

**ORDINANCE NO. 2026-22
OF THE
CITY OF LOXLEY**

**AN ORDINANCE TO PROVIDE FOR ISSUANCE OF PERMITS FOR CHANGE OF
GRADE OF LAND OR WATER COURSES**

WHEREAS, the City of Loxley, Alabama (the "City"), on March 13, 1995, adopted Ordinance No. 451, as an ordinance providing for the issuance of permits for change of grade of land or water courses; and

WHEREAS, the City deems it necessary for the health, safety, and welfare of the inhabitants of its jurisdictional areas to repeal and replace Ordinance No. 451, and to adopt the following as its ordinance providing for the issuance of permits for change of grade of land or water courses; and setting out the amount of fees required to be paid for land disturbance permit applications; and providing for penalties for the violation of this Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOXLEY, ALABAMA, AS FOLLOWS:

SECTION 1. DEFINITIONS.

- A. ADEM – Alabama Department of Environmental Management ("ADEM").
- B. Alabama Handbook. The most current issue of *Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas* ("Alabama Handbook") - Volume 1 and Volume 2, from the Alabama Soil and Water Conservation Committee, provide guidance for the prevention or minimization of problems related to erosion, sedimentation and stormwater management on construction sites and erodible urban areas. The handbook provides a basis for developing sound plans implementing appropriate measures.
- C. BMP – Best Management Practices. ("BMP") is an action which landowners, developers, and/or contractors can take to reduce the impact of human activity on the natural environment. BMPs to control pollutant discharges from land disturbances can be divided into two (2) main categories: structural and nonstructural measures to minimize quantity and maximize quality of stormwater runoff from a construction site. BMPs can include sediment and erosion control measures, good housekeeping measures, and stormwater measures. Erosion and sediment controls can each be further described as permanent controls and/or temporary controls. BMPs shall meet or exceed recognized effective industry standards as outlined in the *Alabama Handbook*.
- D. BMP Minimum Requirements. Those basic and standard practices, devices and/or policies as set forth and approved by the City of Loxley Code Enforcement Officer and the City of Loxley Community Development Department, to serve as a minimal (but not inclusive) level of protection on all sites requiring a land disturbance permit, including single-family residential.
- E. City. The City of Loxley, Alabama ("City").
- F. CitizenServe Portal. The portal is located on the City of Loxley's website. This is where the Land Disturbance Permit Application is submitted and where all the supporting documents are submitted. All questions and communications can be directed to the City of Loxley's Community Development Department via the City of Loxley CitizenServe Portal.
- G. Land Disturbance. Any clearing, grading, filing, draining, excavating, ditching, building up or adding to land, tree removal, changing a water course or the flow of surface water installing BMPs or other earthmoving operation which could result in damage to adjacent lands, public or private, from erosion or siltation shall be deemed land-disturbance activity. Activities that are considered Silviculture are not Land Disturbances.

- H. Land Disturbance Permit. A permit issued by the City of Loxley for the construction or alteration of the ground.
- I. Land Disturbance Permit Application. An application available on the City of Loxley CitizenServe Portal that shall be submitted before any Land Disturbance may be performed on real property located within the jurisdiction of this Ordinance.
- J. Land Disturbance Permit Holder. An individual who has been issued a Land Disturbance Permit and remains compliant with all requirements of this Ordinance.
- K. Silviculture. Gardening and agriculture activities that do not involve the removal of root systems, and the cutting of trees that do not create or aggravate erosion is defined as Silviculture.

SECTION 2. AUTHORITY AND JURISDICTION.

- A. Authority. The rules and regulations set forth herein are hereby adopted in accordance with the Code of Alabama. Ordinance authority is specifically contained in the Code of Ala. 1975, § 11-45-1, et al.
- B. Jurisdiction. This Ordinance shall apply to all Land Disturbances, as defined herein, located within the corporate limits of the City of Loxley, unless a separate or subsequent agreement between the City of Loxley and the Baldwin County Commission states otherwise.

SECTION 3. LAND DISTURBANCE PERMIT.

- A. Requirements. A Land Disturbance Permit shall be required when there is a Land Disturbance to real property.
- B. Location of Application. A Land Disturbance Permit shall be issued by the City of Loxley's Community Development Department. A Land Disturbance Permit Application shall be made via the online portal, CitizenServe, on the City of Loxley's website.
- C. Supporting Documentation Required. At the time of submitting the Land Disturbance Permit Application, the complete plans and specifications must be submitted on the CitizenServe Portal detailing all necessary engineering data; setting forth the extent of land disturbance activities; setting forth maintenance requirements; and naming the parties responsible for such maintenance and upkeep of the real property.
- D. Pre-Design Conference. The applicant is encouraged to contact the City of Loxley's Community Development Department for a conference at the conceptual stage of the project and before the start of any activity performed on the property. Such a conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process. Subsequent conferences, during the preparation of plans, may be arranged by the applicant to obtain preliminary, informal decisions on items in need of clarification.
- E. Application / Permit Fee Requirements. The Land Disturbance Permit fee shall be calculated as follows:
 - 1. The contractor must upload an itemized list of the cost of each Land Disturbance that shall take place on the property to the CitizenServe Portal.
 - 2. For all properties, the fee shall be assessed at a cost of two dollars and fifty cents (\$2.50) per one-thousand dollars (\$1,000.00) of the total value of the Land Disturbance work. There is a minimum twenty-five dollar (\$25.00) fee per Land Disturbance Permit.
 - 3. For all non-residential properties, there will be an additional fee in the amount of one-dollar (\$1.00) per each one-thousand dollars (\$1,000.00) of

construction authorized on any nonresidential construction building permit, for a state craft fee pursuant to Code of Ala. 1975, § 41-4-413.

- F. Review of Application. The City of Loxley Community Development Department staff shall review the Land Disturbance Permit Application, and any supplemental documentation, uploaded to the CitizenServe Portal by applicant. If there are no deficiencies and the City of Loxley Community Development Department finds the Land Disturbance Permit Application and its supplemental documentation to be complete, a Land Disturbance Permit shall be issued to the applicant. If the City of Loxley Community Development Department finds the Land Disturbance Application to be deficient or the supplemental documentation to be incomplete, additional comments notifying the applicant of what must be corrected or supplemented will be posted on the CitizenServe Portal. The City of Loxley Community Development Department shall conduct at a maximum three (3) reviews of the same Land Disturbance Application and its supplemental documentation. If on the third review, the City of Loxley Community Development Department finds the Land Disturbance Permit Application to be deficient or the supplemental documentation to be incomplete, the Land Disturbance Permit Application will be denied, and a Land Disturbance Permit shall not be issued. The applicant may reapply for a Land Disturbance Permit, but the applicant must repay all applicable fees.
- G. Right of Refusal. The City of Loxley Community Development Department reserves the right to refuse to issue a Land Disturbance Permit for the following reasons:
1. The plan or activity is found to result in damage to public or private property.
 2. No Land Disturbance Permit shall be issued and no Land Disturbance shall occur for any use prohibited by the City of Loxley Zoning Ordinance.
- H. Exceptions. A Land Disturbance Permit will not be required for the following activities:
1. Silviculture – Silviculture includes gardening and agriculture activities that do not involve the removal of root systems.
 2. Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health, or property and which are made under such circumstances where it would be impossible or impracticable to obtain a Land Disturbance Permit.
 3. Temporary excavation for the purpose of installing, maintaining, or repairing any public street, public utility facility, or any utility service lines.

SECTION 4. MAINTENANCE AND INSPECTION REQUIREMENTS.

For the purposes of this Ordinance, the following are the BMP Minimum Requirements for maintenance and inspection that must be followed by all Land Disturbance Permit Holders:

- A. Requirements. Land Disturbance Permit Holders of all regulated construction sites must implement and maintain effective stormwater erosion and sediment controls in accordance with the Alabama Handbook and ADEM's Construction Best Management Practices Plan.
- B. Responsibility. The Land Disturbance Permit Holder shall be solely responsible for ensuring that all BMPs are implemented and maintained for the entire duration of the Land Disturbance and/or until all construction is complete. The Land Disturbance Permit Holder shall also be solely responsible for ensuring that the BMPs are in accordance with established industry standards, good engineering practices, and all standards as set forth by the Alabama Handbook, ADEM, and the City of Loxley.

- C. Containment and Disposal of Materials. A Land Disturbance Permit Holder shall ensure proper onsite containment and disposal of all construction building materials, supplies, trash, debris, fertilizers, pesticides, herbicides, detergents, sanitary waste and any other solid waste.
- D. Temporary BMP Requirements. At a minimum, all properties where a Land Disturbance is taking place, are required to have a construction entrance, permanent stabilization, sanitary waste facilities, and solid waste containers. When construction is complete and the site is permanently stabilized, the Land Disturbance Permit Holder is required, prior to final inspection, to remove all temporary BMPs.
- E. Inspection. While the Land Disturbance is ongoing, the City of Loxley Community Development Department staff and/or the City of Loxley Code Enforcement Officer may conduct inspections for compliance with the specifications of the Land Disturbance Permit.
- F. Deficiency or Maintenance. If the City of Loxley Community Development Department staff and/or the City of Loxley Code Enforcement Officer find BMP's that are deficient or in need of maintenance, they shall notify the applicant in person or via the City of Loxley CitizenServe Portal. The Land Disturbance Permit Holder shall commence and implement all necessary maintenance and corrective measures within forty-eight (48) hours of notice provided by the City of Loxley Community Development Department and/or the City of Loxley Code Enforcement Officer unless prevented by unsafe weather conditions.

SECTION 5. PERMIT TERM AND TERMINATION OF PERMIT.

- A. Permit Term. The Land Disturbance Permit shall expire one (1) year after permit approval from the City of Loxley's Community Development Department. Upon expiration, the applicant may request up to two (2) extensions. Each extension grants an additional ninety (90) days of coverage. The extension request shall be made via the CitizenServe Portal and submitted to the City of Loxley's Community Development Department. The extension may be denied based on noncompliance with applicable regulations or lack of progress as determined by the City.
- B. Termination. The applicant shall request termination of the Land Disturbance Permit when all construction is complete, and the area is permanently stabilized. The applicant may submit this request via the CitizenServe Portal.

SECTION 6. ENFORCEMENT AND PENALTIES.

- A. Stop Work Order.
 1. A stop work order shall be issued to property owners and anyone else who conduct Land Disturbances without a valid Land Disturbance Permit.
 2. If a Land Disturbance Permit Holder has been notified by the City of Loxley Community Development Department and/or the Code Enforcement Officer of a deficiency on the property and has failed or refused to commence remedying the deficiency within forty eight (48) hours of this notice and continues to conduct Land Disturbance activity and/or construction on the property, a stop work order shall be issued to the Land Disturbance Permit Holder and the permit will immediately be terminated.
- B. Penalties. Any person, firm, business, or corporation that violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and punished by a fine for a misdemeanor not exceeding Five Hundred Dollars (\$500.00), for each violation. Each day any violation of this Ordinance continues shall constitute a separate offense.

SECTION 7. LIABILITY.

Use of the information contained herein for placement of any structure or use of land, shall not constitute a representation, guarantee, or warranty of any kind by the City and/or its employees,

of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office, or employee for any damage that may result pursuant thereto.

SECTION 8. INTERFERENCE.

No person shall hinder, prevent, delay or interfere with the City while engaged in carrying out the execution or enforcement of this Ordinance.

SECTION 9. REMEDIES.

In the event of imminent danger of damage to adjacent properties due to failure of the Land Disturbance Permit Holder to maintain control measures or abandonment of work, the City may, but is not required to, perform or cause to be performed the work the City deems necessary to restore protection to such properties, and the cost thereof shall be charged against the property owner as a municipal lien. All charges can be recovered in a suit of law against the property owner.

SECTION 10. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 11. REPEALER.

Ordinance No. 451 is hereby repealed in its entirety and other ordinance(s), parts of ordinance(s), or resolutions(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION 12. EFFECTIVE DATE.


This Ordinance shall be effective on the first day of the month following due adoption by the City Council and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOXLEY, ALABAMA this 30th day of March, 2026.



Richard Teal
Mayor

Attest:




Melissa Lawrence
City Clerk/Treasurer

CERTIFICATION

I, the undersigned qualified and acting Clerk of the City of Loxley, Alabama, do hereby certify that the above and foregoing is a true copy of an ordinance lawfully passed and adopted by the City of Loxley Council, at a regular meeting of such council, held on the 30th day of March, 2026, and that said Ordinance is on file in the office of the City of Loxley Clerk.

I further certify that copies of the ordinance above were published by posting copies thereof in the Loxley Post Office, Loxley City Hall, Loxley Public Library, and Loxley Public Works beginning April 6, 2026, and took effect five days thereafter.



Melissa Lawrence
City Clerk/Treasurer