

1 HB31  
2 107812-2  
3 By Representative Shiver  
4 RFD: Agriculture and Forestry  
5 First Read: 12-JAN-10  
6 PFD: 09/23/2009

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8 SYNOPSIS: This bill would require a waterfront  
9 property owner to obtain a permit from the State  
10 Lands Division of the Department of Conservation  
11 and Natural Resources before building a new pier or  
12 similar structure, or rebuilding an existing pier  
13 or similar structure, in front of waterfront  
14 property.

15 This bill would specify that the waterfront  
16 boundaries of the property would be measured by an  
17 extension of the lot lines of the property into the  
18 water at the location where the boundary line  
19 intersects with the waterfront and pursuant to  
20 guidelines developed by the State Land Division.

21 This bill would prohibit a property owner  
22 from extending a structure in front of another  
23 structure on neighboring property and would  
24 prohibit the construction of a structure within a  
25 certain distance of the property line or that  
26 creates a hazard to navigation, game, or fish.

1                   This bill would require the State Lands  
2                   Division to develop guidelines regarding the  
3                   issuance of permits and guidelines for the  
4                   construction or reconstruction of piers and similar  
5                   structures.

6                   This bill would provide a civil penalty for  
7                   constructing a pier or other similar structure  
8                   without first obtaining a permit.

9  
10   A BILL  
11   TO BE ENTITLED  
12   AN ACT

13  
14                   Relating to waterfront property owners; to provide  
15                   for the permitting and construction of certain piers and  
16                   similar structures; to limit construction of piers and similar  
17                   structures to certain areas within the waterfront boundaries  
18                   of the person's property; to provide for permitting and  
19                   administration of this act by the State Lands Division; and to  
20                   provide a civil penalty for violations.

21                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22                   Section 1. (a) After the effective date of this act,  
23                   no person shall construct a new pier or similar structure or  
24                   reconstruct an existing pier or similar structure in front of  
25                   waterfront property without first obtaining a permit from the  
26                   State Lands Division of the Department of Conservation and  
27                   Natural Resources. The division shall develop a permitting

1 process and guidelines for issuance of permits pursuant to  
2 this section.

3 (b) Notwithstanding any other law, in determining  
4 rights of any waterfront property owner to build any structure  
5 in front of the waterfront property, the State Lands Division  
6 shall use the following guidelines in developing a procedure  
7 for issuing permits:

8 (1) The waterfront boundary between properties shall  
9 be determined by extending into the lake, reservoir, river,  
10 bay, or gulf the property boundary as it intersects with the  
11 waterfront.

12 (2) No structure may be extended in a manner that  
13 places it in front of a neighboring structure.

14 (3) No structure may be built within 10 feet of the  
15 property line of a neighboring property.

16 (4) Construction of any structure that creates a  
17 hazard to navigation or game and fish, as determined by the  
18 division, is prohibited.

19 (c) The State Lands Division of the Department of  
20 Conservation and Natural Resources shall promulgate rules  
21 necessary to administer this section.

22 (d) After the effective date of this section, any  
23 person constructing a new pier or similar structure or  
24 reconstructing an existing pier or similar structure without  
25 first obtaining a permit from the division shall be subject to  
26 a civil penalty of one hundred dollars (\$100) assessed by the  
27 division and paid to the department for each day the pier or

1 similar structure remains in front of waterfront property  
2 without a permit.

3 (e) Any pier or similar structure in existence on  
4 the effective date of this act which does not meet the  
5 requirements of this act or any rule promulgated pursuant to  
6 this act and which is more than 50 percent destroyed after the  
7 effective date of this act may be repaired or replaced only  
8 pursuant to this act.

9 (f) This section shall not apply to piers or similar  
10 structures located within the boundary of any hydroelectric  
11 project licensed by the Federal Energy Regulatory Commission  
12 or to any commercial or industrial piers or similar structures  
13 that are subject to the permitting authority of the United  
14 States Army Corps of Engineers.

15 (g) This section only regulates the siting of piers  
16 and does not grant, convey, or change the ownership of the  
17 land or water in any lake, reservoir, river, or coastal area,  
18 nor does it change in any way the existing law relating to any  
19 property right or interest.

20 Section 2. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.