

**Ordinance 20-\_\_\_\_\_**

**An Ordinance amending Chapter 51, Subdivision Regulations of the City of Brookings pertaining to public street acceptance and drainage requirements for purposes of administration of the Subdivision Ordinance**

Be It Ordained by the Governing Body of the City of Brookings, South Dakota that the Subdivision Regulations be amended as follows:

I.

**ARTICLE IV. FINAL PLAT**

That Section 51-42 of Article IV. of the Subdivision Regulations shall be amended to read as follows:

**Sec. 51-42. - Information required.**

~~(p) — Label for each lot, the minimum elevation of the lowest allowable building opening as determined through the storm drainage study.~~

II.

**ARTICLE VI. SUBDIVISION IMPROVEMENTS AND DESIGN STANDARDS**

That Section 51-64 of Article VI. of the Subdivision Regulations shall be amended to read as follows:

**Sec. 51-64. - Street standards.**

(g)(3) Buildings located adjacent to a private street or road shall be addressed in accordance with Brookings Code of Ordinances ~~chapter 10, article II, section 10-22, Premises identification.~~Chapter 74, article VI. Numbering of Buildings.

(l) The developer shall be responsible for the public street acceptance process as follows:

- (1) Retain a licensed Professional Engineer with responsibilities which will permit the Engineer to provide a professional opinion that the construction of the streets and associated work was constructed in general accordance with the approved plans and specifications.
- (2) Upon completion of street construction, or a segment of street construction, and prior to the street maintenance responsibilities

being transferred to the City, the developer shall submit to the city engineer:

- a. Certificate of Completion signed by the developer's engineer stating that in their opinion, the streets and associated work were constructed in general accordance with the approved plans and specifications.
- b. Warranty Security in the amount of Ten Percent (10%) of the Engineer's Estimate of Construction based on the approved plans and specifications subject to the Certificate of Completion set forth in Section 2(a) for the duration of one (1) year, naming the City of Brookings as the additional insured.

(3) Upon review and approval of the Certificate of Completion, Warranty Security and site condition assessment, the city engineer shall issue a Transfer of Street Ownership Certificate for the specific segments of streets listed on the Certificate of Completion which satisfy these requirements.

(4) Until the requirements of Ordinance 51-64 have been satisfied, the City will not issue a Transfer of Street Ownership Certificate. In addition, the Developer is required to complete any incomplete or deficiently performed street acceptance requirements within 180 days of the Notice by the city engineer.

- a. The city engineer may extend the time required by this section on written request by the Developer showing that the circumstances beyond the control of the Developer have prevented action from being taken.

(i) The developer shall be held responsible for the street workmanship, materials, deterioration or any other deficiencies for a period of one ~~three~~ years from the completion of the work and acceptance of the street by the city. The developer shall repair and/or replace all street deficiencies during the corrective period at no cost to the city. Any surface restoration costs incurred because of the repairing and/or replacing of deficiencies shall be borne by the developer. The city shall have the final approval right over whether adequate repair and restoration has been completed by the developer. In the event the developer fails to repair or restore the affected street in a manner acceptable to the city, the city shall have the right, after allowing the developer a reasonable period to complete the repair and restoration, to make such repairs and restoration and the developer shall pay the costs incurred by the city for such actions.

## ARTICLE VI. SUBDIVISION IMPROVEMENTS AND DESIGN STANDARDS

That Section 51-65 of Article VI. of the Subdivision Regulations shall be amended to read as follows:

### **Sec. 51-65. - Land design and improvements.**

#### (2) Lots

(k) Label for each lot, the minimum elevation of the lowest allowable building opening as determined through the storm drainage study.

#### (5) Easements

- (d) Drainage eEasements shall conform substantially to the boundaries of watercourses, drainageways, channels and streams and shall have a minimum width of 15 feet or as determined by the circumstances and drainage plan. No above ground structures, fences, grade changes or impediments to drainage that may impede the flow of water shall be placed in a drainage easement or over any public storm sewer system without written approval from the City Engineer.

## IV.

Any and all ordinances in conflict herewith are hereby repealed.

First Reading:       xx, 2021  
Second Reading:   xx, 2021  
Published:

CITY OF BROOKINGS, SD

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Keith Corbett, Mayor

ATTEST:

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Bonnie Foster, City Clerk