

ORDINANCE NO. 91-O-430.C

AN ORDINANCE AMENDING ORDINANCE NO. 88-0-430 ENACTED DECEMBER 15, 1988, BY AMENDING DEFINITIONS AND TIME LIMITS AND ADDING PROVISIONS FOR EXTENSION OF TIME LIMITS FOR SEWER CONNECTIONS; REPEALING ORDINANCE NO. 91-O-430.A; AND DECLARING AN EMERGENCY. [Effective August 15, 1991]

Section 1:	Ordinance Identified
Section 2:	Amendment to Article I, Definitions
Section 3:	Amendment to Article IV, Section 7(a)
Section 4:	Amendment to Article IV, Section 7(b)
Section 5:	Amendment to Article IV, Section 7
Section 6:	Repeal of Ordinance No. 91-O-430.A
Section 7:	Emergency Declared

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This Ordinance amends Ordinance No. 88-0-430 enacted December 15, 1988, titled:

"An Ordinance regulating the use and discharge of wastes into the public sewers of the City of Brookings, Oregon; promulgating the regulations; and providing penalties."

Section 2. Amendment to Article I, Definitions. Article I, "Definitions" of Ordinance No. 88-0-430 is hereby amended to provide the following definition for "building sewer".

"Building sewer" shall mean the extension from a building of the building drain to the public sewer or other place of disposal.

Section 3. Amendment to Article IV, Section 7(a). Article IV Section 7(a) of Ordinance No. 88-0-430 is hereby amended to provide that the time for the start of construction of the building sewer shall be increased from "two (2)" to "four (4)" months.

Section 4. Amendment to Article IV, Section 7(b). Article IV, Section 7(b) of Ordinance No. 88-0-430 is hereby amended to provide that the time for the completion of construction of the building sewer shall be increased from "three (3)" months to "twelve (12)" months.

Section 5. Amendment to Article IV, Section 7. Article IV, Section 7 of Ordinance No. 88-0-430 is hereby amended by the addition of Subsections (d), (e), (f) and (g) which read in full as follows:

(d) The time limit provided in Section 7(a) may be extended to a maximum of six (6) months by a showing of good cause by the sewer connection permit holder as specified in Section 7(f).

(e) The time limit provided in Section 7(b) above may be extended to a maximum of eighteen (18) months by a showing of good cause by the sewer connection permit holder as specified in Section 7(f).

(f) A sewer permit holder may seek extension of the time limits for commencement of construction or completion of the building sewer by written request showing good cause delivered to the City in person or by mail prior to the expiration of a sewer connection permit. Good cause for extension of time shall be limited to a showing of circumstances that were outside the control of the sewer connection permit holder that prevented the commencement of construction of or completion of the building sewer within the time limits specified by this Ordinance. Good cause does not include financial problems of the sewer connection permit holder preventing commencement or completion of the building sewer. Any decision granting extension of time limits shall be limited to a period of time necessary to grant relief from the circumstances showing good cause, not to exceed the limits specified in Section 7(d) and (e). A decision on a request for extension of time limits shall be made in writing and mailed to the sewer connection permit holder at the address shown on the permit.

(g) The City Manager shall determine all requests for extension for good cause filed pursuant to Section 7(f). Any sewer connection permit holder whose request for extension of time limits is denied, may appeal the decision of the City Manager to the City Council, by filing a notice of appeal with the City Recorder within 14 days of the date of the mailing of the decision of the City Manager. At its next regular meeting, the City Council shall review the decision of the City Manager being appealed to determine whether good cause exists as defined by Section 7(f). The City Council may affirm the decision of the City Manager or overrule the City Manager's decision and, if overruled, grant an extension of time limits as provided by Section 7(f).

Section 6. Repeal of Ordinance No. 91-O-430.A. Ordinance No. 91-O-430.A, enacted March 12, 1991 and entitled, "An ordinance amending Ordinance No. 88-0-430, enacted December 15, 1988, and entitled "An ordinance regulating use and discharge of wastes into the public sewers of the city of brookings, oregon; promulgating the regulations; and providing penalties", by the addition of Section 5 within Article II; and declaring an emergency.", is hereby repealed in its entirety.

Section 7. Emergency Declared. The matters contained herein substantially affect the peace, health, safety and welfare of the people of the City of Brookings based upon the City's need for action on pending sewer connection approval requests, therefore, an emergency is hereby declared to exist and this Ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor.

First reading: August 15, 1991

Second reading: August 15, 1991

Passage: August 15, 1991

Effective date: August 15, 1991

Signed by me in authentication of its passage this 16th
day of August, 1991.

Fred Hummel, Mayor

Attest:

Beverly S. Shields, City Recorder

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[See Ordinance No. 88-O-430 for amendments]

[See Ordinance No. 91-O-430.C in its entirety in original ordinance books]