

Ordinance 21-016

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.~~

(i) The developer shall be held responsible for the street workmanship, materials, deterioration or any other deficiencies for a period of one ~~three~~ years following 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 this one-year 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 as to ~~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. The city may also apply the Warranty Security required in Section 51-64(l) to the developer's obligation to pay the costs incurred by the city to repair and restore the street. The developer shall remain obligated to the city for any costs of street repair and restoration which are not covered by the Warranty Security.

(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. 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 receipt of the Certificate of Completion and Warranty Security, the city engineer shall determine acceptability of these submittals and site conditions make a determination within 30 days of the submission of the documents.

(4) Upon review and approval of the Certificate of Completion, Warranty Security and site conditions, 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, provided:

- a. The one (1) year warranty period shall begin upon the date of the Transfer of Street Ownership.
- b. The Developer is required to complete any incomplete or deficiently performed street acceptance requirements within 180 days of the Notice of deficiency by the city engineer.
- c. The city 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 or delayed street repair or restoration action from being taken.

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: April 27, 2021
Second Reading: May 11, 2021
Published:

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk