MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 9, 2019

The Council of the City of Mobile, Alabama, met in the City Council's Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, July 9, 2019, at 9:00 a.m.

Present:	
Chairman:	
Councilmembers:	Richardson, Small, Williams, Daves, Rich and Gregory
Absent:	Manzie

The meeting was called to order. The Council reviewed and discussed the agenda for their meeting to be held today at 10:30 a.m.

The Presiding Officer adjourned the meeting.

Approved: July 16, 2019

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COUNCIL VICE PRESIDENT

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CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 9, 2019

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza, on Tuesday, July 9, 2019, at 10:30 a.m., in regular meeting.

The meeting was called to order by City Clerk Lisa Lambert.

Pastor John C. George, Episcopal Church of the Good Shepard, offered an invocation.

Councilmember C. J. Small, Presiding Officer, led the Pledge of Allegiance.

Present on Roll Call:

Chairman:	Small
Councilmembers:	Richardson, Williams, Daves, Rich and Gregory
Absent:	Manzie

STATEMENT OF RULES BY PRESIDING OFFICER:

The Presiding Officer provided an overview of the City Council rules of procedure.

APPROVAL OF MINUTES:

The minutes of the meeting July 2, 2019 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

None.

ADOPTION OF THE AGENDA:

Councilmember Daves moved to adopt the agenda, which move was seconded by Councilmember Richardson and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the agenda adopted.

APPEALS:

The Council considered the request of Kalenski Adams, 300 Conti Street, for a waiver of the Noise Ordinance on July 12-13, 2019, from 5:00 p.m. until 10:00 p.m. and on July 14, 2019 from 3:00 p.m. until 8:00 p.m. for the MOB Music Fest (District 2).

Councilmember Richardson moved to grant the waiver, which motion was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by City Clerk, whereupon the Presiding Officer declared the waiver granted.

PUBLIC HEARINGS:

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 612 HOUSTON STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing declare the structure at 612 Houston Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 110 ELMIRA STREET F/K/A SHORT TEXAS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 110 Elmira Street f/k/a Short Texas Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1462 FAIRFIELD STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1462 Fairfield Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Marie Davis, Wells Fargo Bank, advised the bank no longer holds an interest in the property.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1230 SHORE ACRES DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (GARAGE) AND SECURED (HOUSE) (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1230 Shore Acres Drive a public nuisance and order it demolished

(garage) and secured (house) and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 1709 GRIFFIN STREET, $1,999.00 (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 1709 Griffin Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 2701 ELSMORE STREET, $2,499.00 (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 2701 Elsmore Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO FIX COSTS FOR SECURING OF THE STRUCTURE AT 955 MARYLAND STREET, $8,200.00 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to fix costs for securing of the structure at 955 Maryland Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO FIX COSTS FOR SECURING OF THE STRUCTURE AT 1154 TEXAS STREET, $3,600.00 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to fix costs for securing of the structure at 1154 Texas Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO FIX COSTS FOR SECURING OF THE STRUCTURE AT 1405 STEWART ROAD, $3,600.00 (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to fix costs for securing of the structure at 1405 Stewart Road and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 5727 DEERWOOD DRIVE NORTH, $2,589.00 (DISTRICT 7).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 5727 Deerwood Drive North and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

None.

NON-AGENDA ITEMS:

1. Reggie Hill, 1007 Center Street, requested the Council form an oversight committee to examine Municipal Court.

ORDINANCES HELD OVER:

REZONE PROPERTY LOCATED AT 6050 AND 6086 WHITEBARK DRIVE (NORTH SIDE OF GIRBY ROAD, 125' ± EAST OF BRISTLECONE DRIVE {PRIVATE STREET}, EXTENDING TO THE EAST TERMINUS OF WHITEBARK DRIVE) FROM R-2, R-3 AND B-2 TO R-2 (DISTRICT 6). The following ordinance, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of July 9, 2019, was called up by the Presiding Officer.

ORDINANCE: 64-025-2019

Sponsored by: Councilmember Rich

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the Ordinance commonly known as the 2toning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 WEST, SAINT STEPHEN'S MERIDIAN AND RUN THENCE NORTH 00° 16' 47" EAST, A DISTANCE OF 40.00 FEET; THENCE RUN NORTH 89° S3' 33" EAST, A DISTANCE OF 491.85 FEET FOR A POINT OF BEGINNING: THENCE CONTINUE NORTH 89° 53' 33" EAST, ALONG THE NORTH MARGIN OF GIRBY ROAD, A DISTANCE OF 400.35 FEET TO THE SOUTHWEST CORNER OF THE LAKES AT THE PRESERVE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED IN MAP BOOK 110, PAGE 72,

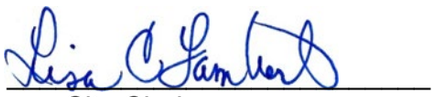
PROBATE RECORDS, MOBILE COUNTY, ALABAMA; THENCE RUN NORTHWARDLY, ALONG THE WEST MARGIN OF SAID SUBDIVISION, THE FOLLOWING COURSES; NORTH 38° 18' 03" EAST, A DISTANCE OF 100.74 FEET; NORTH 10° 13' 58" WEST, A DISTANCE OF 457.48 FEET; NORTH 40° 48' 51" EAST, A DISTANCE OF 409.29 FEET; NORTH 10° 55' 56" EAST, A DISTANCE OF 200.88 FEET; NORTH 09° 41' 23" WEST, A DISTANCE OF 289.48 FEET; THENCE DEPARTING SAID SUBDIVISION, RUN NORTH 78° 41' 10" WEST, A DISTANCE OF 139.29 FEET; THENCE RUN NORTH 00° 58' 09" WEST, A DISTANCE OF 285.18 FEET; THENCE RUN NORTH 08° 37' 30" WEST, A DISTANCE OF 307.45 FEET; THENCE RUN NORTH 41° 59' 52" WEST, A DISTANCE OF 409.91 FEET; THENCE RUN NORTH 05° 37' 36" EAST, A DISTANCE OF 370.32 FEET; THENCE RUN NORTH 30° 34' 14" EAST, A DISTANCE OF 11.33 FEET TO THE SOUTH MARGIN OF SCENIC WEST PLACE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT MAP MOOK 41, PAGE 54, PROBATE RECORDS, MOBILE COUNTY, ALABAMA; THENCE RUN SOUTH 89° 53' 02" WEST, ALONG SAID SUBDIVISION, A DISTANCE OF 698.61 FEET; THENCE RUN SOUTH 00° 15' 28" WEST, A DISTANCE OF 1219.64 FEET TO THE NORTHWEST CORNER OF COMMON AREA #1 (STORM WATER DETENTION) OF LONGLEAF GATES, PHASE ONE (REVISED PLAT), AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT MAP BOOK 122, PAGE 46, PROBATE RECORDS, MOBILE COUNTY, ALABAMA; THENCE RUN SOUTHWARDLY, ALONG THE EAST MARGIN OF SAID SUBDIVISION, THE FOLLOWING COURSES: NORTH 66 " 35' 00" EAST, A DISTANCE OF 31.85 FEET; NORTH 79 " 54' 49" EAST, A DISTANCE OF 29.61 FEET; NORTH 68° 07' 22" EAST, A DISTANCE OF 17.61 FEET; NORTH 57° 21’ 03" EAST, A DISTANCE OF 19.06 FEET; SOUTH 84° 50' 48" EAST, A DISTANCE OF 32.25 FEET; SOUTH 61° 52' 16” EAST, A DISTANCE OF 17.12 FEET; SOUTH 84° 14' 01" EAST, A DISTANCE OF 25.18 FEET; SOUTH 59° 26' 01" EAST, A DISTANCE OF 21.56 FEET; SOUTH 84° 31' 15" EAST, A DISTANCE OF 20.26 FEET; SOUTH 41° 49' 52" EAST, A DISTANCE OF 15.16 FEET; SOUTH 26° 13' 40" EAST, A DISTANCE OF 26.95 FEET; SOUTH 46° 22' 36" EAST, A DISTANCE OF 28.28 FEET; SOUTH 50° 24' 02" EAST, A DISTANCE OF 17.58 FEET; SOUTH 49° 49' 27" EAST, A DISTANCE OF 27 73 FEET; SOUTH 55° 26' 49" EAST, A DISTANCE OF 35.18 FEET; SOUTH 30° 05' 28" EAST, A DISTANCE OF 25.43 FEET; SOUTH 02 11' 42" WEST, A DISTANCE OF 43.84 FEET; SOUTH 30° 31' 00" WEST, A DISTANCE OF 29.45 FEET; SOUTH 39° 02' 42" WEST, A DISTANCE OF 48.28 FEET; SOUTH 24° 15' 21" EAST, A DISTANCE OF 13.45 FEET; SOUTH 89° 45' 06" EAST, A DISTANCE OF 198.07 FEET; SOUTH 00° 13’ 37" WEST, A DISTANCE OF 50.00 FEET; NORTH 89° 45' 06" WEST, A DISTANCE OF 173.65 FEET; SOUTH 26 44' 01" EAST, A DISTANCE OF 9.93 FEET; SOUTH 09° 39' 36" EAST, A DISTANCE OF 37.66 FEET; SOUTH 12° 36' 09" EAST, A DISTANCE OF 30.66 FEET; SOUTH 54° 05' 08" EAST, A DISTANCE OF 24.43 FEET; SOUTH 57° 10' 53" EAST, A DISTANCE OF 42.13 FEET; SOUTH 20° 03' 30" EAST, A DISTANCE OF 25.46 FEET; SOUTH 30° 43' 31" EAST, A DISTANCE OF 23.52 FEET; SOUTH 07° 56' 29" EAST, A DISTANCE OF 28.95 FEET; SOUTH 15° 00' 29" WEST, A DISTANCE OF 65.44 FEET; SOUTH 42° 41' 45" EAST, A DISTANCE OF 30.15 FEET; SOUTH 03° 33' 03" WEST, A DISTANCE OF 37.02 FEET; THENCE RUN SOUTH 10° 28' 22" EAST, A DISTANCE OF 24.50 FEET; SOUTH 09° 32' 07" EAST, A DISTANCE OF 38.91 FEET; SOUTH 13° 06' 32" EAST, A DISTANCE OF 53.91 FEET; SOUTH 12° 22' 58" WEST, A DISTANCE OF 19.72 FEET; SOUTH 37° 14' 08" WEST, A DISTANCE OF 17.87 FEET; SOUTH 21° 38' 50" EAST, A DISTANCE OF 68.78 FEET; SOUTH 47 44' 41" EAST, A DISTANCE OF 4838 FEET; SOUTH 53° 47' 35" EAST, A DISTANCE OF 75.44 FEET; SOUTH 33° 29' 51" WEST, A DISTANCE OF 53.51 FEET; SOUTH 63° 34' 48" EAST, A DISTANCE OF 29.81 FEET; SOUTH 00° 36' 34" WEST, A DISTANCE OF 35.28 FEET; THENCE RUN SOUTH 12° 29' 59" EAST, A DISTANCE OF 18.17 FEET; SOUTH 07° 28' 34" EAST, A DISTANCE OF 44.86 FEET; SOUTH 13° 08' 30" EAST, A DISTANCE OF 26.22 FEET; SOUTH 10° 57' 53" EAST, A DISTANCE OF 14.93 FEET; SOUTH 21° 22' 11" EAST, A DISTANCE OF 43.01 FEET; SOUTH 08° 44' 02" EAST, A DISTANCE OF 70.78 FEET; THENCE RUN SOUTH 19° 23' 28" WEST, A DISTANCE OF 74.29 FEET; SOUTH 51° 12' 01" WEST, A DISTANCE OF 84.26 FEET; SOUTH 19° 58' 20" WEST, A DISTANCE OF 65.79 FEET; SOUTH 43° 03' 57" EAST, A DISTANCE OF 35.51 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 42.18 ACRES, MORE OR LESS, AND LIES IN SOUTH ONE HALF OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA.

The classification of said property is hereby changed from R-2, Two-Family Residence District, R-3, Multiple-Family District, and B-2, Neighborhood Business District, to R-2, Two-Family Residence District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in a R-2, Two-Family Residence District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a R-2, Two-Family Residence District, until all of the conditions set forth below have been complied with; 1) completion of the Subdivision process; and 2) compliance with all applicable municipal Codes and Ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

I, Lisa C. Lambert, City Clerk of Mobile, Alabama, hereby certify that Ordinance No. 64-025 Series 2019 was published in the Press-Register, a newspaper of general circulation in the City and County of Mobile, Alabama, on July 17, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand on this 9th day of July, 2019.



City Clerk

The ordinance was read by the City Clerk; whereupon Councilmember Richardson moved that the ordinance be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

REZONE PROPERTY LOCATED AT 3809 MOFFETT ROAD (WEST SIDE OF MOFFETT ROAD, 70' ± NORTH OF STIMPSON LANE) FROM B-1 TO B-3 (DISTRICT 7). The following ordinance, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of July 9, 2019, was called up by the Presiding Officer.

ORDINANCE: 64-026-2019

Sponsored by: Councilmember Gregory

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

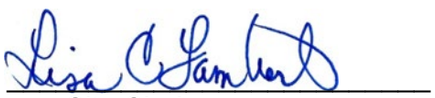
UNNUMBERED LOT, KEITH KING PROPERTIES AS RECORDED IN MAP BOOK 113 PAGE 112 IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA.

The classification of said property is hereby changed from B-1, Buffer Business District, to B-3, Community Business District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in a B-3, Community Business District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a B-3, Community Business District, until all of the conditions set forth below have been complied with: 1) Provision of a 6' wood privacy fence where commercially zoned property abuts residentially zoned property; and 2) Full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

I, Lisa C. Lambert, City Clerk of Mobile, Alabama, hereby certify that Ordinance No. 64-026 Series 2019 was published in the Press-Register, a newspaper of general circulation in the City and County of Mobile, Alabama, on July 17, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand on this 9th day of July, 2019.



City Clerk

The ordinance was read by the City Clerk; whereupon Councilmember Richardson moved that the ordinance be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Williams, Daves, Rich and Gregory
Abstained: Small
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

REZONE PROPERTY LOCATED AT 700 BISHOPS ANE NORTH (NORTHEAST CORNER OF BISHOPS LANE NORTH AND GULFWOOD DRIVE EAST) FROM R-1 TO B-1 (DISTRICT 7). The following ordinance, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of July 9, 2019, was called up by the Presiding Officer.

ORDINANCE: 64-027-2019

Sponsored by: Councilmember Gregory

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be,

and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

BEGINNING AT A POINT ON THE EAST LINE OF BISHOPS LANE NORTH 8.5 FEET EAST SOUTHWEST CORNER, SQUARE 109, OLD SPRINGHILL SUBDIVISION AS RECORDED IN DEED BOOK 82 PAGE 212 PROBATE COURT RECORDS MOBILE COUNTY, ALABAMA, THENCE NORTH 00°-32'-06" WEST ALONG THE EAST LINE OF BISHOPS LANE NORTH 59.41 FEET; THENCE NORTH 89°-30'-38" EAST 151.89 FEET; THENCE SOUTH 00°- 26'-45" WEST 59.04 FEET; THENCE SOUTH 89°-22'-11" WEST ALONG THE NORTH LINE OF GULFWOOD DRIVE EAST 151.80 FEET TO THE POINT OF BEGINNING.

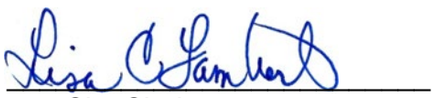
The classification of said property is hereby changed &om R-1, Single-Family Residential District, to B-1, Buffer Business District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in a B-1, Buffer Business District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16,1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a B-1, Buffer Business District, until all of the conditions set forth below have been complied with: 1) Completion of the Subdivision process; and 2) Full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, Lisa C. Lambert, City Clerk of Mobile, Alabama, hereby certify that Ordinance No. 64-027 Series 2019 was published in the Press-Register, a newspaper of general circulation in the City and County of Mobile, Alabama, on July 17, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand on this 9th day of July, 2019.



City Clerk

The ordinance was read by the City Clerk; whereupon Councilmember Gregory moved that the ordinance be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

CONSENT RESOLUTIONS HELD OVER:

RESOLUTION SUPPORTING THE RETURN OF AMTRAK PASSENGER RAIL SERVICE TO ALABAMA. The following resolution, which was introduced and read at the regular meeting of June 19, 2019 and held over until the regular meeting of Tuesday, July 9, 2019, was called up by the Presiding Officer.

RESOLUTION: 60-594-2019

Sponsored by: Councilmember Manzie

A RESOLUTION SUPPORTING THE RETURN OF AMTRAK PASSENGER RAIL SERVICE TO ALABAMA

FINDINGS.

1. The Federal Railroad Administration recently announced the award of a $33 million grant to fund infrastructure and capacity improvements that will enable Amtrak's return to the Gulf Coast.

2. The grant will cover half the cost of restoring the rail line, the balance of which will be supported by a combination of investments and matching grants from states that will be served by the new line and Amtrak.

3. In the past few years, Mobile has made great strides in rejuvenating our city by creating a dedicated funding source for infrastructure improvements. These efforts have spurred incredible growth and investment in the city. The Mobile City Council recently funded a $233,000 contract with Mott MacDonald to study the Gulf Coast High Speed Rail Corridor Passenger Rail Station Plan Development.

4. The return of a passenger train is critical for Mobile to offer a full range of transportation options that would benefit citizens, businesses, and visitors.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA AS FOLLOWS:

1. That a return of passenger rail service to the Gulf Coast is an incredible opportunity for our city, region and sate;

2. That the Governor's leadership is essential to ensure that Alabama is included in the return of passenger rail service;

3. That the Governor commit and insure the allocation of the funds necessary to bring Amtrak Service back to the City of Mobile;

4. That through the commitment of such funds, the region and state will see a tremendous positive impact resulting from both increased tourism and economic development opportunities.

That the City Clerk is hereby directed to send a copy of this resolution to Governor Ivey as soon as possible.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Rich.

Councilmember Daves moved to amend the resolution as follows, which move was seconded by Councilmember Richardson.

RESOLUTION REGARDING THE RETURN OF AMTRAK PASSENGER RAIL SERVICE TO ALABAMA

FINDINGS.

1. The Federal Railroad Administration recently announced the award of a $33 million grant to fund infrastructure and capacity improvements that would enable Amtrak's return to the Gulf Coast.

2. The grant is expected to cover half the cost of restoring the rail line, the balance of which would be supported by a combination of investments and matching grants from states that will be served by the new line and Amtrak.

3. The Mobile City Council recently approved a $233,000 contract with Mott MacDonald to study the Gulf Coast High Speed Rail Corridor Passenger Rail Station Plan Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA AS FOLLOWS:

1. In the past few years, Mobile has made great strides in rejuvenating our city by creating a dedicated funding source for infrastructure improvements. These efforts have spurred incredible growth and investment in the city;

2. The return of passenger train service would provide the citizens of Mobile a full range of transportation options for travel along the Central Gulf Coast;

3. That responsible State, County and city officials are urged to examine the feasibility of a return of passenger rail service to the Gulf Coast; and

4. That the results of this examination be shared with State, County and City officials for possible future action.

The vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the amendment adopted.

The Presiding Officer called for the vote on the original motion as amended and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted as amended.

CIP RESOLUTION HELD OVER:

AUTHORIZE CONTRACT WITH J. HUNT ENTERPRISES GENERAL CONTRACTORS, LLC FOR CRAWFORD-MURPHY PARK – GRADING AND DRAINAGE IMPROVEMENTS, $199,600.00 (2019 CIP #1094, D2). The following resolution, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of Tuesday, July 9, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-622-2019

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by arid between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of company: J. Hunt Enterprises General Contractors, LLC

Project name: Crawford-Murphy Park - Grading & Drainage Improvements

Project number: PR-027-19

Amount: $199.600.00

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH CHRISTIAN PREUS LANDSCAPE ARCHITECTURE, PLLC FOR LANGAN PARK-IMPLEMENTATION AND PHASING PLAN-LANGAN PARK, $54,110.00 (2019 CIP #1064, D7). The following resolution, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of Tuesday, July 9, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-623-2019

Sponsored by: Councilmember Gregory and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of company: Christian Preus Landscape Architecture. PLLC

Project name: Langan Park - Implementation and Phasing Plan

Project number: PR-061-19

Amount: $54,110.00

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH HARRIS CONTRACTING SERVICES, INC. FOR MEDAL OF HONOR PARK-FIELD LIGHTING-SOFTBALL FIELDS A & B, $475,687.00 (2019 CIP #1057, D6). The following resolution, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of Tuesday, July 9, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-624-2019

Sponsored by: Councilmember Rich and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE. ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached

hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of company: Harris Contracting Services, Inc.

Project name: Medal of Honor Park - Field Lighting - Softball Fields A & B

Project number: PR-016-19

Amount: $475,687.00

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RESOLUTIONS HELD OVER:

AUTHORIZE CONTRACT WITH JOHNSON CONTROLS FIRE PROTECTION LP FOR FIRE SPRINKLER SYSTEM & BACKFLOW PREVENTER INSPECTION & TESTING, VARIOUS CITY FACILITIES, $53,355.00 (3 YEARS). The following resolution, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of Tuesday, July 9, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-626-2019

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY.COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of company: Johnson Controls Fire Protection LP

Project name: Fire Sprinkler System & Backflow Preventer Inspection & Testing Various City of Mobile Locations

Project number: SC-019-19

Amount: $17,785.00 (1st Year - Initial Term)
$17,785.00 (2nd Year – 1st Additional Term)
$17.785.00 (3rd Year – 2nd Additional Term)
$53,355.00 3 Year Contract

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Richardson and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE PERFORMANCE CONTRACT FOR MCKEMIE PLACE, INC., $17,240.00. The following resolution, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of Tuesday, July 9, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-627-2019

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a performance contract, by and between the City of Mobile and McKemie Place, Inc. A copy of said contract is on file in the office of the City Clerk

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Richardson and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH ROSHER ELECTRIC COMPANY, INC. FOR ARTHUR R. OUTLAW CONVENTION CENTER-BALLROOM LIGHTING CONTROLS UPGRADE, $122,046.00 CN-049-19. The following resolution, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of Tuesday, July 9, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-628-2019

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of company: Rosher Electric Company, Inc.

Project name: Arthur R. Outlaw Convention Center
Ballroom Lighting Controls Upgrade

Project number: CN-049-19

Amount: $122,046.00

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Richardson and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE AGREEMENT AND PETITION FOR LUMP SUM SETTLEMENT-JEROME LELAND. The following resolution, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of Tuesday, July 9, 2019, was called up by the Presiding Officer.

RESOLUTION: 61-629-2019

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Agreement and Petition for Approval of Lump Sum Settlement arising out of the injuries of Jerome Leland, suffered on September 21, 2015, March 21, 2016, and March 20, 2018, requiring the City to pay $10,000.00, in return for a release of all of the Plaintiff's respective claims, as outlined in the Agreement and Petition for Approval of Lump Sum attached hereto and made a part hereof as though set forth in full. A copy of said Settlement Agreement and Release of Claims is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Richardson and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS-LANETTE BEVERLY. The following resolution, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of Tuesday, July 9, 2019, was called up by the Presiding Officer.

RESOLUTION: 61-630-2019

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Settlement Agreement and Release of Claims in the case styled Lanette Beverly and Charlotte Beverly v. City of Mobile, et al., Case No. 02-CV-2016-901995.00, pending in the Circuit Court of Mobile County, Alabama, requiring the City to pay $9,000.00 to Lanette Beverly, in return for a release of all of the Plaintiffs' respective claims, as outlined in the Agreement attached hereto and made a part hereof as though set forth in full. A copy of said Agreement is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Richardson and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS-CHARLOTTE BEVERLY. The following resolution, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of Tuesday, July 9, 2019, was called up by the Presiding Officer.

RESOLUTION: 61-631-2019

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Settlement Agreement and Release of Claims in the case styled Lanette Beverly and Charlotte Beverly v. City of Mobile, et al., Case No. 02-CV-2016-901995.00, pending in the Circuit Court of Mobile County, Alabama, requiring the City to pay $9,000.00 to Charlotte Beverly, in return for a release of all of the Plaintiffs' respective claims, as outlined in the Agreement attached hereto and made a part hereof as though set forth in full. A copy of said Agreement is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Richardson and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS-TALISA RABB. The following resolution, which was introduced and read at the regular meeting of Tuesday, July 2, 2019 and held over for one (1) week until the regular meeting of Tuesday, July 9, 2019, was called up by the Presiding Officer.

RESOLUTION: 61-632-2019

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Settlement Agreement and Release of Claims arising out of the on-the-job injury of Talisa Rabb suffered on June 22, 2017, requiring the City to pay $8,500.00, in return for a release of all of the Plaintiff's respective claims, as outlined in the Agreement attached hereto and made a part hereof as though set forth in full. A copy of said Agreement is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Richardson and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

ORDINANCES BEING INTRODUCED:

AMEND CHAPTER 17 OF THE MOBILE CITY CODE REGARDING STORM WATER MANAGEMENT AND FLOOD CONTROL. The following ordinance was held over for two (2) weeks until the regular meeting of Tuesday, July 23, 2019.

ORDINANCE: 17-028-2019

Sponsored by: Mayor Stimpson

AN ORDINANCE TO AMEND THE MOBILE CITY CODE BY REMOVING AND REPLACING CHAPTER 17, STORM WATER MANAGEMENT AND FLOOD CONTROL

WHEREAS, the City of Mobile, by and through its City Council, has heretofore adopted the Storm Water Management and Flood Control currently published in Chapter 17 of the City Code; and,

WHEREAS, the City Council wishes to amend said Code by deleting the requirement that the lowest floor for all new and substantially Improved structures, including mobile homes be elevated no lower than one foot above the base flood elevation and that said minimum elevation shall be changed to the base flood level; and,

WHEREAS, this Ordinance is enacted to accomplish said goals;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the following Ordinance is adopted to replace in its entirety Mobile City Code, Chapter 17, Storm Water Management and Flood Control.

Chapter 17 - STORMWATER MANAGEMENT AND FLOOD CONTROL

ARTICLE 1. - STORMWATER MANAGEMENT AND FLOOD CONTROL DIVISION 1.- GENERAL

Subpart A. - General Provisions

Sec. 17-1. - Purpose; applicability; manual; jurisdiction: compliance; abrogation; interpretation; severability.

(a) Statement of purpose. It is the purpose of this article to control land disturbance activities and stormwater drainage facilities within the corporate limits of the city in order to promote the public health, safety and general welfare, and to comply with the Federal Clean Water Act, the Alabama Water Pollution Control Act, as amended, Alabama Code (1975), § 22-21-1, et seq., the Alabama Environmental Management Act, as amended, Alabama Code (1975), § 22-22A-1, et seq., and rules and regulations adopted thereunder, the national pollution discharge elimination system (NPDES) program to meet its stormwater discharge permit requirements, and Federal Emergency Management Agency (FEMA) requirements to reduce flooding through provisions designed to:

(1) Protect human life and health;

(2) Protect the natural assets and resources of the City;

(3) Protect the lands and waters of the city from the effects of soil erosion, sedimentation, and illicit discharges into its municipal separate storm sewer system;

(4) Prevent and reduce degradation of streams and lakes from the effects of siltation and illicit discharges;

(5) Prevent obstruction of drainage channels, reduce flood damage and prevent damage to the property of adjacent land owners;

(6) Enforce the City's stormwater management program;

(7) Reduce the need for rescue and relief efforts associated with flooding;

(8) Provide for the sound use and development of flood-prone areas so as to maximize beneficial use without Increasing flood hazard potential;

(9) Reduce damage to public facilities and utilities such as water and sewer lines, electric, telephone and gas facilities, and streets and bridges located in floodplains;

(10) Ensure a functional stormwater drainage system that will not result in excessive maintenance costs;

(11) Encourage the Improvement of existing flooding problems in conjunction with new development that enhances and does not impair the City's stormwater drainage system;

(12) Encourage the use of natural and aesthetically pleasing design;

(13) Reduce the impact on public and private lands caused by the accumulation of mud, dirt, water, debris and construction materials.

(b) Applicability. This article shall apply to all areas within the city limits.

(c) Stormwater design manual. The City may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this division and may provide such information in the City floodplain management plan, which is available for review and copying at the office of the city clerk and on the city website, or In the form of a stormwater design manual.

This manual will include a list of acceptable stormwater treatment practices, including the specific design criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the city engineer, based on improvements in engineering, science, monitoring and experience. Stormwater treatment practices that are designed and constructed In accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.

(d) Jurisdiction. The regulations and requirements set forth in this article shall apply to all property within the corporate limits of the city.

(e) Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.

(f) Abrogation and greater restrictions. This article is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(g) Interpretation. In their interpretation and application, the provisions of this article shall constitute minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by city ordinances. Whenever the provisions of this article impose more restrictive standards than are required in or under any other law, regulation, or ordinance, the requirements herein contained shall prevail. Whenever the provisions of any other law, regulation, or ordinance require more restrictive standards than are required herein, the requirements of such law, regulation, or ordinance shall prevail.

(h) Severability. If any section, clause, provision or portion of this article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected thereby.

Sec. 17-2. - Definitions.

Words used in this article shall have their customary meanings as determined by the standard dictionary definition except for the purposes of this chapter, the following specific words and terms used herein shall be interpreted as follows:

ADEM means the Alabama Department of Environmental Management or its successor agency.

Accelerated erosion means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

Adverse impact means a negative effect to land, water and associated resources resulting from any land-disturbing activity. Negative effects include, but are not limited to, increased risk of flooding, degradation of water quality, increased sedimentation, reduced groundwater recharge, harm to aquatic organisms, wildlife or other resources and/or threatened public health.

Applicant means a property owner or agent of a property owner who has filed an application for a stormwater management or other permit required by chapter 17.

Approved drainage system means a system that was approved for construction and permitted by the City; provided, however, the term does not include stormwater piping within the City's right-of-way.

As-built plans or record documents means a set of engineering site drawings that delineate a specific permitted stormwater management facility or system as actually constructed.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention, educational 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 facility site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage and construction sites, or such other practices approved by EPA, see National Menu of Best Management Practices.

Building means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than one hundred (100) square feet of area.

Building permit means an official document or certificate issued by the City permitting department that authorizes performance of a specific activity relating to constructing, reconstructing, enlarging, extending, or structurally altering any building or structure, including interior alterations.

Certificate of occupancy means an official document, issued by the City permitting department that certifies completion of a permitted structure in accordance with the provisions of established codes and other laws.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

City means the City of Mobile, Alabama.

City Council means the city council of the City of Mobile, Alabama.

City Engineer means the director of stormwater and floodplain management, and city engineering, or his designee.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

Clearing means those operations where trees and vegetation are removed (cut) and stumps left in place, but not including grading or any other activity that would alter the existing elevation contours of the cleared property.

Construction best management practice plan ("CBMP plan") means a set of drawings and/or other documents submitted by a person as a prerequisite to obtaining a land disturbance permit, which contains all of the information and specifications pertaining to BMP.

Consultant means a licensed or registered professional who provides technical services.

Contractor means a person or his designee who is responsible for construction activities.

Dedication means the deliberate appropriation of property by its owner for general public use.

Detention means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

Detention facility means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Developer means a person who undertakes land disturbance activities or undertakes other development.

Development means any manmade 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.

Diameter at breast height (DBH) means the measurement of the width of the trunk of the tree at four and one-half {41/2) feet above the existing grade. For multi-trunk trees the DBH shall be the sum of the diameter of the trunks.

Director of the permitting department means the director of the city department responsible for administration of building, zoning, subdivision regulations, forestry and other land use codes of the City or his/her designee.

Drainage area means that area contributing runoff to a single point.

Dwelling, one-family means a non-commercial, individual and separately built structure designed and constructed exclusively for use by one (1) family for residential purposes.

Easement means an interest in land granted by the owner or his predecessor for a specific limited use, purpose or purposes, {which is described in the conveyance of the land affected by such easement}, but not conveying title to real property.

Engineer means a person licensed under Alabama Code, Section 34-11-1 et seq. (1975), as amended.

EPA means the United States Environmental Protection Agency.

Erosion means the wearing a way of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

Erosion and sediment control means the control of solid material, both mineral and organic, during a land-disturbing activity to prevent its transport out of the disturbed area

by means of air, water, ice, gravity or mechanical means (see best management practices, "BMPs").

Fee in lieu means a payment of money in place of meeting all or part of the stormwater performance standards required by this division.

FEMA means the Federal Emergency Management Agency, or its successor agency.

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 one (1) foot.

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

Grading means excavating, filling (including hydraulic fill) or stockpiling of earth material, (or any combination thereof), including the land in its excavated or filled condition.

Grubbing means the effective removal of understory vegetation such as, but not limited to, palmetto from the site and/or the removal of stumps and roots from a cleared parcel of land.

Hazardous materials means 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.

Heritage live oak tree means a live oak tree which is at least twenty-four (24) inches DBH.

High-risk facility means municipal landfills; other treatment, storage or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recover facilities; facilities subject to Emergency Planning and Community Right-to-know Act (EPGRA), title III, section 313, and any other industrial or commercial facility that the City Engineer determines may make or has made a substantial pollutant contribution to the MS4. The City Engineer shall publish a list of high-risk facilities on the City's web site, the City floodplain management plan, and such other publications as appropriate.

Heritage tree means any of the following list of trees which is at least twelve (12) inches DBH: oak (excluding water oak and scrub oak), hickory, sycamore, yellow poplar, sweet gum, magnolia, cypress and new trees required by section 64-4.E. or section 64-4.H.4.f. of chapter 64, Mobile City Code.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminary 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 in states with historic preservation programs which have been approved by the secretary to qualify as a registered historic district.

(4) Individually listed on a local inventory of historic places in 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.

Illicit connections means an illicit connection is defined as either of the following:

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 an authorized enforcement agency; or

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit or illegal discharge means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

Impervious cover means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

Industrial stormwater permit means a National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration means the passage or movement of water through the soil profile.

Infiltration facility means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

Jurisdictional wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land disturbance permit, tier 1, means an official document issued by the permitting department which authorizes a land-disturbing activity on a qualified construction site.

Land disturbance permit, tier 2, means an official document issued by the permitting department which authorizes a land-disturbing activity site of less than one (1) acre, under subpart B of this chapter.

Land disturbance permit application means a set of drawings, documents and supporting calculations containing the information and specifications required by the city submitted as a prerequisite to obtaining a tier 1 or tier 2 land disturbance permit to undertake a land-disturbing activity.

Land-disturbing activity means any activity upon or use of land involving a change in the natural vegetative cover or topography including but not limited to clearing, grading, grubbing, excavation, and filling, or other construction activities that may cause erosion or contribute to sedimentation or alteration of the quality and quantity of stormwater runoff.

Maintenance agreement means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MS4 means the City municipal separate storm sewer system.

Municipal offense ticket means a summons charging a violation of this article that directs anyone in violation to pay a set fine or to appear in municipal court to answer the charge or charges of violation.

Municipal separate storm sewer system shall have the same meaning as defined in the City's national pollutant discharge elimination system permit.

NPDES means the national pollutant discharge elimination system of the Federal Clean Water Act.

NPDES permit means the permit issued to the City by the state department of environmental management authorizing all existing or new stormwater point source discharges to waters of the state from those portions of the MS4 owned or operated by the city.

National pollutant discharge elimination system means a permit program authorized by the Federal Water Pollution Control Act (Clean Water Act) to authorize point source discharges into waters of the state and administered in the state by the Alabama Department of Environmental Management (ADEM).

Non-erodible means a material, e.g., natural rock, riprap, concrete, plastic, etc., that will not experience noticeable surface wear due to natural forces of wind, water, ice, gravity or a combination of those forces.

Non-point source pollution means any source of water pollution that is not the "point source" pollution as defined in section 502(14) of the Clean Water Act, and often includes materials contained in stormwater runoff from ill-defined, diffuse sources.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Offset fee means a monetary compensation paid to a local government for failure to meet pollutant load reduction targets.

Off-site facility means a stormwater management measure located outside the subject property boundary described in the permit application for land-development activity.

On-site facility means a stormwater management measure located within the subject property boundary described in the permit application for land-development activity.

One hundred-year frequency storm means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in one hundred (100) years, or, that has a one (1) percent chance of being equaled or exceeded in any given year.

Overbank storage means the capacity of floodplain lands to receive, slow and retain above normal rainfall waters from an overloaded river, creek, stream or ditch.

Overstory means the top portion or canopy of trees above a cluster of smaller trees.

Owner means the legal or beneficial owner of land, including those holding the right to purchase or lease the land.

Permittee means a person to whom a building permit, land disturbance permit or other type permit has been issued and who is obligated to comply with the terms and conditions of the permit.

Person means any individual, firm, partnership, corporation, company, LLC, association, trust or any other group or combination of individuals operating as a unit and including any trustee, receiver, assignee or other similar representative thereof.

Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations thereof, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Post-development means the conditions which exist following completion of a land disturbing activity in terms of topography, vegetation, land use, construction, and the rate, volume, velocity, quality or direction of stormwater runoff.

Pre-development means the conditions which exist prior to the initiation of a land-disturbing activity in terms of topography, vegetation, land use, construction, and the rate, volume, velocity, quality or direction of stormwater runoff.

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

Qualified construction site means any construction activity that results in a total land disturbance of one (1) or more acres and activities that disturb less than one (1) acre but are part of a larger common plan of development or sale that would disturb one (1) or more acres. Qualifying construction sites do not include land disturbance conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.

Qualified credentialed inspector (QCI) means an operator, operator employee, or operator designated qualified person who has successfully completed initial training and annual refresher qualified credentialed inspection program (OOP) training, and holds a valid certification from an ADEM approved cooperating training entity.

Qualified credentialed professional means a certified professional in erosion and sediment control (CPESC) as determined by the Soil and Water Consideration Society (SWCS) or the International Erosion Control Association (IECA). Other registered or certified professionals; such as registered professional engineer, registered landscape architect, registered land surveyor, registered architect, registered geologist, registered forester, registered environmental manager as determined by the National Registry of Environmental Professionals (NREP), Certified Professional Soil Scientist (CPSS) as determined by the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS), who can document the necessary education, training, and professional certification, registration, or credentials acceptable to the city official and can demonstrate proven experience in the field of erosion and sediment control shall be considered a qualified credentialed professional. The qualified credentialed professional must be in good standing with the authority granting the registration. The qualified credentialed professional must be familiar, and have expertise, with current industry standards for erosion and sediment controls, and must be able to Inspect and assure that nonstructural BMPs or other pollution control devices (silt fences, erosion control fabric, rock check devices, etc.) and erosion control efforts, such as grading, mulching, seeding and growth management, or management strategies, have been properly implemented and regularly maintained according to good engineering practices and the requirements of this grading permit. A professional engineer (PE) registered in the state must certify the design and construction of structural practices such as spill prevention control and counter measures (SPCC) plan containment structures, dam construction, etc.

Recharge means the replenishment of underground water reserves.

Redevelopment means a land disturbance activity that in some way changes or alters the current development or use of the land and may or may not alter the current runoff characteristics.

Retention structure means a permanent enclosure, lake, pond or other system with the primary purpose of permanently storing a given volume of stormwater runoff, and which may temporarily detain an additional volume of stormwater runoff for release at a controlled rate.

Sediment means solid particulate matter, both mineral and organic, that has been or is being transported by water, wind, ice, gravity, or mechanical means from its site of origin.

Special flood hazard area (SFHA) means an area having special flood, mudflow or flood-related erosion hazards and shown on a flood hazard boundary map (FHBM) or a flood insurance rate map (FIRM) zone A, AO A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. For the purpose of determining community rating system (CRS) premium discounts all AR or A99 zones are treated as non-SFHAs.

Stabilization means the installation of structural measures or soil cover to reduce soil erosion by stormwater runoff, wind, ice, gravity, or mechanical means.

State means State of Alabama.

Stop-work order means a directive issued by the City to any person who owns or possesses the land or who is performing or may be responsible for a land-disturbing activity to cease and desist all or any portion of the activity.

Storm drainage facility means any sewer, ditch, creek, river, lake, swale, watercourse or any other natural or manmade facility through which stormwater or storm runoff may regularly or intermittently pass in a concentrated fashion.

Stormwater detention means stormwater runoff collected, temporarily stored and released at a rate less than the inflow rate.

Stormwater management means, for:

(1) Quantitative control, a system of vegetative or structural measures, or both, that controls the increases in volume and rate of stormwater runoff caused by manmade changes to the land, and

(2) Qualitative control, a system of vegetative, structural or other measures that reduces or eliminates pollutants that might otherwise be carried by stormwater runoff.

Stormwater pollution prevention plan means 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.

Stormwater retrofit means a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff means the direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following the precipitation.

Stormwater treatment practices (STPs) means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing

or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Subdivision means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. This definition includes a resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territories subdivided.

Ten-year frequency storm means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten (10) years. It may also be expressed as a probability of a ten (10) percent chance of being equaled or exceeded in any given year.

Twenty-five-year frequency storm means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in twenty-five (26) years. It also may be expressed as a probability of a four (4) percent chance of being equaled or exceeded in any given year.

Two-year frequency storm means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two (2) years, or that has a fifty (50) percent chance of being equaled or exceeded in any given year.

Understory means the trees which grow beneath the overstory to include dogwood, crepe myrtles, Bradford pears, red buds and others approved by the urban forester.

Unsuitable material means trash, debris, car bodies, asphalt or other refuse.

Variance means a modification of minimum stormwater management requirements in specific cases where such modification will not be contrary to the public interest and where, owing to exceptional circumstances, literal enforcement of the provisions of this article will result in unnecessary hardship.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Water quality volume (WQ means the storage needed to capture and treat ninety (90) percent of the average annual stormwater runoff volume. Numerically (WQ) will vary as a function of long term rainfall statistical data.

Watercourse means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waters of the state shall have the same meaning set out in 40 C.F.R. Section 122.2.

Water quality means those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity means the volume and velocity characteristics of stormwater runoff from a land disturbing activity to downstream areas.

Watershed means the drainage area contributing stormwater runoff to a single point.

Zoning ordinance shall mean the zoning ordinance of the City.

Sec. 17-3. - Designation of administrator.

he city engineer is hereby appointed to administer and implement the provisions of this article in coordination with the permitting department who will administer and enforce any portion of this article as it applies to building permitting and land use.

Sec. 17-4. - Authority of the city engineer.

(a) The city engineer may furnish additional policy, criteria and information for proper implementation of this division through the city floodplain management plan (copy available on city website) or a stormwater design manual (see subsection 17-1(c)), which may be amended from time to time as needed.

(b) The city engineer may waive the requirements of this division under subsection 17-9(d), herein, but any such waivers shall not be construed as relieving the party responsible for the identified activity from making on-site drainage Improvements required under this article for stormwater management.

(c) The city engineer is authorized to administer this article, including, but not limited to the following:

(1) Review proposed developments 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, provided, however, that the responsibility for acquiring all permits remains with the owner/developer.

(2) When base flood elevation data or floodway data have not been provided in accordance with section 17-22, the city engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of sections 17-25 through 17-29.

(3) Notify adjacent communities and the state 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 Emergency Management Agency (AEMA).

(4) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA and ADEM 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.

(5) Where interpretation is needed as to the exact location of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual filed conditions) the city engineer 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 division.

(6) Where interpretation is needed as to the exact requirements of flood-proofing, the city engineer shall make the necessary interpretation. Any person contesting the interpretation shall be given reasonable opportunity to appeal the interpretation as provided in this division.

Sec. 17-5. - Authority of the permitting department.

The permitting department is authorized to administer this article, including but not limited to the following:

(1) 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 17-6(d).

(2) 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 section 17-26 and 17-28.

(3) Review all development permits issued under 17-6(d) to assure that the permit requirements of this article have been satisfied.

(4) When flood-proofing is utilized for a structure, the permitting department shall obtain certification of design criteria from a professional engineer licensed by the state, in accordance with division 2, floodplain regulations, of this article, or from either a professional engineer or architect licensed by the state.

(5) Obtain design certification from a licensed professional engineer or registered architect that any new construction or substantial improvement placed in a coastal high hazard area will meet the criteria in division 2, floodplain regulations of this article.

(6) All records pertaining to the provisions this article shall be maintained in the office of the permitting department and shall be open for public inspection.

(7) The owner/developer is responsible for acquiring all permits.

Subpart B. - Permits

Sec. 17-6. - Permits.

(a) (1) Land disturbance permit, tier 1 and tier 2. A permit from the permitting department is required for any land-disturbing activity within the city unless exempted under subsection 17-8(b) herein. Land disturbance permits expire upon completion of the permitted work, or if the work is not started, not later than one (1) year from the date the permit is approved or issued. A permittee may be granted an extension, at no additional cost, by contacting the permitting department in writing prior to the expiration date of the permit. Disturbed property may not remain denuded longer than ten (10) days without establishing vegetation or the application of suitable ground cover for the control of erosion and sedimentation, see landscaping and stabilization requirements herein, subsection 17-9(c). Specific requirements for obtaining a land disturbance permit include:

a. Approval of a full set of construction plans, including site, grading, and drainage plans by the city engineer;

b. Compliance with all regulations (including federal and state) and approval from the City permitting and traffic engineering departments;

c. Documentation that all necessary permits have been received from governmental agencies from which approval is required by law, provided, however, that the responsibility for acquiring all permits remains with the owner/developer;

d. Compliance with the City's floodplain regulations set out in division 2 of this article; and

e. A non-refundable permit review fee, established in accordance with subsection 17-8(c)(1).

(2) Land disturbance permit, tier 1 only:

a. A stormwater management plan meeting the requirements of section 17-9;

b. A maintenance easement and covenant, as appropriate, meeting the requirements of subsection 17-10(a) and (b).

(b) Building permit. A permit from the permitting department is required to erect, construct, reconstruct, enlarge, extend or structurally alter any building or structure, including interior alterations, within the city. Specific requirements for obtaining a building permit include:

(1) An approved land disturbance permit authorized by the City's engineering department and permitting department and approval of the City's traffic engineering department unless exempt under subsection 17-8(b).;

(2) A permit application in compliance with all floodplain requirements as set forth in this section and division 2 of this article;

(3) Satisfactory evidence that permits have been received from those governmental agencies from which approval is required by federal or state law, provided, however, that the responsibility for acquiring all permits remains with the owner/developer; and

(4) Plans for building structures in compliance with all applicable building codes, policies and regulations of the permitting department.

(c) Clearing and grubbing: timber harvesting.

(1) A land disturbance permit from the permitting department is required for timber harvesting operations that involve construction of access roads, stump/root removal, earthwork or cutting undergrowth.

(2) A timber harvesting permit from the urban forester is required for harvesting operations that involve cutting or harvesting trees without constructing access roads, stump/root removal, earthwork or cutting undergrowth, but a tier 1 land disturbance permit will not be required if the area disturbed is less than one (1) acre. A tier 2 land disturbance permit will be required.

(3) A land disturbance permit from the permitting department is required, without exemption or exception, for clearing and/or grubbing operations in special flood hazard areas.

(4) A land disturbance permit, tier 2, from the permitting department is required for clearing and/or grubbing four thousand (4,000) square feet or more within city limits.

(5) No land disturbance permit, either tier 1 or tier 2, is required for clearing and/or grubbing private residential property associated with construction of a residential structure that disturbs less than four thousand (4,000) square feet, if outside a special flood hazard area.

(6) Other obligations. All clearing and/or grubbing activities, whether required to obtain a land disturbance permit or not, shall:

a. Observe erosion and sedimentation control requirements found in this article;

b. Obtain all other necessary permits, licenses and authority and to pay all fees required by any other city, county, state, or federal rules, laws or regulation, provided, however, that the responsibility for acquiring all permits remains with the owner/developer; or

c. Comply with all requirements to preserve and protect trees.

(d) Development Permit.

(1) Establishment of development permit. Application for a development permit shall be made to the permitting department as required by the provisions of this article prior to the commencement of any development in the city limits.

(2) Application stage. The applicant must provide the following:

a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;

b. Elevation in relation to mean sea level to which any nonresidential building will be flood proofed;

c. Certificate from an Alabama licensed professional engineer for certificates required by 17-27(d)(1) or by either a registered architect or licensed professional engineer that the nonresidential flood-proofed criteria in section 17-27(d)(2) has been met; and

d. Description of the extent to which any watercourse will be altered or relocated as result of proposed development.

(3) Construction stage. The applicant must provide a floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the building is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the permitting department, a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as-built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer licensed by the state, certified by same, and recorded in the land records of the judge of probate, Mobile County. When flood-proofing is utilized for a particular building, 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 the certification shall be at the permit holder's risk. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Sec. 17-7. - Plans for commercial, residential and subdivision construction.

(a) A full set of construction plans, standards, design criteria and other specifications for commercial, residential and subdivision construction, including site grading and drainage plans, hereinafter in this section sometimes referred to as "the plan" or "plans" must be submitted to the City by all applicants for land disturbance and development permits.

(b) Plans shall be accompanied by sufficient engineering calculations for verification of discharge of stormwater runoff and location and methods for erosion and sedimentation control.

(c) Plans and supporting documentation shall be certified by a registered professional engineer licensed by the state that;

(1) The plans provide for proper drainage of the project according to sound engineering principles; and

(2) The post-development runoff rate does not exceed the pre-development runoff rate as established by the city engineer.

(d) All data, engineering computations and plans submitted to the city shall be signed and sealed by a professional engineer licensed by the state.

(e) No construction, whether by private or public action, shall be performed in such a manner as to increase the degree or potential for flooding in its vicinity or in other areas whether by increasing runoff volume or velocity or by diminishing channel or overbank storage capacity.

(f) The plan shall include provisions for a design that will not cause the pre-development peak runoff rate from a ten-year storm to increase.

(g) The plan shall provide stormwater detention/retention storage and/or channel improvement and/or other adequate measures as required by applicable design criteria adopted by the City and other specifications for the preparation of site grading and drainage plans.

(h) For tier 1 land disturbance, a construction best management plan meeting the requirements of section 17-9 of this division will be required. For tier 2 land disturbance, an erosion control plan will be required. CBMPs shall be followed for all projects.

(i) Plans for development sites of four thousand (4.000) square feet or more shall not allow stormwater which has been diverted from its pre-development natural flow to cross adjoining property lines unless:

(1) a. Stormwaters drain into the city drainage system or a natural stream; and

b. Stormwaters do not cause the pre-development peak runoff rate to increase; and

c. The plan limits discharge to the pre-development flow from a ten-year frequency storm; or

(2) a. A release is obtained from the owner of the adjoining property that releases the city from any claims arising from upstream development, runs with the land, and is recorded in the records of the probate court of the county; and

b. Stormwaters do not cause the pre-development peak runoff rate to increase; and

c. The plan limits discharge to the pre-development flow from a ten-year frequency storm; or

(3) a. The plan design provides for retention for a one hundred-year frequency storm; and

b. The plan limits discharge to the pre-development flow from a two-year frequency storm; and

c. The engineer of record quantifies the pre-development velocity (feet/second) for a two-year frequency storm and certifies that the post-development velocity of stormwater released onto the adjacent property is equal to or less than the pre-development velocity.

j) For tier 1 and applicable tier 2 land disturbance projects, the operation and maintenance of the stormwater detention/retention facility shall be the responsibility of the owner/developer, its successors and assignees. The engineer of record shall be responsible for instructing the owner/developer, successors and assignees, in the proper operation and maintenance of the facility, see section 17-10 on maintenance and repair of stormwater facilities.

(k) The City assumes no liability for the design, performance and operation of any stormwater detention/retention facilities, but, instead, in its review of plans relies on the professional judgment of the engineer or other licensed professional of record.

(l) Development sites that are less than four thousand (4,000) square feet are exempt from the requirements of subsection (i) above; provided, however, that a development site may not be divided into parts of less than four thousand (4,000) square feet for the purpose of avoiding the requirements of subsection (9).

(m) No plan shall contain a design that allows stormwater to flow across public rights-of-way unless authorized by the city engineer.

(n) All construction plans will be required to comply with FEMA floodplain regulations as specified in division 2 of this article.

(o) As-built certification. A State of Alabama licensed professional engineer must certify to the city engineer that all site construction, street construction, drainage facilities, erosion and sedimentation control measures, and their improvements are complete and functioning as required by the appropriate regulations and approved permits and plans.

Sec. 17-8. - Applications for tier 1 and tier 2 land disturbance permits.

(a) General rule. A land disturbance permit is required for alt land-disturbing activities, including any land change which may result in soil erosion from water or wind and the movement of sediment to the municipal separate storm sewer system ("MS4"), Including, but not limited to, the clearing, dredging, excavating, transporting and filling of land, except as detailed in subsection (b).

(b) When a land disturbance permit is not required. A land disturbance permit shall not be required for the following, provided however, that a right-of-way and other permits may be required;

(1) Agriculture.

(2) Silviculture, except to the extent that a timber harvesting permit is required.

(3) Such minor land-disturbing activities as home gardens, landscaping on Individual residential lots (excluding landscaping performed by, or on behalf of, a developer or builder, who builds a house greater than four thousand (4,000) square feet), home repairs, home maintenance work, minor additions to houses, the construction, maintenance or repair of accessory structures and other related activities which result in minor soil erosion. Minor land-disturbing activities include only excavations of less than four thousand (4,000) square feet which are less than two (2) feet in depth, or which does not create a cut slope greater than five (5) feet in height nor steeper than two (2) horizontal to one (1) vertical. Cumulative Impervious surfaces greater than four thousand (4,000) square feet (considering development and improvements completed after 1984) require a land disturbance permit, even if the current disturbance is less than four thousand (4,000) square feel. Notwithstanding the foregoing, if warranted by the circumstances, the city engineer may in his sole discretion impose a CBMP plan and require a land disturbance permit even though an excavation is less than four thousand (4,000) square feet.

(4) Minor land-disturbing activities such as Individual connections for utility services and sewer services for single or two-family residences, minor grading for driveways, yard areas and sidewalks, excluding any grading done by, or on behalf of, a developer or builder in connection with the construction of a house. However, right-of-way and other permits may be required.

(5) The construction, repair or rebuilding of railroad tracks, excluding privately owned rail spurs.

(6) Minor subsurface exploratory excavations under the direction of engineers or geologists licensed in the state.

(7) The opening of individual burial sites in property which has been approved for such use by all necessary governmental authorities.

(8) Installation of water supply wells or environmental ground water monitoring wells.

(9) A fill which is less than one (1) foot in depth and placed on a natural ground surface with a slope flatter than five (5) horizontal to one (1) vertical; or does not exceed fifty (50) cubic yards on any one (1) lot; and is less than three (3) feet in depth; is not intended to support structures; and does not obstruct a drainage course. This exemption does not apply in special flood hazard areas, which require a tier 2 permit.

(10) Emergency utility repairs.

(11) Single family residences separately built where the residence, including driveways and all impervious surface constructed post-1984 on-site, does not increase the impervious surface area more than four thousand (4,000) square feet of land surface area. However, the builder will be required to install silt barriers and use best management practices as necessary to prevent erosion of dirt, rock debris, and building

materials onto public or private property and into the city's MS4 and comply with all city ordinances.

The activities referred to in subsections (1) through (11) above may be undertaken without a land disturbance permit; however, the persons conducting such activities must do so in accordance with the provisions of this division and any other applicable law, including the proper control of sedimentation and runoff to the MS4. This division shall apply to any land-disturbing activities that drain to the MS4 if a stormwater pollution problem is shown to be caused by such activity following monitoring procedures and complaints.

(c) Applications for land disturbance permits.

(1) Application submittal. Before the commencement of any land-disturbing activity that is not exempted under section 17-8(b) from obtaining a land disturbance permit, the land owner, operator or agent thereof shall submit to the City a permit application on a form provided for that purpose, accompanied by the plan review fee as set out in paragraph (2) below. A permit application must be accompanied by the following: for tier 1 projects, a construction best management practices plan and acceptable security plan, see section 17-9; for tier 1 and tier 2 projects, a permit application must include the Items listed in sections 17-6(a) and 17-7. The applicant must submit the number of sets of plans required by the permitting department, and a copy in PDF format.

(2) Fees. Applications for land disturbance permits shall be accompanied by a plan review fee as follows:

Plan Review Fee:

First: $100.00

Second: $200.00

Third: $500.00

Fourth: $1,000.00

Fifth +: $2,000.00 each

After the application is reviewed and approved, a permit fee is due. The amount of the fee depends on the size of (the area to be disturbed at the site. The maximum permit fee is $300.

(3) Application procedure.

a. Following its receipt of an application for a land disturbance permit, the city will use its best efforts to either approve or disapprove the permit within thirty (30) days of the day a complete application and permit application is filed with the City. If the application is disapproved, the City will inform the applicant, in writing, which writing may be communicated electronically through comments and annotations on the application, of the reasons for its disapproval. If the applicant, on one (1) or more occasions, revises the application or submits to the city additional documents or information in connection with the application, the City will make a written response which may be communicated electronically through comments and annotations on the revised or additional application, to the applicant to inform the applicant whether such revised application and/or additional documents and information have been approved or disapproved by the city. The City will use its best efforts to provide its response to revised applications or additional information within fourteen (14) days of the day such revised application or additional documents or information is submitted to the City. The land disturbing activity may not be commenced prior to the issuance of the land disturbance permit by the City. The issuance of the land disturbance permit shall not excuse the owner from the need to obtain other required federal, state and local permits or licenses.

b. The minimum standards for the issuance of a land disturbance permit must meet the requirements of this division.

(4) Data required on the application for a land disturbance permit. All applications for a land disturbance permit must include the following information:

a. Name of applicant;

b. Telephone number of applicant, telecopier number, if any, of applicant, and e-mail address, if any, of applicant;

c. Address where applicant, or other person who can furnish Information about the land disturbing activity, ("contact person") can be reached;

d. Name, address, telephone number, telecopier number, if any, and e-mail address, if any, of the owner or the project, the owner of the property on which the project is to be located and the ground lessee of the property, if any, on which the land-disturbing activity is to be conducted if the applicant is not the owner of the project and such property;

e. Legal description and address, if any, of the property upon which the land-disturbing activity is to be conducted;

f. Names, addresses, telephone numbers, telecopier numbers, if any, and e-mail addresses, if any, of ail contractors and subcontractors who shall perform the permitted work; provided, however, that if the contractor and the subcontractors have not been selected when the application for a land disturbance permit is filed, the applicant shall furnish such information to the City within five (5) days of the day or days on which the contractor and/or subcontractors are selected;

g. Name, address, telephone number, telecopier number, if any, and e-mail address, if any, of the qualified credentialed professional who has approved the site plans and, if any tier 1 development, a CBMP plan application; and

h. Each application for and disturbance permit must be accompanied by a map or a plan of the land on which the land-disturbing activity will be conducted and any other information that is required under this division.

The detail of the CBMP plan must be commensurate with the size of the project, severity of the site condition and potential for off-site damage, as provided in this division.

(d) Compliance with the requirements of the land disturbance permit. Records of compliance with the provisions of the land disturbance permit shall be submitted to the city for review; provided, that if such records are not maintained within the state and, because of their size, cannot be transmitted to the City, such records must be delivered to the city (at no expense to the city) within fifteen (15) days of the receipt by the owner, applicant or contact person of a request by the city engineer for such records.

(e) Amended application; transfer of land disturbance permit.

(1) Amended land disturbance permit. A land disturbance permit may be amended, upon the payment of an additional fee, as follows:

First amendment: $100.00

Second amendment: $200.00

Third amendment: $500.00

Fourth amendment: $1,000.00

Fifth and each additional amendment: $2,000.00 each

The amended land disturbance permit application shall contain all changes from the original application, and must, at a minimum, show to the reasonable satisfaction of the city that the proposed changes will not affect the quantity and/or quality of stormwater runoff. If an amended or restated application is filed with the City with respect to land disturbing activities for which a land disturbance permit has been issued, such existing land disturbance permit shall continue in effect, and the holder of the land disturbance permit may continue to operate under the original permit unless and until an amended land disturbance permit is issued in response to the amended or restated application ("amended land disturbance permit") at which time the original land disturbance permit shall expire and all land-disturbing activities must be conducted in accordance with the amended land disturbance permit.

(2) Transferred land disturbance permit. A land disturbance permit may be transferred, upon the payment of an additional fee in the amount of one hundred one dollars ($101.00), equal to the fee under the building code for change of contractor, upon the filing with the city of an application for transfer, provided, that the holder and proposed transferee of the land disturbance permit show to the reasonable satisfaction of the City that, upon or following the transfer, there will be no proposed changes which may affect the quantity or quality of stormwater runoff. If there is a request for the transfer of a land disturbance permit and there are to be one (1) or more changes in the operation of the project which is the source of the land disturbing activity which may affect the quantity and/or quality of stormwater runoff, the new owner or operator of such project must apply to the city for a new land disturbance permit prior to his involvement with the operation of such project.

(f) Signatory requirements.

(1) All applications and correspondence required by this division to be submitted to the city shall be signed as follows:

a. If an application or correspondence is submitted by a corporation, it must be signed by the president of the corporation or by a vice-president of the corporation who is in charge of a principal business function of the corporation, or any person who performs similar policymaking or decision-making functions for the corporation, or who has been authorized to sign such applications and/or correspondence by a resolution adopted by the board of directors of the corporation. Proof of the authority of the signature shall be provided to the City, upon his request.

b. If an application or correspondence is submitted by a limited liability company, it must be signed by a manager or other person who serves the same or similar function as the president of a corporation.

c. If an application or correspondence is submitted by a partnership, it must be signed by a general partner of the partnership.

d. If an application or correspondence is submitted by a sole proprietorship, it must be signed by the proprietor.

e. If an application or correspondence is submitted by the state or the federal government or by any municipal, state or federal agency, it must be signed by either the chief executive officer or a principal executive officer of any such government or by either the chief executive officer, a principal executive officer, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of any such governmental agency.

(2) Any person signing any application or correspondence required by this division shall make the following certification: "I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision, and I am familiar with, the information in this document and such attachments. Based on my inquiry of those individuals immediately responsible for obtaining the information or of the Qualified Credentialed Professional responsible for preparing any portion of the application or

correspondence, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty."

Sec. 17-9. - Best management practices - Tier 1 land disturbance permit.

(a) Design and performance standards. The following are required for all land-disturbing activities that require a tier 1 land disturbance permit, see section 17-8(b), and will take effect three hundred sixty five (365) days following the effective date of the city NPDES ALS000007 permit for its MS4. All applications for a land disturbance permit must contain, or be accompanied by, the materials and information necessary to satisfy the requirements of this division and must be accompanied by a construction best management practices (CBMP) plan. The CBMP plan shall be prepared by a qualified credentialed professional and shall include the following:

(1) The CBMP shall be accompanied by an engineering map or plan of the property upon which land disturbing activities are to be conducted, prepared by a registered engineer or land surveyor, showing the present contour lines of such property, and the present contour lines of at least the nearest twenty-five (25) feet of the properties immediately adjacent to such property and the existing grades and evaluations of all streets which abut such property. Such map or plan shall show all existing drainage facilities and all natural drainage on such property and on such adjacent property.

(2) All proposed contours, the proposed temporary and permanent disposition of surface water and the proposed drainage structures.

(3) The proposed contours in the map or plan shall be depicted in contour intervals of a minimum of one (1) foot. All maps and plans submitted shall be on a standard sized sheet twenty-four (24) inches by thirty-six (36) inches and drawn to a scale of not less than one (1) inch equals one hundred (100) feet. Contour intervals of more than one (1) foot and maps or plans which are smaller than the standard size may be approved by the city engineer, upon written request and for good cause shown. All sheets will be standard paper sizes.

(4) The CBMP plan shall contain a description of the existing site conditions, a description of adjacent topographical features, the information necessary to determine the erosion qualities of the soil on the site, potential problem areas of soil and erosion and sedimentation, soil stabilization specifications, stormwater management considerations, a sequence of construction and projected time schedule for the commencement and completion of the land-disturbing activity, specifications for CBMP plan maintenance during the project and after completion of the project, clearing and grading limits, and all other information needed to depict accurately the solutions to potential soil erosion and sedimentation problems to the MS4. The CBMP plan shall include the series of BMPs and shall be reviewed by, and subject to the approval of, the city engineer prior to the issuance of the tier 1 land disturbance permit. An ADEM notice of registration (NOR) shall be submitted with the application. The notice of intent (NCI) may be provided until the NOR is received from ADEM. Copies of all monitoring data and reports shall be submitted to the City in the same manner as they are submitted to ADEM and in the frequency specified by the City.

(5) Where appropriate, in the opinion of the qualified credentialed professional who prepares the CBMP plan, to the maximum extent practicable, the CBMP plan shall include measures to reduce erosion and other adverse impact to MS4 drainage which would result from an increase in the volume of water and the rate of runoff of water during the conduct of land-disturbing activities.

(6) Whenever the city engineer determines that a CBMP plan does not comply with this division, he shall notify the applicant in writing of the ways in which the CBMP plan does not comply with this division.

(7) To the maximum extent practicable, sediment in runoff water must be minimized by using appropriate BMPs.

(8) Structural controls shall be designed by a registered Alabama professional engineer. Structural controls shall be designed and maintained as required to minimize erosion and pollution to the maximum extent practicable. All surface water flowing toward the construction area shall, to the maximum extent practicable, either be passed through the site in a protected channel or diverted by using berms, channels or sediment traps, as necessary. Erosion and sediment control measures shall be designed, according to the size and slope of the disturbed areas or drainage areas, to minimize erosion and to control sediment, to the maximum extent practicable. Discharges from sediment basins and traps must be conducted in a manner consistent with good engineering practices. Sediment-laden, or otherwise polluted, water discharged to the MS4 must be addressed in a manner consistent with good engineering practices and the requirements of this division.

(9) Control measures shall be maintained as an effective barrier to sedimentation and erosion in accordance with the provisions of this division.

(10) There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge. The stormwater discharge to an MS4 must not cause an unnatural color (except dyes or other substances discharged to an MS4 for the purpose of environmental studies and which do not have harmful effect on the bodies of water within the MS4) or odor in the community waters. The stormwater discharge to the MS4 must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life or fish and aquatic life in the community waters.

(11) When the land disturbing activity is finished and stable vegetation or other permanent controls have been established on all remaining exposed soil, the owner of the land where the land disturbing activity was conducted, or his authorized agent, shall notify the city of these facts, and request a final inspection. The City shall then inspect the site within five (5) working days after receipt of the engineer's as-built certification, see section 17-7(o), and may require additional measures to stabilize the soil and control erosion and sedimentation. If additional measures are required by the city, written notice of such additional measures shall be delivered to the owner, and the owner shall continue to be covered by the land disturbance permit issued with respect to the land disturbing activity until a final and complete inspection is made to the satisfaction of the City. The owner's professional engineer shall certify to the City that land disturbing activity is finished and stable, and vegetation or other permanent controls have been established on all remaining exposed soil for the site. Following receipt of an acceptable final engineer's as built certification of the project and satisfactory inspection, the City will deliver to the owner, within ten (10) days of the date of such certification a sign-off will be entered in the permitting system showing that the erosion control requirements of the land disturbance permit have been fulfilled. At that time, the site and/or the project constructed thereon may come under the operation of other ordinances of the City.

(12) The CBMP plan must be accompanied by a letter of credit, a surety bond or a cash bond, with the city having the right to determine which type of security shall be furnished. Unless the City determines that sufficient security for compliance with the requirements of this division is already in place, a letter of credit, a surety or a cash bond (a letter of credit, a surety bond and a cash bond shall be herein collectively referred to as "security") shall be furnished to the City in accordance with the following provisions;

a. The City shall require a letter of credit, a surety bond or a cash bond in such amount as specified herein to assure that the work, if not completed or if not in accordance with the permitted plans and specifications will be corrected to eliminate hazardous conditions, erosion and/or drainage problems. In lieu of a letter of credit or a surety bond required by the City, the owner may file a cash bond with the City in an amount equal to that which would be required in the letter of creditor or the surety bond.

b. The security shall contain, or have attached to it as an exhibit, a legal description of the site. The security shall remain in effect for such reasonable period of time as may be required by the City.

c. The security for clearing operations only shall be in the amount of one thousand dollars ($1,000.00) per acre for each acre, or fraction of an acre, disturbed or affected by such operations.

d. The security for earthwork or clearing and earthwork operations shall be in the amount of three thousand dollars ($3,000.00) per acre for each acre, or fraction of an acre, disturbed or affected by such operations.

e. Security equal to double the amounts required in subsections (3) and (4) herein, shall be required where clearing or earthwork is performed in areas designated as flood ways, flood plains or areas susceptible to landslides.

f. Each letter of credit must be issued by a bank which has its principal office is in the city.

g. Each letter of credit must be issued by a bank which is reasonably satisfactory to the City and each surety bond must be issued by a surety company which is qualified to do business in the state and which is otherwise reasonably satisfactory to the City.

(b) Notice of construction commencement and construction inspections for tier 1 land disturbance permits.

(1) Notice of construction commencement. The permittee under a tier 1 land disturbance permit must notify the City in advance before the commencement of construction.

(2) Construction inspections. Regular inspections of the stormwater management system construction shall be conducted by a certified professional engineer or a qualified certified inspector ("QCI") or qualified credentialed professional ("QCP"). All inspections shall be documented and written reports prepared that contain the following information:

a. The date of the inspection;

b. Whether construction complies with the approved CBMP plan;

c. Any deviation from the approved construction specifications; and

d. Any violations of the stormwater and flood control ordinance.

Any violations will be processed in accordance with section 17-14 of this division.

(3) Final inspection—Submittal of "as-built" plans. Permittees are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed in CAD form. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. No performance securities will be released before the city engineer or his agent completes a final inspection and approval of the stormwater management facilities.

(c) Land stabilization requirements for tier 1 land disturbance permits.

(1) Any land surface from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within ten (10) days from the substantial completion of clearing and construction, see section 17-6(1) of this division.

Revegetation must meet the following criteria:

a. All reseeding must use an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety (90) percent of the seeded area. Reseeding can be accomplished with solid sodding (Bermuda).

b. Detention ponds must be solid sodded.

c. When replanting with native woody and herbaceous vegetation, the ground must be covered by straw mulch or its equivalent in an amount of sufficient coverage to control erosion until the plantings are established and capable of controlling erosion.

d. Any area of revegetation must exhibit survival of a minimum of seventy-five (75) percent of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five (75) percent survival for one (1) year is achieved.

(2) A landscaping plan must be submitted with the final design describing the temporary and permanent vegetative stabilization and management techniques to be used at a site for construction. This plan will not only explain how the site will be stabilized after construction, but also identify who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered QCP or professional engineer licensed by the state and must be approved prior to receiving a permit reporting compliance with plan.

(d) Waivers of stormwater management requirements.

1) Every applicant for a tier 1 land disturbance permit shall provide for stormwater management both during construction and post-construction as required by this division, unless a written request is filed to waive this requirement. Requests to waive the'stormwater management plan requirements shall be submitted to the city engineer for approval.

(2) The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one (1) of the following conditions applies:

a. It can be determined that the proposed development is not likely to impair attainment of the objectives of this division.

b. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan approved by the city engineer and implemented pursuant to this division.

c. Provisions are made to manage stormwater through an off-site facility. The off-site facility is required to be in place, to be designated and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.

d. The city engineer finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of the site.

e. Non-structural practices will be used on the site that reduce:

1. The generation of stormwater from the site; and

2. The size and cost of stormwater storage; and the pollutants generated at the site.

f. The City will not grant a waiver if to do so would cause any of the following impacts to downstream waterways:

1. Deterioration of existing culverts, bridges, dams, or other structures, or any element of the City's MS4, private water courses, waters of the state or of the United States;

2. Degradation of biological functions or habitat;

3. Accelerated stream bank or stream bed erosion or siltation;

4. Increased threat of flood damage to public health, life, property.

g. In order to be eligible for a waiver, the applicant must complete a mitigation measure, which may include but is not limited to one (1) of the following:

1. The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat. The donation shall run with the land, and shall be recorded in the records of the Office of the Probate Court, Mobile County.

2. The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this division.

3. Payment of a fee in lieu of stormwater practices may be accepted when implementation of otherwise applicable stormwater practices is impracticable under the provisions of this subsection. The fee will be determined according to a fee schedule established by the City based on the size and type of the development activity.

Sec. 17-10. - Maintenance and repair of stormwater facilities - Post-construction stormwater management in new development and redevelopment.

(a) Maintenance easement - Tier 1 developments. Prior to the issuance of a tier 1 permit, the owner of the site must agree to a maintenance easement that runs with the land and provides the City all authority required to monitor and enforce BMPs. If the land is to be subdivided, the maintenance easement shall be identified on the subdivision plat recorded in the records of the probate judge for the county. The easement shall provide for access to the property at reasonable times for periodic inspection by the City, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this division. Any stormwater easement agreement that does not appear on a subdivision plat shall be recorded in the records of the probate judge for the county.

(b) Maintenance covenants - Tier 1 developments. Maintenance of all stormwater management BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the city and recorded in the records of the probate judge for the county, prior to final plan approval. The covenant shall include a schedule for routine maintenance checks, and periodic inspections in a frequency sufficient to assure the proper performance of the BMPs. Maintenance and inspection shall be the responsibility of the property owner. In the event the stormwater BMPs fail to perform effectively, the parties may amend the maintenance covenants by written amendment recorded in the records of the probate judge for the county.

(c) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management BMPs shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. Inspections shall be completed by a QCI or QCP. These records shall be submitted to the city engineer annually on January 1 or such other date designated by the city engineer. In the event the responsible party fails to provide the annual records, City officials may conduct an inspection of the property. The fee for said inspection shall be five hundred dollars ($500.00) or the actual cost of inspection, whichever is greater.

(d) Failure to maintain practices. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all

necessary work to restore or repair the BMPs. In the event that the stormwater run-off becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the BMPs in writing. Upon receipt of that notice, the responsible person shall have fifteen (15) days to correct the deficiency in an approved manner depending upon the severity and nature of the violation. After proper notice, the city may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be collected as a municipal lien in accordance with the procedures applicable to the abatement of public nuisances.

(e) Unauthorized discharge prohibited and declared a public nuisance.

(1) Unauthorized discharges prohibited. Any discharge of stormwater made in violation of this division or of any condition of a tier 1 land disturbance permit Issued or maintenance covenant, see section 17-10(b), entered pursuant to this division is prohibited and is hereby declared a public nuisance subject to correction and/or abatement in accordance with applicable law.

(2) Exceptions. Discharges from the following activities will not be considered a source of pollutants to the MS4 and to waters of the United States and waters of the state when properly managed to ensure that no potential pollutants are present:

a. Discharge from emergency fire-fighting activities;

b. Water used to control dust, as long as no runoff is generated;

c. Potable water including uncontaminated water line flushing not associated with hydrostatic testing;

d. Routine external building wash down associated with construction that does not use detergents;

e. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used;

f. Uncontaminated air conditioning or compressor condensate associated with temporary office trailers and other similar buildings;

g. Uncontaminated ground water or spring water;

h. Foundation or footing drains where flows are not contaminated with process materials such as solvents.

(3) Except for emergency discharges noted above, allowable discharges shall not allow sediment to wash off-site and into the MS4 and waters of the United States.

(4) The prohibition shall not apply to any stormwater discharge permitted under an NPDES permit, waiver or order issued to the discharger and administered under the authority of the ADEM or EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations.

(f) Accidental discharges.

(1) Release of hazardous materials. In the event of any discharge of a hazardous substance or a significant spill of a hazardous substance to the MS4 which could constitute a threat to human health or the environment, the premises owner or operator of the premises shall Immediately notify emergency response agencies of the occurrence via emergency dispatch services (911) and shall also notify the City 311 operator by phone or e-mail as soon as possible but not later ban twenty-four (24) hours from the date and time of the release as to the occurrence of and the quantity of the release.

(2) Release of non-hazardous materials. In the event of a release of non-hazardous materials to the MS4, said person shall notify the fire department and the city 311 operator by phone or email as soon as possible but no later than twenty-four (24) hours from the date and time of the release as to the occurrence of and the quantity of the release.

(3) The owner or operator of property on which a release identified in paragraph (1) or

(2) above occurs, shall take all necessary steps to ensure the discovery, containment and cleanup of such spill so as to minimize any adverse impact to the waters of the state and-waters of the United States caused by discharges to the MS4, including such improved or additional monitoring as may be necessary to determine the nature and impact of the discharge. Absent a compelling public interest to the contrary, it shall not be a defense for the owner or operator in an enforcement action that it would have necessary to halt or reduce the business or activity of the site, or any project or facility thereon, to maintain water quality and minimize any adverse impact that the discharge may cause.

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 date of the phone or in person notice.

(4) Failure to provide notification of a release as provided above is a violation of this division.

(g) Immediate threats to public health, welfare or the environment. Notwithstanding any other provision in this division to the contrary, in the event of an immediate threat to the public health or welfare the city may take all appropriate measures to remove or alleviate such threat.

Sec. 17-11. Illicit discharge detection and elimination ("IDDE").

(a) Applicability. This section 17-11 applies to all properties (whether developed or undeveloped) that have stormwater discharges associated with them and all land uses within the city, including but not limited to, residential, Industrial, commercial, agricultural, and construction activity.

(b) Regulatory consistency. This division shall be construed to assure consistency with the requirements of the CWA and the AWPCA and acts amendatory thereof or supplementary thereto or any other applicable regulations.

(c) Ultimate responsibility. The standards set forth herein and promulgated pursuant to this division are minimum standards; therefore this division does not intend to Imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(d) Prohibitions of illicit discharges and illicit connections.

(1) Prohibition of illicit discharges.

a. Prohibition. Unless otherwise excepted herein, no person shall spill, dump, throw, drain, make, cause to be made or continue to be made; allow others under such person's control to spill, dump, throw, drain, make, cause to be made or continue to be made; or otherwise discharge and/or dispose of into the City’s MS4 or watercourses any illicit discharge including but not limited to pollutants or waters containing any pollutants, other than stormwater.

b. Exceptions. Discharges from the following activities will not be considered a source of pollutants to the MS4, water of the state or to waters of the United States when properly managed to ensure that no potential pollutants are present, and therefore shall not be

discharges unless determined to cause a violation of the provision of the AWPCA, CWA or this division:

1. Water line flushing;

2. Landscape irrigation (not consisting of treated, or untreated wastewater unless authorized by ADEM);

3. Diverted stream flows;

4. Uncontaminated ground water infiltration;

5. Uncontaminated pumped ground water;

6. Discharges from potable water sources;

7. Foundation and footing drains;

8. Air conditioning drains;

9. Irrigation water (not consisting of treated, or untreated, wastewater unless authorized by ADEM);

10. Rising ground water;

11. Springs;

12. Water from crawl space pumps;

13. Lawn watering runoff;

14. Individual residential car washing, to include charitable carwashes;

15. Residual street wash water;

16. Discharges or flows from firefighting activities (including fire hydrant flushing);

17. Flows from riparian habitats and wetlands;

18. Dechlorinated swimming pool discharges;

19. Discharges authorized by and in compliance with a separate NPDES permit; and

20. Wash water (without the use of chemicals/soaps/solvents) from the cleaning of the exterior of residential or commercial buildings, including gutters, sidewalks and driveways, provided that the discharge does not pose an environmental or health threat.

Discharges associated with dye testing are also allowable discharges under the terms of this section, but this activity requires written notification to and approval in writing by the city engineer at least fourteen (14) days prior to the date of the test.

c. 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 ADEM, provided that the discharger is in compliance with the requirements of the permit, waiver or order and other applicable laws and regulations.

(2) Prohibition of illicit connections.

a. Prohibition. The construction, use, maintenance or continued existence of illicit connections to the MS4 Is prohibited.

b. Past connections prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

c. A person is considered to be in violation of this division if the person connects a line conveying sewage to the MS4 or allows such an illicit connection to continue.

d. Improper connections in violation of this division must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or a sanitary sewer system upon approval of the City.

e. Any drain or conveyance that has not been documented in plans, maps or the equivalent and which may be connected to the MS4 shall be located by the owner or occupant of that premises upon receipt of written notice of violation from the city engineer requiring that such locating be completed. Such notice will specify a reasonable time within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm drainage system, sanitary sewer, or other, and that the outfall location or point of connection to the storm drainage system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided in writing to the city engineer.

(e) Watercourse protection. No person owning a premises or leasing a premises through which a watercourse passes may throw, deposit, leave, maintain, keep or permit to be thrown, deposited, left, maintained or kept in any part of a watercourse any trash, debris, excessive vegetation or other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. A person shall keep and maintain that part of the watercourse on the premises owned or leased by such person free from any such trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. A person shall only be liable under this division for trash, debris, excessive vegetation and other obstacles that originate from the premises owned or leased by such person. In addition, the owner or lessee of a premises shall maintain existing privately owned structures within or adjacent to a watercourse on such premises, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

Sec. 17-12. - Commercial, industrial and high-risk facilities.

(a) BMPs required. All commercial, industrial and high-risk facilities (see the definition of "high-risk facility" herein), shall identify. Implement and maintain BMPs for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the MS4, private watercourse waters of the state or waters of the United States. Noncompliance with such BMPs will constitute a violation of this division.

(b) Protection against accidental discharge. The owner or operator of a commercial, industrial or high risk facility shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or private watercourses, waters of the state, or waters of the United States, through the use of structural and non-structural BMPs. Any person responsible for a commercial, industrial or high-risk facility which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the discharge of pollutants to the MS4.

(c) Industrial, construction or other activity discharges - Compliance with NPDES permits.

(1) Any person subject to an industrial, general or construction activity, or other NPDES permit shall comply with all terms and provisions of such NPDES permit. Any person with an NPDES permit shall, to the extent permissible under state law, provide to the city engineer a copy of the permit, a copy of the stormwater pollution prevention plan and copies of all monitoring data and reports submitted to ADEM as required by the NPDES permit. Copies of monitoring data and reports shall be submitted to the city in the manner specified by the City and in the frequency as is submitted to ADEM.

(2) Proof of compliance with said permit in a form acceptable to the city engineer is required prior to the allowing discharges to the MS4. Compliance with an NPDES permit authorizing the discharge of stormwater associated with industrial activity shall be deemed compliance with the provisions of this division.

(3) Notice of intent (NOI). To the extent permitted by state law, the owner and/or operator of a facility required to have an NPDES permit to discharge stormwater associated with industrial and/or construction activity shall submit a copy of the notice of intent to discharge stormwater (NOI) or other permit application to the city engineer concurrently with the NOI or other permit application submitted to ADEM.

The copy of the NOI may be delivered to the city engineer either

In person to:

City Engineer
City of Mobile
205 Government Street
South Tower, Third Floor
Mobile, AL 36644

Or by mailing to:

City Engineer
City of Mobile
P. O. Box 1827
Mobile, ALL 36633-1827

(d) To the extent permitted by state law, a person commits an offense under this division if such person operates a facility on a premises that is discharging stormwater associated with industrial and/or construction activity without having obtained an NPDES permit and/or submitted a copy of the original NOI to discharge to the city engineer, or without complying with BMPs issued by the City, federal or state agency for the specific activity, operation or facility undertaken.

Sec. 17-13. - Compliance monitoring.

(a) Record retention. Owners of all properties for which a tier 1 land disturbance permit, or NPDES permit is issued and all other properties for which records of compliance with this stormwater division are required, shall maintain such records for a minimum of five (5) years. Failure to maintain said records shall be a violation of this division.

(b) Right of entry; inspection and sampling. Upon reasonable notice to the Premises owner and/or person in possession thereof, the city engineer, to the extent permissible under state law, shall be permitted to enter and inspect premises and facilities subject to regulation under this division during normal business hours as often as may be necessary to determine compliance with this division. Identification issued by the City shall be presented by the city engineer at the time of entry.

(1) If security measures are in force on a premises, then the premises owner shall make the necessary arrangements to allow access to the city engineer for the purposes of this division. Proof of an illicit discharge or an illicit connection is not required for entry onto a premises.

(2) Owners and/or operators of a premises shall allow the city engineer ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, testing, and examination; for the copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater; and for the performance of any additional duties as required by state and federal law.

(3) The city engineer shall have the right to set up on any premises such devices as are necessary in the opinion of the city engineer to conduct monitoring and/or sampling of the premises' stormwater flow discharges.

(4) The city engineer may require the owner and/or operator of premises to install monitoring equipment as necessary and to make monitoring data available to the city engineer. This sampling and monitoring equipment shall be maintained at all times in a

safe, calibrated and proper operating condition by the owner and/or operator and his/her/its own expense.

(5) Any temporary or permanent obstruction that prohibits safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the owner of the premises 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 owner and/or operator of the premises.

(6) Unreasonable delays in allowing the city engineer access to a premises is a violation of this division. A person who is the operator of a premises with an NPDES permit to discharge stormwater commits an offense if such person denies the city engineer reasonable access to the permitted premises for the purpose of conducting any activity authorized or required by this division.

(c) Search warrants. If the city engineer has been refused access to any part of a premises from which stormwater is discharged, and the city engineer is able to demonstrate probable cause to believe that there may be a violation of this division, 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 division 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 the Mobile municipal court.

(d) Emergency discharge. The city engineer shall have the right to enter upon any and all parts of a premises for the purposes of inspection, sampling, and/or examination in the case of an emergency illicit discharge or a suspected emergency discharge as is necessary in the opinion of the city engineer to contain an illicit discharge. Reasonable notice of such entry under the circumstances must be given to the owner and occupant of a premises. Entry must be made during normal business hours, if possible. Identification issued by the city shall be presented at the time of entry by the city engineer.

Sec. 17-14. - Violations, enforcement and penalties.

(a) Violations. It shall be unlawful and a misdemeanor for any person to:

(1) Violate any provision of this division;

(2) Violate the provision of any permit issued pursuant to this division;

(3) Fail or refuse to comply with any lawful order or notice to abate issued by the City; or

(4) Violate the provisions of conditions and safeguards established in connection with grants of variance or special exceptions.

(b) Enforcement remedies for violations.

(1) Notices, citations. When the city has reason to believe that any person or legal entity has violated or continues to violate any provision of this division or any order issued hereunder, the city may serve that person a verbal warning, and. subsequent to that, a written notice of violation ("NOV") citing the particular violation(s) and requesting the offender immediately seek to remedy it. Investigation and/or resolution of the matter in response to the NOV do not relieve the alleged violator of liability for any violations occurring before or after receipt of the NOV. If the violation is not remedied within a reasonable time after issuance of the NOV, the City or its agent may cause to be served on the violator a municipal offense ticket ("MOT"), a uniform non-traffic citation and complaint ("UNTCC"), or swear out a complaint and summons before a magistrate for appearance of the violator in municipal court. All notices, citations and/or complaints shall include:

a. The name and address of the alleged violator;

b. The address of the premises (when available) or a description of the building, structure or land upon which the violation is alleged to be occurring or has occurred;

c. A citation to the section of this Code which has been alleged to have been violated;

d. A statement specifying the nature of the violation;

e. Scheduled court date and/or pay date; and

f. The amount of the scheduled fine for the offense.

(2) Stop-work order; revocation) of land disturbance permit. In the event that any person holding a permit pursuant to this division violates the terms of said permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or Improvements in the neighborhood, the City may immediately suspend or revoke the permit, without issuing a notice of violation.

(3) Authority of municipal court. The City Municipal Court is vested with the power and jurisdiction to hear and adjudicate the violations provided in this division and to issue orders imposing fines, costs and fees.

d) Fines.

a. First violation - The fine of sixty dollars ($60.00) shall be assessed for a first violation of this division.

b. Second violation - The fine of one hundred fifty dollars ($150.00) shall be assessed for a second violation, of this division within a thirty-day period.

c. Third or subsequent violation - For a third or subsequent violation committed by the owner during a thirty day period or longer, the violation will be adjudicated and the penalty determined by the municipal judge.

d. If after a ninety (90) day period, all violations of this division have been rectified and no additional violations have occurred during that ninety-day period, then any further violations of this division will be assessed as a first violation.

(e) Right to appeal. A person convicted found guilty of for a violation of this division may appeal within fourteen (14) days to the county circuit court for trial de novo.

(f) Delivery of notices. Whenever the city is required or permitted to:

(1) Give a notice to any party, such notice must be in writing; or

(2) Deliver a document to any party, such notice or document may be delivered by personal delivery, certified mail (return receipt requested), or registered mail (return receipt requested), to the address of such party which is in the records of the City or is otherwise known to the City.

(g) Remedies not exclusive.

(1) The remedies listed in this division 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 to seek cumulative remedies.

(2) Nothing in this subsection shall limit the authority of the city engineer to take any action, including emergency action or any other enforcement action, without first Issuing a notice of violation.

(3) Except where otherwise provided, every day any violation of this division or an order Issued hereunder, shall continue shall constitute a separate offense.

Secs. 17-15, 17-16. - Reserved.

DIVISION 2. - FLOODPLAIN REGULATIONS

Sec. 17-17. - Findings of fact.

(a) The flood hazard areas of the city 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 protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

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

Sec. 17-18. - Statement of purpose.

It is the purpose of this division 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) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

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

(3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are Involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazard to other lands.

Sec. 17-19. - Objectives.

The objectives of this division are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;

(6) 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; and

(7) To insure that potential home buyers are notified that property is in a flood area.

Sec. 17-20. - Definitions.

Unless specifically defined below, words or phrases in this article I division 2 shall be interpreted so as to give them the meaning that they have in common usage and to give this division its most reasonable application:

Addition (to an existing building) means any wailed and roofed expansion to the perimeter or height of a building.

Appeal means a request for a review of the city engineer interpretation of any provision of this division.

Area of shallow flooding means a designated AO or VO zone on the city's flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet 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 means the land in the floodplain within the city subject to a one (1) percent or greater chance of flooding in any given year.

Base flood means a flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation of surface water resulting from a flood that has a one (1) percent chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, ARIA, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE.

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

Breakaway wall means a wail that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building means any structure.

Coastal high hazard area means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on the flood insurance rate map (FIRM) as zone V1-30, VE or V.

Development means any manmade 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 built to have the lowest floor elevated above the ground level by means, solid foundation perimeter walls, piling, columns (posts and piers), or shear walls.

Elevation certificate means an administrative tool of the national flood insurance program (NFIP) used to provide elevation information necessary to ensure compliance with community floodplain management ordinances, to determine the proper insurance premium rate, and to support a request for a letter of map amendment or revision (LOMA or LOMR-F) based-on-fill.

Existing construction means any structure for which the "start of construction" commenced before May 1, 1972.

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;

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of the city, issued by the Federal Insurance Administration, where boundaries of areas of special flood hazard have been designated as specified in section 17-22.

Flood insurance rate map (FIRM) means an official map of the city, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

Flood insurance study (FIS) is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

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

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 one (1) fool.

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, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacturer, sales or service facilities.

Hazardous waste materials or substances means any materials that are flammable, explosive, corrosive, toxic, radioactive or readily decompose to oxygen at elevated temperatures.

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

Historic building means any building that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the department of the Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register; or

(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 of the interior to qualify as a registered historic district; or

(3) Individually listed in a state inventory of historic places in states with preservation programs that have been approved by the secretary of the interior; or

(4) Individually listed on a local inventory of historic places in 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.

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 division.

Manufactured home means a building, transportable in one (1) or more sections, which is 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 (mobile) home park or subdivision, existing means a manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) 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 before December 31, 1974 or before the effective date of the community's initial flood insurance rate map (FIRM), whichever Is later.

Manufactured (mobile) home park or subdivision, expansion to existing site means the preparation of additional sites by the construction of facilities for servicing the lots on which manufactured (mobile) 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).

Manufactured (mobile) home park or subdivision, new means a manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) 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 after December 31, 1974, or on or after the effective date of the community's Initial flood insurance rate map (FIRM), whichever is later.

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 article, the term is synonymous with national geodetic vertical datum (NGVD).

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 for which the "start of construction" commenced after December 31, 1974. The term also includes any subsequent improvements to such structure.

Recreational vehicle means a vehicle which is

(1) Built on a single chassis;

(2) Four hundred (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.

Repetitive loss means flood-related damages sustained by a structure on two (2) 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.

Sand Dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Section 1316 means a section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property

that FEMA 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 that are intended to discourage or otherwise restrict land development or occupancy in flood prone areas.

Special flood hazard area (SFHA) means any area having special flood, mudflow or flood-related erosion hazards and shown on a flood hazard boundary map (FHBM) or a flood insurance rate map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. For the purpose of determining community rating system (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.

Start of construction (for other than new construction or substantial Improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial Improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include 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 accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. 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 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:

(1) Any project for improvement of a building required to comply with existing health, sanitary or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure," provided that the alternation 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 means a grant of relief by a community from the terms of a flood plain management regulation.

Violation means the failure of a structure or other development to be fully compliant with the flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 17-26(5), section 17-27(4) and (10), section 17-28(3), and section 17-29(2), (4), or (5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Sec. 17-21. - Lands to which this division applies.

This division shall apply to all areas of special flood hazard within the jurisdiction of the city and other areas designated by the city engineer as potential flood hazard areas.

Sec. 17-22. - Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study of the city, dated July 6, 1998, with accompanying maps and other supporting data, and any revisions thereto, are adopted by reference and declared to be a part of this division. For those land areas acquired by a municipality through annexation, the current effective FIS and data for the county are hereby adopted by reference. Areas of special flood hazard may also include those areas know to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in an FIS.

Sec. 17-23. - Warning and disclaimer of liability.

The degree of flood protection required by this article 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 manmade or natural causes. This article 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 article shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this article or any other administrative decision lawfully made thereunder.

Sec. 17-24. - Variance procedures.

(a) The city engineer shall hear and decide requests for appeals or variances from the requirements of this division. The city engineer will review and Issue comments within fourteen (14) days from receipt of a written request.

(b) 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 necessary to preserve the historic character and design of the structure.

(c) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this division 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.

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

(e) In reviewing such requests, the city engineer shall consider ail technical evaluations, relevant factors and ail standards specified in this and other sections of this division.

(f) Conditions for variances: A variance shall be issued only when there is:

(1) A finding of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship; and

(3) 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.

(g) The provisions of this division 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.

(h) 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.

(i) The City shall maintain the records of ail appeal actions and report any variances to the federal and state emergency management agencies upon request.

(j) Upon consideration of the factors listed above and the purposes of this article, the city engineer may attach such conditions to the granting of variances as it deems necessary to further the purposes of this division.

(k) The director of public services shall hear and decide appeals when it is alleged an error in any requirement, decision or determination is made by the city engineer in the enforcement or administration of this division.

(I) Appeal procedure: The director of public services may grant a special exception to the requirements of this division if a permittee demonstrates with written evidence that:

(1) The exception will not create any threat to the public health, safety or welfare.

(2) The permittee demonstrates that the increased economic burden and the potential adverse impact on the permittee's construction schedule resulting from the strict enforcement of the requirement actually or effectively prohibits the ability of the permittee to receive utility services in the city.

(3) The permittee demonstrates that the requirement unreasonably discriminates against the permittee in favor of another person.

(m) Should any person be aggrieved by the decision of the director of public services, such person may appeal by filing written notice with the engineering department within fifteen (15) days from the date of such decision. The engineering department shall send a copy of the appeal and all relevant documentation, within fifteen (15) days, to the city clerk's office to be considered by the city council at a public hearing.

Sec. 17-25. - Construction standards for areas where the city has identified a flood hazard, but FEMA has not identified a special flood hazard area (or elevation) in an area

within the city, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the City has through historical data identified the presence of special flood hazards, the city shall:

(1) Require permits for all proposed construction or other development in the city, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those 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;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,

b. Be constructed with materials resistant to flood damage,

c. Be constructed by methods and practices that minimize flood damages, and

d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that:

a. All such proposals are consistent with the need to minimize flood damage within the flood prone area,

b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage,

c. Adequate drainage is provided to reduce exposure to flood hazards, and

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

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas:

a. New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and

b. On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(7) Construction must comply with all applicable requirements in the City's latest adopted building code and in all ordinances.

Sec. 17-26. - Construction standards for special flood hazard areas (A zones and X-shaded zones).

When FEMA has designated areas of special flood hazards (A zones and X-shaded zones) by the publication of the city's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the City shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A or Zone X-shaded on the community's FHBM or FIRM;

(2) Require the application of the standards in Section 17-25(2), (3), (4), (5), (6), and (7) to development within zone A or zone X-shaded on the community's FHBM or FIRM;

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, slate, or other source, including data developed pursuant to paragraph (3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in zone A or zone X-shaded on the community's FHBM or FIRM meet the standards In paragraphs section 17-27(2), (3), (5), (6). (12), and (14), section 17-28(2) and (3);

(5) Where base flood elevation data are utilized, within zone A or zone X-shaded on the community's FHBM or FIRM:

a. The lowest floor, including basement, shall be elevated to the base flood elevation for all new and substantially improved structures, Including manufactured homes;

b. Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

c. Obtain, if the structure has been flood-proofed in accordance with paragraph (4) of section 17-27, the elevation (in relation to mean sea level) to which the structure was flood proofed, and

d. Maintain a record of all such information with the director of the permitting department;

(6) Notify, in riverine situations, adjacent communities and the state coordinating office prior to any alteration or relocation of a water course, and submit copies of such notifications to FEMA;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within zone A or zone X-shaded on the City's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is In addition to applicable state and local anchoring requirements for resisting wind forces.

Sec. 17-27. - Construction standards for areas without established base flood elevation and floodways (A1-30 zones, AE zones, A zones, AH zones, AO zones, and X-shaded zones).

When the FEMA has provided a notice of final flood elevations for one (1) or more special flood hazard areas on the City's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the city's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the City shall:

(1) Require the standards of section 17-25 to all A1-30 zones, AE zones, A zones, AH zones, AO zones, and X-shaded zones on the city's FIRM;

(2) Require that all new construction and substantial improvements of residential structures within zones A1-30, AE zones, AH zones, and X-shaded zones on the community's FIRM have the lowest floor (including basement) elevated to the base flood level, unless the City is granted an exception by the administrator for the allowance of basements In accordance with the Code of Federal Regulations, Title 44, Volume 1, sec. 60.6(b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within zones A1-30, AE and AH zones, and X-shaded zones on the City's FIRM:

a. Have the lowest floor (including basement) elevated to no lower than the base flood level or,

b. Together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with wails substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is Intended to be made watertight below the base flood level,

a. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(1) or (h)(2) of this section, and

b. A record of such certificates which Includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained with the director of the permitting department;

(5) Require, for all new construction and substantial Improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. 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 shall be provided.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they perm it the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, AE, and X-shaded on the city's FIRM on sites

a. Outside of a manufactured home park or subdivision,

b. In a new manufactured home park or subdivision.

c. In an expansion to an existing manufactured home park or subdivision, or

d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to no lower than the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO or X-shaded zone on the City's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified);

(8) Require within any AO or X-shaded zone on the city's FIRM that all new construction and substantial improvements of nonresidential structures:

a. Have the lowest floor (Including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or

b. Together with attendant utility and sanitary facilities be completely flood-proofed to that level to meet the flood-proofing standard specified in paragraph (c)(2) of this section;

(9) Require within any A99 or X-shaded zones on the city's FIRM the standards of paragraphs section 17-25(1) through (4)a. and section 17-26(5) through (8) of this chapter;

(10) 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, AE, or X-shaded on the community's FIRM, within an area equal to the width of the stream or twenty-five (25) feet, whichever is greater, measured from the top of the stream bank, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the city during the occurrence of the base flood discharge;

(11) Require within zones AH, AO, and X-shaded adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A-1-30. AH, AE, and X-shaded on the City's FIRM that are not subject to the provisions of paragraph (6) of this section be elevated so that either

a. The lowest floor of the manufactured home is no lower than the base flood elevation, or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of this ordinance, the city may approve certain development In zones Al-30, AE, AH, and X-shaded on the city's FIRM which do not increase the water surface elevation of the base flood, provided that the city first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of the Code of Federal Regulations, title 44, volume 1, sec. 65.12, and receives the approval of FEMA.

(14) Require that recreational vehicles placed on sites within zones Al-30, AH, AE, and X-shaded on the City's FIRM either

a. Be on the site for fewer than one hundred eighty (180) consecutive days,

b. Be fully licensed and ready for highway use, or

c. Meet the permit requirements of paragraph (1) of section 17-26 and the elevation and anchoring requirements for "manufactured homes" in paragraph (6) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Sec. 17-28. - Construction standards for special flood hazard area (AE or X-shaded zones).

When FEMA has provided a notice of final base flood elevations within zones A1-30 and/or AE on the city's FIRM and. if appropriate, has designated AO zones, AH zones, A99 zones, A and X-shaded zones on the City's FIRM, and has provided data from which the City shall designate its regulatory floodway, the City shall; a /

(1) Meet the requirements of paragraphs {1) through (14) of section 17-27 of this division;

(2) 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 at any point;

(3) Require that floodways 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. Encroachments are prohibited, including earthen fill, new construction, substantial improvements, disturbance of natural vegetation, or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment shall not result in an increase in flood levels or floodway widths during a base flood discharge, and that velocities of floodwaters and erosion potential are not increased. The hydrologic and hydraulic analysis shall also include:

1. Data that identifies soli types and addresses their potential for erosion before and after development; and

2. A survey of existing vegetation within the affected area and the potential impact on water quality resulting from the proposed development. A licensed professional engineer must provide supporting technical data and certification thereof.

(4) Notwithstanding any other provisions of this article, the City may permit encroachments within the adopted regulatory floodway that would not 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 the Code of Federal Regulations, title 44, volume 1, sec. 65.12, and receives the approval of FEMA.

Sec. 17-29. - Construction standards for coastal high hazard areas (V zones).

When FEMA has provided a notice of final base flood elevations within zones A1-30 and/or AE on the City's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, A and X-shaded zones on the City's FIRM, and has identified on the City's FIRM coastal high hazard areas by designating zones V1-30, VE, and/or V. the City shall:

(1) Meet the requirements of paragraphs (1) through (14) of section 17-27;

(2) Within zones VI -30, VE, and V on the city's FIRM:

a. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and

b. Maintain a record of all such Information with the director of the permitting department;

(3) Provide that all new construction within zones V1-30, VE, and V on the City's FIRM is located landward of the reach of mean high tide;

(4) Provide that all new construction and substantial improvements in zones V1-30 and VE, and also zone V if base flood elevation data is available, on the City's FIRM, are elevated on pilings and columns so that:

a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to no lower than the base flood level; and

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

c. Water loading values used shall be those associated with the base flood.

d. Wind loading values used shall be those required by applicable state or the latest adopted building code.

e. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (4)a. through d. of this section.

(5) Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the City's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural).

c. Water loading values used shall be those associated with the base flood.

d. Wind loading values used shall be those required by applicable state or latest adopted building code.

e. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Prohibit the use of fill for structural support of buildings within zones VI-30, VE, and V on the community's FIRM. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscape/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects or wave deflection. The city engineer shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist, which demonstrates that the following factors have been fully considered:

a. Particle composition of fill material does not have a tendency for excessive natural compaction;

b. Volume and distribution of fill will not cause wave defection to adjacent properties; and
c. Slope of fill will not cause wave run-up or ramping.

(7) Prohibit man-made alteration of sand dunes and mangrove stands within zones V1-30, VE, and V on the City's FIRM which would Increase potential flood damage.

(8) Require that manufactured homes placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites

a. Outside of a manufactured home park or subdivision,

b. In a new manufactured home park or subdivision, and

c. In an expansion to an existing manufactured home park or subdivision, or

d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones VI-30, V, and VE on the City's FIRM meet the requirements of section 17-27(12) of this article.

(9) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes park or subdivision V1-30, V. and VE on the city's FIRM. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of this article are met.

a. Exceptions:

1. That the manufactured home (mobile home) be on the site for fewer than one hundred eighty (180) consecutive days,

2. That the manufactured home (mobile home) be fully licensed and ready for highway use, or

3. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Sec. 17-30. - Reserved.

Sec. 17-31. - Hazardous waste materials or substances.

No construction, plants, facilities or structures that process or store hazardous waste substances shall be permitted within the one hundred-year floodplain, five hundred-year floodplain or coastal high hazard areas.

ARTICLE II. - STORMWATER MANAGEMENT UTILITY DIVISION

Sec. 17-32. - Stormwater management utility division created.

The city council hereby ordains the establishment of the stormwater management utility division of the department of public works. The stormwater management division shall be responsible for developing and implementing stormwater management plans and managing facilities, stormwater systems and stormwater sewers. This division shall charge a storm drainage service charge based on individual contribution of runoff to the system, benefits enjoyed and service received. The stormwater management utility division shall be administered by the City stormwater management engineer under the direction and supervision of the director of public services.

Sec. 17-33. - Organization of utility division.

(a) The stormwater management utility division of the department of public works of the City shall have the responsibility for planning, developing and implementing stormwater management plans; financing, constructing, maintaining, rehabilitating, inspecting and managing existing and new stormwater facilities, collecting fees and charges for the utility division; implementing and enforcing the provisions of the stormwater management code; and other related duties as directed by the mayor.

(b) The utility division shall be administered by the utility engineer who shall be the superintendent of the division's facilities.

Sec. 17-34. - Stormwater fund.

All revenues generated by or on behalf of the utility division and interest earnings on those revenues shall be deposit in a stormwater fund and used exclusively for utility division purposes.

ARTICLE III. - STORMWATER MANAGEMENT

DIVISION 1. - GENERALLY

Sec. 17-35. - Scope.

(a) The purpose of the stormwater management provisions is to provide for effective management and financing of a stormwater system within the city, to provide a mechanism for mitigating the damaging effects of uncontrolled and unplanned stormwater runoff, to improve the public health, safety and welfare by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, to authorize the establishment and implementation of a master plan for storm drainage including operation, maintenance, inspection and enforcement, to establish reasonable storm drainage service charges based on each property's contribution of stormwater runoff to the system and use and benefit of services and facilities and to encourage and facilitate urban water resources management techniques including detention of stormwater runoff, minimization of the need to construct storm sewers, and the enhancement of the environment.

(b) In order to accomplish such purpose a storm drainage service charge shall be made on each lot or parcel in the city. Each property's contribution to runoff shall be the primary consideration in establishing the service charge. Secondary consideration shall be given to specific service requirements of some properties, and special and general benefits accruing to or from properties as a result of providing their own stormwater management facilities.

(c) The storm drainage service charges shall bear a reasonable relationship to the cost of providing service and facilities. Similar properties shall pay similar stormwater service charges and such charges shall reflect the area of each property and its intensity of development, as these factors bear directly on the peak rate of stormwater runoff.

(d) An appeal shall be employed to review stormwater charges when circumstances exist which alter runoff characteristics or when either service or benefit varies from a normal condition or is of greater significance than contribution to runoff.

Sec. 17-36. - Definitions.

For the purpose of this article, the words and phrases shall be defined as follows, unless the context clearly indicates or requires a different meaning.

Area range number (ARM) shall mean a number assigned by the utility division for the purpose of calculating storm drainage service charges, based on the total square footage of lots or parcels of real property.

City shall mean the City of Mobile, Alabama.

Council shall mean the Council of the City of Mobile.

Director shall mean the Director of Public Services.

Engineer is a person licensed under Alabama Code, Section 34-11-1 et seq. (1975), as amended.

Equivalent runoff unit (ERU) shall mean a value based on the parameters used in the stormwater management utility rate structure which represents a unit of stormwater runoff. This value is used to facilitate comparison of the number of billing units of various properties.

Existing shall mean present or in effect as of the time of the adoption of this article.

Facilities shall mean various drainage works that may include inlets, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins and other structural components.

Impervious surface shall mean surfaces on or in a lot or parcel of real property which substantially reduce the rate of infiltration of stormwater into the earth.

Intensity of development factor (IDF) shall mean the runoff coefficient or percentage of impervious coverage on or in a lot or parcel of real property. The numerical value for each such land use shall be based upon generally accepted engineering standards, review of and applications of the standards to local conditions and analysis of the photographic land use Interpretation studies.

Mayor shall mean the mayor of the City of Mobile.

Notice shall mean a written or printed communication conveying information or warning.

Premises shall mean the lot and the buildings situated thereon.

Private shall mean persons or entitles other than municipal, state or federal government. Stormwater system shall mean all manmade facilities, structures, and natural watercourses used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlet, including but not limited to any and all of the following: Inlets, conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees and pumping stations.

Storm sewer or storm drain shall mean a sewer which carries stormwaters, surface runoff, street wash waters and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

Total square footage of surface area of lot or parcel of real property, for the purpose of assigning an area range number (ARN) to a lot or parcel of real property, shall mean the

square footage of a lot or parcel measured or estimated by using the outside boundary dimensions in feet to obtain the total enclosed square footage, without regard for topographic features of the enclosed surface. The boundary dimensions in feet of the enclosed surface area may be established by any of the following methods:

(1) On-site or photogrammetric measurement of the apparent outside boundary dimensions of the lot or parcel of real property made by the City or on its behalf; or

(2) Computation of the area using dimensions of lot or parcel of real property and/or existing area measurements which are set forth and contained in the records of the office of the probate court of the county.

Undeveloped land shall mean a parcel of land that is without any building, structure or improvement. It does not mean recreation, green or open space created around private or municipal facilities or parcels connected thereto or contiguous with such facilities for such reason. For the purpose of administering this article, undeveloped land has an IDF of 0.00.

Utility engineer shall mean a person designated by the mayor as the City stormwater management engineer.

Sec. 17-37. - Master plan.

The utility engineer shall establish and maintain a master plan for a stormwater system designed to handle the stormwater runoff. The master plan shall provide or be accompanied by maps or other descriptive material showing, at a minimum, the following:

(1) An inventory of the existing stormwater facilities plus the extent and area of each watershed tributary to the main drainage channels in the city.

(2) The street storm sewers and other storm drains to be built; the basis of their design; the outfall, inlet and outlet locations; the receiving stream or channel and Its high-water elevation; and the functioning of the systems and facilities during high-water conditions.

(3) The parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from storm sewers and runoff over the curb resulting from the heavier rainstorms and outlets for such overflow.

(4) Existing streams and floodplains to be maintained, enlarged, altered and eliminated; and new channels to be constructed, their locations, cross-sections and profiles.

(5) Existing culverts and bridges, drainage areas and adequacy of waterway openings; and new culverts and bridges to be built, water openings and the basis of their design.

(6) Existing detention ponds and basins to be maintained, enlarged and altered; and new ponds or basins to be built with dams, if any.

(7) The slope, type and size of all sewers and other waterways.

(8) For all detention/retention basins, a tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.

(9) For all detention/retention basins, design hydrographics of inflow and outflow for the design year under developed conditions and the calculated frequency peak flows from the site under natural and developed conditions.

(10) An examination of the need for reduction of pollution loads resulting from surface runoff where applicable, now or in the future.

(11) Estimates of cost.

Sec. 17-38. - Classification of property.

For purposes of imposing the storm drainage service charge, all lots and parcels within the City shall be classified as residential or nonresidential. The utility engineer shall prepare or cause to be prepared a list of all lots and parcels within the city, including the area thereof, and assign a classification to each lot or parcel.

Sec. 17-39. - Land use intensity of development factors.

All types of land uses shall be Identified and recognized for purposes of this article, each of which shall be assigned an intensity development factor (IDF). The land use of each class of property shall be assigned based on the records of the judge of probate of the county, the city, or through field examination or photogrammetric analysis.

Sec. 17-40, - Liability.

Floods from stormwater runoff may occasionally occur which exceed the capacity of storm drainage facilities constructed, operated or maintained by funds made available under this article. This article shall not be interpreted as a warranty that property subject to the fees and charges established herein shall be free from stormwater flooding or flood damage, or that stormwater systems capable of handling all storm events can be cost effectively constructed, operated or maintained. Nor shall this article create a liability on the part of, or cause of action against, the city or any officer or employee thereof for any flood damage that may result from such storms or the runoff thereof. Nor does this article purport to reduce the need or the necessity for obtaining flood insurance.

DIVISION 2.-CHARGES

Sec. 17-41. - Findings.

(a) The city maintains a municipal separate storm sewer system ("MS4") In accordance with federal and state law, the Clean Water Act, 33 USC § 1251, et seq., the Alabama Water Pollution Control Act and the Alabama Environmental Management Act.

(b) The City incurs substantial expenses to comply with federal and state stormwater laws.

(c) The state legislature recognized that the implementation of efficient and effective stormwater programs promotes the public interest and that counties and municipalities require funding to implement and enforce their stormwater management programs, Acts of Alabama, Act No. 2014-439, Code of Alabama, § 11-89C-1 et seq.

(d) The Code of Alabama (1975), § 11-89C-9(d), authorizes the governing bodies of municipalities in the state with National Pollutant Discharge Elimination System ("NPDES") permits for MS4s to levy a stormwater fee, charge or assessment in accordance with the terms and conditions set out therein.

(e) The council finds and determines that it is in the public interest to establish a stormwater fee as authorized by the Code of Alabama. § 11-89C-9(d), which fee shall replace and repeal the stormwater charges currently in the Mobile Municipal Code, chapter 17, article III, stormwater management, divisions 1 and 2, in their entirety, which fee has never been implemented or collected.

Sec. 17-42. - Definitions.

Agricultural land. Any real property classified or assessed as agricultural or forest land for property tax purposes.

Commercial property. Any real property that is not residential property, as defined in this section, or has not specifically been exempted from the fee provisions set out in section 17-44 herein.

Commercial space. The area of a parcel of commercial property measured in square feet, according to the property tax assessment records of the county revenue commissioner.

Greenfield. Any real property not previously developed including unimproved commercial lots.

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains:

(1) Owned or operated by the City;

(2) Designed or used for collecting or conveying stormwater;

(3) Which is not a combined sewer; and

(4) Which is not part of a publicly owned treatment works as defined in 40 CFR § 122.2.

Owner. The person or persons to whom the county revenue commissioner assesses real property in the corporate limits of the city.

Person. The word person shall include a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

Residential Property. Any single family owner occupied residential property, historic buildings, or sites classified or assessed as class III property, pursuant to § 217 of Article XI of the Constitution of Alabama of 1901.

Stormwater management program. The City program developed in compliance with its National Pollutant Discharge Elimination System ("NPDES") permit to implement controls necessary to reduce the discharge of pollutants from its MS4 to the maximum extent practicable.

Sec. 17-43. - Levy.

(a) Residential property. There is hereby levied pursuant to the Code of Alabama, § 11-89C-9(d)(2), an annual assessment in the amount of $10.00 per year from or against the owners of residential property in the city limits.

(b) Commercial property. There is hereby levied pursuant to the Code of Alabama, § 11 - 89C-9(d)(3), an annual assessment in the amount of $0,005 per square foot of commercial space from or against the owners of commercial property In the city limits of the city, provided, however, that no such fee shall exceed $3,000.00 per year.

Sec. 17-44. - Exemptions.

The following are exempted from the stormwater fees levied under section 17-43 herein:

(1) Lands and/or facilities owned and/or operated by one or more entitles under the jurisdiction and supervision of the state public service commission.

(2) Lands and/or facilities owned and/or operated by any commission nonjurisdictional electric supplier, as defined by § 37-4-140, whose service area extends beyond the boundaries of a single municipal or county jurisdiction.

(3) Greenfields and/or agricultural land.

Sec. 17-45. - Effective date.

The stormwater fee levied hereby shall become effective upon the effective date of Ord. No. 01-024-2018 (August 21, 2018), and shall be added to affected property tax bills on the October 1 immediately following the effective date.

Sec. 17-46. - Collection.

(a) By agreement with the revenue commissioner of the county, the stormwater fee shall be assessed collected and enforced in the same manner as ad valorem taxes, and shall be a lien upon any land to which it may be levied.

(b) The City shall pay to the revenue commissioner a one percent commission on all amounts collected which commission shall be deposited to the county general fund.

(c) On a quarterly basis, not later than the twentieth day of January, April, July and October, the City will remit five percent of all stormwater fees collected to the state department of revenue, which will transfer 95 percent of the fees it receives to the state treasury to the credit of the state department of environmental management to be used exclusively to pay the costs of performing its duties to carry out programs to implement the stormwater laws.

Sec. 17-47. - Stormwater fund.

The stormwater fees levied and collected pursuant to this division shall be deposited into a fun known as the stormwater fund to be designated for expenses incurred complying with the City's NPDES permit for operation of its MS4, including but not limited to eliminating floatables from and improving water quality in the rivers, streams and waterways of the city and other stormwater management activities required by the City's stormwater management program. All amounts remaining in the stormwater fund at the end of the fiscal year shall not lapse but shall retain their dedication to stormwater purposes.

Sec. 17-48. - Appeal.

Any person aggrieved by the assessment of a stormwater fee levied hereunder may file a written appeal with the city clerk within the 60-day period following either notice of the fee or payment of the fee whichever occurs first. The appeal shall explain in detail the reason(s) the person filing the appeal asserts that the stormwater fee was assessed in error. The city clerk will forward the appeal to the engineering department, which will review the appeal and either:

(1) Prepare an explanation to the clerk of why the stormwater fee was properly assessed; or,

(2) Advise the clerk's office that the fee is due to be changed or rescinded and any amount paid reduced or refunded.

The clerk shall communicate the decision of the engineering department to the aggrieved person. Should any person be aggrieved by a decision of the engineering department, such person may appeal that decision by filing written notice of appeal with the city clerk's office within 15 days from the date of such decision, and the city clerk shall, within 15 days after the filing of such notice of appeal, send the applicable record to the city council, which shall, within 15 days after receipt of such transcript, hold a hearing on said appeal. The appeal shall be determined solely on the question of whether the City, in assessing the stormwaler fee, acted beyond the limits of its power or abused its discretion.

ARTICLE IV. REPEALER

All ordinances and parts of ordinances In conflict with this Ordinance are hereby repealed.

ARTICLE V. EFFECTIVE DATE

This Ordinance shall become effective upon its adoption and publication as required by law.

ARTICLE VI. SEVERABILITY

If any section, clause, sentence or phrase of this Ordinance is held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the remaining portions of this Ordinance.

ARTICLE VII. PUBLICATION

That the City Clerk of the City of Mobile is hereby authorized and directed to advertise the adoption of this Ordinance in accordance with the terms and conditions set forth in Resolution No 40-342, adopted April 15, 1986.

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF CONSENT RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME

Councilmember Richardson moved for the suspension of the rules to consider Consent Resolutions 08-634 – 40-645, being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Richardson, Williams, Small, Daves, Rich and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED:

APPROVE REQUISITION OVER $7,500.00 FOR THE WEEK OF JULY 1, 2019. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 08-634-2019

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, purchase orders to the indicated vendors in the approximate amounts stated, and to approve the supporting bid awards, for the following requisitions as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
13733	2019	(F6060) WAVE TRANSIT SYSTEM	PRE-ORDER DIESEL FUEL FOR MTA (AL STATE CONTRACT)	$16,987.50	(279229) PETROLEUM TRADERS CORPORATION
13631	2019	(2050) EQUIPMENT SERVICES	REPAIR-ASSET 75004 / 2016 FORD F450 AMBULANCE (PRICE QUOTE)	$13,985.45	(294881) CLASSIC PAINT & BODY INC
12177	2019	(F7000) MOTOR POOL	2 MONTH RENTAL JLG 1200SHO 120FT MANLIFT W/JIB FOR ELECTRICAL WORK (SEALED BID 5190)	$11,000.00	(198903) SUNBELT RENTALS INC
12131	2019	(F6130) AZALEA CITY GOLF COURSE	WEIEDENMANN SUPER 600 SWEEPER/VAC/FLAIL/FRAZER MOWER (SEALED BID 5294)	$43,485.00	(22254) BEARD EQUIPMENT COMPANY
4351	2019	(1530) POLICE ADMIN SERVICES	DODGE CHALLENGER (SEALED BID 5292)	$31,223.68	(295998) OPELIKA CHRYSLER DODGE JEEP RAM

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR CLASS I LICENSE FOR ALABAMA MUSIC BOX, 12 S. CONCEPTION STREET. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 37-635-2019

Sponsored by: Councilmember Manzie

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the following application to the Alabama Alcoholic Beverage Control Board of the State of Alabama, is hereby recommended for grant of such license by said Board.

Type of application: Lounge Retail Liquor Class I

Submitted by: Schwathews Mathwall LLP

Location: Alabama Music Box
12 S Conception Street

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DECLARE THE STRUCTURE AT 612 HOUSTON STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-636-2019

Sponsored by: Councilmember Manzie

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, “Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 612 HOUSTON STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance

Abatement inspection Checklist/Exhibit A - No. 4, 7, 8 and15; and WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 612" HOUSTON STREET as:

LOT 8 & 11 BLK4 RICKARBY PLACE DBK 116 P 208 & ALSO THE STRIP OF LAND LYING E OF SO LOTS #SEC 28 T4S R1W MP29 10 28 2 005

Parcel number: 29 10 28 2 005 005

Last assessed to: JACK SMITH MCCALL, JR.

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance, and a blighted property, and it is hereby ordered that said structure be demolished in accordance with the terms of said Chapter 52, Article 11 of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DECLARE THE STRUCTURE AT 10 ELMIRA F/K/A SHORT TEXAS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-637-2019

Sponsored by: Councilmember Manzie

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, “Abatement of Unsafe Buildings and Structural Nuisances," adopted, December 5, 2017, the accessory structure at 110 ELMIRA F/K/A SHORT TEXAS STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8 and 15; and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 110 ELMIRA F/K/A SHORT TEXAS STREET as:

BEG AT SW COR ELMIRA & ROYAL STS RUN TH W ON R/W 160 FTFS) TH SLY 130 FTFS) TH WLY 13 FTFS) TH SLY 176.67 FT TO SHORT TEXAS ST TH E ON R/W 147 FTFS) TO ILL CENTRAL GULF RR R/W TH N ON HTN 176 FT(S) TH ELY 25 FT(S) TO ROYAL ST TH N ON R/W 130 FTFS) TO ROB #SEC 38 T4S R1W #MP29 10 38 0 006

Parcel number: 29 10 38 0 006 003

Last assessed to: JOHN A. ZIEMAN, JR.

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be demolished in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DECLARE THE STRUCTURE AT 1462 FAIRFIELD STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 3). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-638-2019

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, “Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 1462 FAIRFIELD STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that It is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, In support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8 and 15; and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 1462 FAIRFIELD STREET as:

LOT 30 FAIRFIELD SUB MBK 5 P 635-636 #SEC 36 T4S R1W#n/IP2911 36 0 005

Parcel number: 2911 36 0 005 039

Last assessed to: ERVIN THORNTON

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be demolished in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DECLARE THE STRUCTURE AT 1230 SHORE ACRES DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (GARAGE) AND SECURED (HOUSE) (DISTRICT 3). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-639-2019

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, “Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the

accessory structure at 1230 SHORE ACRES DRIVE has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8 and 15; and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 1230 SHORE ACRES DRIVE as:

LOTS 21 & 22 BLK 8 RESUB OF BAY DIV SHORE ACS DBK 156 P 510 #SEC 40 T5S R1W #MP32 05 40 0 Q02

Parcel cumber: 32 05 40 0 002 114

Last assessed to: Disaster and Victim Services International C/O Tony M. Dickey and Jeannie Dickey

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be demolish garage/secure house in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified, copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County. Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 1709 GRIFFIN STREET, $1,999.00 (DISTRICT 1). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-640-2019

Sponsored by: Councilmember Richardson

A RESOLUTION FIXING THE COSTS FOR THE DEMOLITION OF STRUCTURE AT 1709 Griffin Street

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the fixing of cost for the demolition of structure at 1709 Griffin Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an Itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of structure at 1709 Griffin Street to be $1,999.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and In all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

Section 1. The amount of $1,999.00 shall constitute a special assessment against the property at 1709 Griffin Street and being that property more particularly described as follows:

LOT 19 BLK 2 LINCOLN PARK SUB MBK 4/260 #SEC 44 T4S RIW #MP29 02 44 0 009

Parcel no.: 29 02 44 0 009 451

Owner: MCKINNEY MARGRETTE
%MRS KATIE DENNIS
2622 CARVER AVE
MOBILE, AL 36617

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the demolition of structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 2601 ELSMORE STREET, $2,499.00 (DISTRICT 1). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-641-2019

Sponsored by: Councilmember Richardson

A RESOLUTION FIXING THE COSTS FOR THE DEMOLITION OF STRUCTURE AT 2701 Elsmore Street

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the fixing of cost for the demolition of structure at 2701 Elsmore Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an Itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of structure at 2701 Elsmore Street to be $2,499.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost

of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

Section 1. The amount of $2,499.00 shall constitute a special assessment against the property at 2701 Elsmore Street and being that property more particularly described as follows:

THAT CERTAIN LOT OR PARCEL OF LAND BEG AT NE COR OF LOT 6 PAKES 1ST ADD OF STEINS ADD TO CRICHTON AL MBK 2 P 36 TH W ALG ELMORE ST 48.4 FT TH SLY & PAR TO W/L OF SD LOTS 5 & 6 100 FT TO S/L OF SD LOT 5 TH ELY ALG S/L OF SD LOT 5 41.9 FT TO MOBILE ST TH NLY ALG MOBILE ST TO PL OF BEG #SEC 23 T4S RIW #MP29 07 23 0 002

Parcel No.: 29 07 23 0 002 355

Owner: CREWS AVONNE
2701 ELSMORE ST
MOBILE, AL 36607

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the demolition of structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

FIX COSTS FOR SECURING OF THE STRUCTURE AT 955 MARYLAND STREET, $8,200.00 (DISTRICT 2). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-642-2019

Sponsored by: Councilmember Manzie

A RESOLUTION FIXING THE COSTS FOR THE SECURING OF THE STRUCTURE AT 955 Maryland Street

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the securing of the structure at 955 Maryland Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the securing of structure at 955 Maryland Street to be $8,200.00 and the City Council, having received the report and heard all objections which have been raised by any of the Interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

Section 1. The amount of $8,200.00 shall constitute a special assessment against the property at 955 Maryland Street and being that property more particularly described as follows:

THAT LOT OF LAND BDED BY A LINE DESC AS COM AT A PT ON THE S/S OF MARYLAND ST 114 FT WLY FROM THE SW INT OF MARYLAND & MARINE STS & RUN TH WLY ALG THE S/S OF MARYLAND ST A DIS OF 86 FT TO A PT TH RUN SLY & PAR WITH MARINE ST 155.2 FT TO A FENCE/L TH RUN ELY & PAR WITH MARYLAND ST 86 FT TO A PTTH RUN NLY & PAR WITH MARINE ST OR NEARLY SO 156.1 FT TO S/S OF MARYLAND ST & POB #SEC 38 T4S RIW #MP29 10 38 0 004

Parcel No.: 29 10 38 0 004 104

Owner: ANDERSON ZIOLA
955 MARYLAND ST
MOBILE, AL 36604

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the demolition of structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

FIX THE COSTS FOR DEMOLITION OF THE STRUCTURE AT 5727 DEERWOOD DRIVE NORTH, $2,589.00 (DISTRICT 7). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-643-2019

Sponsored by: Councilmember Gregory

A RESOLUTION FIXING THE COSTS FOR THE DEMOLITION OF STRUCTURE AT 5727 Deerwood Drive North

WHEREAS, notice has-been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the fixing of cost for the demolition of structure at 5727 Deerwood Drive North and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of structure at 5727 Deerwood Drive North to be $2,589.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

Section 1. The amount of $2,589.00 shall constitute a special assessment against the property at 5727 Deerwood Drive North and being that property more particularly described as follows:

LOT 30 DEERWOOD UNIT TWO - PART "A" MBK 25 PAGE 98

Parcel no.: 28 02 04 4 001041.001

Owner: AMY SWITZER PROPERTIES LLC
8605 RAMSEY RD
GRAND BAY AL 36541

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the demolition of structure upon said property Is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

FIX COSTS FOR SECURING OF THE STRUCTURE AT 1154 TEXAS STREET, $3,600.00 (DISTRICT 2). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-644-2019

Sponsored by: Councilmember Manzie

A RESOLUTION FIXING THE COSTS FOR THE SECURING OF THE STRUCTURE AT 1154 Texas Street

WHEREAS, notice has-been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the securing of the structure at 1154 Texas Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved In the securing of structure at 1154 Texas Street to be $3,600.00 and the City Council, having received the report and heard all objections which have been raised by any of the Interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

Section 1. The amount of $3,600.00 shall constitute a special assessment against the property at 1154 Texas Street and being that property more particularly described as follows:

COMG NW COR TEXAS & DUNHAM STS TH WLY 110 FT TO BEG TH CONT WLY 26.33 FT TH NLY175 FT(D) 183 FT(S) TH ELY 26.33 FT TH SLY 175 FT(D) 183 FT(S) TO POB BEING PT GRT SEC 38 T4S RIW #SEC 38 T4S RIW #MP29 10 38 0 003

Parcel No.: 29 10 38 0 003 083

Owner: WILSON SYRICA
777 STONEBRIDGE PARK CIRCLE
LITHONIA GA 30058

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the demolition of structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

FIX COSTS FOR SECURING OF THE STRUCTURE AT 1405 STEWART ROAD, $3,600.00 (DISTRICT 3). The following resolution was introduced by Councilmember Richardson.

RESLOLUTION: 40-645-2019

Sponsored by: Councilmember Small

A RESOLUTION FIXING THE COSTS FOR THE SECURING OF THE STRUCTURE AT 1405 Stewart Road

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the securing of the structure at 1405 Stewart Road and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs Involved in the securing of structure 1405 Stewart Road to be $3,600.00 and the City Council, having received the report and heard all objections which have been raised by any of the Interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

Section 1. The amount of $3,600.00 shall constitute a special assessment against the property at 1405 Stewart Road and being that property more particularly described as follows:

LOT 1 SUSIE JACKSON ESTATES MBK 42 PG 66 #SEC 40 T5S RIW #fMP32 09 40 0 001

Parcel No.: 32 09 40 0 001005

Owner: JACKSON HARRY & SUSIE
1311 NORTH DR
MOBILE, AL 36605

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the demolition of structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RESOLUTIONS BEING INTRODUCED:

AUTHORIZE AGREEMENT WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR THE TRAFFIC SIGNAL MAINTENANCE FOR US 90 AT AL 193. The following resolution was held over for one (1) week until the regular meeting of Tuesday, July 16, 2019.

RESOLUTION: 01-646-2019

Sponsored by: Councilmember Williams

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for the maintenance of the traffic control signal at the intersection of US Highway 90 and Alabama State Highway 193.

BE IT FURTHER RESOLVED that the agreement be executed in the name of the City, by the Mayor for and on its behalf and that it be attested by the City Clerk and the official seal of the City be affixed thereto.

BE IT FURTHER RESOLVED that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City.

AUTHORIZE AGREEMENT WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL MAINTENANCE FOR AL 193 AT HALLS MILL ROAD. The following resolution was held over for one (1) week until the regular meeting of Tuesday, July 16, 2019.

RESOLUTION: 01-647-2019

Sponsored by: Councilmember Williams

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for the maintenance of the traffic control signal at the intersection of Alabama State Highway 193 and Halls Mill Road.

BE IT FURTHER RESOLVED that the agreement be executed in the name of the City, by the Mayor for and on its behalf and that it be attested by the City Clerk and the official seal of the City be affixed thereto.

BE IT FURTHER RESOLVED that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City.

AUTHORIZE AGREEMENT WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL MAINTENANCE FOR AL 193 AT WALMART. The following resolution was held over for one (1) week until the regular meeting of Tuesday, July 16, 2019.

RESOLUTION: 01-648-2019

Sponsored by: Councilmember Williams

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for the maintenance of the traffic control signal at the intersection of Alabama State Highway 193 and Walmart (private drive).

BE IT FURTHER RESOLVED that the agreement be executed In the name of the City, by the Mayor for and on its behalf and that it be attested by the City Clerk and the official seal of the City be affixed thereto.

BE IT FURTHER RESOLVED that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City.

AUTHORIZE CHANGE ORDER WITH VES SPECIALISTS, INC. FOR OVERHEAD DOOR/COUNTER SHUTTER/ELECTRONIC GATE SERVICE AT VARIOUS CITY FACILITIES FOR AN ADDITIONAL $9,600.00; PB-123-18 (C0029, 20002000-48010). The following resolution was held over for one (1) week until the regular meeting of Tuesday, July 16, 2019.

RESOLUTION: 13-649-2019

Sponsored by: Various Councilmembers and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE. ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Change Order, by and between the City of Mobile, and the company listed below, for work as outlined in the Change Order Number 001 and Justification Memo attached hereto and made a part hereof as though set forth in full. A copy of said Change Order and Justification Memo is on file in the office of the City Clerk.

Name of company: VES SPECIALISTS

Project name: VARIOUS CITY FACILITIES
OVERHEAD DOOR/COUNTER SHUTTER/
ELECTRONIC GATE SERVICES

Project number: PB-123-18

Amount of change order: ADDITIONAL $9,600.00

AUTHORIZE CONTRACT WITH GAILLARD BUILDERS, INC. FOR QUIGLEY HOUSE-EXTERIOR PAINTING, $49,999.00. The following resolution was held over for one (1) week until the regular meeting of Tuesday, July 16, 2019.

RESOLUTION: 21-650-2019

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE. ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of company: Gaillard Builders, Inc.

Project name: Quigley House - Exterior Painting

Project number: HI-064B-18

Amount: $49,999.00

AUTHORIZE CONTRACT WITH VETERANS RECOVERY RESOURCES TO DEVELOP A PEER SUPPORT PROGRAM FOR THE MFRD, $280,081.99 (3 YEARS). The following resolution was held over for one (1) week until the regular meeting of Tuesday, July 16, 2019.

RESOLUTION: 21-651-2019

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and Veterans Recovery Resources, for services to develop a peer support program for the Mobile Fire Rescue Department, for three years as outlined in the contract attached hereto and made a part hereof as though set forth in full.

A copy of said contract is on file in the Office of the City Clerk.

AUTHORIZE CONTRACT WITH ALLEN SOUTHERN ELECTRIC MOTOR SERVICES, INC. FOR AN EMERGENCY 40-HP MOTOR AND VERTICAL TURBINE PUMP REPAIR AT THE MOBILE CIVIC CENTER; $17,855.50; MP-124-19 (C0040, 20002000-42150). The following resolution was held over for one (1) week until the regular meeting of Tuesday, July 16, 2019.

RESOLUTION: 21-652-2019

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively,, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of company: ALLEN SOUTHERN ELECTRIC MOTOR SERVICE, INC.

Project name: MOBILE CIVIC CENTER
EMERGENCY REPAIRS – REMOVE, REPAIR AND
RE-INSTALL A 40 HP MOTOR AND VERTICAL
TURBINE PUMP

Project number: MP-124-19

Amount: $17,855.50

AUTHORIZE CONTRACT WITH EMS MANAGEMENT & CONSULTANTS FOR EMERGENCY MEDICAL SERVICES BILLING AND SUPPORT, 5% OF COLLECTIONS ($176,000 ESTIMATE). The following resolution was held over for one (1) week until the regular meeting of Tuesday, July 16, 2019.

RESOLUTION: 21-653-2019

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and EMS MANAGEMENT AND CONSULTANTS, INC., in the amount of approximately $176,000 per year, for provision of billing support for ambulance transport and medical treatment services provided by the City of Mobile, as outlined In the contract attached hereto and made a part hereof as though set forth in full.

A copy of said contract is on file in the Office of the City Clerk.

ANNOUNCEMENTS:

Councilmember Richardson stated that he sent a letter to Mayor Stimpson regarding the break in work on the Florida Street drainage project.

Councilmember Daves announced an ad hoc council committee will meet on Tuesday, July 16, 2019, at 2:00 p.m., in the Council conference room to discuss the process and procedures by which the City disposes of City owned real estate.

Councilmember Rich noted that the Public Service Committee will meet on Tuesday, July 23, 2019, at 2:00 p.m., in the Council conference room to receive an overview of the street assessment report.

Councilmember Gregory encouraged the public to be mindful that drainage work on Spring Hill Avenue is ongoing.

Councilmember Gregory encouraged the public to visit Market in the Park at Lavretta Park. The event will be held on Thursdays, from 3:00 – 6:00 p.m., until July 25, 2019.

Councilmember Small reminded residents that a district 3 community meeting will be held tonight at Riverside Baptist Church to discuss the Perch Creek Parks project.

Councilmember Small encouraged citizens to contact Mobile 311 to report tall grass and weeds.

Councilmember Daves moved to adjourn the meeting, which was seconded by Councilmember Richardson, and the vote was as follows:

Ayes: Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 11:05 a.m.

Approved: July 16, 2019

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COUNCIL VICE PRESIDENT

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CITY CLERK