

ORDINANCE NUMBER 79

SAND REMOVAL

TOWN OF DAUPHIN ISLAND, ALABAMA

AN ORDINANCE TO REQUIRE A PERMIT AUTHORIZING REMOVAL OF SAND FROM PRIVATE PROPERTY AND TO PROHIBIT THE REMOVAL OF SAND FROM THE TOWN'S RIGHTS-OF-WAY AND REPEALING ORDINANCE NO. 49 AND 59

Section 1: Intent and Purpose

The purpose of this ordinance is to promote the public health, safety and welfare of the residents of the Town of Dauphin Island so that Gulf Beach Sand does not become a hazard, a nuisance, or is improperly disposed of and, therefore, to establish regulations for the control of all Gulf Beach Sand.

Further, it is the intent of this Ordinance:

To enhance the quality of life of our seaside community through the effective control of this valuable resource, and

To provide a pleasing overall environmental setting and good community appearance deemed vital to the continued economic attractiveness of the Town, and

To improve the overall stability of Gulf Beaches in an effort to control erosion and protect and enhance the value of public properties, utilities and infrastructure on Dauphin Island.

Section 2: As demonstrated by past hurricanes, sand from the Gulf beaches on Dauphin Island has been moved onto private property and the Town's rights-of-way by turbulent weather and/or Gulf storm surges.

Section 3: Private property owners endeavoring to clear their property of sand deposited onto their property by turbulent weather and/or Gulf storm surges are encouraged to restore the sand to the Gulf beaches whenever possible. The removal of sand from private property and the deposit of said sand on areas of

Section 4: The Council deems it appropriate, in the exercise of the police powers granted to the Town by the Alabama Legislature, to control the removal and relocation of Gulf beach sand, and deems a Town Permit an appropriate method to control such removal and prohibit removal except in special or extraordinary circumstances.

Section 5: Any person or company intending to remove sand deposited on private property by the operation of turbulent weather and/or Gulf storm surge must seek and obtain a special permit from the Town authorizing the removal of such sand.

Section 6: Removal of sand from the Town's rights-of-way by any contractor, homeowner, person, corporation or other entity is prohibited and is a violation of this ordinance except with written permission of the Town.

Section 7: Removal of sand from any waterway or bay side of any lot on the north side of Dauphin Island requires a written permit from the Town. Property owners shall be allowed to reclaim sand moved into said waterways by the operation of turbulent weather and/or Gulf storm surge to restore lot to pre-storm condition. Any and all excess sand should be returned to the Gulf Beach whenever possible.

Section 8: All sand located west of Pensacola Street shall not be moved or transported east of Pensacola Street and is a violation of this ordinance except with written permission of the Town.

Section 9: Removal of sand from the Town of Dauphin Island is prohibited and is a violation of this ordinance except with written permission of the Town.

Section 10: Any police officer or other employee of the Town designated by law or ordinances as an enforcement officer who finds any violation of any provision of this Ordinance that he is authorized and required to enforce, such person shall issue on forms provided by the Town, a citation and deliver it to the person in violation, directing said person to appear in the municipal court of the Town of Dauphin Island at a time and on a date stated therein to answer to the charge or charges for the violations, which shall be stated in said citation.

Section 11: Severability and Validity; Each phrase, sentence, paragraph, section or other provision of this ordinance is severable from all other such phrases, sentences, paragraphs, sections or provisions of this ordinance and should any phrase, sentence, paragraph, section, or other provision of this ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this ordinance.

Section 12: Penalty: Any contractor, homeowner, person, corporation or other entity found to be in violation of the provisions of this ordinance shall, upon conviction, be punished by a fine of not less than One Hundred Dollars (\$100.00)

nor more than Five Hundred Dollars (\$500.00) and/or may be imprisoned or sentenced to hard labor in the Town of Dauphin Island for a period not exceeding six (6) months, at the discretion of the court trying the case, for each cubic yard of sand moved, removed, or transported, in violation of this ordinance. Nothing herein shall prevent the Town of Dauphin Island from taking any other administrative or lawful action deemed necessary to prevent or remedy any violation.

Section 13: Ordinance No. 49 and 59 are hereby repealed in their entirety. All other Town Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

Section 14: Nothing contained herein shall relieve any contractor, homeowner, person, corporation or other entity of the responsibility to comply with federal, state and/or local rules or ordinances nor to obtain any other licenses or permits which may be required thereby.

PASSED AND APPROVED BY THE TOWN OF DAUPHIN ISLAND
on the 6 day of August, 2002

1st Reading July 16, 2002

Adopted this 6 day of August, 2002

Posted August 8, 2002

Effective date August 15, 2002

Attested:

Ginger Simpson, Town Clerk

Jeff Collier, Mayor