Ordinance 17-031

An Ordinance Revising Article IV, Site Runoff and Sediment Control, of Chapter 72, Storm Drainage, of the Code of Ordinances of the City of Brookings and Pertaining to Operation and Maintenance of Best Management Practices in the City of Brookings, South Dakota.

Be It Ordained by the City of Brookings that Section 72-5 - Definitions, of Article 1-In General, and Division 2 - Post Construction Site Runoff Erosion and Sediment Control, of Article IV - Site Runoff Erosion and Sediment Control, of Chapter 72, Storm Drainage, of the Code of Ordinances of the City of Brookings be amended to read as follows:

Sec. 72-5. – Definitions.

Best Management Practices (BMPs) means various activities, prohibitions of practices, maintenance procedures and other management practices, either structural or non-structural, for the purpose of preventing or reducing the discharge of pollutants to the municipal stormwater system and/or waters of the state. Examples of structural BMPs may include permanent detention or retention ponds constructed to control and minimize stormwater runoff rates and volumes and to prevent, control, and minimize stormwater pollution. Non-structural BMPs may include ongoing treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. BMPs may also be temporary, such as BMPs put into place during construction and maintained until the site is permanently stabilized.

Sec. 72-75. – Operation and Maintenance of BMPs

Permanent structural and/or nonstructural BMPs shall be implemented to control and minimize stormwater runoff rates and volumes and to prevent, control, and minimize stormwater pollutants as required in this Chapter.

(1) It is a violation for any owner to improperly construct or operate or fail to maintain the proper function of privately owned structural BMPs. Maintenance activities include, but are not limited to, removing trash and debris, reseeding, mowing, pest control, removing sediment accumulation, removing vegetation, replacing filter media, and repairing eroded areas.

(2) It is a violation for any owner to place or deposit debris, yard waste, garbage, or other materials that are incompatible with the function of the BMPs, or permit such items to be deposited in any manner on privately owned structural BMPs.

(3) The owner shall immediately notify the City Engineer of any discharge of a pollutant, debris, yard waste, garbage, excessive sediment, or materials

incompatible with BMPs, including from a privately owned BMP, into the City's municipal storm water drainage system. This notification shall include the location of the discharge, type of pollutant, concentration and volume, if known, and corrective actions taken by the owner. The owner shall document and submit to the City Engineer all pertinent information.

(4) In the case of any physical failure, including, but not limited to, structural, equipment, or media failure (e.g., failure of BMP fixtures including, but not limited to, screens, riprap, aerators, design features, and fences) of a privately owned structural BMP that may cause pollutants to enter the City's municipal stormwater system, the owner shall immediately notify the City Engineer of the incident. This notification shall include the location failure, type and extent of the failure, if known, and corrective actions taken by the owner. The owner shall document and submit to the City Engineer all pertinent information.
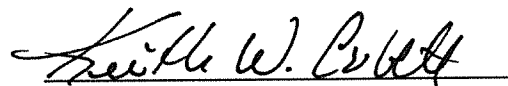
If privately owned BMPs are constructed, operated, and/or maintained in a manner that results in discharge of pollutants to the City's storm water drainage system, the City may require the owner to implement additional structural and/or nonstructural BMPs to prevent the further discharge of pollutants to the City's storm water drainage system.

II.

Any or all ordinances in conflict herewith are hereby repealed.

First Reading: December 12, 2017
Second Reading and Adoption: January 9, 2018
Published: January 12, 2018

CITY OF BROOKINGS, SD

Keith W. Corbett, Mayor

ATTEST:

Thornes, City Clerk