

ORDINANCE NO. 2258

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF AUBURN, CHAPTER 7, DRAINAGE AND FLOOD CONTROL, ARTICLE III, EROSION AND SEDIMENTATION CONTROL.

**BE IT ORDAINED** by the City Council of the City of Auburn, Alabama, as follows:

**Section 1.** That Article III, Erosion and Sedimentation Control, Section 7-71, Definitions, be and the same is hereby amended by adding the following definitions:

“2-Year rainfall event: The rainfall event having a fifty (50) percent chance of being equaled or exceeded in any given year.”

“5-Year rainfall event: The rainfall event having a twenty (20) percent chance of being equaled or exceeded in any given year.”

“25-Year rainfall event: The rainfall event having a four (4) percent chance of being equaled or exceeded in any given year.”

**Section 2.** That Article III, Erosion and Sedimentation Control, Section 7-74, Review and Approval, be and the same is hereby amended by modifying the following paragraph:

(a) Change to read: “...ADEM permit and obtain approval of the site-specific ESC plan.”

**Section 3.** That Article III, Erosion and Sedimentation Control, Section 7-76, Erosion and Sedimentation Control Criteria, be and the same is hereby amended by modifying the following paragraphs:

(a) Add to the end of the first sentence: “and in accordance with the authority’s standard details and specification.”

(d) Add to the end of the first paragraph: “All areas that have been cleared of significant portions of its vegetative cover and will remain so for fifteen (15) days or longer without appreciable construction activity shall be seeded and mulched within five (5) days of being disturbed.”

(i) Change to read: “Post Development runoff rate. Except as otherwise provided by other regulations the rate of storm water runoff from any development over one acre resulting from the two-year, five-year, ten-year, or twenty-five – year rainfall occurring within the space of one hour shall not exceed the predevelopment storm water runoff rate for an equivalent event.”

**Section 4.** That Article III, Erosion and Sedimentation Control, Section 7-78, Enforcement, be and the same is hereby amended as follows:

(b) *As it now reads*, “...Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense.”

*Change to read*, “...Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense, or imprisonment in the City jail of not more than six (6) months, or both such fine and imprisonment, at the discretion of the municipal judge trying the case.”

**Section 5.** That Article III, Erosion and Sedimentation Control, Section 7-78, Enforcement, be and the same is hereby amended by adding the following paragraph:

(b) “The City Manager or his representative shall issue citation to appear before the Municipal Judge on charges of violation of these policies. A citation shall be issued to the owner of the property or development, the permittee, the person responsible for performing the work, or in cases of a utility, the owner of the utility. In most cases citation will be issued only after the responsible party

has been given the opportunity to rectify the situation. In cases where health or safety is in peril, citation will be issued immediately.”

Section 6. Should any section, provision, or part of this Ordinance be declared to be unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other section, provision or part thereof.

Section 7. All ordinances or parts of ordinances in all sections of the Code of the City of Auburn in conflict herewith, are to the extent of such conflict, hereby repealed.

Section 8. This Ordinance shall be effective upon its passage but shall be published as required by law and codified in the Code of the City of Auburn.

**ADOPTED AND APPROVED** by the City Council of the City of Auburn, Alabama, this the 7<sup>th</sup> day of December, 2004.



\_\_\_\_\_  
MAYOR

ATTEST:



\_\_\_\_\_  
CITY MANAGER