

## BROOKINGS ORDINANCE

### ORDINANCE NO. 08-O-610

AN ORDINANCE ADDING CHAPTER 13.35, STORM WATER, TO TITLE 13, PUBLIC SERVICES, OF THE BROOKINGS MUNICIPAL CODE.

- Section 1: Ordinance Identified, adds Chapter 13.35
- Section 2: Adds Section 13.35.010, Establishment of Storm Water System
- Section 3: Adds Section 13.35.015, Definitions
- Section 4: Adds Section 13.35.020, System Improvements
- Section 5: Adds Section 13.35.025, System Maintenance
- Section 6: Adds Section 13.35.030, Prohibition of Nonconforming Storm Drainage System
- Section 7: Adds Section 13.35.035, Prohibition for Constructing Storm Drainage Systems Without Permit
- Section 8: Adds Section 13.35.040, Procedure to Secure Permit
- Section 9: Adds Section 13.35.045, Duty of Public Works Director
- Section 10: Adds Section 13.35.050, Procedure to Require Conformance of Nonconforming Storm Drains
- Section 11: Adds Section 13.35.055, Material Specifications
- Section 12: Adds Section 13.35.060, Reservation of the City's Right to Change Specifications
- Section 13: Adds Section 13.35.065, Violations

**Section 1.** Ordinance Identified . Adds Chapter 13.35, Storm Water, to Title 13, Public Services, of the Brookings Municipal Code.

**Section 2.** Section 13.35.010, Establishment of Storm Water System, is added to Chapter 13.35, Storm Water, to read as follows:

A. The City of Brookings, for the protection of the public welfare, for the safety of the public, and for the best interest of the City, hereby declares that the City of Brookings, Oregon, possesses, claims, maintains, exerts, and reserves unto the City complete and full jurisdiction over and unto all conforming storm drainage systems now, or hereafter, constructed within the corporate limits of the City of Brookings.

B. This chapter provides for the establishment, operation, and maintenance of a Storm Water System within the City of Brookings including maintenance and extension of the present Storm Water System.

**Section 3.** Section 13.35.015, Definitions, is added to Chapter 13.35, Storm Water, to read as follows:

A. "Open drainage way" means a natural or man-made path, ditch or channel which has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

B. "Impervious surfaces" are those surface areas which either prevent or retard saturation of water into the land surface and/or cause water to run off the land surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to rooftops, concrete or asphalt sidewalks, walkways, patio areas, driveways, parking lots or storage areas and graveled, oiled, macadam or other surfaces which similarly impact the natural saturation or runoff patterns which existed prior to development.

C. "Improved premises" means an area which has been altered such that the runoff from the site is greater than that which could historically have been expected.

D. "Development" shall mean any man-made change to improved or unimproved real property including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

E. "Runoff control" is any means approved by the City Engineer by which the peak rate of storm runoff from development land surfaces is reduced.

F. "Runoff control measures" can be but are not limited to bioswales, stormwater recharge systems, pervious surfaces and detention systems.

G. "Storm drainage system" shall mean a natural drainage course or man made culverting system or ditch that conveys storm water.

H. "Nonconforming drainage system" shall mean:

1. Any culvert or ditch that is constructed upon any property or public right of way within the corporate limits of the City of Brookings that has been constructed without a written permit issued by the Public Works Department.

2. Any storm drainage component which is not constructed to standards approved by the City, or maintained in such shape or condition or repair as to render the storm drainage component dangerous or unsafe.

I. Culvert is a transverse pipe, made of concrete, steel, HDPE, PVC, terra cotta tile, wood used for the transport of storm water/drainage.

**Section 4.** Section 13.35.020, System Improvements, is added to Chapter 13.35, Storm Water, to read as follows:

A. The improvement of both public and private storm water facilities through or adjacent to a new development shall be the responsibility of the developer. The improvement shall comply with all applicable City ordinances, policies and standards.

B. It is the policy of the City of Brookings to participate in the improvements to the storm water facilities when authorized by the City Council. To be considered for approval by the Council, a facility must:

1. Be a public facility.

2. Be a major benefit to the community.
3. If a closed pipe system, be a design equivalent to or larger than a 12" diameter circular pipe of a material to be approved by the City's engineer.
4. Be a replacement or rehabilitation of an existing public facility.

**Section 5.** Section 13.35.025, System Maintenance, is added to Chapter 13.35, Storm Water, to read as follows:

The City shall maintain all public storm drainage facilities located within City owned land, City rights-of-way and City Easements.

A. Public facilities include, but are not limited to:

1. Pipe drainage systems and their related appurtenances which have been designed and constructed expressly for use by the general public and accepted by the City.
2. Roadside drainage ditches along City streets.
3. Flood control facilities that have been designed and constructed expressly for use by the general public and accepted by the City.

B. Facilities which do not qualify as public facilities under this section of the Ordinance include, but are not limited to:

1. Facilities not located on City owned property, City rights-of-way, or within City Easements.
2. Private parking lot storm drains.
3. Roofs, footings and area drains.
4. Drains not designed and constructed for use by the general public.
5. Access drive culverts not within the City right-of-way.

**Section 6.** Section 13.35.030, Prohibition of nonconforming storm drainage system.

A. From and after the date of passage and the effectiveness of the ordinance codified in this chapter, no person, firm, or corporation shall construct a nonconforming storm drainage system upon any property, public easement or right way within the corporate limits of the City of Brookings.

**Section 7.** Section 13.35.035, Prohibition for constructing storm drainage systems without permit.

A. No owner or owners of property located within the corporate limits of the City of Brookings, or person, firm, or corporation shall construct a storm drainage system, or excavate any ground for the purpose of construction of a storm drainage component

thereon, without first having applied for and received from the City a development permit for such construction and excavation. A development permit from the City will not be granted without submittal of plans and a copy of permits or letter of non-interest from Department of State Lands and Army Corps of Engineers, if required by law. Exception: gutters, downspouts and internal systems that do not discharge water off of subject property, or internal systems that discharge water to a pre-designed and or pre-approved drainage system.

**Section 8.** Section 13.35.040, Procedure to secure permit.

A. Any owner of property located within the corporate limits of the City of Brookings, or any person, firm or corporation desiring to construct or excavate for a storm drainage component within the corporate limits, shall comply with the following procedure. An application in writing shall first be made to the Public Works Department setting forth the description of the land upon which a storm drainage component is to be constructed and upon which the excavation, if any, is to be made. This application shall also set forth the material to be used in the construction together with a statement as to how the storm drainage component is to be established. This application may require plans drawn by an Oregon licensed civil engineer and will include a minimum easement width of 15 feet. The City shall consider the application, and if the provisions of this chapter have been met, a permit shall be issued to the applicant to construct and excavate to the extent that such excavation is necessary to accomplish the purpose applied for.

**Section 9.** Section 13.35.045, Duty of Public Works Director.

A. It shall be the duty of the Public Works Director or his designee to periodically inspect the condition of all storm drainage systems in the City. He shall periodically make a report of such inspection to the City Manager. He shall set forth and describe all nonconforming storm drainage components that he has discovered, prior to the date of his report, and submit the same to the City Manager.

**Section 10.** Section 13.35.050, Procedure to require conformance of nonconforming storm drains.

A. If the City Manager finds that a non-conforming storm drainage component exists he may order the storm drainage component to be repaired per The General Engineering Requirements and Standard Specifications of the City of Brookings. The procedure as stated in BMC 8.15.090 "General abatement procedure" will be followed.

**Section 11.** Section 13.35.055, Material specifications.

A. All material used in the construction of any storm drainage system or component must be in compliance with the City of Brookings General Engineering Requirements and Standard Specifications document.

**Section 12.** Section 13.35.060, Reservation of the City's right to change specifications.

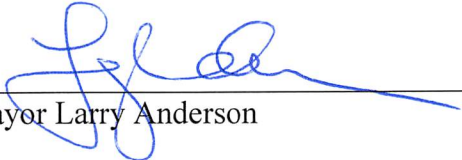
A. The City reserves the right to revise, change, or require additions or alterations to any stated specifications, when in their judgment the health, safety, and welfare of the community warrant such actions.

**Section 13.** Section 13.35.0565, Violations.

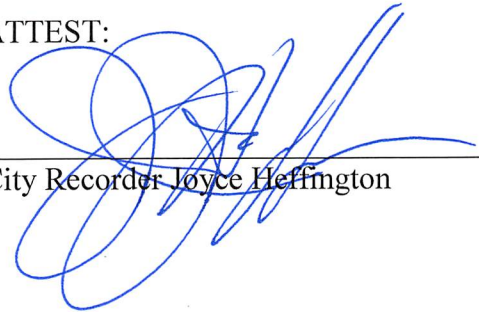
A. The violation of any section of this chapter shall be punishable as stated in BMC chapter 1.05.010.

First Reading: September 8, 2008  
Second Reading: September 8, 2008  
Passage: September 8, 2008  
Effective Date: October 8, 2008

Adopted by the Council of the City of Brookings on September 8, 2008, and signed by the Mayor this 9th day of September, 2008.

  
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Mayor Larry Anderson

ATTEST:

  
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City Recorder Joyce Heffington