

Chickasaw City Council

State of Alabama **Mobile, County**

The Chickasaw City Council met in regular session on March 25, 2025, at 7:00 p.m. Present were Mayor Barry Broadhead, Councilmember Jim Trout, Jim Hanson, Jennifer White, JR Rawls and Ken Sterrett. City Attorney Nash Campbell and City Clerk Michelle Ross were present. Pastor Victor Herman from Chickasaw First Baptist gave the invocation.

ADOPTION OF AGENDA - Councilmember Trout moved to approve the agenda for the regularly scheduled meeting on March 25, 2025. Councilmember Sterrett seconded the motion. The motion for final adoption was passed by the following voice votes: AYE – White, Broadhead, Trout, Sterrett, Rawls, Hanson. NAY-None

APPROVAL OF MINUTES – Councilmember Hanson moved to approve the minutes from the regularly scheduled meeting on March 11, 2025. Councilmember Trout seconded the motion. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, White, Trout, Sterrett, Rawls, Hanson. NAY - None

COMMUNICATION FROM THE MAYOR –

- Councilmember Sterrett moved to approve the transfer of liquor license for 103 Ram Inc. at 174 Thompson Blvd. Seconded by Councilmember Rawls. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Rawls, Hanson. NAY-None
- Councilmember White moved to approve a three-year renewal premium with AMIC. Seconded by Councilmembers Rawls. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Rawls, Hanson. NAY-None
- Councilmember Rawls moved to approve Mayor Howard Rubenstein to the AMIC Board of Directors. Seconded by Councilmember Trout. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Rawls, Hanson. NAY-None
- Councilmember White moved to approve the Hembree quote for the replacement of the air conditioner at the fire station – Amounting to \$12,925.00. Seconded by Councilmember Hanson. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Rawls, Hanson. NAY-None
- Councilmember Trout moved to approve the purchase of a Lawn Mower for recreation from American Power Equipment in the amount of \$7,432.63. Seconded by Councilmember White. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Rawls, Hanson. NAY-None
- Councilmember Hanson moved to approve an agreement with Caselle for the business office software in the amount of \$8,100.00. Seconded by Councilmembers Trout. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Rawls, Hanson. NAY-None
- Councilmember Rawls moved to approve the annual MS4 permit renewal with Volkert in the amount of \$7,500.00. Seconded by Councilmembers Hanson. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Rawls, Hanson. NAY-None

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RESOLUTIONS & ORDINANCES

Councilmember Sterrett moved to approve the Second and Final Reading of Ordinance 25-18. Seconded by Councilmember Rawls. The motion for final adoption passed by the following voice votes: AYE – Hanson, Trout, Sterrett, Broadhead, Rawls, and White. NAY-None

ORDINANCE NO: 25-18

AN ORDINANCE PROVIDING FOR THE ELECTION OF MUNICIPAL OFFICERS

BE IT ORDAINED by the City Council (the “City Council”) of the City of Chickasaw, Alabama (the “City”) as follows:

Section 1. Pursuant to §11-46-21 of the *Code of Alabama* (1975), a municipal election shall be held on Tuesday, August 26, 2025, for the purpose of electing a Mayor and City Council.

Section 2. All registered and qualified electors of the state who reside within the corporate limits of the City of Chickasaw, Alabama, and have resided therein for thirty (30) days or more immediately preceding the date of such election and who are qualified to vote in the county precinct which embraces and covers that part of the corporate limits of the City of Chickasaw in which the elector resides, will be authorized to participate in said election.

Section 3. The polls shall be opened on the day of said election from 7:00 a.m. until 7:00 p.m. at the voting places in the City of Chickasaw, Alabama, designated as follows, to-wit:

WARD NO.

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LOCATION OF VOTING PLACE

JC Davis Auditorium
400 Grand Blvd
Chickasaw, AL 36611

Absentee Ballot Box

City Clerk’s Office
224 N. Craft Hwy
Chickasaw, Alabama 36611

Section 4. The Mayor is hereby authorized, directed, and empowered to give notice of the time and purpose of such municipal election by public posting in City Hall and the Chickasaw Civic Center and announcing in an open meeting one (1) time on June 10, 2025.

Section 5. Candidates may begin qualifying for office on Tuesday, June 10, 2025. The last day on which a candidate may qualify by filing a statement of candidacy with the City Clerk shall be Tuesday, June 24, 2025, by 5:00 pm.

Section 6. The Absentee Election Manager shall accept applications by qualified electors for absentee ballots beginning on Tuesday, July 29, 2025. Regular absentee applications by mail must be received by the City Clerk on or before August 19, 2025, and applications returned by hand must be received no later than August 21, 2025. August 25, 2025, is the last day for a voter to apply for an emergency absentee ballot. Absentee ballots (non-emergency) may be returned by hand delivery if delivered to the absentee ballot election manager no later than the close of business at 4:30 p.m. on August 25, 2025. Absentee ballots returned by mail must be received by 12:00 noon on August 26, 2025.

Section 7. The Council shall meet in the Council Chambers/City Hall at 12:00 noon on Tuesday, September 2, 2025, for the purpose of canvassing the results and declaring the results of the election.

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The record of the results of the election shall be recorded in the minutes and proceedings of the Council and when so recorded shall be conclusive evidence of the matters therein stated and the validity of the election unless contested as required by law.

Section 8. A run-off election, if required, shall be held on Tuesday, September 23, 2025.

Section 9. If a run-off election is required, the Council shall meet in the Council Chambers/City Hall at 12:00 noon on Tuesday, September 30, 2025, for the purpose of canvassing the results and declaring the results of the run-off election. The record of the results of the run-off election, if required, shall be recorded in the minutes and proceedings of the Council and when so recorded shall be conclusive evidence of the matters therein stated and the validity of the run-off election, unless contested as required by law.

Section 10. Except as otherwise specifically provided herein, said municipal election and run-off, if required, shall be conducted, the votes canvassed, and the results declared in the same manner as provided by Chapter 46, Title 11 of the *Code of Alabama* (1975, as amended).

Section 11. This Ordinance shall take effect as provided by law and shall be implemented pursuant to the provisions of Chapter 46, Title 11 of the *Code of Alabama* (1975, as amended).

Section 12. The City Clerk is hereby authorized, directed, and empowered to cause this Ordinance to be published and posted in the City of Chickasaw.

APPROVED AND ADOPTED THIS 25th day of March 2025

Councilmember Trout moved to approve the Second and Final Reading of Ordinance 25-20. Seconded by Councilmember Hason. The motion for final adoption passed by the following voice votes: AYE – Hanson, Trout, Sterrett, Broadhead, Rawls, and White. NAY-None

ORDINANCE NO: 25-20

AN ORDINANCE REPEALING ORDINANCE #21-02

WHEREAS, Ordinance 21-02 set forth certain procedures for the City to follow when responding to a public records request; and

WHEREAS, in 2024, the Alabama legislature enacted Act 2024-278, which further provides for procedures that must be followed by municipal governments when responding to a public records request; and

WHEREAS, because all of said procedures are statutory, there is no need for the City of Chickasaw to have an ordinance providing for such procedures, and it is in the best interest of the citizens of Chickasaw that Ordinance 21-02 be repealed to ensure there are no ordinances in effect that may contain information that is in conflict with state law, as amended.

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

Section 1.

ORDINANCE # 21-02 is hereby repealed in its entirety. The City Clerk, in consultation with the City Attorney, shall apply statutory procedures when presented with a valid public records request, and a schedule of fees shall be kept on record with the City Clerk's office.

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Section 2.

This Ordinance shall be effective immediately upon adoption and publication as required by law.

ADOPTED AND APPROVED this 25th day of March 2025

Councilmember White moved to approve the Second and Final Reading of Ordinance 25-21. Seconded by Councilmember Trout. The motion for final adoption passed by the following voice votes: AYE – Hanson, Trout, Sterrett, Broadhead, Rawls, and White. NAY-None

ORDINANCE NO: 25-21

AN ORDINANCE REPEALING AND REPLACING ORDINANCES #1013 & #1045A

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICKASAW, ALABAMA, AS FOLLOWS:

Ordinance #1013, adopted April 12, 1983, and Ordinance 1045A, adopted April 24, 1984, are hereby repealed in their entirety and replaced with the following:

Section 1. Purpose and Intent. The purpose of this ordinance is to regulate the operation of wreckers and wrecker companies within the City of Chickasaw to ensure public safety, to maintain orderly towing practices, and to establish a system for assigning wreckers to vehicles in need of towing as part of a city-wide rotation list. This ordinance also seeks to ensure that all wrecker services are provided with proper licensing, oversight, and in accordance with the law, and that all costs associated with towing are fairly applied to vehicle owners when towing services are performed under city enforcement authority.

Section 2. Definitions. For purposes of this ordinance, the following terms shall be defined as follows:

- **Wrecker:** A vehicle or truck used for towing, hauling, or transporting another vehicle.
- **Wrecker Company:** A business entity that operates one or more wreckers for hire to tow vehicles.
- **Rotation List:** A list maintained by the City of Chickasaw to allocate towing assignments among qualified wrecker companies, ensuring fairness and non-discrimination in the selection of towing services.
- **Holding Facility:** A location designated by the wrecker company for temporarily storing towed vehicles.

Section 3. Wrecker Company Registration and Requirements. To be eligible to be placed on the city's wrecker rotation list, all wrecker companies must submit the following information to the Code Enforcement Office or the Chief of Police, as determined by the City:

- The name of the wrecker company.
- The business address and contact information (phone number, email address).
- The names and contact information for any primary employees or operators of the wrecker service.
- A description of the types of wreckers available (e.g., flatbed, tow truck, etc.).
- The hours of operation, including any after-hours or emergency services.
- Proof of a valid business license issued by the City.
- Proof of proper insurance coverage in compliance with state and city laws.
- A list of all vehicles or equipment available for towing, including registration and maintenance records.
- Any other information the City deems reasonably necessary to effectuate the purpose of this ordinance.

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The Code Enforcement Office or the Chief of Police will review all applications for inclusion on the wrecker rotation list to ensure compliance with the regulations outlined in this ordinance. Wrecker companies must notify the City of any changes to the submitted information.

Section 4. Wrecker Rotation List

1. A list of qualified wrecker companies shall be maintained by the Code Enforcement Office or the Chief of Police.
2. The wrecker companies shall be selected on a rotating basis for towing assignments. The rotation list will be managed to ensure that no single wrecker company is favored, and all companies have equal opportunity for assignment.
3. The City will ensure that the rotation list is updated regularly, with companies removed from the list if they fail to meet the necessary qualifications or violate any provisions of this ordinance.

Section 5. Wrecker Business License Requirement All wrecker companies operating within the City of Chickasaw must maintain a valid business license issued by the City. Failure to maintain a valid business license will result in removal from the rotation list and potential legal action.

Section 6. Towing for Code Enforcement/Violations

1. Wreckers called to tow vehicles under the city's authority (e.g., due to violations of parking ordinances, code enforcement actions, or other legal infractions) must deliver the towed vehicles to a designated holding facility.
2. The cost of the wrecker service, including towing, storage, and any other applicable fees, shall be the vehicle owner's responsibility.
3. Wrecker companies must notify the City immediately upon completion of the tow.
4. The wrecker company shall provide a written receipt detailing the cost of the towing service, which must be submitted to the vehicle owner and kept on file for enforcement purposes.

Section 7. Fees and Charges

1. Wrecker companies shall submit their rates for towing and related services to the City. The City may regulate or approve fees to ensure fairness and transparency.
2. Wrecker companies are prohibited from charging fees that exceed the approved or regulated rates set by the City.

Section 8. Compliance and Enforcement

1. All wrecker companies must comply with the terms of this ordinance, including the requirements for business licensing, insurance, rotation list participation, and pricing.
2. Failure to comply with any provision of this ordinance may result in penalties, including fines, suspension from the wrecker rotation list, or revocation of the company's business license.

Section 9. Severability If any provision of this ordinance is found to be invalid or unenforceable by a court of law, the remainder of the ordinance shall remain in full force and effect.

Section 10. Effective Date This ordinance shall become effective immediately upon adoption and publication as required by law.

ADOPTED AND APPROVED this 25th day of March 2025

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Councilmember Hanson moved to approve the Second and Final Reading of Ordinance 25-22. Seconded by Councilmember White & Rawls. The motion for final adoption passed by the following voice votes: AYE – Hanson, Trout, Sterrett, Broadhead, Rawls, and White. NAY-None

ORDINANCE NO: 25-22

AN ORDINANCE REPEALING AND REPLACING ORDINANCE #517 & ORDINANCE #1307, AN ORDINANCE REGULATING THE MOVING OF MOBILE HOMES, HOUSE TRAILERS, AND OVERSIZED LOADS AS DEFINED HEREIN ON PUBLIC HIGHWAYS, STREETS, AND ALLEYS WITHIN THE CITY OF CHICKASAW, PROVIDING A PENALTY FOR VIOLATION HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICKASAW, ALABAMA, AS FOLLOWS:

Section 1. Any person, firm or corporation moving or who desires to move any vehicle known generally as a mobile home or house trailer or any other oversized load as defined herein upon the public streets, highways and alleys of the City of Chickasaw shall first comply with the provisions of this ordinance.

Section 2. For purposes of this ordinance, the following words and terms shall have the meanings specified:

(a) *Mobile home or house trailer:* A vehicle designed to roll on wheels and/or tires and to be used as transportable, vehicular living quarters for persons and which exceeds the maximum permissible specifications contained in Chapter 3, Article 2, Title 36, Code of Alabama 1940, as amended, provided however that house trailers not exceeding a total outside width of twelve (12) feet or an over-all length, including the towing vehicle and house trailer, not exceeding seventy-five (75) feet, may be moved as authorized in Section 91 (1), Title 36, Code of Alabama 1940, as amended, without the necessity of a safety escort as provided herein.

(b) *Oversized load:* Any other machinery, equipment, trailer, or motor vehicle exceeding the maximum permissible specifications contained in Chapter 3, Article 2, Title 36, Code of Alabama 1940, as amended, provided that this ordinance shall not apply to the movement of houses or buildings, which movement is governed by Ordinance No. 389 of the City of Chickasaw, adopted December 10, 1963.

Section 3. Before moving any mobile home, house trailer, or other oversized loads in the City of Chickasaw, the person, firm, or corporation desiring to move the same shall apply to the Chief of Police of said City or his designated agent for a moving permit, upon which shall be entered a description of the oversized load, the name, and address of the owner of the vehicle transporting it and the name, address, and driver license number of the person operating such vehicle. In addition, the applicant shall contract with off-duty officers authorized in Mobile County.

Section 4. There shall be exempt from the provisions of Section 3 of this ordinance any person, firm, or corporation moving a mobile home, house trailer, or other oversized load as defined herein upon state and County roads and highways within the City of Chickasaw, provided that the operator moving same shall at all times be escorted by a police or sheriff's vehicle from another governmental unit of or within Mobile County, Alabama.

Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be fined not less than One Dollar nor more than One Hundred Dollars and may, in addition, be sentenced to jail or hard labor for the City of Chickasaw for not exceeding six months.

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Section 6. Ordinance No. 509, adopted July 26, 1966, and Ordinance No. 1307, adopted January 8, 1991, are hereby repealed in their entirety.

Section 7. This Ordinance shall be effective immediately upon adoption and publication as required by law.

ADOPTED AND APPROVED this 15th day of March 2025

Councilmember Rawls moved to adopt Resolution No. 25-26 – A Resolution authorizing the use of Capital Improvement funds for repair of the City Hall Roof, copula and ceiling damage from leaks. Seconded by Councilmember White. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Rawls, Hanson. NAY-None

RESOLUTION NO: 25-26

RESOLUTION AUTHORIZING THE USE OF THE CITY OF CHICKASAW CAPITAL IMPROVEMENT FUNDS TO REPAIR AND REPLACE ROOF DAMAGE IN CITY HALL

WHEREAS, the City of Chickasaw City Hall Building has sustained significant roof damage, requiring repairs to ensure the safety and structural integrity of the building; and

WHEREAS, it is essential that these repairs be made promptly to avoid further structural damage and prevent potential safety hazards to the building's occupants; and

WHEREAS, the funds required for these repairs are available within the Capital Improvement Fund established by the City of Chickasaw, and the proposed expenditure is consistent with the purpose and guidelines of the fund;

NOW, THEREFORE BE IT RESOLVED, that the City of Chickasaw Council approves the expenditure of funds from the Capital Improvement Account to repair and replace the roof in the City Hall located at 224 N Craft Hwy, Chickasaw, Alabama 36611.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City of Chickasaw Council approves the expenditure of funds from the Capital Improvements Account not to exceed the amount of \$6,400.00 to repair and replace the roof damage in City Hall.

BE IT FURTHER RESOLVED, that the disbursement of funds shall be made by the policies and procedures of the City of Chickasaw and any applicable laws and regulations.

BE IT FURTHER RESOLVED, that the City Clerk will take any further action necessary to implement this resolution.

ADOPTED AND APPROVED this 25th day of March 2025

Councilmember Hanson moved to approve the first reading of Ordinance No. 25-27. Seconded by Councilmember Trout. Ordinance No. 25-27 will be placed on the Agenda for final reading and approval on April 22, 2025.

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ORDINANCE NO: 25-27

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

WHEREAS, the Legislature of the state of Alabama has in Title 11, Title 41, and elsewhere in the Code of Alabama 1975 authorized local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

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

SECTION A. FINDINGS OF FACT

- (1) The flood hazard areas of the City of Chickasaw are subject to periodic inundation, which results in hazards to property, health, and safety and may disrupt commerce and governmental services. Also, this inundation can also result in extraordinary public expenditures for flood protection and relief and impairment of the tax base, which adversely affects public health, safety, and general welfare.
- (2) These potential flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other properties that are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

SECTION B. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging, and other development which may increase erosion or flood damage; and,
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION C. OBJECTIVES

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize the expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally

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undertaken at the expense of the general public;

- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and
- (7) to ensure that potential home buyers are notified that the property is in a flood area.

ARTICLE 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Building Inspector's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the building's structural support and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or permanent storage of materials.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"Flood" or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

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"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purpose of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"Manufactured home" means a structure transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"National Geodetic Vertical Datum (NGVD)" as corrected in 2021 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or

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walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement or (2), in the case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

ARTICLE 3. GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Chickasaw.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its City of Chickasaw Structures within a FEMA Flood Hazard Zone dated November 2024, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit, in accordance with the provisions of this ordinance, shall be required prior to the commencement of any development activities.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) considered as minimum requirements;
- (2) liberally construed in favor of the governing body; and
- (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Chickasaw or on any officer or employee thereof for any flood damages that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION H. PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 180 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Chickasaw from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION

SECTION A. DESIGNATION OF BUILDING INSPECTOR

The Building Inspector is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. PERMIT PROCEDURES

Application for a Development Permit shall be made to the Building Inspector on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Application stage.
 - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed.
 - c. Certificate from a registered professional engineer or architect that the nonresidential flood-

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proofed structure will meet the flood-proofing criteria in Article 5, Section B (2);

- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;

(2) Construction Stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor professional engineer or architect and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR

Duties of the Building Inspector shall include, but not be limited to:

- (1) Review all development permits to ensure that the permit requirements of this ordinance have been satisfied.
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the appropriate state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourses so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including the basement) of all new or substantially improved structures in accordance with Article 4, Section B (2).
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (2).
- (7) When flood-proofing is utilized for a particular structure, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Article 5, Section B(2).
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Inspector shall make the necessary interpretation. The person

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contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (9) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Inspector and shall be open for the public inspection.

SECTION D. VARIANCE PROCEDURES

- (1) The Board of zoning Adjustment (zoning Board) as established by the City of Chickasaw zoning Ordinance shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this ordinance.
- (3) Any person aggrieved by the decision of the Zoning Board, or any taxpayer may appeal such decision to the Circuit Court of Mobile County, as provided in Section 11-52-81, code of Alabama 1975.
- (4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Article 4, Section D(8)(a) and (d), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.
- (5) In passing upon such applications, the zoning Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

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- (7) variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (8) Conditions for Variances:
 - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (b) Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship, and, (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - (d) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
9. As in the case of other variance requests, four affirmative votes in favor of granting the variance shall be required in order for approval. On appeals and requests for interpretation, a majority of those voting shall decide the issue.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazard, the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed using materials and utility equipment resistant to flood damage.
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate floodwater infiltration and discharges into flood waters.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with

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the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, or Article 4, Section C (11), the following provisions are required:

- (1) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with the standards of Article 5, Section B(3).
- (2) Non-residential construction - New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including the basement, elevated no lower than the level of the base flood elevation. Structures located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official set forth in Article 4, Section B(3).
- (3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves, or other covering devices provided they permit automatic or the flow of floodwaters in directions.
 - b. Electrical, plumbing, and other utility connections are prohibited below the base flood elevations;
 - c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairways or elevator); and
 - d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (4) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles and has erosion potential, the following provisions shall apply.
 - a. Prohibit encroachments, including fill, new construction substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

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- b. If Article 5, Section B(4) (a) is satisfied, all new construction and substantial improvements shall comply
- c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision, provided the anchoring standards of Article 5, Section A(2), and the elevation standards of Article 5, Section B(1) are met.

SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Article 3, Section B, when small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

- (1) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to two times the width of the stream at the top of the bank or twenty feet on each side from the top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with Article 4, Section B.

SECTION D. STANDARDS FOR SUBDIVISION PROPOSALS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

SECTION E. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3'), clearly defined channel does not exist, and where the path of flooding is unpredictable and intermediate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including the basement, shall be elevated, at least two (2) feet above the highest adjacent grade
- (2) All new construction and substantial improvements of non-residential structures shall
 - a. Have the lowest floor, including the basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest number, including the basement, shall be elevated at least two (2) feet above the highest adjacent grade, or,
 - b. Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and

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hydrodynamic loads of effects of buoyancy.

ARTICLE 6. EFFECTIVE DATE

SECTION A.

This ordinance shall be in full force and effect upon its adoption and publication as provided by law. Any ordinances in conflict herewith are hereby repealed to the extent of such conflict.

FINANCIAL REPORT - *Accounts Payable \$38,605.72* - Councilmember White moved to put the accounts payable in line for payment, seconded by Councilmember Rawls. Motion carried, and so ordered. The motion for final adoption was passed by the following voice votes: AYE – White, Trout, Broadhead, Sterrett, Rawls, and Hanson. NAY-None.

MISCELLANEOUS BUSINESS & ANNOUNCEMENTS

- Jodi McPherson, City of Chickasaw School Superintendent spoke on the status of the school system.

PUBLIC COMMENT — No public comments

ADJOURNMENT—With no further business, Councilmember Sterrett moved to adjourn the regularly scheduled council meeting at 7:35 p.m., seconded by Councilmembers Trout. The motion carried, and so it was ordered.

Barry Broadhead

Barry Broadhead

Barry Broadhead, Mayor

ATTEST:

Michelle Ross

Michelle Ross, City Clerk