

# City Council Agenda Item Memo

**From:** John R. Thompson, Public Works Director

**Council Meeting:** April 15, 2025

**Subject:** Resolution 25-035: Adoption of Fines with Court Costs - Violation of Flood Damage Prevention Ordinances

**Person(s) Responsible:** John R. Thompson, Public Works Director

## **Summary and Recommended Action:**

Staff recommends approval of the proposed resolution to adopt fines for violations of the City of Brookings, Chapter 38 Flood Damage Prevention Ordinances.

## **Item Details:**

The City Council approved Ordinance 25-010 on March 25, 2025, amending City of Brookings Code Chapter 38 – Floods. Section 38-45 Penalties for Noncompliance, provides language for the City of Brookings City Council to, by resolution, adopt fines for violation of the amended code.

Specific language in the order states:

“These regulations provide that a municipality must adopt effective enforcement provisions. In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, these regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances, or codes.

Accordingly, no structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation of this chapter. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a fine as provided by Resolution of the City Council for each violation, which may be assessed daily. In addition, any person who violates this Chapter shall pay all costs and expenses resulting from the violation. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.”

The proposed fines are consistent with the maximum fine limits provided by State law and City ordinances.

First Offense	\$300.00 plus court costs of \$72.50
Second Offense	\$400.00 plus court costs of \$72.50
Third Offense	\$500.00 plus court costs of \$72.50

If approved, the proposed fees will be included in the 2025 Consolidated Fee Schedule.

**Legal Consideration:**

City Attorney Steve Britzman has reviewed the proposed resolution.

**Strategic Plan Consideration:**

Fiscal Responsibility – The City of Brookings will responsibly manage resources through transparency, efficiency, equity, and exceptional customer service.

**Financial Consideration:**

There are no costs associated with the proposed resolution.

**Supporting Documentation:**

Resolution