

APPROVED AS TO FORM

  
Office of the City Attorney

Prepared By: JPW/rd

Requested: Admin. Comte Date: 04/04/2023

Council Presentation on: 04/11/2023

Suspension of Rules: No

ORDINANCE NO. 9372

AN ORDINANCE AMENDING SECTIONS 21-212, 21-218(e),  
21-221 AND 21-227 OF THE CODE OF TUSCALOOSA  
PERTAINING TO SILTATION BONDS—LAKE DEVELOPMENTS  
(OCA-23-0383)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

**SECTION ONE.** That Section 21-212 of the Code of Tuscaloosa entitled "Definitions" be, and the same is hereby, amended to **replace** the definition of "Sedimentation facilities" to read as follows:

**"Sec. 21-212. Definitions.**

*Sedimentation facilities:* Those facilities including debris basins, sedimentation traps, berms, interceptor ditches, land terraces, hay bales, and vegetation ground covers, **and any other best management practices outlined in the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas" Volume 1 & 2."**

**SECTION TWO.** That Section 21-218(e) of the Code of Tuscaloosa is hereby amended to read as follows:

**"Sec. 21-218. Land development: permit requirement.**

(e) *[Exceptions.]* **Except for property in a floodway, flood hazard area, or abutting the acquisition line of Lake Tuscaloosa, land development permits are not required for:**

- (1) Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health or property and which are made under such circumstances where it would be impossible or impracticable to obtain a land development permit.

- (2) Temporary excavation for the purpose of installing, maintaining, or repairing any public street, public utility facility or any utility service lines.
- (3) Agricultural activities.
- (4) Any lot within a subdivision or planned unit development having received final plat approval in accordance with applicable subdivision regulations, zoning ordinances and approved by the city engineer.
- (5) Driveways or driveway approaches. (Driveway permit required instead in accordance with the provisions hereof)
- (6) Modifications, alterations or additions to an existing single-family dwelling.
- (7) Development activity on a lot for a single-family dwelling unit.”

**SECTION THREE.** That Section 21-221 of the Code of Tuscaloosa be amended to read as follows

**“Sec. 21-221. Erosion control required generally.**

Notwithstanding the fact that development activity on the property may be exempt from the requirements of a LDP or DLDP pursuant to the provisions of this article, any person causing any development, any earth change or constructing or reconstructing a driveway approach on any property, regardless of size, within the area shall take the necessary erosion control measures, utilizing best management practices, to provide for sedimentation facilities that prevent erosion and/or sedimentation in or upon city streets, public rights-of-way, public storm drainage facilities or public easements, public utilities, public water reservoirs (including Lake Tuscaloosa, Lake Nicol, and Harris Lake), creeks, rivers and streams and/or property of others. **Best Management Practices shall be designed, implemented, and have maintenance performed as outlined in the “Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas” Volume 1 & 2.”**

**SECTION FOUR.** That Section 21-227 of the Code of Tuscaloosa is hereby repealed and replaced to read as follows:

**“Sec. 21-227. Lake Development**

a. *Purpose.* To establish minimum standards for design and construction of site grading and site development to ensure that there are adequate measures in place to control erosion and sedimentation of Lake Tuscaloosa, Harris Lake, and Lake

Nicol through establishment and maintenance of best management practices during construction and development activities.

*b. Site stabilization plans required.* Site stabilization plans/BMP plans, prepared by the responsible party, are required for all development within the drainage basin of Lake Tuscaloosa, Harris Lake, and Lake Nicol in the corporate limits of the city and its police jurisdiction prior to any development on any property in the area for erosion control. Erosion and sediment control best management practices shall be designed, implemented, and have maintenance performed as outlined in the "Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas" Volume 1 & 2. The site stabilization plan will include at minimum the provisions for stabilization of graded areas, sediment control practices (barriers, basins, inlet protection, and stabilized outlets).

1. Minimum plan requirements:
  - A. Contact information for designated representative
  - B. Site location (address, parcel ID, etc.)
  - C. Description of construction/land disturbance activities
  - D. Summary of erosion prevention measure
  - E. Site plan identifying site boundaries, area of disturbance, location of erosion prevention measures, proposed new impervious area, and any perennial, intermittent, and ephemeral streams, lakes, springs, wells, and wetlands

*c. Siltation and storm drainage bond.* When LDP is required, a siltation and storm drainage bond is required.

1. A siltation and storm drainage bond in a minimum amount of ten thousand dollars (\$10,000.00), not to exceed two hundred thousand dollars (\$200,000), calculated at twenty five thousand dollars (\$25,000) per acre of disturbed area, is required with the land development permit. The bond shall be on forms provided by the city.
2. In the event the developer fails to perform as required by the bond, the city is authorized to enforce the bond. To enforce the bond, the city may remove the silt and correct storm drainage with the work performed by city crews or on behalf of the city with the cost of such work claimed against the bond and payable to the city. The surety for the bond shall be in effect until such time that the development is permanently stabilized as defined by the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas and shall be one of the

following: an irrevocable letter of credit; a cash deposit or an insurance company doing business by an agent in the State of Alabama through an attorney-in-fact.

3. In addition, the city may file a lien equal to the amount of the bond against any lot or lots subject to the bond and owned by the developer executing the siltation bond. This lien shall be a certified copy of a resolution passed by the city council and shall state the purpose and the amount of the lien and shall be recorded in the county office of probate. The liens will not be satisfied until such time as the developer complies with the bond conditions or the surety pays the bond. If the lien remains unsatisfied for ninety (90) days the city may collect on the lien as all debts are collected or liens enforced.

d. *Exceptions to siltation bond.* In lieu of a siltation and storm drainage bond where LDP is not required within the drainage basin of Lake Tuscaloosa, Harris Lake, and Lake Nicol, only a site stabilization plan is required.

1. **Penalty.** In the event the developer, person, firm, corporation, or agent fails to maintain appropriate site stabilization procedures or violates any provision of this section shall be guilty of a misdemeanor and, on conviction, be punished as provided for in section 1-8. The violation or noncompliance with each individual requirement, rule or regulation, of such code, and each day's continuation thereof, shall constitute a separate and distinct offense until such time that the development is permanently stabilized as defined by the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas. "

FUNDING REQUIRED: ☐ Yes ☒ No

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By: \_\_\_\_\_  
Chief Financial Officer

Adopted 4/11/23

COUNCIL ACTION

Resolution (L - Absent)  
Ordinance \_\_\_\_\_  
Introduced intro: (w/c - y)  
Passed \_\_\_\_\_  
2<sup>nd</sup> Reading man. (w/c - y)  
Unanimous [Signature]  
Failed \_\_\_\_\_  
Tabled [Signature]  
Amended \_\_\_\_\_  
Comments: City Clerk