STORMWATER MANAGEMENT PLAN
FOR
THE CITY OF MUSCLE SHOALS
2010 – 2015

MAYOR: DAVID BRADFORD

COUNCIL MEMBERS:
JAMES E. HOLLAND
JERRY KNIGHT
ALLEN NOLES
JOE E. PAMPINTO
NEAL WILLIS

CITY CLERK & TREASURER:
RICKY WILLIAMS

PREPARED BY:

WLC civil engineers land surveyors

White, Lynn, Collins, & Associates, Inc.

219 West Alabama Street • Florence, Alabama 35630
Telephone 256.766.1051 • Facsimile 256.766.1201

STORMWATER MANAGEMENT PLAN
FOR
THE CITY OF MUSCLE SHOALS
2010 – 2015

MAYOR: DAVID BRADFORD

COUNCIL MEMBERS:
JAMES E. HOLLAND
JERRY KNIGHT
ALLEN NOLES
JOE E. PAMPINTO
NEAL WILLIS

CITY CLERK & TREASURER:
RICKY WILLIAMS

ALABAMA REGISTERED No. 11723 PROFESSIONAL ENGINEER LARRY LYNN

J. Larry Lynn, P.E.

2-7-11

PREPARED BY:

White, Lynn, Collins and Associates, Inc.
219 West Alabama Street
Florence, Alabama 35630
(256) 766-1051

TABLE OF CONTENTS

	TITLE	PAGE
Section 1	Executive Summary	
	-Introduction	1-4
	-Regulation of Stormwater Collection Systems in the United States	1-4
	-Current Extent of the National Stormwater Program	1-5
	-Legal Basis for Stormwater Regulations	1-7
	-The Role of State Governments in Stormwater Permitting	1-8
	-Role of Local Governments in Stormwater Regulation	1-9
	-Technology – Based Requirements of Stormwater Discharge Permits	1-10
	-Stormwater Discharge Permits and State Water Quality Standards	1-11
	-Municipal Stormwater Discharge Permit Requirements	1-12
	-Types of Permits Required for Municipal Discharges	1-13
Section 2	Stormwater Management Program (SWMP) for Muscle Shoals	
	-Requirements for the SWMP	2-1
	-Minimum Control Measures	2-4
	-Public Education and Outreach on Stormwater Impacts	2-4
	-Public Involvement / Participation	2-8
	-Illicit Discharge Detection and Elimination	2-10
	-Construction Site Stormwater Runoff Control	2-13
	-Post Construction Stormwater Management in New Development and Redevelopment	2-16
	-Pollution Prevention / Good Housekeeping for Municipal Operations	2-19
Appendix		
	- Subdivision Regulations	1-52
	- Ordinance Number 1369-06 (Adoption of a Stormwater Pollution Prevention Plan for The City of Muscle Shoals, Alabama)	1-4
	- Ordinance Number 1360-06 (Design & Maintenance Criteria for BMP's of Storm Sewer Systems for the City of Muscle Shoals, Alabama)	1-3
	- Ordinance Number 1359-06 (To provide for Erosion & Sediment Control in the City of Muscle Shoals, Alabama)	1-7
	- Ordinance Number 1358-06 (Adopt Various Regulations Pertaining To The Illicit Discharge & Connection To The Storm Drainage System of the City of Muscle Shoals, Alabama)	1-10
	- Definitions and Acronyms	1-5

Section 1

Executive Summary

The U.S. Environmental Protection Agency has published final regulations for Phase II Stormwater Permitting (40 CFR parts 122 and 123) after signing on October 29, 1999. Included in the Federal Register is a listing of municipalities, including the City of Muscle Shoals, which are required to comply with the regulations. A Notice of Intent (NOI) was filed with ADEM and the permit has been issued for 2010 - 2015. The permit will give direction for the City's compliance efforts for a period of up to five years following issuance, at which time permit renewal will be required. The application for a general permit includes the NOI and the Stormwater Management Program. To address the Phase II regulations, the City of Muscle Shoals has prepared this document to address the proposed regulatory requirements. This document and an NOI will be required in 2015 for extending permit coverage. The requirements include six minimum control measures designed for municipal stormwater management:

1. Public Education and Outreach on Stormwater Impacts
2. Public Involvement and Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff Control
5. Post-Construction Stormwater Management in New Development and Redevelopment
6. Pollution Prevention and Good Housekeeping for Municipal Operations.

There are a few "suggested components" that are deemed desirable by the USEPA and would require voluntary actions on the part of the City. These six minimum control measures are final for the present time, but may be modified by the Federal Government or the State permitting authority in the future.

The regulations also specify requirements for record keeping, and for allowing citizen access to records. Annual reporting must be filed with the State, documenting efforts in stormwater management related to the six minimum control measures and other permitting requirements during the five years of the permit. Reports will be due each year.

This document was developed for the City by comparing mandatory components with existing and planned City stormwater activities. The results of this comparison were used to develop a listing of needed activities that will be considered by the City.

The City has made exceptional progress in developing the stormwater management program. These include topographic mapping of the City, requirements for developers to include erosion control measures in their plans, and other stormwater management actions that are either already in place or planned for implementation in the near future. The City already has the mandatory components in operation prior to the permitting deadline of 2010. It should be noted that these mandatory components are not required to be implemented by the date of permit application, but during the 5-year permit cycle.

The SWMP addresses the applicable requirements of the City of Muscle Shoals NPDES Permit for the year 2010 – 2015. Each of the six minimum control measures are outlined with a general scope, documentation, rationale, proposed BMP's, measurable goals and schedules for achieving those goals. The BMP's and the rationale will be included in the annual reports which are due March 31 each year.

The City of Muscle Shoals is intent on complying with the NPDES Permit requirements and will make every effort possible to achieve that goal.

Mayor David Bradford

Introduction

The City of Muscle Shoals is currently permitted to discharge to waters of the state. A part of this permit is a Stormwater Management Program. This program is to address issues of concern raised by *National Pollutant Discharge Elimination System* (NPDES) *Regulations for the Water and Pollution Control Program Addressing Stormwater Discharges.* The proposed regulations, generally referred to as Phase II Stormwater Permitting Requirements, were initially published as 40 CFR Parts 122 and 123 in the Federal Register on January 9, 1998.

The purpose of this program is to provide minimum Stormwater Run off control measurers that can be enforced by Subdivision Regulations and Building Codes and Ordinances. The program also serves as a logical basis for recording detailed information that may be required to support the City's NPDES Phase II Permit process.

Regulation of Stormwater Collection Systems in the United States

Municipal stormwater collection systems suffer the discharge of many substances as well as water. As stormwater flows over pavements, lawns, driveways, parking lots and industrial sites, it often picks up pollutants, such as oil and grease,

fertilizers, pesticides and metals. Erosion and sediment from active construction sites discharges into storm drainage systems unless there is adequate prevention.

Private discharges from residential areas may contribute to stormwater pollution by improper disposal of lawn clippings, leaves, used oil and household chemicals as well as improper use of pesticides. Industrial and commercial facilities may discharge pollutants into stormwater collection systems through cross-connection of storm drains and sanitary sewers. Floor drains are sometimes connected directly into the storm drainage system.

Because of the pollution resulting from these sources, the federal government has created the National Stormwater Program for regulating stormwater discharges throughout the United States. This program and its effects on state and local government agencies and those involved in industrial and construction activities is addressed in the SWPP.

Current Extent of the National Stormwater Program

The National Stormwater Program originated with the federal government and is directed by the U.S. Environmental Protection Agency (EPA). The voluntary cooperation of authorized states and mandatory participation of many local government agencies will be required to implement a successful program. The program was implemented in two major phases, with effective dates of October 1992 and March 2003, respectively. The first phase included discharges

associated with industrial activity (including construction activity) and discharges from all public stormwater collection systems serving urban populations of 100,000 or more. The second phase includes all other public stormwater collection systems within urbanized areas plus other small public stormwater collection systems meeting EPA or state criteria for designation.

Outside urbanized areas, all stormwater collection systems serving a polulation center of at least 10,000 people with a population density of at least 1,000 people per square mile are included in the National Stormwater Program after the full implementation of Phase II. Within urbanized areas, almost all stormwater collection systems, as well as those serving a population of fewer than 10,000 people, are included in the program.

The second phase of the National Stormwater Program also reduced the minimum size of construction projects requiring permit coverage. Whereas the minimum amount of soil disturbance that would trigger a permit requirement under Phase I was 5 acres, this minimum has been reduced to 1 acre in Phase II, for most cases.

The EPA has the authority to require stormwater discharge permits from any discharge that contributes to a violation of a water quality standard or that contributes a substantial load of pollutants to the waters of the United States. The EPA could exercise this authority to extend the National Stormwater Program as needed in the future.

Return flows from irrigated agriculture, agricultural stormwater runoff, and discharges from non-point silvicultural activities are exempt from *National Pollutant Discharge Elimination Systems* (NPDES permit requirements (40 Code of Federal Regulation (CFR) 122.2; 40 CFR 122.3 (e) and (f).

Legal Basis For Stormwater Regulations

The EPA developed the National Stormwater Program in response to legislation passed by Congress. The most important item of legislation was the *Federal Clean Water Act of 1972* (CWA) (Public Law 92-500), which established the NPDES. The CWA has been amended several times. One important set of amendments was the *Water Quality Act of 1987* (Public Law 100-4) that established the phased approach for stormwater discharge regulation in the United States.

The CWA has been setting the direction of water pollution control in the United States since 1972. The CWA is built on the premise that no one has a right to pollute the waters of the United States. Anyone wishing to discharge pollutants must obtain a permit to do so, and the permit must limit the composition of the discharge and the concentrations of the pollutants in it. Some permit conditions require specified levels of control based on a consideration of technology and cost, regardless of the receiving water's ability to purify naturally. However,

tighter limits may be imposed, if necessary, to preserve or restore the quality of the water body that receives the discharge.

The Role of State Governments in Stormwater Permitting

The CWA allows states to request EPA authorization to administer the NPDES program within their borders. The EPA must approve a state's request to operate the permit program once the EPA determines that the state has adequate legal authorities, procedures and the ability to administer the program. The EPA is also obligated to adopt standard requirements for state NPDES programs, including guidelines on monitoring, reporting, enforcement, personnel, and funding. At all times following authorization, state NPDES programs must be consistent with minimum federal requirements, although the programs may always be more stringent.

At present, most states have chosen to assume at least some stormwater permitting authority. Within these authorized states, all permit submissions are made to the state agency that administers and enforces the stormwater program. In non-authorized states, the appropriate EPA regional office is responsible for permitting and permit enforcement.

All states are required to develop water quality standards for waters of the United States within their boundaries. States are required to review their water quality

standards at least once every 5 years and, if appropriate, revise or adopt new standards. The minimum elements that must be included in a state's water quality standards include the use designation for all water bodies in the state, water quality criteria sufficient to protect those use designations, and an anti-degradation policy consistent with EPA's water quality standards (40 CFR 131.6)

Role of Local Governments in Stormwater Regulation

The role of local governments in the National Stormwater Program has become very significant. As stated previously, the first phase of the program involved only municipal entities serving urban populations of 100,000 or more. The total number of Phase I municipal permits was fewer than 300. However, Phase II required several thousand additional municipal permits to be issued. Many of the Phase II municipal discharges are small government agencies with limited technical resources.

Municipal discharges have a very broad set of requirements under the National Stormwater Program. **First,** they are responsible for obtaining permit coverage for the discharges from their own stormwater collection system, and in meeting various requirements regarding the operation and overseeing that system. **Second**, they are responsible for obtaining permit coverage for any industrial facilities or construction sites that they own. **Finally,** they are also responsible for recordkeeping, inspection, and enforcement of stormwater permit requirements

for construction activities and certain types of industrial operations within their jurisdiction.

The two primary types of public stormwater collection systems in the United States are separate systems and combined systems. Most cities use separate systems which are designed to carry only stormwater runoff and other wet weather flows. However, over 30 of the oldest cities in the United States rely on *Combined Sewer Systems* (CSS). A CSS carries sanitary sewage under dry weather conditions, but is surcharged with runoff under storm conditions.

Technology – Based Requirements of Stormwater Discharge Permits

Stormwater permits are intended to achieve improvements in water quality by reducing or eliminating pollutant loadings from stormwater sources. The exact requirements for attaining this goal depend upon the type of permit, the type of discharge and the characteristics of the body of water that receives the discharge.

Technology – based requirements represent the minimum level of control that must be imposed by an NPDES permit. The *best conventional technology* (BCT) standard applies to the control of conventional pollutants, while the *best available technology* (BAT) standard applies to the control of all toxic pollutants and all pollutants that are neither toxic nor conventional pollutants. BCT and BAT standards are generally applied to stormwater discharges associated with

industrial or construction activity. These requirements are met by the development and implementation of *Best Management Practices* (BMPs) and pollution prevention measures as a part of a stormwater pollution prevention plan for the industrial facility or construction site.

Two technology based standards have been established for discharges from public stormwater collection systems. The first standard provides that municipal permits must contain a requirement to effectively prohibit illicit non-stormwater discharges into the system. The other standard requires that permits for discharges from public stormwater collection systems reduce the discharge of pollutants to the *maximum extent practicable* (MEP), including management practices, control techniques, system design and engineering methods.

Stormwater Discharge Permits and State Water Quality Standards

In addition to technology based controls, *NPDES permits* must include any conditions more stringent than technology based controls necessary to meet state water quality standards. *Water quality standards* establish the "goals for a water body". The CWA states the national goal of achieving "water quality which provides for the protection and propagation of fish, shellfish, wildlife and recreation in and on the water," wherever attainable. These national goals are commonly referred to as the fishable / swimmable goals of the CWA. The EPA

requires that water quality standards provide for fishable / swimmable uses, unless those uses have been shown to be unattainable.

Scientific studies are performed to establish the *Total Maximum Daily Load* (TMDL) of a particular pollutant that is allowable without violation of the water quality standard. If TMDL studies indicate that too much of a particular pollutant is entering the stream system, then any discharge permit within that stream system may be subject to revision in order to lower the pollutant levels to the TMDL value.

Municipal Stormwater Discharge Permit Requirements

The EPA has identified six minimum control measures that are always necessary for municipal stormwater discharges to comply with the statutory requirements of eliminating illicit non-stormwater discharges and reducing pollutant loading to the maximum extent possible:

1. Public education and outreach on stormwater impacts
2. Public involvement and participation
3. Illicit discharge detection and elimination
4. Construction site stormwater runoff control
5. Post-construction stormwater management in areas of new development and re-development
6. Pollution prevention and good housekeeping for municipal operations.

Additional requirements are often imposed for larger systems. These include spill prevention and response, monitoring of wet weather flows and dry weather flows, and special inspection and enforcement requirements for high-risk industrial discharges that contribute flows to the public drainage system.

Judgment is required in order to determine the best combination of control measures for a particular municipal stormwater collection system. The selection of control measures should consider such factors as the conditions of receiving waters, specific local concerns, and other aspects included in a comprehensive watershed plan. Various municipal entities may choose to cooperate in the development and implementation of the minimum control measures.

Types of Permits Required for Municipal Discharges

Separate types of stormwater discharge permits are used for municipal stormwater discharges, for *construction stormwater discharges,* and for *industrial stormwater discharges.*

Therefore, industrial facilities or construction sites that discharge into the Muscle Shoals municipal separate storm sewer system are still required to obtain EPA or state permit coverage for the facility's discharge. This is true even if the industrial facility or construction site is operated by the same agency that operated the public drainage system. Therefore, many local and state government agencies

should obtain two or three different types of stormwater discharge permits: one for the public drainage system as a whole, and separate permits for each industrial facility and construction site operated by the city. If Muscle Shoals initiates a construction project which disturbs more than one acre, a general permit from ADEM will be required.

Section 2

Storm Water Management Program (SWMP) for Muscle Shoals

A. Requirements for the SWMP

1. The City of Muscle Shoals hereby implements and enforces a SWMP designed to reduce the discharge of pollutants from Muscle Shoals to the maximum extent practicable (MEP) to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. The SWMP includes management practices, control techniques and system design, engineering methods; and such other provisions as ADEM may determine appropriate for the control of such pollutants as follows:
   a. The BMP's that Muscle Shoals will implement for each of the storm water minimum control measures have been prepared by a professional engineer registered in Alabama.
   b. Permittee shall begin implementation of the terms and conditions of this permit as soon as the effective date of permit coverage, and shall meet the deadlines and schedules established in the Permit and in SWMP;
   c. Coordination among entities covered under this small MS4 permit may be necessary to comply with the conditions of the SWMP. The SWMP shall include, where applicable, condition mechanisms among entities covered under the permit to encourage coordinated storm water related policies, programs, and projects within adjoining or shared areas. Entities covered under the small MS4 permit may include: municipalities, counties, colleges and hospitals.
   d. The measurable goals for each of the BMP's including, as appropriate, the months and years in which the city will undertake required actions, including interim milestones and the frequency of the action will be described herein. Such measurable goals, including the deadlines and interim milestones, shall be enforceable requirements of this permit. The city understands that extensions of milestones may be granted for good cause shown and failure to implement effective BMP's is not good cause to extent milestones.
   e. The person responsible for implementing or coordinating the BMPs for the city's SWMP is the chief official of the building department.

2. The city will review and revise its relevant ordinances, or adopt any new ordinances or other regulatory mechanisms as allowed in accordance with 40 CFR 122.34(b)(3)(ii)(B), that provide it with adequate legal authority to control pollutant discharges into and from its MS4, and to implement and enforce its SWMP.

This legal authority will, at a minimum, authorize the City to:

(a) Prohibit Non-Storm water Discharges unless otherwise authorized in Part I.B of the permit or unless such storm water discharges are in compliance with a separate NPDES permit, or determined by the Department not to be a significant contributor of pollutants to waters of the State.

(b) Prohibit Illicit Discharges – Prohibit and eliminate illicit connections or discharges to the MS4. Illicit connections include pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4. Illicit discharges include those prohibited discharges listed in Part I.C. and any other discharge not authorized under a regulatory mechanism.

(c) Prohibit Spills or Other Releases – Control the discharge of spills, and prohibit dumping or disposal of materials other than storm water into the MS4.

(d) Require Compliance with conditions in the Permittee's ordinances, permits, contracts or orders.

Require Installation, Implementation and Maintenance of Control Measures. Require operators of construction sites and industrial and commercial facilities to minimize the discharge of pollutants to the MS4 to the maximum extent practicable through the installation, implementation and maintenance of storm water control measures.

(e) Receive and Collect Information – The Permittee must have the authority to request a copy of the applications submitted to ADEM, as well as supporting materials.

(f) Inspect – The Permittee must have the authority to enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations for active or potential polluted storm water discharges, or non-compliance with regulatory requirements established by the MS4 to meet requirements of this permit.

(h) Require Response to Violations – The Permittee must have the ability to promptly require that discharges cease and desist discharging and/ or cleanup and abate a discharge.

(i) Levy Monetary Penalties – The Permittee must have the ability to:

1. Levy citations or administrative fines against responsible parties.
2. Require recovery and remediation costs from responsible parties.

(j) Impose Civil / Criminal Penalties – The Permittee must have the ability to impose more substantial civil or criminal sanctions (including referral to a city or district attorney) and escalate the corrective response, consistent with its enforcement response plan developed pursuant to Part III.B.4.d of this permit, for persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm.

(k) Control the contribution of pollutants from a portion of the shared MS4 to another portion of MS4 through the interagency agreements among Permittees. Control of contributions of pollutants to the maximum extent practicable from one portion of the shared MS4 to another portion for the MS4 through interagency agreements with other owners of the MS4 is encouraged.

The City of Muscle Shoals has taken the necessary steps to obtain and maintain full legal authority to the extent allowed under State law to implement and enforce each of the requirements contained in this permit.

The intent of the City of Muscle Shoals is to provide for control of the discharge of storm water run off such that the receiving waters of the state are not adversely effected. The city will enforce the ordinances related to the SWMP documents herein.

Mr. Tandy Crosswhite
Coordinator

Minimum Control Measures

I. Public Education and Outreach on storm water impacts.

The City has implemented a public education and outreach program and will continue this program by:

1. Distributing education materials to the community
2. Conducting outreach activities.

These efforts will educate the public as to the impacts of discharges on water bodies and the steps that each person can take to reduce pollution in the storm water runoff.

The effort will be continuous through the permit period. Educational material will be mailed to each home and business up to two times per year. Some materials are on the city's website for review by the public.

Literature is available for hand out at schools and a designated person will give presentations at the schools at least once per year.

Documentation

The city has developed a documentation method which consists of providing a file which contains copies of mail out material and presentation material. The file will date each action taken. Progress for this program will be provided in each annual report.

Rationale

1. Individual households and businesses will be informed about storm water pollution prevention by mail out material, newspaper ads, billboards, posted signs on travel ways and by website.
2. The city will encourage the public to become involved in the program by providing "Earth Day" or "Earth Month" activities. Earth Day and Earth Month will encourage people to pick up trash by selecting a mile of roadway or a section of a drainage ditch as their responsibility. Littering will be discouraged by appropriate signs on travel ways.
3. The target audiences include the general public, businesses, engineers, architects, contractors, developers and industries. These audiences were selected because collectively they contribute to littering and / or they are active in soil disturbance and there is a possibility of fuel spills or chemical damage from some of these entities.
4. The main sources of pollution that the education program addresses is trash and litter, soil disturbances, fuel and chemical processes and the use of fertilize and pesticide.
5. The outreach to the target audience will be through mail and public announcement methods. The city expects to reach approximately 10,000 people within the permit boundary.
6. Overall management and implementation responsibility of the education and outreach program is the city building official.
7. The success of the program will be measured by keeping track of the number of violations of the permit that we recorded each year and the amount of trash and litter collected each year. Hopefully permit violations and trash collection will decrease due to the efforts of the target audience.

Education and outreach efforts will be prioritized to target the following audiences and subject areas:

A. General Public

1. General impacts of storm water flows into surface waters will be addressed by mailouts twice per year.
2. Impacts from impervious surfaces include flushing of debris and soil during rains. The public will be encouraged to keep parking lots and yards clean.
3. Source control BMP's and environmental stewardship actions and opportunities in the areas of pet waste, vehicle maintenance, and landscaping. Encourage residential neighborhoods to clean up pet waste daily, abstain from changing oil or using fuel without protection for spills. They will be asked to plant bushes and trees to help reduce runoff. They will be reminded to use environmentally friendly fertilizers and pesticides.

B. General Public, Businesses, Including Home-Based and Mobile Businesses

1. BMP's for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials.
2. Impacts of illicit discharges and how to report them.
3. Citizens will be discouraged in using hazardous materials and if they do see them being used, to report any spills.

C. Homeowners, Landscapers, and Property Managers

1. Yard care techniques that protect water quality.
2. BMP's for use and storage of pesticides and fertilizers.

3. BMP's for carpet cleaning and auto repair and maintenance.

4. Runoff reduction techniques, including site design, pervious paving, retention of forests and mature trees.

5. Storm water pond maintenance.

These items are related to a Section A and will be addressed accordingly.

D. Engineers, Contractors, Developers, Review Staff and Land Use Planners

Design professionals will be required to provide the following in their plans and specifications:

1. Technical standards for construction site sediment and erosion control.
2. Runoff reduction techniques, including site design, pervious paving, alternative parking lot design, retention of forests and mature trees.
3. Storm water treatment and flow control BMP's.
4. Impacts of increased storm water flows into receiving water bodies are to be addressed with storm water detention.
5. Site protection during construction and post construction.
6. Encourage use of low impact development (LID) such as greenways and water detention.
7. Flow Control BMP

BMP	MEASURABLE GOALS	SCHEDULE
Mail out Fliers	To each home and business two times per year	April / September
Run off Reduction Permeable Pavement	Continuous by Ordinance	In progress
Site Protection Increased Vegetation & Green Areas	Continuous by Ordinance	In progress

II. Public Involvement / Participation

The City has implemented a public involvement / participation program and will extend that outreach by:

1. Involving citizens in monitoring and reporting.
2. Hold a public hearing for citizen input. Citizens will be encouraged to participate with ideas and suggestions in the decision making process in the development of the city's overall SWMP. The program will be developed by advertising public hearings.
3. Ask citizens to help educate other people.
4. Storm water structure stenciling.

These efforts will continue through the permit period.

Help in becoming involved will be available from city employees.

Volunteers to carry out this goal will be encouraged to provide ideas and suggestions.

Documentation

As a part of the program, the city will maintain files to document any citizen input or physical efforts made. The file will date each effort and describe the effort. Progress will be addressed in the annual report.

Rationale

1. The city will involve citizen's participation by contacting environmentally concerned individuals.
2. The citizens will also be asked to look for any possible form of discharge violation and report it to the city.
3. The target audience will be private citizen and environmental groups.
4. A citizen representative will be sought out who would report to the building department and attend the public hearing. Younger citizens will be asked to participate in stenciling and environmental art contests.
5. The person responsible for the control measure is the city building official.
6. Evaluation of this measure will be made from reports obtained from the participants.
7. Results of this effort will be documented by inspection of storm drains and open ditches, detention drains and catch basins. The amount of debris will be collected and weighed. Comparison of each year's collection will be studied to verify any improvements.
8. All SWMP and related documents will be available for public review when requested.

BMP	MEASURABLE GOALS	SCHEDULE
Public Hearing for public involvement	Every other year	2011, 2013, 2015
Stenciling at storm water inlets	One time per year	2011-2015
Art Contest at Elementary Schools	One time per year	2011-2015

III. Illicit Discharge Detection and Elimination

Documentation

The City will maintain files which verify map updates & inspections and which contain copies of ordinances that address illicit discharge. Maps will be updated as required and ordinances will be reviewed. Stream samples will be taken once a year in industrial and commercial areas. Samples will be tested for contamination and results will be reported in the annual reports and kept on file. Samples will be tested for TSS, oil and grease and pH.

Rationale Statement

The city will provide a program to detect and eliminate illicit discharge. The program will include the following:

1. Update the city's maps annually. If there are no changes, state in the annual report that there are none. Maps include all known outfalls, waters of the state and structural BMPS located in the permit boundary.
2. Existing ordinances shall be reviewed to insure they meet the requirements of the current permit. Ordinances will be updated if necessary. Enforcement of the ordinances will be executed by the city building department personnel.

3. Field inspections will be made on priority outfalls such as industrial, large commercial and construction sites.
4. Inform city employees, businesses and the general public of hazards associated with illegal disposal of waste. Charity car washes are not considered major contributions and thus do not constitute illegal discharges
5. Ordinance has been passed by city council to prohibit illicit discharge. Ordinances were chosen because they are enforceable by city officials.
6. The ordinance is being implemented each time the city performs site inspections and documents the results. These inspections are performed on a routine schedule.
7. Detection of illicit discharges will occur when dry weather spills or discharges are noted during inspections. No field tests will be performed. If discharge is identified, samples will be collected and transported to a lab for testing.

   If any on site sewage is detected above ground, in storm pipes or in ditches, the local health department will be notified.

   The following areas will be routinely inspected for possible illicit discharges:

   1. Areas of older infrastructure
   2. Industrial and Commercial Areas
   3. Areas with a history of illicit discharge
   4. Areas with on site sewage disposal systems
   5. Areas upstream of 303(d) or TMDL water bodies

   Procedures for tracing the source of illicit discharges will be visual or odor methods in combination with familiarity of the local industrial make up.

If illicit discharge is verified, the discharger will be notified and required to provide clean up. They will also be required to control the discharge to prevent further contamination.

The program will be evaluated by follow up surveys. These discharges will be included in the inspections permanently. Enforcement procedures will be escalated if necessary due to repeat violations.

8. The city will through its enforcement officer, notify public employees through annual meetings that there are certain hazards associated with illegal discharges and improper disposal of waste. Businesses and general public will be notified by mail out material. This effort will augment the reminders that are posted by department heads for good housekeeping and pollution prevention by city personnel.
9. All responsibility for public outreach, education and for implement action of the BMP's is the city's designated official who is at present the building department official.
10. The success of the minimum measure will be determined by evaluating the decrease in pollution on streets, storm sewers, ditches and creek banks. Photographs will be taken and filed each year so that progress can be verified.
11. The city will provide an ongoing training program for city field personnel. The personnel will receive training in reporting and responding to illicit discharges. Personnel will receive QCI training and will follow up with annual re-certification. Documentation will be kept on file.

BMP	MEASURABLE GOALS	SCHEDULE
Enforcement personnel To re-certify QCI	One time per year	2011-2015
Site Inspections at industry, commercial and construction sites	12 Times per year	Monthly 2011-2015
Storm water run off sampling and testing	One time per year	February 2011-2015

IV. Construction Site Storm Water Runoff Control

Documentation

The city has an in place program to control storm water runoff from construction sites. The program addresses pre and post construction.

Procedures for controlling site waste, site plan review, input from the public, enforcement, securing NPDES permits and site inspections are documented in existing ordinances including subdivision regulations. Copies of public input, results of plan review, records of enforcement and copies of permits will be kept on file.

Rationale Statement

The city has chosen to provide erosion and sediment controls at construction sites through subdivision regulations and ordinances. The ordinances are enforceable by city officials and will apply to non-subdivision type construction such as city infrastructure projects and building site development. A copy of the subdivision regulations and all related ordinances is attached in the appendix.

Enforcement procedures are described in the ordinances.

Site operators are required to obtain an NPDES Permit for one acre and larger sites. These permits are provided to the city's review agency. The city will follow up with a site grade permit. The site will be monitored by city personal. Sites will be reported to the operator if they are in violation with discarded materials, chemicals, litter, sanitary waste, concrete wash out, erosion and or sediment buildup.

The city will review pre-construction grade plans and will require proper BMP.

Any information from the public is encouraged and will be considered by the building department as to any enforcement issues.

The city will inspect these sites monthly at a minimum. Violations will be reported to the operator with instructions as to clean up. Non-attention to these notices will result in enforcement procedures as outline and in existing ordinances.

Priority for site inspection will be related to sites which have a prior history of violation and / or which threaten the environment most.

The construction site control program is regulated by the city building department.

Success for this minimum control measure will be determined by the number of violations recorded each year.

Inspection Plan - All sites one acre and larger that discharge to a water body will be inspected once per month at a minimum.

Water sampling will occur annually at random sites within the city. These sites are selected based on being industrial or commercial and large construction sites. Further sampling will be done if contamination is discovered during routine sampling or if contamination is discovered at any time.

The city's response plan is outline in attached ordinances.

For construction projects or industrial facilities subject to ADEM regulations and permits who have not filed and received permit coverage, the city will within 30 days of discovery notify ADEM.

The City will provide the following documentation of the violation:

1. Construction Site Location
2. Name of Owner / Operator
3. Estimated project size or type of industrial activity including the SIC if known.
4. Record of communication with the owner / operator regarding the violation, including inspection, warning and any responses.

Enforcement will be tracked in hard copy files. The following will be included:

1. Name of Owner / Operator
2. Location of Site
3. Description of violation
4. Required compliance schedule
5. Description of enforcement response including escalated responses and repeat violations.
6. Enforcement Documentation
7. Referrals to different departments or agencies.

BMP	MEASURABLE GOALS	SCHEDULE
To have all construction sites permitted by city and ADEM	100% of sites permitted	2011-2015
Follow up on inspections if required	Zero follow up	2011-2015
Keep run off sample results at minimum	TSS < 100 ppm Oil and Grease < 0.5 ppm pH 4 – 7	2011-2015

V. Post Construction Storm Water Management in New Development and Redevelopment

The city has a plan for addressing storm water runoff for new and redeveloped sites of one acre or larger or less than one acre if it is a part of a larger development. Existing ordinance addresses these items to the maximum extent practicable.

The city will ensure long term O & M of these BMP's through their bonding program which requires owners – operators to provide a bond which will cover the cost of replacing or establishing BMP's should the owner – operator not provide post construction control .

An agreement will be recorded with the property deed or with the subdivision plat that will transfer by legal document to any new owners/ operators the responsibility for post construction management.

The agreement will include required maintenance provisions, allow inspections by city or state personal and will allow for further lease or deed transfers. The agreement shall be subject to enforcement by the city or ADEM.

The following items will be a part of the agreement:

1. The developer's signed statement accepting responsibility for maintenance until the responsibility is transferred.
2. Written conditions in the sale or lease agreement that require the recipient to assume responsibility for maintenance or written conditions, covenants or restrictions assigning responsibility to an association.

Rationale Statement

The city has no requirement for directing growth to any certain areas other than is allowed by zoning. Sensitive areas in the city will be protected by plan review prior to construction. At that time, open spaces, wetlands etc. will be addressed and protected as directed by city ordinance and the Army Corp. of Engineers. Developers will be encouraged to preserve trees and open spaces as much as is feasible. Regulations are not in effect at present which require minimization of impervious areas, although developers are encouraged to consider pervious pavements.

Ordinances that require infill development are not in the process at present although there are developable areas within the existing infrastructure and they are being developed.

Education programs in the form of mail outs will be utilized to inform developers about project designs that will minimize impacts to water quality.

Developers will be encouraged to construct wet ponds to slow run off and allow treatment of sediment.

Grassed swales are encouraged in areas where maintenance is viable and where slopes permit.

There are no plans to require infiltration basins or trenches. However they may be used when other effective BMP's are not possible.

The mechanisms used to address post construction run off are existing ordinances because they are enforceable by city personnel.

Evaluation of the success of this measure will be by visual inspection annually and the city's developing areas.

BMP	MEASURABLE GOALS	SCHEDULE
To have all post construction sites secured with vegetation and run off control	Each site closed out with City Approval	Continuing 2011-2015
Maintenance agreements, Post Construction	One filed at courthouse for each site	Continuing 2011-2015

VI. Pollution Prevention / Good Housekeeping for Municipal Operations

The city has in place a method of control of run off control for municipal operations. The method includes in house training, printed material review, documentation of training sessions, schools and courses taken.

The program will address maintenance activities, maintenance schedules and inspection procedures.

The program will address controls for reducing pollutants such as floatables and other pollutants from roadways, parking lots, maintenance yards, recycling centers and mineral storage areas.

Also addressed will be proper disposal of collected waste.

These SWMPP regulations will be reviewed annually by the city's enforcement personnel. Documentation of the review will address the following:

1. Evaluation of progress toward goals.
2. Identifying any ineffective components.
3. Add new components

The pollution prevention / good housekeeping program for municipal operation was developed after reviewing the responsibilities of department heads and the requirements for equipment maintenance and department duties.

Rationale Statement

The city requires that on all city projects where soil is disturbed, city personnel will prevent soil erosion run off on any site by using wattles or silt fence. On small projects, these BMP's can be portable. Clean up of any soil which erodes is mandatory.

Protection of sites from fuel or oil spills is mandatory. Any spills are to be reported to the cities enforcement personnel immediately.

All operations either by street department, utility department, park and recreation department personnel are required to exhibit responsibility toward this minimum control measure.

City employees attend QCI training each year and will share this training with department heads.

Fleet maintenance requires housed operations for maintenance and cleaning operations. Sediment, oil and grease are trapped and disposed of in proper facilities.

There are no requirements for providing outreach to the public as these operations do not involve the public.

The city has a series of large detention basins throughout the city. These basins collect floatables during rain events. The floatables are removed by city personnel documented by weight and reported in the annual report.

Solid waste pollutants from streets and parking lots are captured at storm water inlets where possible or are collected at detention basins as mentioned above. Sand and gravel storage is contained at city facilities but are not considered contaminants as they are naturally occurring material.

All solid waste collected in the drainage facility are to be disposed of at the landfill.

New flood management projects are to be protected by collecting solids and disposing of the debris at the landfill. The drainage system is to be assessed each year and if any new water quality protection devices are required, the city will provide such device to the best of their ability.

Success for this control measure is measured visually and by the weight of solids collection each year.

BMP	MEASURABLE GOALS	SCHEDULE
Personnel Training	One time per year	March 2011-2015
Housed fleet maintenances facility completion	One time permanent facility	Summer 2010

APPENDIX

1. Subdivision Regulations
2. Ordinance Number 1369-06
3. Ordinance Number 1360-06
4. Ordinance Number 1359-06
5. Ordinance Number 1358-06
6. Definitions and Acronyms

Appendix 1
Subdivision Regulations

CITY OF MUSCLE SHOALS

SUBDIVISION REGULATIONS

*Editor's note: Ord. of April 22, 2008, amended ch. 102 in its entirety to read as herein set out. Former ch. 102, §§ 102-1--102-184, pertained to similar subject matter, and derived from Code 1979, ch 40 arts. I--XII, §§ 1--8, app. A, B; Ord. No. 1088-90, § 1(A)--(G), adopted Jun. 16, 1990; Ord. No. 1130-93, §§ II--IV, adopted Mar. 15, 1993; Ord. No. 1266-02, § 1, adopted Jan. 7, 2002.Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, and citation to state statutes as it appears to the Code of Ordinances. Expression of section numbering remains the same as it appears in the ordinance. Additions made for clarity are indicated by brackets.

Cross references: City engineer, § 2-161 et seq.; buildings and building regulations, ch. 18; floods, ch. 46; planning, ch. 86; zoning, ch. 122.

State law references: Authority of cities regarding subdivisions generally, Code of Ala. 1975, § 11-52-30 et seq.

ARTICLE I. GENERAL PROVISIONS

Sec. 102-101. Enactment and authority.

Under the provisions of title 11, chapter 52 of the Code of Ala. of 1975 [Code of Ala. 1975, § 11-52-1 et seq.], which provisions are hereby made a part hereof, these regulations governing the subdivisions of land are hereby adopted by the City of Muscle Shoals Planning Commission as of the effective date of these regulations. A copy of these regulations will be certified to the Probate Judge of Colbert County and copies are available from the City Clerk of the City of Muscle Shoals.
(Ord. of 4-22-08)

Sec. 102-102. Jurisdiction.

On and after their effective date, these regulations shall govern each and every subdivision of land within the corporate limits of the city's incorporated limits as the same now exists or may hereafter be altered, except that the planning jurisdiction shall terminate at a point equidistant between the Muscle Shoals corporate limit, as extant or subsequently defined, and the corporate limit of another municipality.
(Ord. of 4-22-08)

Sec. 102-103. Purpose.

The subdivision regulations are adopted for the following purposes:
(1) To protect and provide for the public health, safety, and general welfare of the city and its environs.
(2) To guide the future growth and development of the city in accordance with plans and policies adopted pursuant to the comprehensive planning process.
(3) To provide for adequate light, air, and privacy to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.
(4) To encourage the orderly and beneficial development of the city and its environs.
(5) To protect and conserve the value of land throughout the city and its environs and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.

(6) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
(7) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
(8) To establish reasonable standards of design and procedures for subdivision and resubdivision, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monuments of subdivided land.
(9) To insure that the public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
(10) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the community and the value of the land.
(11) To preserve the natural beauty and topography of the Muscle Shoals area and to insure appropriate development with regard to these natural features.
(12) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the zoning ordinance of the city.
(Ord. of 4-22-08)

Sec. 102-104. Enforcement, violations, and penalties.

(a) *Enforcement.* It shall be the duty of the planning commission to enforce these regulations by bringing to the attention of the mayor, city council, or city attorney any violations or lack of compliance herewith.
(b) *Violations and penalties.* Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells, or agrees to sell or negotiates to sell any land by reference to or exhibition of, or by other use of a plat of a subdivision before such plat has been approved by the city planning commission and recorded or filed in the county probate office shall forfeit and pay a penalty of $100.00, for each lot or parcel so transferred or sold, or agreed or negotiated to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section.The city may enjoin such transfer or sale or agreement by a civil action for injunction brought in any court of competent jurisdiction or may recover the same penalty provided in this section by a civil action in any court of competent jurisdiction.
(Ord. of 4-22-08)
State law references: Similar provisions, Code of Ala. 1975, § 11-52-33.

Sec. 102-105. Effect of preliminary plat approval.

Receipt of the approved copy of the preliminary plat by the subdivider is authorization, subject to the taking of proper permits and to the requirements for waivers as set forth in section 102-108 herein, to proceed with the construction plan phase of any improvements to the subdivision under the direction and supervision of the city engineer, and/or other supervisory personnel required by the city and subject to the approved construction plans and to proceed with the staking of streets and lots in preparation for the final plat. (Ord. of 4-22-08)

Sec. 102-106. Effect of final approval.

Receipt of the approved copy of the final plat by the subdivider is authorization to record the plat in the office of the Probate Judge of Colbert County, to transfer lots in the subdivision, and to seek a building permit for structures to be erected on any lot. No building permit shall be issued on any structure in any subdivision that has not received final approval and been recorded in the office of the Probate Judge of Colbert County, Alabama. No building permit shall be issued for any structure in any subdivision that does not fully comply with these regulations.
(Ord. of 4-22-08)

Sec. 102-107. Inspections and as-built drawings.

Final inspections of all improvements shall be performed and accurate as-built construction drawings of all improvements shall be supplied to the city and utility departments prior to the release of any performance bond (or the approval of the final plat of subdivision, where no performance bond was provided).
(Ord. of 4-22-08)

Sec. 102-108. Maintenance bond requirements.

Prior to the release of any performance bond (or the approval of the final plat of subdivision, where no performance bond was provided), a maintenance bond shall be provided to the planning commission to provide warranty against defect in the manufacture, construction or installation of improvements. The amount of the maintenance bond shall be five percent of the total cost of improvements and shall be available for 12 months following the completion of improvements and the application by the owner for acceptance by the city.
(Ord. of 4-22-08)

Sec. 102-109. Previously platted subdivisions.

No building permit shall be issued and no construction of improvements shall commence for any lot within a subdivision approved prior to 1980. All such subdivisions shall be resubmitted to the planning commission for approval in accordance with the standards provided within these regulations.
(Ord. of 4-22-08)

Sec. 102-110. Covenants and building restrictions.

No final plat of land within the force and effect of the zoning ordinance shall be approved unless the building restrictions to be established conform to the minimum requirements of the zoning ordinance. If the proposed subdivision does not lie within the force and effect of the zoning ordinance, the preliminary and final plat may be required to contain a statement of the allowable use of each lot and adequate covenants may be required to be recorded establishing use restrictions.
(Ord. of 4-22-08)

Sec. 102-111. Waivers, variances and exceptions.

(a) Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that a strict application of the requirements contained in these regulations would result in a substantial hardship or injustice to the property owner, the city planning commission may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the city are protected and the general intent and spirit of these regulations are preserved.
(b) No waiver, variation, or modification to these regulations shall be effective unless a specific written request is conspicuously noted on the preliminary plat submitted to the commission for approval and such waiver request is specifically approved by the affirmative vote of six members of the commission. Unless a waiver is requested and approved in this manner, it shall be deemed to have been denied by the commission.
(c) In granting variances and modifications to these regulations, the city planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. Any variance or modification thus authorized is required to be entered in writing in the minutes of the Muscle Shoals Planning Commission and the reason that justified the departure to be set forth therein.
(Ord. of 4-22-08)

Sec. 102-112. Conflicts of interest prohibited.

Under no circumstances shall a preliminary plat, final plat, construction plans of improvements, preliminary master subdivision plan, project inspection, or other materials or labor necessary for compliance with these regulations be prepared, submitted, signed, attested to, carried out or certified by a registered surveyor or registered professional engineer or by a firm, corporation or partnership engaged in the business of engineering and land surveying if that same individual, firm, corporation, or partnership is also employed by, is an official of, is on contract or retainer to the City of Muscle Shoals, Alabama, for the purposes of engineering and/or land surveying.

In addition, any member of the city planning commission or any other planning employees of, or technical planning consultants to the commission, shall in no case review or enter into deliberations or voting on any matter in which they may have any conflict of interest whatsoever in regard to these regulations.
(Ord. of 4-22-08)

Sec. 102-113. References incorporated; higher standard shall prevail.

(a) The following specifications are hereby incorporated into these regulations and shall govern the materials and placement of any improvements within a subdivision within the city's planning jurisdiction:
The Muscle Shoals Construction Specifications
"A Policy on the Geometric Design of Highways and Streets," AASHTO, 5th ed.
Muscle Shoals Stormwater Ordinance (Ord. No. 1266-02, § 1, 1-7-02).
(b) Whenever a conflict shall occur between the standards of this document and those set forth in any specification or standard referenced herein, including but not limited to those specified in this section, the higher standard of development, as determined by the city engineer, shall apply.
(Ord. of 4-22-08)
Secs. 102-114--102-200. Reserved.

ARTICLE II. DEFINITIONS

Sec. 102-201. Usage.

(a) For the purpose of these regulations, certain abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.
(b) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
(Ord. of 4-22-08)

Sec. 102-202. Definitions.

Adjoining property owner or owners. The individual owning property adjoining the tract of land proposed for subdivision development. If the owner of such adjoining property is a corporation, the term shall apply to the officers and agents of such corporation who shall be identified on preliminary plats as adjoining property owners. Owners of property located across streets, alleys, watercourses, drainage easements, and other rights-of-way adjoining the proposed subdivision are, for the purposes of this regulation, adjoining property owners and shall be so identified on all preliminary plats.

Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the customary accessory uses.

Alley. A public right-of-way less than 25 feet in width designed to provide secondary access to the side or rear of properties whose principal frontage is on some other street.

Approved plat. A plat conforming to the requirements of these regulations that has received the approval of the planning commission and has the signature of those officials authorized to sign the plat under the requirements of these regulations.

Base flood. A flood event having a one percent chance of being equaled or exceeded in any given year; i.e. the 100-year flood.

Base flood elevation. The crest elevation in relation to mean sea level expected to be reached by the base flood.

Building. A roofed structure built for the shelter, housing, or enclosure of persons or property.

Building line. A line on a lot parallel to the street line representing the forward limit for the construction of the any portion of a building.

Construction plans. Plans and profiles for proposed improvements that are repaired in accordance to these regulations by a professional engineer and depict the proposed layout, materials, and construction specifications for proposed improvements.

City. The City of Muscle Shoals, Alabama.

City engineer. The duly designated engineer of the city.

Developer. The person, firm, or corporation who owns or controls a tract of land proposed for subdivision, and at whose direction plans and surveys for such subdivisions are prepared. The term "developer" also means "subdivider".

Final plat. A finished drawing compiled in accordance with these regulations.

Flood hazard boundary map. A map officially promulgated by the Federal Emergency Management Agency (formerly the Federal Insurance Administration) depicting the boundaries of flood hazard areas in the vicinity of the city, covering areas part, or all of which, extend beyond the area covered by the flood boundary and floodway map. Where two or more flood hazard boundary maps are extant, the one bearing the most recent date shall be considered official.

Floodway. The channel of a river, stream or other watercourse and the adjacent land areas which must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot.

Floodway fringe. That area of the floodplain lying outside the floodway but still subject to inundation by waters of the base flood.

Lot. A parcel of land intended for transfer of ownership or for building development, whether immediate or future.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, through. A lot other than a corner lot, abutting upon two or more streets.

Lot width. The distance between the side lot lines measured at the building line.

Major street plan. The official plan of the planning commission showing the location of existing and planned roadways designed to serve the city and its environs.

Master plan. The comprehensive plan of the city and environs, duly adopted by the city planning commission.

Planning commission. The Muscle Shoals, Alabama, Planning Commission.

Preliminary plat. A drawing of the proposed design of a subdivision compiled in accordance with all of the requirements of these regulations.

Street. The entire platted or proposed public way for vehicular and pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, alley or however otherwise designated.

(1) Major street or arterial. Those streets designated as such on the major street plan of the City of Muscle Shoals, Alabama, or as may be determined necessary by the city.
(2) Secondary street or collector street. A street supplementary to the major street system and primarily a means of moving traffic between arterials and local system. Direct access to abutting properties is a secondary function and should be avoided. Collector street may be required for entrance roads for large subdivisions or as primary connections streets between adjoining development or properties.

(3) Minor street or local street. A street primarily for access to abutting properties and as interconnection between abutting properties and other streets.
(4) Culs-de-sac streets. Streets having no outlet at one end.

Subdivision. The division of a lot, tract, or parcel of land into two or more lots, plots, sites, or other divisions of land, whether described by metes or bounds or by any other description, for the purpose, whether immediate or future, of sale or of building development. It includes mobile home parks, whether lots (spaces) are for rent or sale. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing the land or territory subdivided. Provided, however, that the following is not included within this definition:

(1) The parceling off or sale of tracts measuring five or more acres for residential or agricultural use, provided that the property has 30 feet access to a publicly dedicated and maintained road.
(2) The parceling off or sale of plots in a cemetery intended for the burial of the dead.
(3) The partitioning of a tract of land among heirs or claimants through a sale or division, when ordered by a court of competent jurisdiction.
(4) The conveyance of a portion of one property owner's previously unplatted land to an owner of directly abutting unplatted land, provided that no such conveyance shall reduce a parcel of land below the minimum area as required by any agency with jurisdiction over that piece of property. Furthermore, the deed conveying said property must recite that the land conveyed is to form a homogenous part of the grantee's property, is not a separate building lot, and shall not be conveyed to a third party as a separate property unless and until it shall have been subdivided in accordance with applicable subdivision regulations.
(5) The conveyance of a tract of land of any size to a public utility, provided that the deed shall recite that the said tract shall be used solely as the site for a pumping station, potable water storage tank, transformer substation, switching facility, valve and/or metering facility, or other similar public utility service facility.

Submission. The presentation of a plat or plan, prepared in strict conformity to these regulations and the bylaws of the planning commission. The presentation of a plat or plan after the date required shall be termed an inappropriate submission by the planning commission. Likewise, a plat not in compliance in all aspects with plat requirements contained in these regulations shall be ruled an inappropriate submission by the city planning commission.

Surveyor. A qualified, registered land surveyor in good standing with the State Board of Registration of Alabama.

Temporary cul-de-sac. A cul-de-sac to give access to future subdivisions adjoining the subdivision property. Such temporary culs-de-sacs shall have a minimum right-of-way radius of 60 feet and a paved turning area with a radius of at least 40 feet.

Townhouses. A row of three or more dwellings flush against each other at the sides or attached at the sides by party walls, each unit of which is designed as a residence for one family.

Utilities. Distribution system for water, gas, electric, telephone, cable and antenna system, and collection system for sanitary and storm sewer, where appropriate.

Variance. An approved variation from the minimum standards required by these regulations. Such variances shall be approved only upon application as outlined in these regulations and upon a favorable vote of six members of the planning commission.

Zoning ordinance. The duly adopted comprehensive zoning ordinance and all amendments thereto as officially adopted by the city council.
(Ord. of 4-22-08)

Cross references: Definitions generally, § 1-3.
Secs. 102-203--102-300. Reserved.

ARTICLE III. SUBMISSION; APPROVAL PROCEDURE; PLAT REQUIREMENTS

Sec. 102-301. Overall procedures.

(a) To obtain approval of a proposed subdivision, the developer shall submit to the city planning commission a preliminary and final plat prepared by a registered land surveyor and construction plans of proposed improvements prepared by a registered engineer. Typical subdivisions requiring improvements will proceed in three to four steps:
(1) A master design plan will be submitted for review and comment (optional in many cases);
(2) A preliminary plat will be submitted for review and approval;
(3) Construction plans will be submitted for review and approval;
(4) A final plat will be presented following completion of all improvements or the presentation of adequate surety for the completion of improvements.
(b) No landowner or developer, shall proceed with improvements or sale of subdivided land, without the written approval of the city planning commission and receipt of necessary construction permits prescribed by the city engineer.
(Ord. of 4-22-08)

Sec. 102-302. Master design plan.

(a) A developer presenting a subdivision who owns, leases, or has options to purchase 20 or more acres of additional vacant land, contiguous to, but not included in, said subdivision, shall also submit a master design plan depicting the proposed future development of all such land. Such a master design plan is intended to assist the city planning commission in coordinating the phased development of large areas. Acceptance of the master design plan by the city planning commission shall not be deemed equivalent to their granting preliminary plat approval of the development. As a minimum, the master design plan shall contain an outline of the contiguous land from deed legal descriptions and shall show preliminary street and lot layout and areas to be reserved for public purposes. Said plan shall show topography of the adjacent land from existing topographic maps such as USGS quadrangle maps. Where such a master design plan is required, it shall be submitted to the planning commission at least 15 days prior to a regularly scheduled meeting of the city planning commission.
(b) Subdivisions that do not meet the above requirements for a master design plan are strongly encouraged, nonetheless, to present a master design plan for informal review by city staff. The purpose of this plan is to ensure the harmonious coordination of existing and planned developments and to afford an opportunity to discuss potential

difficulties prior to initiating the process of subdivision, minimizing the potential for costly mistakes.
(Ord. of 4-22-08)

Sec. 102-303. Preliminary plat procedure.

(a) The subdivider shall submit four copies of the preliminary plat to the city planning commission at least 15 days prior to a regularly scheduled meeting of the city planning commission; otherwise, the proposed subdivision shall be considered at the next regularly scheduled meeting where the subdivider has complied with these deadline requirements.
(b) The subdivider shall submit six copies of any requests for variances from any article or section of these regulations along with material to support his claim for relief from appropriate sections or articles.
(c) To defray the costs of notifying interested parties of the preliminary plat, a fee established by the city council shall be paid by the subdivider at the time of filing the preliminary plat. The subdivider and the owners of the land immediately adjoining the proposed subdivision shall be given prior notice by mail at least seven days before the hearing on the preliminary plat, in accordance with the provisions of Code of Ala. 1975, § 11-52-32.
(d) The city planning commission shall approve, approve conditionally, or disapprove such preliminary plat within 30 days after the appropriate submission thereof at its regular meeting unless the subdivider consents to an extension of this period. If approved conditionally, the conditions and reasons therefore shall be stated in the minutes of the Muscle Shoals Planning Commission. If any of the requirements are modified or waived, the reasons for such shall be specified in the minutes of the city planning commission. If the city planning commission should disapprove the preliminary plat, the reasons for such action shall be stated in the minutes, and if possible, recommendations made on the basis of which the proposed subdivision would be approved. A preliminary plat that has been disapproved by the city planning commission shall not be reconsidered for a period of one year from the time of the ruling disapproving the plat, unless all such reasons for disapproval are removed in the resubmission.
(e) The approval of a preliminary plat shall not be deemed as final acceptance, but rather an expression of approval of the layout as submitted on the preliminary plat, and shall allow the developer to proceed according to article I, section 102-105 of this chapter. Preliminary approval of a proposed subdivision shall lapse at the end of one year, unless the city planning commission grants an extension.
(f) The preliminary plat is a tool for determining the most efficient and economical layout of a site and is intended to ensure quality layout and design and conformity with municipal plans prior to a developer investing in fully detailed engineering studies and plans. Therefore, while construction plans (see section 102-304) may be submitted by the developer for review at the same time as the preliminary plat, such concurrent submission is discouraged in order to avoid costly construction plan revisions.
(Ord. of 4-22-08)

Sec. 102-304. Construction plans.

(a) The subdivider shall submit four copies of construction plans of improvements to the city planning commission at least 15 days prior to a regularly scheduled meeting of the city planning commission; otherwise, the proposed subdivision shall be considered at the next regularly scheduled meeting where the subdivider has complied with these deadline requirements. The construction plans of proposed improvements shall be presented for

review by the city engineer and utility departments and all other designated staff. Within 30 days of the receipt of the plans, the planning commission shall notify the developer's engineer of discrepancies requiring correction. The construction plans shall conform to all applicable requirements of these regulations except those expressly waived by the city planning commission.

(b) The subdivider and the owners of the land immediately adjoining the proposed subdivision shall be given prior notice by mail at least seven days before the hearing on the construction plans. To defray the costs of notifying interested parties of the construction plans, a fee established by the city council shall be paid by the subdivider at each phase of development.

(c) The city planning commission shall approve, approve conditionally, or disapprove such construction plans within 30 days after the appropriate submission thereof at its regular meeting unless the subdivider consents to an extension of this period. If approved conditionally, the conditions and reasons therefore shall be stated in the minutes of the Muscle Shoals Planning Commission. If any of the requirements are modified or waived, the reasons for such shall be specified in the minutes of the city planning commission. If the city planning commission should disapprove the construction plans, the reasons for such action shall be stated in the minutes, and if possible, recommendations made on the basis of which the proposed subdivision would be approved. Construction plans that have been disapproved by the city planning commission, shall not be reconsidered for a period of one year from the time of the ruling disapproving the plat, unless all such reasons for disapproval are removed in the resubmission.

(Ord. of 4-22-08)

Sec. 102-305. Construction and inspection of improvements.

(a) Subdivision improvements shall be constructed under the supervision of an engineer employed by the developer. Construction of subdivision improvements may begin only after the construction plans have been approved and the developer has purchased construction permits from the city. The fees for such permits shall be as prescribed by ordinance. Quality control during construction shall be maintained by three means, as follows:

(1) A preconstruction meeting shall be required prior to the commencement of any component or phase of construction activities. The developer and the developer's engineer shall meet with city engineer and appropriate representatives of the city and utility department representatives to discuss construction activities, including the proposed schedule of inspections.

(2) The developer's engineer shall ensure that a qualified inspector, experienced in street, water main, and sewer construction, conducts regular inspections during construction of improvements. At minimum, inspections shall occur at the stages of subgrade-proof rolling and base-proof rolling during the course of construction. The inspector shall maintain a logbook of all inspections, which shall be furnished to the city engineer for review upon completion of construction.

(3) The developer's engineer shall notify the city engineer before work begins on each of the following steps at least 24 hours in advance:

a. Clearing and grading.
b. Placing of sub base.
c. Laying of sanitary [sewer lines], storm pipe, and water pipe.
d. Pouring curb and gutter.
e. Placing of base.
f. Putting down plant mix seal.

(b) Upon completion of construction, six sets of as-built plans and profiles shall be delivered to the city engineer. These plans shall show all storm sewer, wastewater, water, gas, and electrical improvements as constructed, including the correct referenced locations and depths of all sanitary sewer stubs, wyes, manholes and water valves. As-built plans shall be tied to state plane coordinates.
(Ord. of 4-22-08)

Sec. 102-306. Final plat procedure.

A final plat will be considered by the city planning commission once the preliminary plat and construction plans have been granted approval. The subdivider shall file four copies of the final plat with the chairman of the city planning commission at least 15 days prior to the date of the meeting of the city planning commission, at which it is to be submitted and considered.

(1) Approval or disapproval of the final plat shall take place within 30 days after the date of its appropriate submission to the city planning commission unless the subdivider agrees to an extension at that time. If the final plat is disapproved, the grounds for refusal shall be stated in the minutes of the Muscle Shoals Planning Commission. The disapproval of a final plat carries with it the stipulation that it or another plat containing all or a portion of the property cannot be resubmitted for a minimum period of one year, unless all reasons for disapproval shall have been removed.

(2) The city planning commission may give approval of the final plat at any of its meetings; however, final notification shall come only from the chairman of the city planning commission when it has been deemed that all the requirements as set forth herein have been met. This final approval by the city planning commission shall be given on the face of the final plat and shall be given only after the signatures of all other agencies, except the county engineer, have been given. The county engineer's signature, if required, shall be given after all other approvals.

(3) Approval of the final plat will not be given until the city planning commission is notified by the city engineer that either:

a. All required approved improvements have been installed and completed by the subdivider and all required as-built plans and required test results submitted as required by rules or ordinance; or

b. A bond in an amount equal to one and one-half times the estimated cost of all such improvements and approved by the city engineer has been filed. In the event the only improvements remaining to be completed are surface paving and shoulder dressing, a bond will be acceptable with an individual, who is otherwise qualified, as surety thereon. In the event, however, required sewers, curb and gutter work, drainage structures, or base, have not been satisfactorily installed and completed, such bond shall be made with a surety company authorized to engage in the making of surety bonds in and by the State of Alabama. No permit for the construction of houses or housing units in the subdivision shall be issued until the city planning commission has given approval of the final plat, provided that a final plat for a PD-1 and PD-2 planned development prepared in accordance with the city zoning ordinance may be approved after the commencement of construction on housing units, if the preliminary plat was approved prior to construction and the final plat is substantially identical with the preliminary plat.

(4) When application is made for final plat approval, the subdivider shall pay an additional fee to defray the expenses of investigation, hearing, and acting upon the final plat. Said fee shall be established by city council.

(5) The final plat shall be filed for record in the office of the Probate Judge of Colbert County, along with any required restrictive covenants (if outside the city limits). The city engineer and the chairman of the city planning commission shall each be furnished with

three prints of the final plat showing the probate judge's recording stamp and the plat book and page number where the final plat is recorded.
(6) In any case where a final plat differs substantially from the previously approved preliminary plat, in street layout or in the handling of surface water, drainage, or in lot size, then the city planning commission may require an additional preliminary submission either before or as a condition to approval of the final plat.
(7) Where the subdivider owns land adjacent to that shown on the final plat, drainage easements, or proposed easements, crossing said adjacent lands, necessary to serve the land in the final plat, shall be indicated on the preliminary plat and the city planning commission may require dedication of such easements, at the time of approval of the final plat.
(8) No streets will be accepted for maintenance by the city until the city engineer shall have approved the same and the acceptance thereof authorized by the city council in the form of a resolution.
(9) The subdivider, or contractor undertaking the construction work for the subdivider, shall file a bond with the city in an amount equal to ten percent of the construction costs of the subdivision improvements. Payment of the proceeds of such bond or any portion thereof shall be to the order of the city as directed by the city engineer for reimbursements of all costs incurred by or on behalf of the city necessary to maintain the streets, sanitary sewers, drainage structures and other improvements for a period of one year following the completion and acceptance of all the improvements in the subdivision by the city.
(10) The term "bond" as used in this section shall be deemed to include the deposit of cash with the city clerk in the appropriate amount required under this section; the delivery of a standby letter of credit in favor of the city issued by a financial institution licensed to do business in the State of Alabama, the form and substance of which is acceptable to the city attorney and city clerk and approved by the city planning commission and issued by a company authorized to issue surety bonds in the State of Alabama. Said bond shall also include such other forms of cash collateral or obligations of insurance companies as may be approved as to form and substance by the city attorney, city clerk and approved by the city planning commission from time to time.
(Ord. of 4-22-08)

Sec. 102-307. Resubdivisions and small subdivisions.

(a) In a case where an existing subdivision lot or lots is resubdivided, and meets the requirements of the Muscle Shoals Zoning Ordinance and these regulations for size, setbacks, and other requirements, and no improvements are required, and presents no other design or engineering problems in the opinion of the city engineers and the chairman of the city planning commission, the preliminary plat procedure may be omitted and the final plat procedure shall take effect, provided the petitioner has secured and presented to the chairman of the city planning commission a written waiver of legal notice and hearing requirements from all adjoining property owners.
(b) In a case where a small subdivision shall contain so few lots, and no other engineering problems, in the opinion of the city engineer and the chairman of the city planning commission, the preliminary plat may be presented along with, and at the same time of, the final plat. All other procedures shall remain the same.
(c) An existing subdivision to be resubdivided with three or fewer lots involved or a proposed new subdivision containing three or fewer lots, may be approved by the city engineer and the chairman of the city planning commission for immediate recordation as a final plat in the office of the Probate Judge of Colbert County, provided that:

(1) The subdivider has secured and presented to the chairman of the city planning commission a written waiver of the legal notice and hearing requirements from all adjoining property owners;
(2) The lots meet the minimum requirements of all applicable regulations with respect to lot area and widths;
(3) The lots have frontage on an existing public street which substantially conforms to the requirements of these regulations;
(4) The lots can be served by an existing sanitary sewer, or have been approved for on-site disposal by the health department;
(5) No other engineering problems exist in the opinion of the city engineer; and
(6) No public interest in a street, easement, or the like will be impaired or placed in doubt.
(Ord. of 4-22-08)

Sec. 102-308. Preliminary plat requirements.

All preliminary plats presented to the city planning commission shall contain, at a minimum:

(1) Name and address of owners and the designer of the plat. Said designer shall be a land surveyor registered to practice in the State of Alabama.
(2) Names and addresses of current record (as per the tax assessor's records) of adjoining property owners, which shall include those across public rights-of-way, other rights-of-way, easements, creeks, etc.
(3) Date of the plat, north arrow, scale of not less than one inch equals 100 feet, amount of acreage contained in the plat and a statement as to the remaining adjoining acreage the developer or subdivider owns has an option on or leases.
(4) Proposed lot layout showing the following:

a. Lot dimensions, building lines and back and side setback lines and lot and block numbers and proposed street names. The locations of existing buildings, watercourses, railroads, power lines, bridges, culverts, and drainpipes on the land to be subdivided and immediately adjoining land.
b. Rights-of-way, easements, alleys, location and proposed widths.
c. Proposed subdivision boundaries, with dimensions and tie to nearest government monument, with description of monument.
d. A statement as to the current and proposed zoning (if applicable).
e. A vicinity sketch showing location of proposed site in relation to existing major streets, etc.
f. If the proposed subdivision abuts an existing street, the location of any intersecting streets on the other side abutting street shall be depicted.
g. Evidence from the appropriate governing body (state, county, federal, or city) that the proposed subdivision has access over a publicly dedicated and maintained street or road.
h. The names, locations, widths, and other dimensions of existing or proposed parks, playgrounds, open spaces or other public property.
i. If any portion of the land included in, or immediately adjacent to, the proposed subdivision is located within the floodway or the 100-year flood boundary of a stream or river, as depicted on the flood boundary and floodway map, or is located in a special flood hazard area, as depicted on a flood hazard boundary map, then such floodway, boundary, or flood hazard area shall be indicated on the preliminary plat as accurately as possible.

j. The following information will be required on the preliminary plat when submitted prior to construction plans:

1. Any pertinent topographic data, including contours at no more than five feet intervals for slopes over five percent and contours at no more than two feet intervals for slopes less than five percent.
2. Approximate locations for proposed storm drains, sanitary sewers with approximate sizes and design data.
3. Proposed street profiles, traffic signalization, and sidewalk locations.

(Ord. of 4-22-08)

Sec. 102-309. Construction plan requirements.

Construction plans of proposed improvements shall include construction plans of proposed streets, sanitary sewers, and drainage structures and shall be prepared by a registered professional engineer. Street design shall conform to the provisions of these regulations and such other specifications as may be promulgated by the city engineer. The construction plans of sanitary sewers shall include sufficient data to insure that the sewers have been designed in accordance with these subdivision regulations. The construction plans of drainage features shall contain sufficient data, including calculations of pipe diameters, runoff velocity in open gutters, and downstream erosion to permit the city engineer to verify the design's conformity to the provisions of these regulations.

(Ord. of 4-22-08)

Sec. 102-310. Final plat requirements.

The final plat shall be an original drawing on mylar or other high quality reproducible material and shall be tied to an accepted corner based on the U.S. Government Survey. This plat shall also show the following:

(1) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of lots, with accurate dimensions, bearings, or deflection angles, radii, arcs, central angles of all curves, front building lines and rear and side setback lines.

(2) Name, number and right-of-way of each street and other right-of-way.

(3) Locations, dimensions, and purposes of any easements.

(4) Number to identify each lot or building site and the approved street name or number and street address of each lot.

(5) Purpose for which sites, other than residential lots, are dedicated or reserved, it being understood that any reservations of areas for other than residential purposes shall be subject to the proper zoning thereof or being restricted by covenants.

(6) Location of monuments.

(7) Reference to recorded subdivision plats of adjoining platted land by plat book and page number.

(8) Title, graphic scale, north arrow, name and registration number of subdivision engineer, and date, together with the quarter section or quarter sections in which the subdivision is located, the total acres of the subdivision, and the acreage of the platted lots.

(9) Space for the approval of the city engineer and the chairman of the city planning commission, county engineer, and, if either is involved, the park and recreation authority, the board of education or the county health department.

(10) Certificates and acknowledgements for designer and owner as required in Code of Ala. 1975, § 35-2-51.

(11) Final plat shall be drawn on a scale of not less than one inch equals 100 feet. Size shall be such that the plat will be suitable for recording in the Probate Office of Colbert County, Alabama. The scale of one inch equals 100 feet, if in the opinion of the city engineer is not practical, may be reduced but in no case shall the scale be less than one inch equals 200 feet.
(12) A statement to the fact that the plat designer has closed each lot or parcel and that each lot or parcel mathematically closes to a closure of not less than one to 5,000.
(13) Proper identification and notations of any areas subject to flood as required by article XII of these regulations. The developer's engineer [is] to include a statement on the plat if none of the development is located in a flood hazard area.
(14) A statement of the allowable use of each lot in the subdivision and four copies of restrictive covenants for approval by the planning commission to insure said use(s) of each lot, if required by the planning commission.
(15) A certified statement by the subdivider's engineer that the improvements within this development were designed and installed in accordance with the approved plans and specifications to the best of his or her knowledge.
(16) The subdivider's engineer shall submit in writing to the city engineer the estimated cost of all infrastructures within subdivision.
(Ord. of 4-22-08)
Secs. 102-311--102-400. Reserved.

ARTICLE IV. SUBDIVISION DESIGN PRINCIPLES

Sec. 102-401. General suitability of land.

Land subject to flooding, improper drainage, or severe erosion or that is for topographical or other reasons unsuitable for residential use, and where such problems cannot be solved by sound engineering design shall not be platted for residential use, nor for any other use that will continue or increase the danger to health, safety, or property destruction.
(Ord. of 4-22-08)

Sec. 102-402. Conformity to comprehensive plan.

(a) All proposed subdivisions shall conform to any city, county, or regional plan and to the city zoning ordinance. Whenever a tract to be subdivided embraces any part of a highway, major street, secondary street, or parkway, so designated on any city, county, or regional plan, such part of such proposed public way shall be platted by the subdivider in the same location and at the same or greater width as indicated on such city, county, or regional plan.
(b) When features of other plans adopted by the planning and zoning commission (such as schools or other public building sites, parks, or other land for public uses) are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within 18 months by the appropriate public agency.
(c) Whenever a plat proposes the dedication of land to public use that the planning and zoning commission finds not suitable for such public use, the planning and zoning commission shall refuse to approve the plat, and shall notify the governing body or the appropriate public agency of the reasons for such action.
(Ord. of 4-22-08)

Sec. 102-403. Name of subdivision and streets.

The name of any subdivision in the jurisdiction of the planning and zoning commission, or the name of any street in any subdivision, must be approved by the planning and zoning commission, which shall have the sole authority over such names. Subdivision names, or the names of streets in subdivisions, shall not duplicate nor closely approximate the name of any other existing subdivision or street in the planning and zoning commission jurisdiction. Streets that are continuations of existing streets shall bear the same name or number as the existing street.
(Ord. of 4-22-08)

Sec. 102-404. Subdivisions to have public access.

Access to every subdivision or part thereof, shall be provided over a public street, road or highway which has been dedicated to the public and has been accepted for maintenance by resolution of the appropriate governing body and shall have a right-of-way width of not less than 50 feet.
(Ord. of 4-22-08)

Sec. 102-405. Reservation for public use.

In addition to section 102-402, the planning commission shall have the authority to request the dedication or to require the reservation of up to ten percent of the total land area of any subdivision plan, if the planning and zoning commission deems such land necessary and appropriate to fulfill the purposes and intent of these regulations. Said dedication or reservation of land for public use shall be of suitable size, dimension, topography, and general character and shall have adequate public access, for the particular purposes envisioned by the planning commission. Said dedication or reservation of land in the facilities and the final plat shall be marked in the reserved or dedicated area, as follows and when appropriate, "Reserved for (recreation, education, fire protection, etc.) purposes." In the event that reservation of land is required the city or the appropriate public agency shall have 18 months to acquire said reserved site, after which the reservation shall expire. The subdivider shall make a bona fide attempt to sell such reserved site to the city or the appropriate public agency during the period of reservation and the planning commission shall deny approval of any portion of the subdivision included in such site for the 18-month period of reservation. In the case of optional dedication of land for public use, said dedication shall occur simultaneous to the dedication of other public uses in the subdivision, such as streets and easement. The planning commission, subject to the limitations of the zoning ordinance, may allow lot size reductions in a subdivision in exchange for dedication of such site; provided, that all resultant lot sizes constitute viable building sites when stated building setback requirements are met. In addition, the planning commission shall review plans and plats for proposed landscaping elements within subdivisions.
(Ord. of 4-22-08)
Secs. 102-406--102-500. Reserved.

ARTICLE V. GENERAL REQUIREMENTS FOR STREETS, RIGHTS-OF-WAY AND EASEMENTS

Sec. 102-501. Continuation of existing street.

Existing streets shall be continued at the same or greater width, but in no case less than the required width of right-of-way and pavement specified in these regulations.
(Ord. of 4-22-08)

Sec. 102-502. Street jogs.

Street jogs with centerline offsets of less than 150 feet shall not be permitted.
(Ord. of 4-22-08)

Sec. 102-503. Culs-de-sacs.

Except by variance where topographic or other conditions make a greater length unavoidable, culs-de-sacs shall not be greater in length than 800 feet. They shall be provided at the closed end with a turnaround having a property line radius of at least 50 feet with an outside pavement radius of at least 40 feet.
(Ord. of 4-22-08)

Sec. 102-504. Development along major street, limited-access highway or railroad right-of-way.

Where a subdivision abuts or contains a major street, a limited-access highway, or a railroad right-of-way, the city planning commission may require a street approximately parallel to, and on each side of such right-of-way, either as a marginal access street or at a suitable distance for an appropriate use of the intervening land. Due regard should be given requirements for approach grades and future grade separations in determining distances. Lots shall have no direct access to major streets (or limited-access highway), but only to access streets. No-access reserve strips may be required, and insured by adequate covenants.
(Ord. of 4-22-08)

Sec. 102-505. Alleys.

Alleys may be required at the rear of all lots used for multifamily, commercial, or industrial developments but shall not be provided in one- and two-family residential developments unless the subdivider provides evidence satisfactory to the city planning commission of the need for alleys. All alleys shall be a minimum of 20 feet in width, and shall be paved to the full width.
(Ord. of 4-22-08)

Sec. 102-506. Reserve strips.

Reserve strips controlling access to street, alleys, and public grounds shall not be permitted unless their control is placed in the hands of the governing body, under conditions approved by the governing body.
(Ord. of 4-22-08)

Sec. 102-507. Easements.

(a) Easements shall be coordinated with appropriate utilities. Easements having a minimum width of ten feet and located along the side or rear lot lines shall be provided as required for utility lines, and underground mains and cables. Storm drainage easements, including off-site easements, will be required when necessary for the control of surface drainage. Each final plat shall contain the following marginal note:
Note: All easements shown on this plat are for public utilities, sanitary sewers, storm sewers, and storm ditches and may be used for such purposes to serve property both within and without this subdivision. No permanent structure or other obstruction shall be located within the limits of a dedicated easement.
(b) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater or drainage right-of-way of adequate width. Parallel streets may be required by the city planning commission in connection therewith. Where a portion of the subdivision lies within a floodway, as specified on a federal flood hazard map or adopted best available data, a permanent conservation easement shall be located floodway and extending 50 feet from the perimeter or outer edge of the floodway.
(Ord. of 4-22-08)

Sec. 102-508. Surface drainage.

A site grade plan shall be developed so that all lots shall be graded to provide a continuous fall away from buildings without ponding. Due regard shall be given to the accumulative effect of the storm drainage plan so that no portion of the subdivision or adjoining property is damaged or adversely affected. The city engineer shall approve the grading plan. Care shall be taken in grading and drainage planning to ensure proper drainage will be provided after the subdivision is fully developed.
(Ord. of 4-22-08)
Secs. 102-509--102-600. Reserved.

ARTICLE VI. MINIMUM DESIGN REQUIREMENTS FOR STREETS

Sec. 102-601. Street right-of-way widths.

(a) The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows and increased accordingly where necessary:
TABLE INSET:

(1)	Major streets as shown on the major street plan	100 feet minimum
(2)	Collector streets	80 feet minimum
(3)	Minor streets and dead-end streets	50 feet minimum
(4)	Alleys	20 feet

(b) The rights-of-way shall be graded to their full width so as to produce proper drainage, a pleasing appearance, reasonable grades for driveways, and where required, a sidewalk grade substantially on the same elevation as the top of the curb. The minimum slope shall be one-fourth-inch per foot and the maximum slope shall be one inch per foot.

(c) Where the periphery of a proposed subdivision abuts an existing street which is not improved substantially in accordance with these regulations, the developer shall install curb and gutter and shall perform all grading and drainage work otherwise required on that half of the said street which directly abuts his subdivision, provided however, that such half-street improvements shall produce a street with a total paving width of not less than 21 feet. The city planning commission may amend or waive this requirement where peculiarities of terrain or other circumstances so dictate.
(Ord. of 4-22-08)

Sec. 102-602. Street pavement width.

Street pavement widths shall be from back of curb to back of curb and shall be as follows:
TABLE INSET:

(1)	Major street, as shown on the major street plan	
(2)	Collector streets	40 feet
(3)	Minor streets and dead-end streets	26 feet
(4)	Alleys	20 feet

Design and construction shall conform to the standards of the city construction cpecifications.
(Ord. of 4-22-08)

Sec. 102-603. Street grades.

Maximum or minimum street grades shall be as follows, with no grades exceeding the maximum for any length of street except by variance of the city planning commission:
TABLE INSET:

(1)	Major streets	not in excess of seven percent
(2)	Collector streets	not in excess of 12 percent
(3)	Minor streets and dead-end streets and alleys	not in excess of 15 percent
(4)	No street grade shall be less than one-half of one percent	

(Ord. of 4-22-08)

Sec. 102-604. Horizontal curvature.

The minimum radii of centerline curvature shall be as specified for streets conforming to "A Policy on the Geometric Design of Highways and Streets," AASHTO, 5th ed.
(Ord. of 4-22-08)

Sec. 102-605. Vertical alignment.

Vertical alignment shall be specified for streets conforming to "A Policy on the Geometric Design of Highways and Streets," AASHTO, 5th ed.
(Ord. of 4-22-08)

Sec. 102-606. Stub streets.

Where a proposed subdivision abuts unplatted land, the developer shall provide streets stubbed out to the adjoining tract at intervals as required by the planning commission. Such streets shall be located at points where the topography of the adjoining unplatted land will permit their future extension with reasonable ease. Such stub streets shall be paved by the developer to the boundary of the unplatted land unless the city planning commission for reasons of storm drainage, preventing erosion, or other practical considerations, expressly waives this requirement. A stub street that provides the sole access to more than two lots shall be terminated by a temporary culs-de-sac turnaround with a paved radius not less than 40 feet. A developer extending an existing stub street shall remove the turnaround and extend the existing street profile as appropriate.
(Ord. of 4-22-08)

Sec. 102-607. Street intersections.

Street intersections shall be as nearly at right angles as possible. No street intersections shall be at an angle of less than 70 degrees, unless required by unusual circumstances and approved by the city planning commission. Intersections of local streets with major streets shall be minimized.
(Ord. of 4-22-08)

Sec. 102-608. Curbline radius.

The curbline radius at street intersections shall be at least 25 feet. Where the angle of street intersections is less than 90 degrees, the city engineer may require a longer radius.
(Ord. of 4-22-08)

Sec. 102-609. Construction specifications.

All streets shall be paved and improved in accordance with the city construction specifications and shall be built, paved and improved according to article VI standards and in accordance with cross sections prepared by the subdivider's engineer and approved by the city engineer and city planning commission.
(Ord. of 4-22-08)

Sec. 102-610. Subgrade.

Street subgrade shall be cut and prepared in accordance with the city construction specifications. All subgrade shall be cut to the grade as shown on the construction plans.
(Ord. of 4-22-08)

Sec. 102-611. Curb and gutter.

All streets developed within the city and its police jurisdiction shall be provided with concrete curb and gutters conforming to the city construction specifications. Standard gutters shall be preferred over the modified curb and gutter.
(Ord. of 4-22-08)

Sec. 102-612. Base material.

All base material shall be installed in accordance with the city construction specifications.
(Ord. of 4-22-08)

Sec. 102-613. Paving.

All paving material shall be installed in accordance with the city construction specifications.
(Ord. of 4-22-08)

Sec. 102-614. Sidewalks.

The subdivider shall install a sidewalk on each side of every local, collector or arterial street with a district bounded on the north by Second Street, south by Sixth Street, east by Wilson Dam Road, and west by Woodward Avenue. Sidewalks shall not be required in any phase of any development ongoing at the time of adoption of these regulations. All sidewalks shall be a minimum of four feet in width, four inches in thickness, of 3,000 pounds concrete, and conforming to the concrete specifications of the city engineer. Each sidewalk shall have a minimum lateral drainage slope of one-fourth-inch per foot. Curb ramps shall be provided at all intersections to meet ADA requirements. A median strip of grassed or landscaped areas at least two feet wide shall separate all sidewalks from adjacent curbs.
(Ord. of 4-22-08)

Sec. 102-615. Traffic and street signs.

The subdivider shall install at cost of the developer stop signs, yield signs, stop lines, yield lines and other necessary traffic control signs and devices as shown on the approved preliminary plat. All such signs shall be in compliance with latest version of the Manual on Uniform Traffic Control Devices. The city engineer shall review and comment on the proposed location, appropriateness, need, type and number of traffic signs and devices shown on the preliminary plat prior to approval by the city planning commission.
(Ord. of 4-22-08)

Sec. 102-616. Underground utilities.

When installed underground, electrical cables may be direct-buried or installed in conduit, provided that any such cable placed under the pavement of a public street shall be installed in conduit. Underground electrical cable shall be stubbed out at each street intersection so as to facilitate provision of streetlights.
(Ord. of 4-22-08)
Secs. 102-617--102-700. Reserved.

ARTICLE VII. DESIGN STANDARDS FOR LOTS AND BLOCKS

Sec. 102-701. Block lengths and widths.

Block lengths and widths shall be as follows:
(1) Blocks shall be no greater than 1,200 feet nor less than 400 feet in length, except in unusual circumstances, and approved by variance by the city planning commission.
(2) Blocks shall be wide enough to provide two tiers of lots of minimum depth, except where abutting upon major streets, limited-access highways, or railroads or where other situations make this requirement impractical.
(Ord. of 4-22-08)

Sec. 102-702. Lot sizes.

(a) Lots in the city limits shall meet the lot width and lot area requirements of the zoning ordinance. In those areas outside of the force and effect of the zoning ordinance, lots shall be no less than 75 feet wide at the building line, and contain no less than 9,000 square feet. Front building lines shall be no less than 30 feet.
(b) Lots shall have a depth of not less than 100 feet and not greater than five times the width of the lot at the building line, unless unusual circumstances make these limitations not practical and a variance is granted by the planning commission.
(c) Where individual septic tanks are allowed, the Colbert County health officer may prescribe minimum lot sizes greater than the sizes specified herein to conform to health standards.
(d) Commercial and industrial lots outside of the city limits shall be adequate to provide service areas and off-street parking suitable to the use intended, but in no case less than the standards specified above.
(e) Corner lots shall have adequate width to meet building setback requirements from both abutting streets. Minimum front setbacks shall be established on both frontages.
(f) Lots outside the city limits shall have a minimum side yard setback of five feet and a minimum rear yard setback of 25 feet (see also section 102-707). Lots in the city limits shall comply with zoning ordinance requirements.
(Ord. of 4-22-08)

Sec. 102-703. Lot lines.

All lot lines shall be perpendicular to straight streets or radial to curved street lines, unless not practical because of topographic or other features and a variance is granted by the planning commission.
(Ord. of 4-22-08)

Sec. 102-704. Lots abutting public streets.

Each lot shall abut upon a dedicated public street.
(Ord. of 4-22-08)

Sec. 102-705. Double and reverse frontage lots.

Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet in width, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use. Adequate covenants shall be recorded to insure the prohibited access across said easement.

In addition, the subdivider shall plant and maintain to maturity an effective opaque, vegetative screen to be planted and maintained according to the instructions of a reputable plant nursery or other qualified person in the field.
(Ord. of 4-22-08)

Sec. 102-706. Monuments and markers.

(a) Each subdivision shall have as a minimum monument pipes one and one-fourth inches in diameter and two feet in length placed at all main control points within the subdivision. Said monuments shall extend no higher than six inches above finished grade. All corners on platted lots shall be marked by a one-half-inch diameter pipe, 18 inches long, which may not extend over three inches above finished grade. Location of points of curvature (PC's) and points of tangency (PT's) for street centerlines shall be marked with a monument pipe identical with those used to identify all lot corners in the subdivision. Said PC and PT markers will be placed on each boundary of the right-of-way.
(b) Permanent concrete monuments, approved by a registered land surveyor, meeting the following minimum standards may also be used in lieu of pipes. Such concrete monuments shall be at least four inches square or five inches in diameter and at least two feet in length. Said monuments shall extend no higher than six inches above the finished grade and shall be marked on top with a cross, brass plug, iron rod, or other durable material securely embedded.
(Ord. of 4-22-08)

Sec. 102-707. Lots abutting major streets or railroads.

Residential lots which have rear yards abutting on a major street or railroad shall be platted with a minimum rear yard setback of 200 feet, unless the city planning commission determines that for reasons of topography or other features a lesser rear yard will achieve the same purpose.
(Ord. of 4-22-08)
Secs. 102-708--102-800. Reserved.

ARTICLE VIII. DESIGN REQUIREMENTS FOR DRAINAGE AND STORM SEWERS

Sec. 102-801. General design criteria.

The city planning commission shall not approve any plat or subdivision that does not make adequate provisions for stormwater runoff. The stormwater drainage system shall be separate and independent of any sanitary sewer system. The drainage system shall permit stormwater to run off without damage to the subdivision itself, while not contributing to unnecessary downstream flooding caused by the increased speed or concentration. No open ditches shall be allowed in any subdivision unless a well

vegetated buffer area 50 feet wide from the top of the bank is left on both sides of the ditch. Also, if there is an existing ditch in the vicinity of the proposed subdivision and the amount and/or rate of flow in that ditch is expected to increase materially due to the development of the subdivision, then the developer may be required by the city planning commission to pipe that ditch. Any culverts or other drainage facilities shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The subdivider's engineer shall also study the effect of the subdivision on existing downstream drainage facilities outside the subdivision. Any local drainage studies shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incidental to the development of the subdivision, based on a 25-year rainfall event, will overload an existing downstream drainage facility, the city planning commission may withhold approval of the subdivision until provision has been made for the improvement of said condition. In addition, any detention, retention, and sedimentation offered for dedication to the city shall meet the requirements of Muscle Shoals, City Ordinance No. 1266-02, which establishes standards for such improvements.
(Ord. of 4-22-08)

Sec. 102-802. Gutters and open channels.

Street gutters and other open channels shall be so designed that the velocity in the deepest part of the gutter or channel shall not exceed ten feet per second, and the spread onto the adjacent street shall not exceed ten feet. The velocity and spread shall be computed by the Manning equation using the depth at a point six inches from the face of the curb as the hydraulic radius. Inlets shall be provided so that surface water is not carried across or around any street intersection, unless this requirement is waived by variance for sound engineering reasons by the city planning commission. When calculations indicate that gutter capacity is exceeded or that gutter runoff velocity exceeds ten feet per second, catch basins shall be used to intercept flow at that point. Cross section of ditches and flumes and all calculations of runoff velocity and gutter capacity shall be set forth on the construction plans. No ditch or flume section shall be constructed which, in the opinion of the city engineer, lacks the capacity, structural strength, or erosion resistance to discharge runoff from the design storm without suffering damage or requiring more than routine maintenance.
(Ord. of 4-22-08)

Sec. 102-803. Culverts/storm sewers.

The inside diameter or cross-sectional area of culverts or storm sewers to be provided shall be determined by the rational method using a proper coefficient C, dependent upon the variations of the surface condition. Allowance for future development shall be included in the determination of the coefficient C. The 25-year frequency storm event shall be used. In no case shall a pipe be used with an inside diameter less than 15 inches. All calculations of culvert size shall be set forth on the construction plans. Types of culverts shall conform to the requirements of the city construction specifications. Concrete headwalls or special flared end sections shall be provided on the upstream and downstream ends of all culverts, except where such requirements may be waived by variance granted by the city planning commission.
(Ord. of 4-22-08)

Sec. 102-804. Drainage structures.

All drainage structures, including, but not limited to; curb inlets, yard inlets, catch basin, and junction boxes shall be constructed in accordance with the city's construction specifications.
(Ord. of 4-22-08)

Sec. 102-805. Erosion and sediment control.

All subdivisions and development shall meet the requirements of the city's erosion and sediment control ordinance [see also article XI].
(Ord. of 4-22-08)

Sec. 102-806. Underdrain.

Any subdivision street, which has a median or any other landscape island located within the street right-of-way, must have an underdrain located under the island. Said underdrain system, must be designed to prevent water from accumulating under the median and must be connected to the storm sewer system.
(Ord. of 4-22-08)
Secs. 102-807--102-900. Reserved.

ARTICLE IX. DESIGN REQUIREMENTS FOR SANITARY SEWERS

Sec. 102-901. General design criteria.

Sanitary sewers shall be designed in accordance with "The Utilities Board City of Muscle Shoals Materials and Installation Requirements for Potable Water Lines and Appurtenances and for Sanitary Sewer Lines and Appurtenances". All material used in the construction of sanitary sewers and appurtenances shall meet the requirements for sanitary sewers as specified in the Utilities Board, City of Muscle Shoals Materials and Installation Requirements for Potable Water Lines and Appurtenances and for Sanitary Sewer Lines and Appurtenances.
(Ord. of 4-22-08)
Secs. 102-902--102-1000. Reserved

ARTICLE X. WATER FACILITIES

Sec. 102-1001. General design criteria.

All water mains in subdivisions served by The Utilities Board, City of Muscle Shoals shall be constructed by the developer at his/her cost in compliance with the current Utilities Board, City of Muscle Shoals Materials and Installation Requirements for Potable Water Lines and Appurtenances and for Sanitary Sewer Lines and Appurtenances.
(Ord. of 4-22-08)
Secs. 102-1002--102-1100. Reserved.

ARTICLE XI. EROSION CONTROL

Sec. 102-1101. Sediment and erosion control plan.

(a) During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the silting of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat. Therefore, all subdivisions within the city shall comply with the City Sediment and Erosion Control Ordinance (see Ord. No. 1349-05, § 6, 9-6-05).

(b) The developer of a proposed subdivision shall submit to the city planning commission with the construction plans, four copies of a plan to control erosion on the site of the proposed subdivision. Said plan shall be prepared by the subdivider's engineer according to the best available practices of sediment and erosion control and shall consist of a map(s) and a description of the premises setting forth the proposed: (a) improvements to be constructed; (b) changes to be made in the contours of the site; and (c) removal or destruction of the natural topsoil, trees, or other natural vegetation on the said described premises.

(c) The city engineer shall review said sediment and erosion control plan and submit written comments to the city planning commission prior to presentation of the construction plans for approval. Written comments shall specifically state the acceptability of the plan, nonacceptability, or any necessary changes to insure adequate erosion control. The city engineer shall also submit written comments to the city planning commission, prior to presentation of a final plat for approval, stating that the sediment and erosion control plan has been carried out in substantial compliance with this section or that the subdivider has failed to comply. Where the city engineer's comments or other validated evidence indicates that the subdivider has not carried out the approved sediment and erosion control plan the city planning commission shall not grant final approval of the subdivision.

(Ord. of 4-22-08)

Secs. 102-1102--102-1200. Reserved.

ARTICLE XII. REQUIREMENTS FOR SUBDIVISIONS SUBJECT TO FLOODING

Sec. 102-1201. Streams depicted on flood boundary and floodway map.

Land located within the subdivision jurisdiction of the city which abuts on, or is bisected by a stream, segment of a stream, or other water body for which the 100-year floodway fringe are depicted on the flood boundary and floodway map shall be subdivided in accordance with the following regulations:

(1) Except as provided in section 102-1202 below, any portion of a proposed subdivision lot which lies within a floodway and an area within 50 feet of the boundary of the floodway shall be designated as a drainage easement on the final plat. The area within the regulatory floodway shall be further identified by the word "floodway." The portion of the lot lying outside the floodway and easement area shall be of such size and configuration as will permit construction of a residence without encroaching upon the floodway easement. The following note shall be set forth on the margin of the final plat in 14-point type or larger:

Note: No filling or construction shall be allowed in the portion of this subdivision designated as "floodway" without the written permission of the Muscle Shoals Planning Commission.

(2) Land lying outside the floodway but within the floodway fringe shall be depicted on the preliminary and final plat by means of hatching or shading. There shall be a note on the margin of the final plat indicating that land so hatched or shaded is located in the floodway fringe, and that no house or other structure for human habitation may be built thereon unless the lowest floor (including basement, if any) is constructed at an elevation not less than one foot above the base flood elevation. Each lot or portion of a lot lying within the floodway fringe shall contain a note on the final plat indicating the minimum first floor elevation for any habitable structure to be built thereon, which elevation shall be one foot above base flood elevation or higher. The base flood elevation shall be determined by reference to flood profiles and other data in flood insurance study or best available data.
(3) For developments located within the subdivision jurisdiction of the city that abut on, or are bisected by, a stream, segment of a stream or other water body, base flood elevation data shall be generated for all subdivision proposals, including the placement of mobile home parks and subdivisions, which is greater than 50 lots or five acres, whichever is less.
(Ord. of 4-22-08)

Sec. 102-1202. Channelization by variance.

In the event that a developer requests a variance, according to section 102-108 of these regulations, to channelize, straighten, narrow, or relocate a floodway, the following procedure shall be employed:
(1) The developer's engineer shall submit to the city engineer designs of the proposed change to the floodway channel, together with supporting data such as cross sections, profiles, engineering calculations, and the like, demonstrating that the proposed change will accommodate the base flood and will not have the cumulative effect, when combined with all other existing and anticipated development, of increasing the water surface elevation along any significant reach of the stream by more than one foot or, of causing other adverse effects upon any part of the drainage system on account of increased stream velocity, eddy action or other phenomena.
(2) The developer's engineering report and design shall be submitted to the city engineer, who shall submit written comments upon it to the city planning commission prior to the commission's action on the variance concurring with, or taking exception to, the said engineering report and design. After verifying the accuracy of the plans, profiles, and calculations, the city engineer shall forward them to the Federal Emergency Management Agency with a request that the flood boundary and floodway map be amended, if and when, the proposed channel improvements are constructed.
(3) No subdivision proposing to alter the regulatory floodway shall be approved until certified by the Federal Emergency Management Agency as the proposed changed will accommodate the base flood and will not have the cumulative effect, when combined with all other existing and anticipated development, of increasing the water surface elevation along any significant reach of the stream by more than one foot or of causing other adverse effects upon any part of the drainage system on account of increased stream velocity, eddy action or other phenomena.

Approval by the city planning commission of any plat of a subdivision involving the channelizing, straightening, or relocation of such a stream shall not be construed to constitute an amendment of the flood insurance rate map or the flood boundary and floodway map.
(Ord. of 4-22-08)

Sec. 102-1203. Streams outside of the city limits, but in subdivision jurisdiction.

For subdivisions located within the subdivision jurisdiction of the city that abut on, or are bisected by, a stream, segment of a stream or other water body for which no floodway is depicted on any flood boundary and floodway map, but along which a special flood hazard area is depicted on a flood hazard boundary map officially promulgated by the Federal Emergency Management Agency, shall be platted as follows:

(1) The developer's engineer shall measure the average width of the normal rainy season streambed from top of bank to top of bank. The floodway width shall be deemed to equal five times the width of the normal streambed or 100 feet, whichever is greater. It shall be presumed that the floodway is equally distributed on either side of the centerline of the stream. Land lying outside the floodway boundary, but within the special flood hazard area, shall be deemed floodway fringe land.

(2) If owing to topography or other factors, the method prescribed in subsection (1) above, does not yield a reasonable and practical measurement of the floodway, the developer's engineer may offer other information to establish the floodway configuration more precisely in accordance with accepted engineering practice.

(3) To determine the base flood elevation, the developer's engineer shall investigate all available sources of information, such as historic flood profiles, eyewitness accounts, and the like. He shall prepare a report setting forth the said elevation, and citing the evidence upon which his estimate is based. The city engineer shall advise the city planning commission in writing prior to approval of the preliminary plat whether or not he concurs with the estimated base flood elevation and whether or not additional research is needed.

(4) After receipt of the report from the developer's engineer, together with the comments of the city engineer, the city planning commission shall issue the developer a ruling approving or disapproving the floodway configuration and base flood elevation. The developer's engineer may then proceed to complete the subdivision plans in accordance with the provisions of section 102-1201.

(Ord. of 4-22-08)

Secs. 102-1204--102-1300. Reserved.

ARTICLE XIII. PLANNED DEVELOPMENTS AND CONDOMINIUMS

Sec. 102-1301. Site design standards and platting procedures.

Platting requirements for planned residential developments shall comply with the standards established herein for the subdivision of property; however, for the purposes of determining zoning features required for subdivision, the flexible design standards established by zoning ordinance provisions for PRD overlay districts shall apply to all subdivisions within such districts.

(Ord. of 4-22-08)

Secs. 102-1302--102-1400. Reserved.

ARTICLE XIV. NONRESIDENTIAL SUBDIVISIONS

Sec. 102-1401. Design and layout standards.

If a proposed subdivision in the city limits is zoned for commercial or industrial purposes or a subdivision located outside the city limits is intended for commercial or industrial uses, the layout of the subdivision shall be appropriately altered to suit the anticipated building types, vehicular traffic, parking demand and other characteristics.

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the city planning commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed, but not limited to the following:

(1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
(2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
(3) Special requirements may be imposed by the local government with respect to street, curb, gutter, and sidewalk design and construction.
(4) Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer, and stormwater drainage.
(5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
(6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.
(7) Site plan application shall be required for all nonresidential developments within the planning jurisdiction for approval of all city agencies and county agencies as appropriate prior to the issuing of building permits.
(Ord. of 4-22-08)
Secs. 102-1402--102-1500. Reserved.

ARTICLE XV. AMENDMENT AND LEGAL CONSIDERATIONS

Sec. 102-1501. Amendments.

The city planning commission may amend these regulations from time to time after publication and a public hearing as required by law. The Muscle Shoals Subdivision Regulations shall be reviewed not less than once per year and updated as necessary to ensure adequate provisions for health, safety and public welfare.
(Ord. of 4-22-08)

Sec. 102-1502. Saving clause.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the city, except as shall be expressly provided for in these regulations.
(Ord. of 4-22-08)

Sec. 102-1503. Interpretation by the planning commission.

Whenever a subdivider, city official or aggrieved person affected by the administration and enforcement of these regulations finds uncertainty in the interpretation of these regulations, that person shall submit the same in writing to the city planning commission, which shall be the sole authority for interpretation of these regulations.
(Ord. of 4-22-08)

Sec. 102-1504. Regulations to the minimum standards.

In their interpretation and application, these regulations are considered as minimum standards. Whenever the provisions of these regulations and those of some other valid regulation, ordinance, or statute apply to the same subject matter, that control measure requiring the highest, or more strict, standard shall govern.
(Ord. of 4-22-08)

Sec. 102-1505. Separability.

If any part or provision of these regulations, or application thereof, to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The city planning commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.
(Ord. of 4-22-08)

Sec. 102-1506. Effective date.

These regulations shall be effective and shall supersede all former subdivision regulations of the City of Muscle Shoals, upon the date of their adoption, provided, however, that proposed subdivisions have received preliminary plat approval prior to the adoption of these regulations shall be allowed to be platted and approved under the conditions imposed at the time of their preliminary approval for a period of nine months after the adoption of these regulations.
(Ord. of 4-22-08)
Secs. 102-1507--102-1600. Reserved.

ARTICLE XVI. MOBLIE HOME PARK REGULATIONS

Sec. 102-1601. Site design standards.

A mobile home park shall meet the following site standards and regulations:

(1) The minimum area for any mobile home park shall be four acres.
(2) The maximum density is ten mobile home sites per acre.
(3) Minimum front, side, and rear yard setbacks shall be 50 feet at mobile home park boundaries.
(4) All minimum interior side yard and rear yard setbacks shall include a minimum of a 15-foot-wide planting area of trees and shrubs to act as a screen between mobile home park and abutting property.
(5) Access points shall be located on public streets providing safe and convenient access.
(6) No sign or other form of advertising shall be permitted other than that necessary to identify the mobile home park.
(7) All mobile home parks shall have hard-surface streets well marked and lighted by the mobile home park owner. Those outside city limits for rent only shall meet county road standards: 24 feet wide, hard-surface, with four-foot shoulder. Those inside the city limits and all with lots for sale shall meet city road standards: 27 feet wide, asphalt or concrete with curbs, gutters, and sidewalks. All mobile home lots shall abut upon a street and shall have hard-surface driveways.
(8) The entire area shall be adequately serviced by water and sewer and all mobile homes remaining for a period exceeding 30 days must meet the requirements of the minimum housing code pertaining to mobile homes.
(9) No accessory building or structure shall be erected or maintained in any required minimum setback area for the mobile home park or any individual mobile home space nor shall an accessory building or structure be located more than 100 feet from the mobile home it is to serve.
(Ord. of 4-22-08)

Sec. 102-1602. Design standards for individual mobile home sites.

The following site standards shall apply to individual mobile home spaces within each mobile home park.

(1) *Size.* No mobile home space shall be less than 4,000 square feet.
(2) *Setbacks.* Minimum front, side and rear yard setbacks shall be as follows:
a. Front yard shall be 20 feet.
b. Side yards shall be a total of 25 feet with one yard not less than ten feet.
c. Rear yards shall be ten feet.
(3) *Landscaping.* All minimum setback areas shall be permanently landscaped and maintained with ground cover, trees and shrubs (see landscaping requirements, section 102-406).
(Ord. of 4-22-08)

Sec. 102-1603. Site plan application required.

A site plan application shall be submitted and approved by the city agencies for a mobile home park prior to the issuance of any grading permit or building permits. The plan shall contain the following information:

(1) The scale of the map shall not be less than one inch to 50 feet with contours at five-foot vertical intervals showing pertinent topographical features.
(2) The location, use, plan, and dimension of each building or structure to be constructed and the location of each mobile home to be parked.
(3) The location, dimension and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and width of roads, streets, and sidewalks.
(4) Location, dimensions, and arrangement of all areas devoted to planting, lawns, trees or similar purposes, with a description including the height and density of all trees or planting to be used for screening.
(5) Location and description of all facilities to be used for sewage disposal, water supply, and storm drainage.
(Ord. of 4-22-08)

Sec. 102-1604. Building permit requirements.

Each mobile home hereinafter located on a lot for any purpose, residential, commercial, construction site or industrial caretaker use, shall meet the following requirements specified on building permits and enforced by permit and inspection thereof:

(1) *Mobile home anchorage.* A mobile home stand shall be installed to provide adequate support for the placement and tie down of each mobile home. The stand shall not heave, shift or settle unevenly under weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces action on the structure. Anchors or tie downs such as cast-in-place concrete deadmen, eyelets imbedded in concrete, screw augers or arrowhead anchors shall be placed at least every 20 feet. Each device shall be able to sustain a minimum load of 4,800 pounds. (Uniform Code for the Anchoring of Mobile Homes Act, Code of Ala. 1975, § 24-5-30 et seq.)
(2) *Mobile home skirting.* Skirting shall be provided around the entire mobile home, from the bottom of the mobile home to the mobile home stand. The materials used shall be aluminum or other durable siding material.
(3) *Existing mobile homes on lots or spaces.* Existing mobile homes will be brought into compliance with these regulations within a period of 18 months after the adoption thereof. The building inspector may grant an exception to this requirement in writing to a mobile home owner who presents documentation proving eligibility for food stamps and/or supplemental security income (SSI).
(4) *Streets.*
a. *General.* All mobile home parks shall be provided with a safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Streets, driveways or other means shall provide such access.
b. *Private streets.* Streets in a mobile home park shall be private, provided that where an adjoining tract of land would have access to public streets only through the mobile home park, at least one street meeting all standards prescribed in the subdivision regulations shall be dedicated to the public for the purpose of providing such access.
c. *Entrance streets.* Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent

public streets. No parking shall be permitted on the entrance street for a distance of 100 feet from its point of beginning.

d. *Circulation.* The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to 600 feet and their closed end shall be provided with an adequate turnaround (60-foot diameter culs-de-sac). No street of less than two lanes shall be permitted.

e. *Pavement widths.* Pavements shall be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street with ten feet minimum moving lanes for collector streets, nine feet minimum moving lanes for minor streets, seven feet minimum lane for parallel parking and in all cases shall meet the following requirements:

1. Collector streets with guest parking allowances, 34 feet.
2. Collector streets and all other streets except minor streets without parking allowances, 24 feet.
3. Minor streets serving less than 40 lots (no parking), 18 feet.
4. Pavement widths of interior streets shall be 20 feet minimum width.

f. *Street grades.* Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight percent. Short runs with a maximum grade of 12 percent may be permitted, provided traffic safety is assured.

g. *Intersections.* Street intersections shall generally be at right angles. Offsets at intersections and intersections of more than two streets at one point shall be avoided.

h. *Extent of improvements.* All streets shall be provided with a smooth, hard and dense surface, which shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks and holes and its edges shall be protected by suitable means to prevent raveling and shifting of the base.

i. *Streetlights.* Lighting shall be designed to produce a minimum of one-tenth foot candle throughout the street system. Potentially hazardous locations, such as major street intersections, shall be individually illuminated with a minimum of three-tenths foot candle.

(5) *Walks.*

a. *General requirements.* All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain.

b. *Common walk system.* A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four feet.

c. *Individual walks.* All mobile home stands shall be connected to common walks, or to driveways, or to parking spaces. Such individual walks shall have a minimum width of two feet.

(6) *Driveways and parking spaces.*

a. *Driveways.* Improved driveways shall be provided on lots where necessary for convenient access to mobile homes. The minimum width shall be ten feet.

b. *Parking spaces.* The design criteria for automobile parking shall be based upon two parking spaces for each mobile home lot. Parking may be in tandem.

(Ord. of 4-22-08)

Secs. 102-1605--102-1700. Reserved.

ARTICLE XVII. CERTIFICATES, CERTIFICATIONS, BONDS, VIOLATIONS, APPLICATIONS, CHECKLIST

[Sec. 102-1701. Official city forms.]

OWNER'S CERTIFICATE

Owner's certificate and dedication. We, the undersigned (name of owner) do hereby certify that we are the owners of and the only person having any right, or interest, in the land shown of the plat of (name of subdivision), and that the plat presents a correct survey of the above described property made with consent, and that we hereby dedicate to the public use all the streets shown on said plat. The easements, as shown on the plat, are created for the installation and maintenance of public utilities. We hereby guarantee a clear title to all lands so dedicated from ourselves and our heirs or assignees forever, and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

Restrictions: (if any, follow here)

Witness _____ hand _____ this _____ day of _____ 20_____

Witness _____

MORTGAGE OWNER'S CERTIFICATE

Mortgage owner's certificate and dedication. We, the undersigned (name of owner) do hereby certify that _____ are the owners of a mortgage attached to the land shown of the plat of (name of subdivision), and that the plat presents a correct survey of the above described property made with consent, and that we hereby dedicate to the public use all the streets shown on said plat. The easements, as shown on the plat, are created for the installation and maintenance of public utilities. We hereby guarantee a clear title to all lands so dedicated from ourselves and our heirs or assignees forever, and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

Restrictions: (if any, follow here)

Witness _____ hand _____ this _____ day of _____ 20_____

Witness _____

SURVEYOR'S CERTIFICATE

Surveyor's certificate. I, _____ the undersigned, do hereby certify that I am a professional land surveyor or civil engineer, registered in the State of Alabama, and that the annexed map of (name of subdivision) consisting of _____ sheets, correctly represents a survey made under my supervision on the _____ day of _____, 20_____; and that all of the monuments shown hereon actually exist and their positions are correctly shown.

Signature _____

License number _____

Witness _____

CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify that the streets, utilities, and other improvements have been installed in an acceptable manner according to City of Muscle Shoals specifications in the subdivision entitled _____, or that a security bond in the amount of $_____ has been posted with the City of Muscle Shoals to assure proper construction of all requirement improvements in case of default.

TABLE INSET:

20___		_____ Muscle Shoals City Engineer
20___		_____ Muscle Shoals Electric Board
20___		_____ Muscle Shoals Water and Sewer Board
20___		_____ North Alabama Gas
(above and any other signatures of approving authorities as required)		

CERTIFICATION OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat for _____ subdivision has been found to comply with the Subdivision Regulations of the City of Muscle Shoals, Alabama, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission, and that it has been approved for recording in the Office of the Probate Judge of Colbert County.

_____

Chairman, Planning Commission

20_____

ATTEST:

_____

Secretary

By _____

_____

Approved as to form and legality this _____ day of _____ A.D., 20_____.

Attorney _____

Approved by the City Council of Muscle Shoals this _____ day of _____, A.D., 20_____.

ATTEST:

TABLE INSET:

_____ Clerk	_____ Mayor

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, _____, as principal and the undersigned Surety, are held and firmly bound unto the City of Muscle Shoals, Alabama, hereinafter called the "City", in the full sum of _____ ($_____), for the payment of which, well and truly to be made, we, and each of us, bind ourselves jointly and severally, by these presents.

Dated this the _____ day of _____, A.D., 20_____.

The conditions of this obligation are such that,

WHEREAS, PRINCIPAL, has submitted to the Planning Commission, a Preliminary Plat for subdivision of a tract of land described as follows:

AND, WHEREAS, PRINCIPAL, has pursuant to the Subdivision Regulations of the City of Muscle Shoals elected to title this bond in lieu of actual completion of improvements and utilities in the above subdivision.

NOW, THEREFORE, if the PRINCIPAL shall, within _____ month(s) from the date of approval of the Preliminary Plat of the subdivision, faithfully install complete improvements and utilities in the rules and regulation of the City and pay all bills for contractors, subcontractors, labor and materials incurred in completion thereof; and shall hold harmless and indemnify the City and all interest property owners against liability, loss, or damage by reason of failure of PRINCIPAL to faithfully perform the conditions hereof, then this obligation shall be null and void, otherwise to remain in full force and effect; PROVIDED, however, that actions upon this bond by contractors, subcontractors, laborers, or material men shall be limited to six months from and after completion of the improvements and utilities above referred to.

Signed, sealed, and delivered the day and year first above written.

TABLE INSET:

	_____ Principal

ATTEST:

TABLE INSET:

_____ Secretary	_____ _____

CITY COUNCIL ACCEPTANCE

OF PUBLIC DEDICATION

Be it resolved by the City Council of the City of Muscle Shoals, Alabama, that the dedication shown on the attached Plat of (name of subdivision) is hereby accepted.

Adopted by the City Council of the City of Muscle Shoals, Alabama, this the _____ day of _____, 20_____.

_____

Mayor

ATTEST:

_____

Clerk

CERTIFICATE OF APPROVAL

OF THE FINAL PLAT BY THE
PLANNING COMMISSION

(to be placed on the plat)

Pursuant to the Muscle Shoals Subdivision Regulation, all the requirements for approval have been fulfilled. The City of Muscle Shoals Planning Commission gave Final Approval of this final plat on _____.

_____

Secretary
Date _____

CITY OF MUSCLE SHOALS

VIOLATION COMPLAINT
Date of Complaint _____ Complaint Received By _____
Form of Complaint: _____Citizen _____Public Official _____Inspector
Name of Person Filing Complaint: _____

Nature of Complaint: _____

_____
Location: _____
Probable Violation of Article _____ Section _____, of the Muscle Shoals Subdivision Regulations, described as follows:

_____
_____
Referred for Inspection to: _____
Date of Inspection: _____
Inspection Findings: _____
_____Violation Found _____No Violation Found Other: _____
Initial Action Following Discovery of Violation: _____

_____
Notice of Violation Sent On: _____
_____ Other: _____
Follow-Up Inspection Due On: _____
Notes: _____

_____

CITY OF MUSCLE SHOALS

NOTICE OF CITATION
Date of Notice
Name of Property Owner

Mailing Address
City, State, ZIP
Dear _ *(name of property owner)* :
On _ *(date upon which initial violation was confirmed)* , I investigated and confirmed a violation of the Muscle Shoals Subdivision Regulations on your property located at _ *(street address of subject property)* . The nature of this violation is _ *(description of violation)* _ , which violates Article *(cite Article number* , _ *(cite Section and subparagraph numbers)* _ of the Subdivision Regulations. Our records show that the Notice of Violation was sent to you on *(date that the notice was mailed)* and received by you on *(date of receipt by property owner*) explaining the nature of this violation and requesting that you correct the problem on or before *(deadline for correction of violation specified in the notice of the violation)* .
On *(date of re-inspection)* , I performed a follow-up investigation to determine whether or not the violation had been corrected in accordance with the Notice of Violation. My inspection of the property revealed that the violation has not been corrected in accordance with the Subdivision Regulations. Therefore, the City of Muscle Shoals is hereby issuing this Citation to you for failure to correct a violation of the Subdivision Regulations. To correct this violation, you must *(specify corrective measures including the amount of the fine that must be paid by the property owner)* on or before *(ten days after the date of citation)* . If this violation is not corrected in full by the aforementioned date, the City of Muscle Shoals will be obligated to file a written complaint with the Municipal Court for relief. If such a complaint is filed, you will be required to appear before the Municipal Court, at a time and date to be determined by the Court, to answer the charge of violation as explained in this Citation. If you have any questions regarding this violation or the subsequent actions that the City will take, please do not hesitate to contact me at _ *(specify contact number and/or email address)* _ during the hours of *(specify business hours)* .
We appreciate your efforts to resolve this violation as soon as possible. Thank you for your cooperation.
Sincerely,
_ *(signature of enforcement officer)* _

Enforcement Officer

CITY OF MUSCLE SHOALS

NOTICE OF VIOLATION
Date of Notice
Name of Property Owner

Mailing Address
City, State, ZIP
Dear *(name of property owner)* :On *(date of investigation)* , I investigated and confirmed a violation of the Muscle Shoals Subdivision Regulations on your property located at *(street address of subject property)* . The nature of this violation is (description of violation), which violates Article *(cite Article number)* , *(cite Section and subparagraph numbers)* of the Subdivision Regulations.I am writing to request that you take action to correct this violation on or before *(specify date by which the violation must be corrected)* , in order to avoid the issuance of a formal citation and penalty. If you feel that this notice has been issued in error or you feel that an extension to the deadline is necessary, please arrange a meeting with me on or before *(date - five business days after the date of notice)* . I will be happy to discuss this problem with you in greater detail.
Thank you for your help in addressing this problem. The City of Muscle Shoals appreciates your cooperation.
Sincerely,
(signature of enforcement officer)

Enforcement Officer

CITY OF MUSCLE SHOALS

SUBDIVISION APPLICATION

Property owners in the City of Muscle Shoals who wish to subdivide property within the City and within the City's extraterritorial planning jurisdiction must complete a Subdivision Application form. To request Planning Commission approval of a proposed subdivision plan, please complete the following application and return the form with all necessary supporting documentation to City Hall. Incomplete applications will not be processed. For additional information, please call the City of Muscle Shoals at 256-335-7483 during regular business hours.

Applicant Information

Name of Applicant: _____

Mailing Address: _____

_____

TABLE INSET:

Business Hours Telephone Number:	_____
Fax Number (if available):	_____

NOTE: if the applicant is not the owner of the subject property, then a letter signed by the owner authorizing the applicant to submit the application must accompany the application.

Consulting Engineer Information

(if same as applicant, complete only first three lines)

Name of Lead Consultant: _____

Name of Consulting Firm: _____

Professional Trade Affiliation: [ ] Engineer [ ] Surveyor [ ] Architect

Mailing Address: _____

_____

TABLE INSET:

Business Hours Telephone Number:	_____
Fax Number (if available):	_____

Property Summary Information

Owner(s) of Record: _____

Street Address of Subject Property: _____

Is Subject Property Located within the City Limits of Muscle Shoals? [ ] yes [ ] no

Tax Map and Lot Number of Subject Property: _____

Zoning Classification of Subject Property: _____

Size of Subject Property (in acres): _____

Size in Acres of Smallest Lot to be Created: _____

Total Number of New Lots to be Created: _____

Is Subject Property Located Within 300 Feet of a City Water or Sewer Main? [ ] yes [ ] no

Uses to be Allowed in Subdivision: [ ] residential [ ] industrial [ ] commercial

Is Property Located Within a 100-Year Floodplain? [ ] yes [ ] no

Supporting Information

[ ] Full Payment of the Required Application Fee

[ ] Six (6) prints or copies of a preliminary plat of the proposed subdivision satisfying all requirements of Article V, Section 4.3 of the Muscle Shoals Subdivision Regulations.
[ ] A listing of the names and mailing addresses of all owners of land immediately adjoining the proposed subdivision property as their names may appear upon the plats contained in the County Tax Assessor's office and as their addresses appear in the directory of the municipality or on the tax records of the municipality or county.
[ ] A complete list of all local, state, and federal permits or approvals that have been applied for or secured by the applicant for the proposed subdivision as of the date of filing of this application.

Certifications

Applicant:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, City Engineer, or Planning Commission to determine the compliance of the proposed property construction or improvement activities with the Subdivision Regulations and Zoning Ordinance of the City of Muscle Shoals.

Date Applicant's Signature

Property Owner:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, City Engineer, or Planning Commission to determine the compliance of the proposed property construction or improvement activities with the Subdivision Regulations and Zoning Ordinance of the City of Muscle Shoals.

Date Property Owner's Signature

FOR CITY OF MUSCLE SHOALS USE ONLY

Enforcement Officer's Information
Date Filed:
Received By:
Application Fee Received: $ [ ] cash [ ] check #
Date Reviewed and Deemed Complete:
Enforcement Officer's Signature
Public Hearing Date:
Date Public Hearing was Closed*(if different from above)* :
Planning Commission Action on Preliminary Plat: [ ] Approved [ ] Denied
Date of Final Action by Planning Commission:
Planning Commission Findings and/or Special Conditions of Approval:
Planning Commission Chair's Signature

PRELIMINARY PLAT CHECKLIST

(Community Planning and Development Department Portion)
Name of Plat _____
Developer's Engineer _____
Copy of Plat Sent To*(check applicable spaces):*
City Engineer [ ]

Planning Department [ ]
Muscle Shoals Police Department [ ]
Muscle Shoals Fire Department [ ]
Muscle Shoals Water and Sewer Board [ ]

North Alabama Gas District [ ]
Muscle Shoals Electric Board [ ]
PART I: SPECIFICATIONS FOR PLAT DOCUMENT
Meets All Requirements of Section 7.1: [ ] yes [ ] no [ ] NA

List of Items Missing, and Remarks:
_____

_____

PART II: DESIGN PRINCIPLES AND STANDARDS
1. Conformity to Comprehensive Plan:

Meets Requirements of Section 4.1: [ ] yes [ ] no [ ] NA
Remarks:_____
_____

2. Lot Arrangement:

Meets Requirements of Section 4.4: [ ] yes [ ] no [ ] NA
Remarks: _____
_____

3. Minimum Lot Size:

Meets Requirements of Section 4.5: [ ] yes [ ] no [ ] NA
Remarks: _____
_____

4. PUD:

Meets Requirements of Section 4.7: [ ] yes [ ] no [ ] NA
Remarks: _____
_____

5. Condominium:

Meets Requirements of Section 4.8: [ ] yes [ ] no [ ] NA
Remarks: _____
_____

6. Easements:

Meets Requirements of Section 4.10: [ ] yes [ ] no [ ] NA
Remarks: _____
_____

7. Master Plan:

Meets Requirements of Section 6.3: [ ] yes [ ] no [ ] NA
Remarks: _____
_____

PART III: IMPROVEMENTS
1.Parking on Multi-Family Lots:

Meets Requirements of Section 5.4(3): [ ] yes [ ] no [ ] NA
Remarks: _____
_____

Plat Reviewed By: _____ Date _____
Additional Comments: _____

_____

_____

Note: Mail or deliver copy of completed Preliminary Plat Checklist to Developer's Engineer and each member of the Planning Commission at least one week before meeting of Planning Commission.

CONSTRUCTION PLANS/SUBDIVISION IMPROVEMENTS

CHECKLIST
Name of Subdivision _____
Date Construction Plans Received by City Engineering Department _____
PART I: CONSTRUCTION PLANS
A. Horizontal and Vertical Geometry of Streets
TABLE INSET:

1.	Maximum Slope of Streets Does not Exceed:			
		Local Streets	13.5%	
		Subcollectors	12%	
		Collectors	8%	[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				
2.	Except for short distances, street slopes do not exceed the following:			
		Local Service Streets	7%	
		Subcollectors	5%	
		Collectors	4%	[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				
3.	Maximum Slope within 75' of intersection of street centerlines does not exceed 5% for local service streets or 3% for subcollectors/collectors:			
				[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				
4.	All streets have a minimum slope of 0.5%:			
				[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				
5.	Street centerline radii are not less than:			

		Local Service Street	100'	
		Subcollector	150'	
		Collector	230'	[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				
6.	Tangent sections between curves not less than the following lengths:			
		Local Service Street	100'	
		Subcollector	200'	
		Collector	600'	[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				
7.	Minimum site distance (both horizontal and vertical curves is as follows:			
		Local Service Street	100'	
		Subcollector	159'	
		Collector	200'	[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				

B. Street Cross Section and Materials Standards
TABLE INSET:

1.	Streets conform to one of the cross sections shown in Figures 1, 2, or 3.			
				[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				
2.	If answer to B.1. above is no, then an optional cross-section acceptable to the City Engineer is used.			[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				
3.	Plans comply with all other provisions of Articles VI and VII.			
				[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				
4.	Design and specifications for curb, subbase, base, paving, and sidewalks (if			

	applicable) meet all requirements.			
				[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				

C. Storm Drainage
TABLE INSET:

1.	Drainage structures & facilities designed and sized per Article VIII. All calculations of pipe size and gutter runoff velocity are set forth on the construction plans, and have been verified.			
				[ ] yes [ ] no
_____ *Authorized Signature*				Date _____
_____				
2.	Ditches and flumes, if any, will have capacity, erosion resistance, and strength to discharge runoff from design storm without suffering damage or requirement more than usual maintenance.			
				[ ] yes [ ] no
_____ *Authorized Signature*				*Date* _____
_____				

D. Sanitary Sewers
TABLE INSET:

1.	Sanitary sewer design conforms to Article IX and all other requirements of Engineering Department.			
				[ ] yes [ ] no
_____ *Authorized Signature*				*Date* _____
_____				
2.	*Developer has planned oversized sewers to serve vacant, developable upstream land and has prepared cost estimates, per Article IX, Section 902, as applicable.*			
				[ ] yes [ ] no
_____ *Authorized Signature*				*Date* _____
_____				
3.	*Sewage lift station(s), if any, meet all City and Water Works and Sewer Board specifications.*			
				[ ] yes [ ] no

_____ *Authorized Signature*	*Date* _____
_____	

E. Water Facilities
TABLE INSET:

1.	Water facilities meet the City and Water Works and Sewer Board specifications and Article X.			
				[ ] yes [ ] no
_____ *Authorized Signature*				*Date* _____
_____				

F. Erosion Control
TABLE INSET:

1.	Erosion Control Plan meets the requirement of Article XI.			
				[ ] yes [ ] no
_____ *Authorized Signature*				*Date* _____
_____				

Remarks on construction plans _____

_____

_____

TABLE INSET:

To:	Planning Commission
From:	City Engineer
Date: _____	

The construction plans of the herein described subdivision are [ ] are not [ ] considered satisfactory in accordance with the requirements of the Subdivision Regulations and other standards of the Engineering Department. (If not satisfactory, the following changes are needed:_____

_____

_____)

_____

City Engineer
Distribution of Part I:

Furnish copy to Planning Department after Construction Plans have been reviewed and approved. Maintain original in Engineering Department's folder on the subdivision in question.

FINAL PLAT CHECKLIST

(Developer's, Engineer/Surveyors)
Name of Plat _____
Developer _____
Developer's Engineer/Surveyor: _____
TABLE INSET:

	Yes	No	NA
The subdivision is tied to an accepted corner based on the U.S. Government Survey			
Title, graphic scale, north arrow, name and registration number of the subdivision designer, together with the quarter section(s) in which the subdivision is located are provided.			
Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of lots, with accurate dimensions, bearings, or deflection angles, radii, arcs, and central angles of all curves have been provided.			
Right-of-way width of each street or other right-of-way has been provided.			
The locations and dimensions of all easements, together with the statement required by Article V have been provided.			
Number to identify each lot or building site has been provided.			
The purpose for which sites, other than residential lots, are dedicated or reserved has been indicated.			
Minimum building setback lines on all lots, as required by Article VII have been provided.			
Reference to recorded subdivision plats of adjoining platted land, by plat book and page number has been provided.			
Spaces for the approval for the City Engineer, the Secretary of the Planning Commission, the Colbert County Health Department, and the County Engineer.			

_____

_____

_____

TABLE INSET:

	Yes	No	NA
Certificates and acknowledgements for the designer and owner, as required in Section 35-2-51 of the Code of Alabama, 1975 along with the following statement: "I hereby certify that all parts of this survey and			

drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the Practice of Land Surveying in Alabama" have been provided.			
If the plat is a PUD with private streets, a provision has been provided for the future dedication of any or all of the private streets to the public, if required, and all such private streets have been so identified.			
The final plat is drawn to a scale of not less than one-inch equals one hundred feet (1" = 100').			
State plane monuments have been provided, as required.			
All required improvements have been completed and as-built plans submitted to the City Engineer, or the only improvements remaining to be completed are final surface paving and shoulder dressing and a bond, as required by the Subdivision Regulations, has been provided.			
The Source of Title/Information has been provided on the plat.			

_____ Date_____

Signature of Engineer/Surveyor

RESUBDIVISION CHECKLIST

Name of Plat _____
Developer's Engineer/Surveyor: _____
TABLE INSET:

	Yes	No	NA
The developer has secured and presented to the Planning Director a written waiver of legal notice and hearings from all adjoining property owners.			
The lots meet the requirements of all applicable regulations with respect to the lot area and width.			
All required improvements as required by the Subdivision Regulations are in place.			
The number of lots in the subdivision will not be increased as a result of the re-subdivision by more than two (2) lots or five percent (5%) of the total number of lots, whichever is greater.			
No public interest in a street, easement, or the like shall be impaired or placed in doubt as a result of the resurvey.			
The Final Plat document meets all requirements of Article III, Section 102-310.			

Plat Reviewed By_____ Date_____
PLAT APPROVED FOR SIGNATURE AND RECORDATION
_____ Date_____

Signature of Reviewer
Note: Place a copy of completed checklist in subdivision folder.
(Ord. of 4-22-08)

Appendix A. WATER AND SEWER BOARD REQUIREMENTS AND THE UTILITIES BOARD CITY OF MUSCLE SHOALS

Materials and installation requirements for
potable water lines and appurtenances and for
sanitary sewer lines and appurtenances

1. *Purpose of these specifications:* The Utilities Board City of Muscle Shoals, Alabama, in many instances allows individual developers (hereinafter referred to as "Contractor") and other similar interests to install potable water and sanitary sewer collection and pumping facilities as a portion of the overall development requirements. All contractors must be currently licensed in the category "Municipal, Utility, and Work Incidental thereto." After such installations, should all components associated with the installations be those approved by the Board, and should proper workmanship be pursued when constructing such facilities, it is the normal policy of the Board to assume ownership of the potable water and sanitary sewer collection and pumping facilities improvements when such improvements are located within the defined service area of the Board. These specifications are intended to serve as general guidelines regarding the installation of such facilities, and may be amended by the Board as required to facilitate the integrity of installation, or the well being of the health and welfare of the general public.

2. *Plans of proposed facilites:* All potable water lines and sanitary sewer collection lines and pumping stations shall be properly depicted and presented to the Board as scaled drawings, prepared by the developers certified engineer. Potable water line improvements shall be prepared at a scale of 1"=100' (or 1"=200' or other designated scale as may be required by the Board), and appurtenances and services that are proposed shall be clearly indicated. Sanitary sewer collection line improvements shall be prepared at a scale of 1"=50' for the "plan" portion of the drawings, and a scale of 1"=50' horizontal and 1"=5' vertical for the "profile" portion of the drawings. All sanitary sewer collection line improvements drawings shall clearly indicate manhole placements (spacing of no greater than 400 linear feet unless approved otherwise), inlet and outlet invert elevations, top of manhole elevations, line sizes, line slopes in percent, and carrying capacities (gallons per minute) of lines between manhole segments. All existing utilities (water, sewer, gas, power, telephone, cable, etc.) shall be clearly and legibly shown on all drawings, and the elevations of existing utilities shall be shown on all drawings, and the elevations of existing utilities shall be shown where proposed water or sanitary sewer lines are proposed to cross existing utilities. All elevations utilized shall be based on "mean sea level" elevations, and permanent bench marks shall be located and noted on the drawings for sanitary sewer lines such that the spacing between bench marks is no greater than 1,000 linear feet. All drawings shall be prepared by an agency approved by the Board, and all drawings shall clearly indicate the "north" direction. Prior to installation there will be a preconstruction meeting with developer/contractor and the Utilities Board representative.

3. *Record drawings:* Upon completion of construction of all work, as a condition prior to acceptance by the Board, the Contractor shall provide the Board with two (2) complete sets of drawings that depict "record" data, reflecting all components as constructed. Data shall show exact locations of all lines and appurtenances, and all service lines shall be clearly marked, complete with reference dimensions such that the services can be easily located in the future.

4. *Easements and property requirements:* All easements and property requirements necessary for the proper installation and maintenance of potable water lines and sanitary sewer collection and pumping facilities shall be provided by the Contractor to the Board at no cost to the Board. Easements shall be dedicated to the Board as perpetual "utility

easements", and all properties conveyed to the Board for pumping station sites, etc., shall be fee simple. All easements and properties intended for use shall be adequately described (complete with drawings as may be required) by a professional land surveyor duly registered to perform such work in the state of Alabama, with adequate property ties so as to clearly define the location of the easements and properties. The Board will determine the proper width of all easements required, based on depths of cut during construction, with consideration being also given to widths needed for proper access and maintenance during the ensuing years following completion of construction. The Board reserves the right to require the Contractor to provide additional easement widths in the form of "construction easements", in addition to the perpetual easements, as may be required to facilitate construction.

5. *Warranty period:* The Contractor shall be responsible for all operation and maintenance requirements associated with water lines and appurtenances, sewer collection lines and force mains and appurtenances, and sanitary sewer pumping stations and appurtenances for a period of one year following completion of construction, and subsequent acceptance by the Board. Warranty provided shall include all equipment, materials and labor at no cost to the Board, shall include restoration of surface areas due to erosion, including roadway surface (paving) repairs, and shall include "settling" of ditch lines due to inadequate compaction during construction. Upon completion of construction and acceptance by the Board the Contractor shall be provided a written "acceptance" by the Board. The one-year warranty period shall commence on the date of the written acceptance by the Board, or one year following the placement of the newly constructed facilities into service, whichever is the last to occur.

6. *Safety:* The Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work continuously, 24 hours per day. Under the terms and conditions of these specifications, neither the Board, nor the Board's representatives, shall act as safety engineer or safety supervisor, since such responsibility remains solely with Contractor.

7. *General requirements:* All piping materials and accessories included in the work shall meet all applicable requirements of these Specifications. All materials and accessories shall be properly stored and shall be free of all dirt, debris and extraneous materials when installed. After careful inspection by the Board all defective piping materials and accessories shall be removed from the site of the work prior to installation. The Board shall be notified of any and all defective items discovered by the Contractor.

All piping materials and related accessories and components shall be provided and installed by the Contractor. Items provided and installed shall include pipe, services, valves, fittings, couplings, valve boxes, indicators, gaskets, bolts, nuts, supports, hangers, clamps, blocks, brackets, guides, bracing, piers, anchors, valve operators, extensions, stands, manholes and all other components necessary to place the entire installation in first class operating condition. All proper equipment and components necessary for suitable installation shall be provided by the Contractor. Any contractor who installs water or sewer mains must be licensed in the category "Municipal, Utility and Work Incidental thereto".

Ends of piping runs at the end of each workday shall be properly bulkheaded, blocked or plugged in an effort to keep the interior clean and free from all foreign matter. All foreign matter allowed to enter any portion of the piping shall be immediately removed from the piping.

8. *Water facilities requirements.*

8.1. *Water supply lines:* Water supply lines shall be PVC Class 200 (AWWA approved), or Ductile Iron, Class 50 equivalent of new rating classifications, Tyton joint or mechanical joint as required by the Board, cement lined and coated. PVC pipe with a higher class rating may be required in some instances. All PVC piping installation shall include a "continuous" run of tracer wire, solid copper, tin-coated, not less than #12

gauge. The physical placement of the tracer wire in the construction trench shall be as directed by the Board. All supply lines shall meet AWWA standards.

8.2. *Supply line valves:* Valves for 2: diameter supply lines shall be Clow or Equivalent, full port, resilient seat, short body gate valve. Valves for supply lines larger than 2: diameter shall be Mueller, M & H, Stockham or American brand, of construction and end

Appendix 2
Ordinance Number 1369-06

ORDINANCE NO. 1369-06

AN ORDINANCE FOR THE ADOPTION OF A STORMWATER POLLUTION PREVENTION PLAN FOR THE CITY OF MUSCLE SHOALS, ALABAMA

WHEREAS, the City Council of the City of Muscle Shoals, Alabama is desirous of adopting a stormwater pollution prevention plan for the City of Muscle Shoals, Alabama and to coordinate same with the requirements of the National Pollutant Discharge Elimination System (NPDES) permitting process; and

WHEREAS, the adoption of said design and maintenance criteria is done for the purpose of facilitating proper design, maintenance, inspection and enforcement activities by the City of Muscle Shoals, Alabama and related to the stated purpose;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Muscle Shoals, Alabama as follows:

Section I. The following is hereby adopted as the Stormwater Pollution Prevention Plan for the City of Muscle Shoals, Alabama.

The Stormwater Pollution Prevention Plan (SWPPP) for the City of Muscle Shoals is hereby adopted to provide specifications and design criteria that are adequate to prevent transportation of sediment from the site. The site is identified as a disturbed area one acre or larger except as allowed in Ordinance # 1359-06 – Section 5-C.

A. Design Requirements

1. Grading – No grading is to take place prior to the developer or contractor having an approved NPDES Stormwater Permit and a City Permit. The site shall have the required signage as required by ADEM and shall have a City Permit posted.

   All graded sites (cut or filled) and all stockpiles shall have erosion control protection as described in an approved Best Management Practices Plan.

2. Best Management Practices Plan (BMP) – prior to a City Permit being issued the developer or contractor will submit a BMP for city approval. The plan will address all proposed sediment control relative to the site.

   A sequence of construction is required for the development site, and is to include stripping and clearing; rough grading; construction of utilities, infrastructure, buildings; final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

The BMP will include all erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures will be specified.

The BMP will provide for maintenance of control facilities, and the addition of facilities should they be necessary.

Modifications to the plan shall be processed and approved or disapproved by the City in writing, and shall include major amendments of the erosion and sediment control plan submitted to the city.

Field modifications of a minor nature may be made as the contractor deems necessary without written authorization.

Residential property less than two (2) acres in area shall not be required to submit an Erosion and Sediment Control Plan. However, all other regulations and requirements herein referred to herein shall be complied with. (Ordinance # 1359-06 – Section 5-C)

3. Erosion Control – As soon as possible, all disturbed areas are to be seeded and covered with mulch or sodded and the application of such slope stability materials as may be required to allow germination to occur.

   Soil stabilization shall be completed within five days of inactivity in construction.

   If seeding or another vegetative erosion control method is used, it shall become established within thirty (30) days or the City's designated agent may require the site to be reseeded or a nonvegetative option employed.

   Special techniques that meet the design criteria outlined in the SWPPP on steep slopes or in drainage ways shall be used to ensure stabilization.

   Soil stockpiles must be stabilized or covered at the end of each workday. Silt fence and/or silt basins may be used.

   At the close of the construction season, the entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion.

   Techniques shall be employed to prevent the blowing of dust or sediment from the site caused by construction vehicles or equipment.

Techniques that divert upland runoff past disturbed slopes shall be employed.

4. Sediment Control – Prior to construction start up, the site shall have barriers installed as required to prevent erosion from leaving the site. Barriers can include silt fence, hay bales, siltation ponds, aggregate bales, etc.

   Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management is acceptable.

   The developer or contractor may provide protection for adjacent properties by the use of an existing vegetated buffer strip in combination with perimeter controls. The buffer strip shall be used only if approved by the City's designated agent.

5. Slopes – The suggested maximum slope for any site is 3:1 unless the city approves a steeper slope to meet other community or environmental objectives. All slopes are to be stabilized as soon as possible. For slopes steeper than 3:1, a seeded mat or sod shall be applied and approved by the Building Department.

6. Construction Site Access – Temporary construction site access shall include a stone paved approach into the site. The dimensions are generally 10' X 50' and laid out as per the cities standard BMP detail drawings.

   Excess mud which is tracked off site by construction vehicles is to be removed from the street prior to a rain event.

   Inspection – The City or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the BMP as approved. Plans for grading, stripping, excavating, and filling work bearing the approval of the City's designated agent shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the City at least two (2) working days <u>before</u> the following:

   1. Start of construction.
   2. Installation of sediment and erosion measures.
   3. Completion of site clearing.
   4. Completion of rough grading.
   5. Completion of final grading.
   6. Close of the construction season.
   7. Completion of final landscaping.

   The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved BMP. The purpose of such inspections will be to determine the overall effectiveness of the BMP and the need for additional control measures. All inspections shall be documented in

written form and submitted to the City's designated agent at the time interval specified in the approved permit.

The City or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports.

8. BMP Detail Drawings – City approved BMP detail drawings herein included are made a part of this plan. The developer or contractor may devise his own details for presentation to the City's designated agent for approval.

Section II. Severability

The provisions and sections of this ordinance shall be deemed to be severable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section III. Effective Date

The provisions of this Ordinance shall be effective upon its passage and its publication and posting as required by law.

ADOPTED AND APPROVED this 1st day of May 2006.

COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA

By: _____
DAVID H. BRADFORD, Its Mayor

ATTEST:

_____
RICHARD L. WILLIAMS, Its City Clerk

Appendix 3
Ordinance Number 1360-06

ORDINANCE NUMBER 1360-06

AN ORDINANCE FOR DESIGN AND MAINTENANCE CRITERIA FOR BEST MANAGEMENT PRACTICES OF STORM SEWER SYSTEMS OF THE CITY OF MUSCLE SHOALS, ALABAMA

WHEREAS, the City Council of the City of Muscle Shoals, Alabama is desirous of adopting design and maintenance criteria for Best Management Practices for the operation of the storm sewer systems of the City of Muscle Shoals, Alabama in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permitting process; and

WHEREAS, the adoption of said design and maintenance criteria is done for the purpose of facilitating proper design, maintenance, inspection and enforcement activities by the City of Muscle Shoals, Alabama and related to the stated purpose;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Muscle Shoals, Alabama as follows:

Section I. **Definitions**

Best Management Practices
Structural device, measure, facility, or activity that helps to achieve stormwater management control objectives at a designated site.

Plan
A document approved at the site design phase that outlines the measures and practices used to control stormwater runoff at a site. The plan shall be prepared by a professional engineer. The subdivision regulations and the building code shall be amended to include these regulations.

Section II. **Design**

A. All stormwater Best Management Practices (herein BMP) criteria shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design guidelines are outlined in the most recent version of the subdivision regulations of the City of Muscle Shoals and/or in the Storm water Pollution Protection Plan (referred to as SWPPP) as adopted by the City of Muscle Shoals, Alabama.

B. Stormwater easements and covenants shall be provided by the property owner for access for facility inspections and maintenance. Easements and covenants shall be identified with City of Muscle Shoals, Alabama prior to the issuance of a permit.

C. Final design shall be approved by the City Engineer or building officials of the City.

D. Property Owner/Developer will acquire a NPDES permit from Alabama Department of Environmental Management (herein ADEM) and present a copy to the City.

E. A permit will be issued by the City prior to construction start-up. This permit acknowledges receipt of proper BMP and ADEM permit.

Section III. **Routine Maintenance**

A. All stormwater BMP's shall be maintained according to the measures outlined in the subdivision regulations and as approved in the permit.

B. The person(s) or organization(s) responsible for maintenance shall be designated in the plan. Options include:

1) Property owner
2) Homeowner's association, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements
3) Private contractor under contract with the Owner.

C. Maintenance agreements shall specify responsibilities for financing maintenance.

Section IV. **Non-routine Maintenance**

Non-routine maintenance includes maintenance activities that are expensive but infrequent, such as pond dredging or major repairs to stormwater structures.

A. Non-routine maintenance shall be performed on an as-needed basis based on information gathered during regular inspections.

B. If non-routine maintenance activities are not completed in a timely manner or as specified in the approved plan, the City of Muscle Shoals may fine the Owner an appropriate amount to cover the cost of the city's providing maintenance.

Section V. **Inspections**

A. The person(s) or organization(s) responsible for maintenance shall inspect stormwater BMP's on a regular basis as outlined in the plan.

B. Authorized representatives of the City of Muscle Shoals may enter at reasonable times to conduct on-site inspections or routine maintenance.

C. For BMP's maintained by the property owner or homeowner's association, inspection and maintenance reports shall be filed with the City of Muscle Shoals, as provided for in the plan.

D. Authorized representatives of the City of Muscle Shoals, may conduct inspections to confirm the information in the reports filed under Section 5c.

Section VI. Severability

The provisions and sections of this ordinance shall be deemed to be severable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section VII. Effective Date

The Ordinance, and its provisions, shall be published and posted as provided for by law and thereafter shall become effective on the 1st day of March 2006.

ADOPTED AND APPROVED this 17th day of January 2006.

COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA

By: _____
DAVID H. BRADFORD
Its Mayor

ATTEST:

_____
RICHARD L. WILLIAMS
Its Clerk

Appendix 4
Ordinance Number 1359-06

ORDINANCE NUMBER 1359-06

AN ORDINANCE TO PROVIDE FOR EROSION AND SEDIMENT CONTROL IN THE CITY OF MUSCLES SHOALS, ALABAMA

WHEREAS, the City Council of the City of Muscle Shoals is desirous of adopting erosion and sediment control practices in the City of Muscle Shoals, Alabama in order to comply with the requirements of the National Pollutant Discharge Elimination System permitting process; and

WHEREAS, the adoption of said practices is done for the purpose of facilitating the proper design, maintenance, inspection and enforcement activities by the City of Muscle Shoals, Alabama and related to said stated purpose;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Muscle Shoals, Alabama as follows:

Section I. **Introduction/Findings/Purpose**

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of the practices set forth in this Ordinance is to safeguard persons, protect property, and prevent damage to the environment in the City of Muscle Shoals, Alabama. The practices contained herein will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land of one (1) acre or more in the City of Muscle Shoals, Alabama.

Section II. **Definitions**

Certified Contractor

A person who has received training and is licensed by the Alabama Department of Environmental Management (herein ADEM) to inspect and maintain erosion and sediment control practices.

Clearing

Any activity that removes the vegetative surface cover.

Drainage Way

Any channel that conveys surface runoff throughout the site.

Erosion Control

A measure that prevents erosion.

Erosion and Sediment Control Plan

A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading

Excavation or fill of material, including the resulting conditions thereof.

Perimeter Control

A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing

Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control

Measures that prevent eroded sediment from leaving the site.

Site

A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development Permit

A permit issued by the municipality for the construction or alteration of ground surface. Permitted BMP include improvements and structures for the control of erosion, runoff, and grading.

Stabilization

The use of practices that prevent exposed soil from eroding.

Start of Construction

The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse

Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of Muscle Shoals.

Waterway

A channel that directs surface runoff to a watercourse or to the public storm drain.

Section III. Permits

A. No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of one (1) acre or more without the approval by the City of an Erosion and Sediment Control Plan.

B. No site development permit is required for the following activities:

1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

C. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee of $75.00 for application for a parcel of property up to and including 5 acres and a filing fee of $150.00 for application for a parcel of property greater than 5 acres.

D. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall make an inspection when construction or grading activity takes place.

E The applicant will be required to file with City of Muscle Shoals a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by City to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the City of Muscle Shoals and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

Section IV. **Review and Approval**

1) The City will review each application for a site development permit to determine its conformance with provisions of this regulation. Within thirty (30) days after receiving an application, the City shall, in writing:
   1) Approve the permit application.
   2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
   3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

2) Failure of the City to act on an original or revised application within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City.

Section V. **Erosion and Sediment Control Plan**

A) The Erosion and Sediment Control Plan shall include the following:

1) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

2) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

3) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

4) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

B Modifications to the plan shall be processed and approved or disapproved in the same manner as Section IV of this regulation, may be authorized by the City by written authorization to the permittee, and shall include

1) Major amendments of the erosion and sediment control plan submitted to the City.

2) Field modifications of a minor nature.

C. Residential property less than two (2) acres in area shall not be required to submit an Erosion and Sediment Control Plan. However, all other regulations and requirements herein referred to herein shall be complied with.

Section VI. <u>Design Requirements</u>

1. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the City's Stormwater Pollution Prevention Plan (hereinafter referred to as SWPPP) and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City. Cut and fill slopes shall be no greater than 3:1, except as approved the City to meet other community or environmental objectives.
2. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in SWPPP, shall be used to the satisfaction of the City.
3. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
4. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the City.
5. Erosion control requirements shall include the following:
    1) Soil stabilization shall be completed within five days of inactivity in construction.
    2) If seeding or another vegetative erosion control method is used, it shall become established within thirty (30) days or the City may require the site to be reseeded or a nonvegetative option employed.
    3) Special techniques that meet the design criteria outlined in SWPPP on steep slopes or in drainage ways shall be used to ensure stabilization.
    4) Soil stockpiles must be stabilized or covered at the end of each workday. Silt fence may be used. Silt basins may also be used.
    5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
    6) Techniques shall be employed to prevent the blowing of dust or sediment from the site caused by construction vehicles or equipment.
    7) Techniques that divert upland runoff past disturbed slopes shall be employed.
6. Sediment control requirements shall include:
    1) Settling basins, sediment traps, or tanks and perimeter controls.

2) Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by the City.

3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls. The buffer strip shall be used only if required by the City.

7. Waterway and watercourse protection requirements shall include:
   1) A temporary stream crossing installed and approved by U.S. Army Corps of Engineers if a wet watercourse will be crossed regularly during construction.
   2) Stabilization of the watercourse channel before, during, and after any in-channel work.
   3) All on-site stormwater conveyance channels designed according to the criteria outlined in SWPPP.
   4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
8. Construction site access requirements shall include:
   1) a temporary construction access road provided at all sites.
   2) other measures required by the City in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

Section VII. <u>Inspection</u>

1) The City or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the approval of the City shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the City at least two (2) working days <u>before</u> the following:
   1) Start of construction
   2) Installation of sediment and erosion measures
   3) Completion of site clearing
   4) Completion of rough grading
   5) Completion of final grading
   6) Close of the construction season
   7) Completion of final landscaping

2) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the City at the time interval specified in the approved permit.

3) The City or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports.

Section VIII. Enforcement

1 Stop-Work Order; Revocation of Permit

In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the 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 suspend or revoke the site development permit.

2. Violation and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be given a written notice to correct said violations set forth in said notice and shall do so within 7 days of said notice. Upon failure to do so, the City shall notify ADEM of said violations.

Section IX. Severability

The provisions and sections of this ordinance shall be deemed to be severable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section X. Effective Date

The Ordinance, and its provisions, shall be published and posted as provided by law and thereafter shall become effective on the 1st day of March 2006.

ADOPTED and APPROVED this 17th day of January 2006.

COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA

BY: _____
DAVID H. BRADFORD, Its Mayor

ATTEST:

_____
RICHARD L. WILLIAMS, Its Clerk

Appendix 5
Ordinance Number 1358-06

ORDINANCE NUMBER 1358-06

AN ORDINANCE TO ADOPT VARIOUS REGULATIONS PERTAINING TO THE ILLICIT DISCHARGE AND CONNECTION TO THE STORM DRAINAGE SYSTEM OF THE CITY OF MUSCLES SHOALS, ALABAMA

WHEREAS, the City Council of the City of Muscle Shoals, Alabama is desirous of adopting various regulations pertaining to the illicit discharge and connection to the City's Storm Water Discharge System in order to comply with the requirements of the National Pollutant Discharge Elimination System permitting process; and

WHEREAS, the adoption of said regulations is done for the purpose of facilitating the proper inspection and enforcement activities by the City of Muscle Shoals, Alabama and related to said stated purpose;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Muscle Shoals, Alabama, as follows:

SECTION 1. PURPOSE/INTENT

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

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user
(2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

SECTION 2. DEFINITIONS

For the purposes of this ordinance, the following shall mean:

<u>Authorized Enforcement Agency:</u> employees or designees of the City Clerk's office.

<u>Best Management Practices (hereafter BMPs):</u> schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of

pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, Discharge Elimination System ES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. 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 presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, which is not covered under a proper permit.

Illicit Connections. 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-storm water 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.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by Environmental Protection Agency (hereafter EPA) (or by a State under authority delegated pursuant to 33 USC § 1342 (b) that authorized the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. 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, ordinances, and accumulations, 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.

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

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

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

Storm Water Pollution Prevention Plan. A document which described 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 Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

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

SECTION 3. APPLICABILITY

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION

The City of Muscle Shoals, Alabama shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Mayor to persons or entities acting in the beneficial interest of or in the employ of the City.

SECTION 5. SEVERABILITY

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

SECTION 6. ULTIMATE RESPONSIBILITY

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

SECTION 7. DISCHARGE PROHIBITIONS

Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than 1.5 PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

(2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

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

Prohibition of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) 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.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage or any contaminated industrial or commercial waste water to the MS4, or allows such a connection to continue.

SECTION 8. SUSPENSION OF MS4 ACCESS

Suspension due to Illicit Discharges in Emergency Situations

The City of Muscle Shoals, Alabama may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary, including injunctive relief, to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons, and charge the violator and/or owner of the property with all costs associated with the suspension and clean-up.

Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity covered by a NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Muscle Shoals prior to the allowing of discharges to the MS4. Copies of sample test reports shall be acceptable proof.

SECTION 10. MONITORING OF DISCHARGES

1. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

2. Access to Facilities.

(1) The City of Muscle Shoals shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the City of Muscle Shoals ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) The City of Muscle Shoals shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The City of Muscle Shoals has the right to require the discharger to install monitoring equipment. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Muscle Shoals and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the City of Muscle Shoals access to permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(7) If the City of Muscle Shoals has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be violation of this ordinance, 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 ordinance or

any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICE.

The City of Muscle Shoals will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMP's to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMP's shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 12. NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Muscle Shoals within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 13. ENFORCEMENT

1. Notice of Violation.

Whenever the City of finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by

written notice of violation to the responsible person. Such notice may require without limitation:

a. The performance of monitoring, analyses, and reporting;
b. The elimination of illicit connections or discharges;
c. That violating discharges, practices, or operations shall cease and desist;
d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
e. Notification to ADEM; and
f. The implementation of source control or treatment BMPs.

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

SECTION 14. APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 10 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

SECTION 15. ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 15 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 16. COST OF ABATEMENT OF THE VIOLATION

Any person violating any of the provisions of this Ordinance shall be liable to the City by reason of such violation. The liability shall be paid in not more that twelve (12) equal monthly payments. Interest at the rate of five (5%) per annum shall be assessed on the balance beginning thirty (30) days following the discovery of the violation. Within 15 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs.

SECTION 17. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 18. COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 19. VIOLATIONS DEEMED A PUBLIC NUISANCE.

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

SECTION 20. CRIMINAL PROSECUTION.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of $500.00 dollars per violation per day and/or imprisonment for a period of time not to exceed 30 days. The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION 21. REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 22. SEVERABILITY

The provisions and sections of this ordinance shall be deemed to be severable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

SECTION 22. EFFECTIVE DATE

The Ordinance, and its provisions, shall be published and posted as provided by law and thereafter shall become effective on the 1st day of March 2006. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

ADOPTED and APPROVED this 17th day of January 2006.

CITY COUNCIL OF THE
CITY OF MUSCLE SHOALS, ALABAMA

BY: _____
DAVID H. BRADFORD, Mayor

ATTEST:

_____
RICHARD L. WILLIAMS, City Clerk

Appendix 5
Definitions and Acronyms

Definitions and Acronyms

All definitions contained in Part VI shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory / statutory definitions have been provided, but in the even of a conflict, the definition found in the Statue or Regulation takes precedence.

1. Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. Control Measure as used in this permit, refers to any Best Management practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
3. CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
4. Discharge, when used without a qualifier, refers to "discharge of a pollutant" as defined as ADEM Administrative Code 335-6-6-.02(m).

5. Green Infrastructure refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspirate (the return of water to the atmosphere either through evaporation or by plants), or reuse storm water or runoff on the site where it is generated.
6. Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product.
7. Illicit Connection means any man-made conveyance connecting an illicit discharge directly to municipal separate storm sewer.
8. Illicit Discharge is defined at 40 CFR Part 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharged resulting from fire fighting activities.
9. Indian Country, as defined in 18 USC 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the

limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including right-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

10. MEP is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR Part 122.34.

11. MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a large, medium or small municipal separate storm sewer system. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.

12. Municipal Separate Storm System is defined at 40 CFR Par 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer;

and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in ADEM Administrative Code 335-6-6-.02(nn).

13. NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.

14. Department means the Alabama Department of Environmental Management or an authorized representative.

15. Small municipal separate storm sewer system is defined at 40 CFR Part 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to water of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

16. Storm water is defined at 40 CFR Part 122.26 (b)(13) and means storm water runoff, snow melt runoff and surface runoff and drainage.

17. Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

18. SWMP is an acronym for "Storm Water Management Program."

19. Total Maximum Daily Load (TMDL) means the calculated maximum permissible pollutant loading to a waterbody at which water quality standard can be maintained. The sum of wasteload allocations (WLAs) and load allocations (LAs) for any given pollutant.