

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: JPW

Requested: Admin: 12/6/22

Presentation 12/13/22

Suspension of Rules: No

ORDINANCE NO. 9310

AN ORDINANCE AMENDING SECTION 21-212 AND
ADDING SECTION 21-227 OF THE CODE OF TUSCALOOSA
(A22-0729)

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

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

"Area. The provisions of this article shall have applicability to all site and land development projects and development activities within the corporate limits of the city and the city's police jurisdiction, including the development of subdivisions and planned unit developments (not individual lots within subdivisions), the development of single-family residential homes in flood hazard areas and all development within the drainage basin of Lake Tuscaloosa, Lake Nicol and Harris Lake

SECTION TWO. That Chapter 21, Article XII entitled "Regulation of Certain Land Development Activities" of the Code of Tuscaloosa be amended to add Section 21-227 to read as follows:

"Sec. 21-227. Lake Development.

a.) Siltation Bond and Storm Drainage Bond

A siltation and storm drainage bond in the amount of Ten Thousand (\$10,000) dollars or Two Dollars Fifty Cents (\$2.50) per square foot of disturbed area whichever greater, is required for a Lake Development LDP. The bond shall be on forms provided by the city. A lake development LDP is required for all development within the drainage basin of Lake Tuscaloosa, Harris Lake and Lake Nicol in the corporate limits of the city and its police jurisdiction. In the event the developer fails to perform as required by the bond, the City is authorized to enforce the bond. To enforce the bond, the city may remove the silt and correct storm drainage with the work performed by city crews or on behalf of the city with the cost of such work claimed against the bond and payable to the city. In addition, the city may file a lien equal to the amount of the bond against any lot or lots subject to the bond and owned by the developer executing the siltation bond. This lien

shall be a certified copy of a resolution passed by the city council and shall state the purpose and the amount of the lien and shall be recorded in the Office of Probate for Tuscaloosa County. The liens will not be satisfied until such time as the developer complies with the bond conditions or the surety pays the bond. If the lien remains unsatisfied for 90 days the City may collect on the lien as all debts are collected or liens enforced. The surety for the bond shall be in effect until such time that the development is permanently stabilized as defined by the 'Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas' and shall be one of the following: an irrevocable letter of credit; a cash deposit or an insurance company doing business by an agent in the State of Alabama through an attorney-in-fact.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed 12-13-22 _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____