

City Council Agenda Item Memo

From: Charlie Richter, City Engineer

Council Meeting: January 13, 2026 / January 27, 2026

Subject: Ordinance 26-001: Revision to City Code of Ordinances, Chapter 74: Streets, Sidewalks, and Other Public Places

Presenter: Charlie Richter, City Engineer

Summary and Recommended Action:

To ensure the usability, structural integrity and life expectancy of the right-of-way in the City of Brookings, a formal policy and ordinance amendment are proposed establishing permit and licensing procedures for contractors and entities who are working within the right-of-way.

Work within the right-of-way shall include any excavation, construction, repair, or maintenance of utilities, pavement, or other things located in, on, above, under or across a right-of-way.

Staff recommends approval of the proposed ordinance amendment to protect the City's right-of-way infrastructure.

Item Details:

The City currently has an Excavation Permit, which is required for work which occurs within the right-of-way, but lacks clarity and enforcement. The proposed amendment will replace the Excavation Permit with a Right-of-Way Work Permit and enhance the requirements, procedures, and enforcement within the right-of-way. Any work in the right-of-way including electrical, telecommunications, storm sewer, sanitary sewer, water and road work, will require a Right-of-Way Work Permit; however, exemptions apply to work contracted by the City and City-owned utilities, and any work associated with driveway approaches, landscaping, and sidewalk repairs.

Key improvements of the Right-of-Way Work Permit are:

1. Must be obtained at least two business days prior, unless work is deemed an emergency by the Public Works - Engineering Division.
2. Requires a traffic control and detour plan, if applicable.
3. Establishes penalties when work within the right-of-way occurs without a permit. A fine of \$250 for the 1st offense, \$500 for the 2nd offense, and \$1,000 for the 3rd offense and any subsequent offense shall be added to the consolidated fee schedule.
4. The warranty period will be reduced to 3 years from the previous 5 years to match the warranty for subdivisions.

5. Permits will not be issued from November 15th thru April 15th, unless deemed necessary by the Public Works - Engineering Division.
6. Institutes a minimal fee of \$35.00 per permit to recover costs associated with permit issuance and tracking.
7. For work performed on water, sanitary sewer, and storm sewer within the right-of-way the contractor must possess a State plumbing license.
8. Contractor(s) performing the work must obtain an annual Excavator License.
 - To obtain an Excavator License, the contractor or entity performing the work within the right-of-way shall provide the following:
 - o General Liability Insurance (\$1,000,000.00 / \$2,000,000.00).
 - o Proof of Worker's Compensation Insurance (if applicable).
 - o Surety Bond in the amount of \$10,000.
 - No fee established at this time.
 - License will run from January 1st thru December 31st and will need to be renewed annually.

Currently the City requires excavators that perform work in the right-of-way to be City licensed plumbers. Licensed City plumbers are required to possess a State plumbing license as well as provide a certificate of insurance to the City. With the creation of an Excavator License and the requirement to possess a State plumbing license for water, sanitary sewer and storm sewer when working on these utilities within the right-of-way a City plumbing license will no longer be required. A separate agenda will be presented to the City Council recommending the elimination of the City plumbing license from ordinance code.

Staff conducted a meeting in December and presented the policy and ordinance amendment to local contractors and entities including: Brookings Municipal Utilities, telecommunication companies, and gas companies. General feedback from the attendees was positive. There were several scenarios where contractors questioned when a permit would be required but understood that a permit would be needed once excavation occurred within the right-of-way, except for the exemptions listed. Those contractors and entities who were unable to attend were emailed the presentation and a summary of the new permit requirements.

Legal Consideration:

The City Attorney has reviewed the ordinance amendment and policy.

Strategic Plan Consideration:

- Sustainability – The City of Brookings will meet environmental, community and economic desires and needs without compromising future generations' quality of life by strategically planning, implementing and maintaining infrastructure and facilities.

Financial Consideration:

There is no net general fund cost increase associated with the recommended action. Fund #430 - Public Works will receive the revenue fees for the permits to recover costs associated with permit issuance and tracking. The Right-of-Way permit fee is proposed to be set at \$35.00.

Supporting Documentation:

Ordinance - clean

Ordinance - marked

Legal Notice

Right of Way Work Policy - Draft