from:

_____ Driver	_____ Rear/ Passenger
_____ Vehicle not tarped	_____ Hopper not closed

Violation Location: _____
Date: _____ Time: _____

Type of Litter:

_____ Fast food / candy wrappers	_____ Beverage cans / bottles
_____ Gravel, construction debris, limbs & leaves	_____ Cigarette butts / packages
_____ Uncovered trash	_____ Diapers / wipes
_____ Unidentified trash	_____ Paper
_____ Other: _____	

Outfall Reconnaissance Inventory/Sample Collection Field Sheet

Section 1: Background Data

Subwatershed: _____		Outfall ID: _____	
Today's Date: _____		Time: _____	
Investigation: _____		Form Completed By: _____	
Temp (°F): _____	Rainfall (in.) Last 24 Hours: _____	Last 48 hours: _____	
Lat: _____	Long: _____	GPS Unit: _____	GPS LMK #: _____
Camera: _____		Photo #: _____	
Land use in drainage Area (check all that apply): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Industrial <input type="checkbox"/> Ultra-Urban Residential <input type="checkbox"/> Suburban Residential <input type="checkbox"/> Commercial </div> <div> <input type="checkbox"/> Open Space <input type="checkbox"/> Institutional <input type="checkbox"/> Other Desc: _____ Known Industries: _____ </div> </div>			
Notes (e.g., origin of outfall if known): _____ _____			

Section 2: Outfall Description

LOCATION	MATERIAL	SHAPE		DIMENSIONS (in.)	SUBMERGED
<input type="checkbox"/> Closed Pipe	_____ If Other, Please Describe: _____	_____ If Other, Please Describe: _____	_____ If Other, Please Describe: _____	Diameter/Dimensions: _____ _____	In Water: _____ With Sediment: _____
<input type="checkbox"/> Open Drainage	_____ If Other, Please Describe: _____	_____ If Other, Please Describe: _____		Depth: _____ Top Width: _____ Bottom Width: _____	
<input type="checkbox"/> In-Stream	(applicable when collecting samples)				
Flow Present	<input type="checkbox"/> If No, leave blank or skip to section 5				
Flow Description (if present)	_____				

Section 3: Quantitative Characterization

FIELD DATA FOR FLOWING OUTFALLS				
	PARAMETER	RESULT	UNIT	EQUIPMENT
<input type="checkbox"/> Flow=1	Volume	_____	Liter	Bottle
	Time to Fill	_____	sec	
<input type="checkbox"/> Flow=2	Flow Depth	_____	in.	Tape Measure
	Flow Width	_____	ft., in.	Tape Measure
	Measured Length	_____	ft., in.	Tape Measure
	Time of Travel	_____	sec	Stop Watch
	Temperature	_____	°F	Thermometer
	pH	_____	pH Units	Test Strip
	Ammonia	_____	mg/L	Test Strip

Indicators for Flowing Outfalls ON

Present in the Flow? ☐ (If NO, leave blank and go to action 5)

Is it Present	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
<input type="checkbox"/>	<input type="checkbox"/> Sewage <input type="checkbox"/> Rancid Sour <input type="checkbox"/> Petroleum Gas <input type="checkbox"/> Sulfide <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Faint	<input type="checkbox"/> 2-Easily Detected	<input type="checkbox"/> 3-Noticeable from a distance
<input type="checkbox"/>	<input type="checkbox"/> Clear <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Orange <input type="checkbox"/> Red <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Faint color in sample bottle	<input type="checkbox"/> 2-Clearly visible in sample bottle	<input type="checkbox"/> 3-Clearly visible in outfall flow
<input type="checkbox"/>	See Severity	<input type="checkbox"/> 1-Slight cloudiness	<input type="checkbox"/> 2-Cloudy	<input type="checkbox"/> 3-Opaque
<input type="checkbox"/>	<input type="checkbox"/> Sewage (toilet paper, etc.) <input type="checkbox"/> Petroleum (oil sheen) <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Few, slight, or just not obvious	<input type="checkbox"/> 2-Some indications of origin (e.g., possible rinds or oil sheen)	<input type="checkbox"/> 3-Some, origin clear (e.g., obvious oil sheen, suds, or floating sanitary materials)

Indicators for both Flowing and Non-Flowing Out

Is it Flow Present? ☐ (If NO, leave blank and go to action 6)

Is it Present	DESCRIPTION	COMMENTS
<input type="checkbox"/>	<input type="checkbox"/> Spilling, cracking or chipping <input type="checkbox"/> Peeling Paint <input type="checkbox"/> Corrosion	
<input checked="" type="checkbox"/>	<input type="checkbox"/> Oily <input checked="" type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other: _____	algae
<input type="checkbox"/>	<input type="checkbox"/> Excessive <input type="checkbox"/> Inhibited	
<input type="checkbox"/>	<input type="checkbox"/> Odor <input type="checkbox"/> Color <input type="checkbox"/> Flammables <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Soda <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other: _____	
<input checked="" type="checkbox"/>	<input type="checkbox"/> Brown <input type="checkbox"/> Orange <input checked="" type="checkbox"/> Green <input type="checkbox"/> Other: _____	

Overall Characterization

Is it discharges? ☐ Some likelihood of illicit discharge (i.e., presence of 2 or more indicators) ☐ Almost certain a discharge exists (i.e., 1 or more indicator with a severity of

4 or 5)

- ☐ (If NO, leave blank)
- ☐ (If NO, leave blank)

Is it Discharge Concerns (e.g., trash or needed infrastructure repair)

ADEM FIELD OPERATIONS DIVISION – NPDES CONSTRUCTION, AND NONCOAL MINING LESS THAN 5 ACRES STORMWATER INSPECTION REPORT AND BMP CERTIFICATION

RESPOND WITH "N/A" AS APPROPRIATE. FORMS WITH INCOMPLETE OR INCORRECT ANSWERS, OR MISSING SIGNATURES WILL BE RETURNED AND MAY RESULT IN APPROPRIATE COMPLIANCE ACTION BY THE DEPARTMENT. IF SPACE IS INSUFFICIENT, CONTINUE ON AN ATTACHED SHEET(S) AS NECESSARY. PLEASE TYPE OR PRINT IN INK.

Complete this form, attach additional information as necessary, and send report to the nearest ADEM office.

Item I.

Registrant Name		Facility Site Name	
NPDES AL	County	Facility Contact and Title	
Facility Latitude & Longitude (decimal or deg.min.sec)		Facility Street Address or Location Description	
Township(s), Range(s), Section(s)		City	State Zip
Phone Number	Fax Number	E-Mail Address	

Item II.

List name of current ultimate receiving water(s) (indicate if through MS4) and the number of disturbed acres which drain through each treatment system or BMP:

Receiving Water	Disturbed Acres	Receiving Water	Disturbed Acres

Item III.

- ☐ Any Discharge Sampling Data Attached.
 ☐ Any Instream Sampling Data Attached.
 ☐ Any Photographs attached.
- ☐ Based on this site evaluation which a QCI, QCP, or a qualified person under the direct supervision of a QCP conducted, discharge and/or instream sampling is not necessary to properly evaluate the effectiveness of BMP implementation to ensure compliance with this registration. I understand that it is the responsibility of the registrant to know and effectively evaluate the quality of the stormwater being discharged. Lack of knowledge regarding the requirements of ADEM Administrative Code Chapter 335-6-12, stormwater discharge or instream water quality, shall not constitute a valid defense with regard to deficiencies in BMP implementation and maintenance, or negative impacts to water quality.

Item IV.

INSPECTION RESULTS: (Describe current activities, deficiencies, proposed corrective action(s) and compliance schedule, etc.)

"Based upon the inspection of (date & time) _____ by the QCP, QCI, or a qualified person

(list: _____) under the direct supervision of the QCP identified below conducted, the QCI or QCP identified below certifies that effective structural and non-structural BMPs have been fully implemented and regularly maintained to the maximum extent practicable for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff, except for those deficiencies noted above, in accordance with the facility's CBMPP, good sediment, erosion, and other pollution control practices, and the requirements of ADEM Administrative Code Chapter 335-6-12. I certify that discharges have been tested or evaluated for the presence of non-stormwater and non-authorized process wastewaters. 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, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

Name & Designation of QCI or QCP	Signature	Date
Name & Title of Registrant Responsible Official	Signature	Date



Inspection and Maintenance Report/Checklist Ponds (Detention, Infiltration, Evaporation, Retention, etc.)

Today's Date

Time

Facility Name: _____ Inspector: _____

Property Address: _____ Property Owner: _____

Camera: _____ Photo #s: _____

Issue:	Conditions when maintenance is needed:	Maintenance needed?	Results expected when maintenance is performed:	Comments (Describe maintenance completed or needed)
General				
Trash & Debris	<ul style="list-style-type: none"> • Trash or debris accumulated in basin • Visual evidence of dumping. 	<input type="checkbox"/> Yes <input type="checkbox"/> No	Trash and debris cleared from site and removed from pond.	
Contaminants & Pollution	Any evidence of oil, gasoline, contaminants or other pollutants	<input type="checkbox"/> Yes <input type="checkbox"/> No	Oil removed using oil absorbent pads and properly disposed. No contaminants or	
Vegetation	<ul style="list-style-type: none"> • Planted vegetation becomes excessively tall • Presence of poisonous or nuisance vegetation or noxious weeds. 	<input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none"> • Vegetation mowed per specifications or maintenance plan, so that flow is not impeded. Remove clippings from the area and dispose appropriately. • Management of poisonous or noxious vegetation 	
Tree/Brush Growth and Hazard Trees	<ul style="list-style-type: none"> • Growth does not allow maintenance access or interferes with maintenance activity. • Dead, diseased, or dying trees. 	<input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none"> • Trees do not hinder maintenance activities • Remove hazard trees as approved by the City 	
Fencing and Gates	Any defect in or damage to the fence or gate that permits easy entry to a facility	<input type="checkbox"/> Yes <input type="checkbox"/> No	Fencing and gate are restored to design specifications	
Storage Area				
Erosion	Erosion of the pond's side slopes and/or scouring of the pond's bottom that exceeds 6-inches, or where continued erosion is prevalent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Slopes stabilized using proper erosion control measures and repair methods.	
Sediment	Accumulated sediment exceeds depth of sediment zone or affects inletting or outletting condition of the facility	<input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment cleaned out to designed basin shape and depth, basin reseeded if necessary to control erosion	
Debris Barrier	Accumulated sediment exceeds depth of sediment zone or affects inletting or outletting condition of the facility	<input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment cleaned out to designed basin shape and depth, basin reseeded if necessary to control erosion	
Emergency Overflow / Spillway and Berms				
Overflow/ Spillway	Rock is missing and soil is exposed at top of spillway or outside slope	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rocks and pad depth are restored to design standards	



Construction Inspection Report

Today's Date _____

Time _____

Facility Name: _____ Inspector: _____

Property Address: _____ Property Owner: _____

Camera: _____ Photo #s: _____

Issue:	Conditions when maintenance is needed:	Maintenance needed:	Results expected when maintenance is performed:	Comments (Describe maintenance completed or needed)
Trash & Debris	<ul style="list-style-type: none"> • Trash or debris. • Visual evidence of dumping. 	<input type="checkbox"/> Yes <input type="checkbox"/> No	Trash and debris cleared from site and removed.	
Contaminants & Pollution	Any evidence of oil, gasoline, contaminants or other pollutants.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Oil removed using oil absorbent pads and properly disposed. No contaminants or pollutants present.	
Construction Entrance	Installed and maintained.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Installed per approved construction plans.	
Fencing and Gates	Any defect in or damage to the fence or gate that permits easy entry to a facility.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Fencing and gate are restored to design specifications.	
Erosion Control	Erosion of the pond's side slopes and/or scouring of the pond's bottom.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Slopes stabilized using proper erosion control measures and repair methods.	

Comments:

Signature of Facility Rep: _____ Date: _____

Date corrective actions completed: _____ Inspector Signature: _____

APPENDIX E

DETENTION BASINS

Publicly Maintained

#	Basin	Location	Acres of Basin	Date Recorded
1	Wilson Morgan Lake	Central Parkway		N/A
2	Central Parkway & Cedar Lake	Central Parkway & Cedar Lake		
3	Tammy Street	Tammy Street		
4	East of Central Avenue	W Railroad Tracks & S Lenwood		
5	The Farm Subdivision	1000 Feet of Central Ave.	9	Dec-02
6	East of Old Mouton Road	Gaslight Place		
7	West of Danville Road	Freemont Drive		
8	Dunbarton Subdivision	Brocken Ridge & Kensington Way	0.5	1998
10	Almon Place Subdivision	Danville Park Drive	4.5	2002
11	North of Magnolia Street	Penny Lane		
12	West of Central Parkway	Boys and Girls Club		
13	The Farm	Spring Avenue	2.5	Dec-02

Privately Maintained

#	Location of Basin	Responsible Party	Plat	Date Recorded	Size of Basin Acres	Drainage Area Surface Measured Square Feet	Drainage Area Surface Measured Acres
1	Chula Vista Estates	Chula Vista Homeowners Association 3815 Lake Side Dr. SW Decatur, AL 35603	13 02 09 0 000 058.000	1960	48		0.000
2	K-Mart	K-Mart Corporation #:7066 Property Tax Compliance Dept. 768 Tax 82-116a	03 09 32 3 003 004.001	1970	9		0.000
3	Vestavia Court	Vestavia Court LLC 804 Village Court SW, Decatur, AL 35603	12 03 07 2 005 093.000	1994	3		0.000
4	Dunbarton Subdivision-North of New Port on Parkplace	Robert Compton Inc	13 02 03 1 000 020.000	1998	0.64		0.000
5	Wal-Mart	Horn Properties	12 03 06 200 017.004	1999	4		0.000
6	Staples	Home Properties Joe Rayfield 412 N. Cedar Bluff Knoxville, TN 37293	12 03 06 200 017.004	1999			0.000
7	Goody's	Home Properties Joe Rayfield	12 03 06 200 017.004	1999			0.000
8	Greystone Subdivision - Part 1	Greystone Properties of Decatur P.O. Box 671 Decatur, AL 35602	02 07 35 4 000 010.023	2000	1.82		0.000
9	City View Farms	City View Estates Homeowners Association	02 08 27 4 000 001.011	2000	1.2		0.000
10	Logan's Roadhouse	LG 369 Decatur, AL LLC/ C/O Logan's Roadhouse Inc. 33011 Armor Ste 300, Nashville, TN 37204	02 07 26 2 000 039.003	2000	0.05		0.000
11	St. Andrew's Church	St. Andrew's Church Tom Meier	13 01 02 4 000 023.000	2001	1/3		0.000
12	Timber Lake Estates	Timberland Lake Estate Owners C/O Treasurer 3201 Timberlake Court Decatur, AL 35603	13 06 13 0 000 005.003	2002	15.5		0.000
13	Stay Lodge	Stay Lodge Decatur Steve Herndon & Jeff Carnack C/O Stay Lodge Decatur, P.O. Box 1048 Dalton, GA 30722	12 03 05 1 001 008.003	2002	0.25		0.000
14	Greystone Subdivision - Part 2	Greyston Properties of Decatur P.O. Box 671 Decatur, AL 35602	02 07 354 000 013.000	2003	0.31		0.000
15	Deerfront Estates	Deerfront Estates Homeowners Association 2820 Bunny Lane, Decatur, AL 35603	02 08 34 2 000 028	2004	2.7		0.000

Privately Maintained

#	Location of Basin	Responsible Party	Plat	Date Recorded	Size of Basin Acres	Drainage Area Surface Measured Square Feet	Drainage Area Surface Measured Acres
16	Target	Decatur Investment Partners Group P.O. Box 1663, Decatur, AL 35602	12 03 05 1 001 004.001	2006	1.6		0.000
17	Central Baptist Church	Central Baptist Church 2801 Hwy 31 S. Decatur, AL 35603	12 03 05 2 001 021.000	2007	0.25		0.000
18	Princeton Place	Paul & Betty Prince 1119 Main St. W, Hartselle, AL 35640	02 08 34 2 000 001.049	2008	0.5		0.000
19	Manor Park	P & C Real Estate Development LLC 1205 Wrenberry Dr. Investors 6404 Wishore Blvd, LA, CA 90048	13 05 15 0 000 001.021	2008	0.5		0.000
20	Academy Sports	M & D Land Development 26921 Old Hwy 20, Madison, AL 35758 256-353-3400	13 01 011 001 008.001	2009	0.5		0.000
21	Crownpointe	Second Creek Management LLC Harbor Pointe Apartments	12 05 15 0 000 040.000	2009	0.5		0.000
22	Dollar General Hwy 31 S.		12 04 17 0 003 007.000	2010	1/10		0.000
23	Harbor Pointe		12 03 06 2 000 024.003	2011	0.25		0.000
24	Benders Gym	B&L Investments P.O. Box 1663, Decatur, AL 35602	03 09 32 3 001 007.000	2012	1/8		0.000
25	Wheeler Estates Apartments		02 05 22 0 002 017.001		1		0.000
26	Dogwood Apartments	Dogwood Apartments Debbie Metzger 224 Tammy St. SW, Decatur, AL 35603 256-350-4846 dogwoodmgr@spm.net	12 03 06 4 000 044.001				0.000
27	Albany Landing Apartments	LD/B/A Albany Landing 4040 Tulane Ave. Ste 8000 New Orleans, LA 70119	12 03 03 4 000 044.000		5		0.000