

EROSION AND SEDIMENTATION CONTROL ORDINANCE

Sec. 1. Purpose of erosion and sedimentation regulations.

The purpose of this ordinance is to safeguard life, limb, property and the public welfare by regulating clearing, earthwork and other land disturbing activity and by requiring temporary and permanent provisions for drainage, erosion and sediment control.

Sec. 2. Scope.

This ordinance sets forth rules and regulations governing clearing and earthwork including temporary and permanent controls for sediment, erosion and storm water drainage; establishes the administrative procedure for issuance of permits and the enforcement thereof; and requires the submission of plans and the observation of clearing and/or earthwork operations.

Sec. 3. Administrator.

(a) For purposes of this ordinance, the Administrator shall refer to the person charged with the administration and enforcement of these provisions.

(b) Unless otherwise designated by resolution of the City Council, the City Inspector shall be the Administrator of this ordinance.

Sec. 4. Hazards.

(a) Whenever the Administrator is made aware of and determines that any existing land condition or exposed surface created or caused by means of clearing, earthwork or other land-disturbing activity has: become a hazard to life and limb; endangered property; created a nuisance; adversely affected the safety, use or stability of a public way or drainage channel; or caused erosion; the owner, upon receipt of notice in writing from the Administrator, shall rectify or eliminate the stated hazardous condition within the time period specified therein to bring the property into conformance with this ordinance. It shall be a violation for the owner to fail to eliminate the hazardous condition within that time.

(b) In the event the owner fails to eliminate the hazardous condition within the required time, the Administrator may cause the hazardous condition to be eliminated as provided in § 11-47-117, § 11-47-118 and/or § 11-49-2, Code of Alabama, 1975.

Sec. 5. Definitions.

For the purpose of this ordinance the definitions listed hereunder shall be construed as specified in this Section.

Architect. An architect whose training or occupation is in the

design and observation of construction of buildings for the health, safety and welfare of the general public and who is a Registered Professional Architect in the State of Alabama.

Bedrock. In-place solid undisturbed rock.

Bench. A relatively level step excavated into earth material.

Borrow. Earth material acquired from an off-site location for use in fill on a site.

Buffer. A strip of land, usually in permanent vegetation, which provides a continuous visual and acoustical screen of one land area from an adjacent land area.

Civil Engineer. An engineer whose training or occupation is in the designing and construction of public works and of various private works and who is a Registered Professional Engineer in the State of Alabama.

Civil Engineering. The application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

Clearing. The removal from land of trees, shrubs, grass, and/or other varied ground cover and vegetation useful for windbreaks, water retention and the maintenance of topsoil.

Composition. The densification of a material by mechanical means.

Cut. See Excavation.

Detention facility. A dam or holding system constructed for the purpose of temporary storage of stream flow or surface runoff and for releasing the stored water at controlled rates.

Drainage/drainage system. The system of pipes, ditches, swales, terraces and structures by which surface or subsurface waters are collected and conducted from the site.

Earth material. Any rock and/or natural soil exclusive of any decomposable matter.

Earthwork. Excavation, fill and backfill, compaction and grading.

Engineering geologist. A geologist experienced and knowledgeable in engineering geology.

Engineering geology. The application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil work.

Erosion. The wearing away of the ground surface as a result of the movement of wind, water and/or ice.

Excavation. The mechanical removal of earth material.

Field report. A record of observations of actual conditions on a site existing at the time such observations are made.

Fill or backfill. A deposit of earth material placed by artificial means.

Finish or final grade. The final grade of the site which conforms to the permitted plan.

Grade. The vertical location of the ground surface in relation to mean sea level.

Grading. The operation of raising or lowering the ground surface to a predetermined grade.

Lake. A body of water one acre or more in surface area, created either by a man-made dam or other means of holding back water.

Landscape architect. A landscape architect whose training or occupation is in the design and observation of the development of land areas in order to preserve and enhance the proper, safe and aesthetic use of land and who is a Registered Professional Landscape Architect in the State of Alabama.

Owner. A person who is the owner of property or the person or agent in charge or control of the property.

Nonpoint source. A contributing factor to water pollution that cannot be traced to a specific location, e.g., pesticides, agricultural fertilizer runoff, sediment from construction activity, etc.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, commission, board, public or private institution, or any other legal entity.

Point source. A stationary location where pollutants are discharged.

Pond. A body of standing water less than one acre in surface area, created either by a man-made or natural dam, or other means of holding back water.

Rip-rap. A protective course of stone or other like material placed on embankment slopes, channels, discharge areas and other locations to prevent erosion.

Rough grade. The stage at which the grade approximately conforms to the permitted plan.

Sediment. Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water, gravity or ice, as a product or erosion.

Sediment basin. A depression formed from the construction of a barrier or dam built at a suitable location to retain sediment and debris.

Site. Any lot or parcel of land or contiguous combination thereof, under the same ownership, including joint ownership, where clearing and/or earthwork is proposed, performed or permitted.

Slope. The inclination of ground surface which is expressed as a ratio of horizontal distance to vertical distance, sometimes also expressed as a percent or degree.

Soil. Naturally occurring surficial deposits overlying bedrock.

Soils engineer/geotechnical engineer. A professional engineer experienced and knowledgeable in the practice of soils engineering who is a Registered Professional Engineer in the State of Alabama.

Soils engineering. The application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

Topsoil. The friable surface of soil, usually containing organic matter.

Vegetation/vegetative practice. Stabilization of erosive or sediment producing areas by covering the soil with:

- Permanent seeding, producing long-term vegetative cover, or
- Short-term seeding, producing temporary vegetative cover, or
- Sodding, producing areas covered with a turf of perennial sod-forming grass.

Watercourse. Any natural or artificial stream, river, creek, ditch, culvert, drain, or other waterway, in which water flows either continuously or intermittently and which has a definite channel, bed and banks including any adjacent area subject to inundation by reason of overflow or floodwater.

Sec. 6. Permit required.

No person shall do any clearing and/or earthwork without first having obtained a clearing and/or earthwork permit therefor from the Administrator except as provided in § 7

below. A separate permit shall be required for and be prominently posted at each site.

Sec. 7. Exceptions to required permit.

The following described operations shall not require a permit to do clearing or earthwork, although all such activities shall comply with the purpose and intent of this ordinance:

- (1) Cemetery graves in an approved recorded subdivision.
- (2) Sanitary landfill or refuse disposal sites controlled by other governmental regulations.
- (3) Excavations for wells, tunnels or utilities.
- (4) Mining operations controlled by other regulatory agencies.
- (5) Temporary stockpiling of materials provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property and all drainage meets the standards specified in this ordinance.
- (6) Exploratory excavations under the direction of soils engineers or engineering geologists.
- (7) Any project involving the movement of not more than 500 cubic yards of earth material.
- (8) An excavation below finished grade for basements and footings of a building, retaining wall or other necessary structure or site improvements which is authorized by a valid building permit. This, however, shall not exempt the following:
 - a. Any fill made with the material from such excavation or from borrow from non-contiguous sites;
 - b. Any excavation having an unsupported height greater than five feet after the completion of such structure; or
 - c. Where the adjoining properties do not have established vegetation.
- (9) An excavation of less than 10,000 square feet which is less than two feet in depth, or which does not create a cut slope greater than five feet in height nor steeper than two horizontal to one vertical. This shall include such minor land disturbing residential activities as home

gardens, landscaping, repairs, maintenance work and other related activities which result in minor soil erosion.

(10) A fill which is less than one foot in depth and placed on natural ground surface with a slope flatter than five horizontal to one vertical or does not exceed fifty cubic yards on any one lot, is less than three feet in depth, is not intended to support structures, and does not obstruct a drainage course.

(11) Controlled disposal areas for earth, provided the owner fulfills the requirements of this ordinance.

(12) Any project carried out under the technical supervision of the Soil Conservation Service of the U.S. Department of Agriculture.

Sec. 8. Application.

To obtain a permit the owner shall first file with the Administrator an application in writing on a form furnished for that purpose. Each application shall:

- (1) Identify and describe the work to be performed and the proposed use of the site;
- (2) Describe the site by lot, block, tract, and house and street address or similar description that will readily identify and definitely locate the site and also describe the location on the site for the proposed clearing and/or earthwork.
- (3) Include a soil survey where topographically or geologically difficult sites are encountered which shall contain a soil classification legend, range of percent slopes, and soil description specifying suitability for use and development, and any limitations on use and development indicated by the USDA, Soil Conservation Services, Soil Interpretation Report. Soil limiting features which may be restrictive to construction, drainage, soil integrity, slope stability and revegetation of property must be addressed.
- (4) Be accompanied by plans and specification as required.
- (5) State the estimated cost of work involved including any required retaining walls, drainage systems and revegetation;
- (6) Be signed by the owner, or his authorized representative, who shall be required to submit evidence to indicate such authority; and
- (7) Give such other information as reasonably may be

required by the Administrator to comply with the purpose and intent of this ordinance.

Sec. 9. Plans required.

(a) Each application for a clearing and/or earthwork permit shall be accompanied by two sets of plans and specifications, a Clearing and/or Earthwork Plan and an Erosion and Sedimentation Control Plan. Supporting data and affidavits prepared and signed by an architect, landscape architect, or a civil engineer may also be required. Drainage Plans shall be required. Soil Engineering and Engineering Geology Reports shall be required if deemed necessary by the owner's architect, landscape architect or civil engineer and/or may be required in fragile, complex or hazardous areas.

(b) The required plans and specifications shall be prepared in a manner which will assure the following standards are met:

- (1) Protect and preserve existing natural drainage channels.
- (2) Include design provisions to retain off-site natural drainage patterns.
- (3) Assure that waters drained from the development are free of point and nonpoint sources of pollutants and do not cause water problems on adjacent properties to any greater extent than occurs in the absence of development.
- (4) Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development.
- (5) Provide that all roof and foundation drains shall be discharged to natural drainage, engineered detention ponds, curb face outlets or to a public or approved private storm drain.
- (6) All drainage facilities shall be designed to carry waters to the nearest practicable drainage way as approved by the Administrator as a safe place to discharge such waters. If drainage facilities discharge other than into an approved drainage way, rip-rap or other erosion protection may be required.
- (7) Assure that if drainage levees or flow rates currently affect or will be temporarily or permanently increased onto adjacent properties, detention facilities or other acceptable remedies or conservation measures will be installed which shall include the plan and responsibility for the permanent maintenance of such facilities.

- (8) Cut-fill operations shall be kept to a minimum.
- (9) Adequate provisions shall be provided to minimize drainage of surface water from the cut face of excavations or the sloping surfaces of fills.
- (10) Slopes shall be no steeper than are safe for the intended use and shall not endanger adjoining property. The slope stability design shall be within normally accepted engineering practice and shall be provided with surface and subsurface drainage as necessary.
- (11) Fills shall not encroach upon natural watercourses or constructed channels in a manner so as to impede water flow or adversely affect other property owners.
- (12) Grading equipment shall cross natural drainage ways by the means of bridges or culverts except when such methods are not feasible and provided, in any case, that such crossings are kept to a minimum.
- (13) When a lake or pond, either new or existing, is incorporated in a development, the developer shall note on his plans if the lake or pond is to be used for sediment control and/or retention during or after construction.

Sec. 10. Clearing and/or earthwork plans.

(a) Clearing and/or earthwork plans shall be prepared by an architect, landscape architect or a civil engineer and drawn to scale upon substantial medium and shall be of sufficient clarity to indicate the nature, phasing and extent of the work proposed and show in detail that they will conform to the provisions of this ordinance and all relevant laws, ordinances, rules and regulations.

(b) The plans and specifications shall include the following information:

- (1) General vicinity of the proposed site and purpose of clearing and/or earthwork.
- (2) Property limits and accurate contours of existing ground in two foot contour intervals and details of terrain and area drainage. Contour intervals other than two feet may be approved by the Administrator upon request and good cause shown.
- (3) Limiting dimensions, elevations or finish contours, using the same contour intervals as in (2) above, to be achieved by earthwork, and proposed drainage channels and related construction.
- (4) Detailed plans of all surface and subsurface drainage

devices, walls, cribbing, dams, levees and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.

(5) Location of any buildings or structures, site improvements or impervious surfaces existing or proposed on the site and the location of any buildings, structures or improvements on land of adjacent owners which are within fifty feet of the site or which may be affected by the proposed clearing and/or earthwork operations.

(6) Plans and specifications shall contain information covering construction and material requirements.

(7) All elevations must be stated in Mean Sea Level Datum and this fact indicated in a note on the plan sheet.

(8) Provision for saving topsoil for later revegetation.

(9) Provision for saving trees and other vegetation and any retention of a buffer.

(10) Intended means of revegetation and any provision of a buffer.

(11) Proposed protective measures for controlling erosion and sediment both temporary and permanent.

(12) Intended means for disposition of removed vegetation.

(13) If permit is for clearing only, Items (3), (6) and (7) listed above do not apply.

Sec. 11. Drainage plans.

(a) A Drainage Plan for the purposes of erosion sedimentation control shall be required if a project:

(1) Involves clearing and/or earthwork on a site which changes the natural course of storm water.

(2) Involves a site which is subject to flash flooding or local ponding as a result of soil conditions and lack of identified drainage channels; or

(3) Is located wholly or partially within a one hundred year flood plain, a landslide susceptible area, or other fragile lands as may be designated for environmental protection; or

(4) Involves hillside development on slopes steeper than ten percent.

(b) A required drainage plan may be submitted as part of the Clearing and/or Earthwork Plan but must be clearly marked Drainage Plan. Plans are to be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information. A drainage plan shall include:

- (1) Flow lines of surface waters onto and off the site;
- (2) Building pad and existing and proposed finished floor and street elevations if building construction is proposed;
- (3) Existing and proposed drainage channels including drainage swales, wetlands, ditches and berms;
- (4) Location and design of any proposed facilities for storage or for conveyance of run-off into indicated drainage channels, including slumps, basins, channels, culverts, ponds, storm drains and drop inlets;
- (5) Estimates of existing and increased run-off resulting from the proposed improvements and a statement of the proposed effects on the existing drainage system and adjacent property.

(c) In addition to the drainage plan requirements set forth in (a) and (b) above, all developments which the City Engineer deems to have a substantial drainage impact shall conform with the additional drainage standards contained within the Adamsville Subdivision Regulations. All such drainage plans shall be submitted to the Administrator and be subject to review and approval by the City Engineer.

Sec. 12. Erosion and sedimentation control plan.

(a) An Erosion and Sedimentation Control Plan shall provide information on all temporary and permanent erosion and sediment control measures for a site. It shall include maps showing the vegetative plan and the location of erosion control structures, a soil and water plan inventory and a maintenance plan.

(b) The plans, unless otherwise required by the applicant's permitted project documents, shall apply erosion and sediment control measures which conform to sound conservation and engineering practices. These plans shall be prepared by a person or firm qualified by training and experience to have expert knowledge of erosion and sedimentation control methods. These plans may be incorporated into and permitted as part of a Clearing and/or Earthwork Plan or Drainage Plan but must also be clearly identified Erosion and Sedimentation Control Plan.

(c) The plan shall consider the interrelationship of the soil types, geological and hydrological characteristics of the site, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities. In addition the plan shall be prepared in a manner that will assure the following standards are met:

(1) Clearing and/or earthwork shall be conducted in such a manner so as to minimize erosion;

(2) Erosion and sediment control plans shall conform to topography and soil type so as to create the lowest practical erosion potential.

(3) Whenever feasible, natural vegetation shall be retained, protected and supplemented;

(4) The disturbed area shall be stabilized as quickly as practicable and the duration of exposure to erosive elements shall be kept to a practicable minimum;

(5) Temporary vegetation or mulching shall be employed to protect exposed high risk erosion areas during development;

(6) Permanent vegetation, and erosion and sediment control measures shall be installed as soon as practicable;

(7) To the extent necessary, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or similar structures until the disturbed area is stabilized.

(d) The plan shall consist of narratives, maps and drawings, activity schedules, and other supportive data as required herein including the following:

(1) Existing and anticipated erosion and sediment control problems;

(2) Major topographic features, streams, existing soil types and vegetation and soil type classification of imported fill;

(3) Activity schedules showing the anticipated starting and completion dates for construction of temporary and permanent sediment control measures, disposition of temporary sediment control measures, and final stabilization;

(4) Supportive data used in design shall include calculations and references to applicable charts, graphs, maps, standards and specifications and other resource

data.

Sec. 13. Affidavits.

(a) When determined to be necessary the Administrator may require affidavits to be executed by the owner and his consultants as to any or all of the following:

(1) A compaction report where a site is proposed to be filled to be used for a building pad.

(2) A soil engineering report, including data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for earthwork procedures and criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites for various types of development facilitated by the proposed earthwork.

(3) An engineering geology report, including a description of site geology, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites for various types of development facilitated by the proposed earthwork.

(4) Other affidavits and reports deemed necessary by the Administrator.

(b) Required affidavits shall be submitted prior to issuance of a permit.

(c) Affidavits will be furnished for execution by the owner and his consultants after completion of construction covered by this permit, affirming that appropriate measures were taken and that the completed construction conforms to the requirements of this ordinance.

Sec. 14. Issuance of permit.

(a) The purpose of permitting plans and specifications is to assure compliance with this ordinance. The Administrator's review and permitting of plans and specifications is not intended as approval of the overall layout, structural design, grading procedures, siltation control, engineer's reports or construction procedures. These responsibilities shall remain with and be those of the owner and his consultants.

(b) If the Administrator is satisfied that the work described in an application for permit and the plans and specifications conform to the requirements of this and other pertinent laws and ordinances, that the fees have been paid and necessary bonds obtained, he shall issue a permit to the owner.

(c) When the Administrator issues the permit, he shall enforce in writing or stamp PERMIT ISSUED on the original set of plans and specifications. The Administrator shall be furnished with two sets of permitted plans.

(d) One set of permitted plans, specifications, and other required documents shall be retained by the Administrator for a period of not less than one year from date of completion of the work covered therein. It shall be the responsibility of the owner to maintain one of the sets of permitted plans and specifications on the site at all times during which the work authorized thereby is in progress.

(e) The issuance or granting of a permit shall not permit or be construed as approval for violation of any of the provisions of these standards or any other laws or regulations, and such permit shall not be valid, except insofar as the work or use which it authorizes is lawful.

(f) The issuance of a permit shall not prevent the Administrator from thereafter requiring the correction of errors or changes due to unforeseen problems in permitted plans and specifications. The Administrator may require that earthwork operations and project design be modified if significant problems occur which were not considered at the time the permit was issued.

(g) Every permit issued by the Administrator under these provisions shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 90 days from the date of issuance of such permit, provided that consecutive renewal of such permit may be granted, at no additional cost, upon written request to the Administrator with good cause shown. The work authorized by such permit shall not be suspended or abandoned at any time after the work is commenced and shall be carried to completion or the permit shall be void. If work is suspended or abandoned, required bonds may be used to correct or eliminate erosion, drainage problem or hazardous conditions as provided herein.

(h) The Administrator may suspend or revoke a permit issued under provisions of this ordinance by giving notice in writing to the owner whenever the permit or waiver is issued in error, on the basis of incorrect information supplied, or in violation of any ordinance, regulation or any of the provisions of this ordinance.

Sec. 15. Permit fees.

(a) A fee for each clearing and/or earthwork permit shall be paid to the City as set forth below:

\$10 initial permit fee plus an amount equal to 0.5% of the clearing and/or earthwork value over \$1,000.

(b) This fee for clearing and/or earth work shall include all erosion and sediment control, vegetation and drainage and shall be based on the contract value or engineer's estimate of those items. Such an estimate shall be subject to the Administrator's approval, based on average costs in the area.

(c) The fee for a clearing and/or earthwork permit authorizing additional work after work has begun on the project shall be equal to double the amount of the fee required for the entire project.

(d) The owner shall reimburse the City for any professional fees incurred in the administration and enforcement relating to the permit.

Sec. 16. Performance bond.

(a) The Administrator shall require a performance bond with surety in such form and amounts as specified herein to assure that the work, if not completed or if not in accordance with the permitted plans and specifications, will be corrected to eliminate hazardous conditions, erosion and/or drainage problems. It shall be the responsibility of the owner to obtain and maintain the bond continuously until the bond is released as provided herein.

(b) The bond shall pertain to and recite therein an exact description of the site. The bond shall remain in force and effect until it has been released in writing by the Administrator. A bond with a specific expiration date will not be acceptable.

(c) The bond for clearing operations only shall be in the amount of \$1,000.00 per acre for each acre or fraction thereof disturbed or affected by such operations.

(d) The bond for earthwork or clearing and earthwork operations shall be in the amount of \$3,000.00 per acre for each acre or fraction thereof disturbed or affected by such operations.

(e) Additional surety, equal to double the amounts required in subsections (c) and (d) herein, shall be required where clearing or earthwork is performed in areas designated as floodways, floodplains, or susceptible to landslides.

(f) The bond shall be provided by a bonding company licensed and registered in the State of Alabama.

Sec. 17. Earthwork responsibilities.

(a) The owner shall be responsible for the on-going observation, review, and field issuance of reports in the actual earthwork. This responsibility shall include, but need

not be limited to, testing, inspection and issuing of field reports as to the establishment of line, grade and drainage of the project area. Civil engineering record documents shall be preserved in accord with state law.

(b) Soil engineering and engineering geology reports shall be required. During earthwork all necessary reports, compaction data and soil engineering and engineering geology recommendations shall be retained by the owner and be available for review by the Administrator. If requested in writing, copies of said documents shall be furnished to the Administrator.

(c) The Administrator may require inspection and testing by an approved testing agency if he determines that such inspection and testing is necessary because unusual, complex or hazardous conditions exist on or adjacent to the site. The cost of such inspection and testing shall be the responsibility of the owner.

(d) The testing agency's responsibility shall include, but is not limited to, inspection and issuance of affidavits concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills.

Sec. 18. Notification of noncompliance

If the Administrator finds that the work is not being done in conformance with this ordinance or the permitted plans, the discrepancies shall be reported immediately to the owner. Upon receipt of the notice the owner shall submit to the Administrator plans for corrective measures along with an appropriate schedule for completion of such corrections.

Sec. 19. Replacement of contractors or consultants.

If the owner's contractor, civil engineer, soil engineer, engineering geologist or the testing agency of record are changed during the course of the work, the work shall be stopped until owner has notified the Administrator in writing and properly replaced the contractor or consultants of record.

Sec. 20. Observation of construction.

(a) All clearing and/or earthwork operations for which a permit is required shall be subject to observation and review by the Administrator.

(b) The owner shall agree that no work shall be performed without first installing all temporary erosion control measures as shown on the plans and no additional work shall be performed until the owner has notified the Administrator of the completion of temporary erosion control measures.

(c) It will be the responsibility of the owner to notify the Administrator in writing of the completion of the following:

- (1) Temporary erosion control measures.
- (2) Clearing.
- (3) Rough grading work.
- (4) Final grading work.
- (5) All work including completion of vegetation.

(d) Conditions may reveal the need for additional erosion control measures which shall, if directed by the Administrator, be promptly acquired and installed by the owner.

Sec. 21. Completion of work.

The owner shall notify the Administrator when the project has been completed, including installation of all drainage facilities and their protective devices and all the provisions of the erosion and sedimentation and erosion control plan in accordance with the final permitted plans and that all the required reports have been submitted.

Sec. 22. As-built plans.

As-built plans shall be submitted to the Administrator in accordance with the provisions contained herein, and as-built plans on facilities to be maintained by the City shall be submitted separately in accordance with the standard requirements of the City, on an approved medium, prior to final acceptance.

Sec. 23. Release of bond.

One year following the completion of vegetation and upon receipt of the as-built plans the City will release the surety bonds provided that if vegetation has not been established for an entire growing season, the bonds shall not be released for one year plus one growing season after the vegetation becomes established with standing growth.

Sec. 24. Appeals.

(a) In order to determine the suitability of alternate methods, materials, or construction, to permit interpretations of the provisions of this ordinance, and to hear appeals from decisions of the Administrator under this ordinance, the Board of Zoning Adjustment (Board) is hereby authorized to make such determinations.

(b) Any person whose application for a clearing and/or earthwork permit has been denied, suspended or revoked or whose request for the use of an alternate material or method of construction has been refused by the Administrator or who may consider that the provisions of this ordinance do not cover the point raised or that any particular provision would cause a manifest injury or damage to be done, may appeal to the Board by serving written notice on the Administrator. Such notice shall be at once transmitted to the Board which shall arrange for a hearing on the issue raised. If the appellant is requesting to use alternate materials or types of construction, the appellant shall pay all expenses for necessary tests made or ordered by the Board.

(c) Notice of appeal shall be in writing and filed within thirty days after a decision is rendered by the Administrator, or sooner if in the opinion of the Administrator clearing or earthwork is unsafe or dangerous. Such written notice shall be accompanied with the sum of fifty dollars payable to the City of Adamsville.

(d) The Board when so appealed to and after a hearing may vary the application of any provision of this ordinance to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this ordinance or the public interest, or when, in its opinion the interpretation of the Administrator should be modified or reversed.

(e) A decision of the Board to vary the application of any provisions of this ordinance or to modify an order of the Administrator shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

(f) Every decision of the Board shall be final, subject however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Administrator and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the appellant.

(g) The Board shall, in every case, reach a decision without unreasonable or unnecessary delay.

(h) If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Administrator, or varies the application of the provisions of this ordinance, the Administrator shall immediately take action in accordance with such decision.

Sec. 25. Minimum requirements.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, and the general welfare.

Sec. 26. Conflicting provisions.

(a) Where this ordinance imposes greater restrictions than are imposed or required by other ordinances, rules, regulations, or permits, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

(b) Where any other laws, ordinances, or any rules, regulations, permits, easements, covenants or agreements impose greater restrictions than are required under the regulations of this ordinance, such provisions shall govern.

Sec. 27. Application to public property.

Any provisions of this ordinance to the contrary notwithstanding, the City of Adamsville in exercising any governmental function, power, or authority shall not be strictly subject to the provisions of this ordinance or limited thereby in the exercise of such governmental function, power, or authority, particularly where time is of the essence in emergency situations. However, the City shall cooperate with the Administrator to assure compliance with the general intent of this ordinance.

Sec. 28. Severability.

If any provision of this ordinance is for any reason declared invalid by a court of competent jurisdiction, such shall not affect the validity of the remaining portions of this ordinance, but the same shall remain in full force and effect.

Sec. 29. Violations and penalties.

Any person who shall violate a provision of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall do any clearing or earthwork in violation of a detailed statement or drawing submitted and permitted hereunder, shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or a term of imprisonment in the city jail not to exceed six (6) months, or both, plus costs of court issued by the court. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed or continued and upon conviction of any such violation such person shall be punished by a fine of not more than \$500.00 and/or imprisoned in the city jail not to exceed six (6) months, or both, plus costs of court issued by the court.