

Council Member Tommy Ryals introduced the following Ordinance:

**ORDINANCE NO. 08-004**

AN ORDINANCE TO REPEAL AND AMEND ORDINANCE NO. 94-348 AND  
ORDINANCE NO. 06-013 AN ORDINANCE TO REQUIRE EROSION  
PREVENTION MEASURES AND TREE PRESERVATION FOR ANY LAND  
DISTURBING ACTIVITIES AS FOLLOWS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALABASTER,  
ALABAMA, AS FOLLOWS:

Section 1. That the Code of Ordinances, City of Alabaster, Alabama, be amended to add the following.

"Sec. 50-44 Soil erosion prevention and tree preservation.

- a) Prior to the issuance of any permit for clearing, grading, excavating, filling, or any other activity which may result in soil erosion from water or wind or the movement of sediment from the disturbed property into streets, highways, or waters, the applicant must submit an erosion and sediment control plan with accompanying site plan, which plan is to be reviewed and approved by the Building Official or City Engineer. The approved plan may be changed when inspection reveals the inadequacy of the plan. No land disturbing activity may be commenced prior to issuance of a permit.
- b) Any erosion and sediment control plan must contain a provision for gravel, crushed rock, or similar material for a drive and parking area for motor vehicles, which enter the disturbed property. All such motor vehicles must remain on the prepared drive and parking areas.
- c) Any erosion and sediment control plan must contain a provision for silt screens, netting, hay bales, or similar structures or material to control runoff.
- d) The permit may be revoked if inspection reveals noncompliance with the plan.
- e) Land disturbing activities subject to this section shall not include minor activities such as home gardens and individual landscaping of existing homes and home repair; installation of utilities to existing buildings; installation of fences, utility poles, and similar posts or poles; emergency work to protect life or property; and normal agricultural or forestry on lands used for farming or managed forestry.
- f) No healthy deciduous tree with a caliper of fifteen (15) inches or greater, measured at diameter breast height (4.5 feet above ground level), shall be removed from the site unless such trees are replaced. Such trees shall be shown as an existing condition on a site plan required at the time of permit submittal. No replacement trees shall have a caliper of less than three (3) inches, measured six (6) inches from the ground, at the time of planting and the total caliper of replacement trees shall equal or exceed the total caliper of trees fifteen (15) inches or greater removed from the site. These replacement trees shall be in addition to any other landscaping requirements. However, such trees may be removed without replacement within the area of any road (minimal constriction limits), storm water management structure, utility easement on site, or of the footprint of the building, and within the twenty (20) feet of the foundation of the structure and within ten (10) feet of the perimeter of the driveways, or at the discretion of the City Planner and Building Official regarding removal on individual lots. Designated areas can be mass graded for compartmentalized development where other space is preserved (such as clustering of homes). The Board of Zoning Adjustments and Appeals can grant relief from this provision. Variance application must be made by the appropriate date for consideration by the Board.
- g) Any person convicted of violating any provision of this section shall be punished as provided in Section 1-12 of this code. Each day which a violation occurs shall be considered a separate offense."

Section 2. Fees. Said permit fee for residential shall be set at \$50.00 and commercial shall be set at \$400.00. Permits will be issued upon approval of our Inspection Services Department.

Section 3. Effective Date. This Ordinance shall become effective upon its passage and adoption by the City Council of the City Of Alabaster, Alabama, and posting as required by law.

ADOPTED AND APPROVED THIS 6 DAY OF OCTOBER 2008.

ATTEST:

Marsha M. Massey  
Marsha Massey, City Clerk/Treas.

CITY OF ALABASTER, ALABAMA

By: Rick Walters  
Rick Walters, Council President

APPROVED:

David M. Frings  
David M. Frings, Mayor