

ORDINANCE NO. 2008-05

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 1369  
AS PREVIOUSLY AMENDED BY ORDINANCE NUMBER 2001-9  
KNOWN AS AN ORDINANCE TO PROVIDE FURTHER  
FOR THE REGULATION AND CONTROL OF WATER  
SUPPLY OF THE CITY OF CULLMAN**

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

SECTION 1. Ordinance No. 1369 is hereby stricken in its entirety.

The City Council of the City of Cullman, Alabama, hereby adopts the following paragraph to replace all paragraphs in Ordinance No. 1369.

SECTION 2. The Utility Board owns an area of land which is 50 feet outside the contour elevation of 750 feet above U.S.G.S. Datum (Utility Board property). The City of Cullman shall enforce a buffer zone around Lake Catoma beginning at 742 feet above mean sea level (full pool) to 35 feet on to adjacent property. This area shall be referred to as Buffer Zone and lying within Utility Board property (50 feet outside of contour elevation 750 U.S.G.S. Datum).

This measurement of the Buffer Zone will allow City Personnel, Utility Board Personnel, and adjacent land owners to easily understand the jurisdictional area designated as Buffer Zone

SECTION 3. It shall be unlawful for any person to swim, wade, or engage in water skiing in the water supply lake, or to possess water skiing equipment in any watercraft while on the waters of said lake.

SECTION 4. It shall be unlawful for any person other than a Municipal or lake patrol officer or State of Alabama patrol officer or state agency as authorized by the Mayor or his designee, engaged in the performance of their lawful duties, to operate any type of water craft whatsoever for any purpose, with more than a ten horsepower motor on the water supply lake.

SECTION 5. It shall be unlawful for any person to litter or contaminate the water supply lake or the shore of said lake or areas surrounding said lake with any

cans, food, paper, bottles or any other refuse whatsoever. Further it shall be unlawful for any person to light, build, or maintain a fire anywhere on the land owned by the City around said lake.

SECTION 6. It shall be unlawful to sink any hay, pallets, Christmas trees, tires, scrap metal, or any foreign objects or materials of any kind, or to introduce any object detrimental to the water supply into said lake.

SECTION 7. It shall be unlawful to construct or maintain or use any access roads or driveways to the buffer zone.

SECTION 8. It shall be unlawful for any unauthorized vehicle to be driven or used on the dam or on the buffer zone of the water supply lake.

SECTION 9. It shall be unlawful to install lines or pumps to draw raw water from the water supply lake and no unauthorized use of raw water will be permitted except the experiment station operated by Auburn University for agricultural testing and irrigation purposes or other purposes approved by the Mayor or his designee in writing.

SECTION 10. It shall be unlawful to cut, mow, or remove any trees, shrubs, grass, or other vegetation from the buffer zone of the water supply except as specifically set forth below:

A. The Buffer Zone should be allowed to naturally grow during the majority of the year.

B. Adjoining property owners may be allowed to mow the buffer zone area not more than three times a year being once during the following time periods May 1<sup>st</sup> through May 14<sup>th</sup>, July 1<sup>st</sup> through July 14<sup>th</sup>, and September 1<sup>st</sup> through September 14<sup>th</sup>.

The City may by proclamation of the Mayor change the period allowing mowing based on the weather condition since it is best to mow the buffer zone during dry conditions.

C. Mowing of this area shall be not less than four inches from the ground and all grass and debris trimming shall be bagged and disposed of outside the buffer zone.

D. No person may remove forested areas within the buffer zone.

E. Adjoining land owners, after submitting in writing a detailed description of all alterations of said landscape to be performed within the land owned by the Utility Board of the City of Cullman including the buffer zone, and upon the approval and written authorization of the Mayor of the City of Cullman or his designee, may remove shrubs, privett hedge, and plants other than trees and replace the disturbed area with Bermuda grass only. The requirements, method, and plan for such alteration of the buffer zone shall be in the sole discretion of the Mayor or his designee. The Mayor or his designee, may require a bond to be submitted payable to the City of Cullman in an amount as determined by the Mayor or his designee, to guarantee the work to be performed.

F. No part of any building, foundation or structure, including water wells and facilities for storage or disposal of wastes, shall be built nearer than seventy-five (75) feet horizontally from an elevation of 750 feet above mean sea level around the said public water supply.

G. That no lots, tracts of land and real estate bordering on, adjacent to, or adjoining any waters of the public water supply, shall be used for commerce, industry, storage or any purposes other than residential.

H. Any tract of land and real estate bordering on, adjacent to, or adjoining any waters of the public water supply that shall be used for keeping animals, fowl, or other creatures that waste, either free or confined, other than domesticated animals such as dogs or cats, shall comply fully with the Alabama Department of Environmental Management regulations regarding these activities. Any adjoining land used for the production of cattle, sheep, horses, and etc., will have appropriate fencing along the Utility Board property to avoid livestock having access to the water supply.

SECTION 11. It shall be unlawful to alter the buffer zone of the water supply lakes in any manner not specifically approved of in advance by the Mayor or his designee as set out in Section 10 above.

SECTION 12. Any person, firm, corporation, association, organization, or any combination thereof, as well as any individual violating any provision of this Ordinance shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00) or sentenced to confinement in the City jail or to hard labor for the City for

a period not exceeding six months, or both, at the discretion of the judge hearing such case.

SECTION 13. Duly authorized Lake Patrol officers shall be empowered to issue an Alabama Uniform Non-Traffic Citation as a means of enforcement of this ordinance.

SECTION 14. Should any part or portion of this Ordinance be held invalid, unenforceable, or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this Ordinance, which shall remain in full force and effect.


SECTION 15. Any ordinances or parts of ordinances previously adopted by the City Council of the City of Cullman, specifically Ordinances No. 615 and 674 which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 16. This Ordinance shall become effective on the first day of the month following its adoption, approval, and publication.

ADOPTED this the 10<sup>th</sup> day of December, 2007.

  
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President of the City Council

ATTEST:

  
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City Clerk

Transmitted to the Mayor this the 10<sup>th</sup> day of December, 2007.

  
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City Clerk

APPROVED by the Mayor this the 10<sup>th</sup> day of December, 2007.

  
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Mayor