

Chapter 12.16 DRAINAGE SWALE CONSTRUCTION AND MAINTENANCE

Sections:

12.16.010 Duty of owners to construct drainage swales, power of council.

It is made the duty of all owners of land adjoining any street in the city to construct the drainage swales in front of such land if that is the type of stormwater control ~~selected~~approved by the city~~[EM1]~~[CM2]. The council has the power and authority to determine the design of all drainage swales in the city, the material to be used, and the specifications for the construction thereof. The council has the authority to initiate and order to complete drainage swales through a hearings process or to waive drainage swale construction for those circumstances where drainage swales may not be warranted.

(Ord. XXX)

12.16.020 Timing of construction of drainage swales.

Drainage swales shall be constructed for each parcel of land adjoining a public street when approved at the time of initial development.

(Ord. XXX)

12.16.030 Duty of owners to make drainage swale repairs, power of council.

It is made the duty of all owners of land adjoining any street in the city to maintain in good repair the drainage swales ~~if installed at the time of street development~~ ~~[EM3]~~[CM4] in front of such land.

(Ord. XXX)

12.16.040 Maintaining free and unobstructed drainage swales.

It is the duty of all owners or tenants of land adjoining a street in the city to maintain free and unobstructed drainage swales which are designed to be part of the stormwater collection system.

(Ord. XXX)

12.16.050 Notice of obstructed drainage swales.

If the owner or tenant of any lot or part thereof or parcel of land shall cause any obstruction of the drainage swale, the city manager or their designee may, but is not required to, notify the owner or tenant of the violation. It shall be the duty of the owner or tenant to remove the identified obstruction.

(Ord. XXX)

12.16.060 Penalty for violation of obstruction of drainage swales.

A violation of obstruction of drainage swales shall constitute a Class D violation as defined in Chapter 1.16 General Penalty; Violations and Fines; Procedure in Criminal Matters Generally of this Municipal Code and the fine

for such a violation shall be as set forth in that same Chapter for a Class D violation as presently defined or as hereafter amended.

(Ord. XXX)

12.16.070 Notice of defective drainage swales.

If the owner of any lot or part thereof or parcel of land shall suffer any drainage swale along the same to become out of repair, the city manager or their designee, or any person appointed by the council for that purpose, may, but is not required to, post a notice on the adjacent property headed "Notice to Repair Drainage Swale," and such notice shall direct the owner, agent, or occupant of such property immediately to repair the same in a good and substantial manner. The person posting the notice shall file an affidavit of the posting of such notice, stating the date when and the place where it was posted. They shall also send such notice by mail, postpaid, to the owner, if known, and directed to the post-office address of such owner or agent, when such post-office address is known to the city. If such post-office address be unknown to the city, such notice shall be directed to such owner or agent at Boardman, Oregon. A mistake in the name of the owner or agent, or a name other than that of the true owner or agent of such property, shall not render such notice void. In such case, the posted notice shall be sufficient. Repairs shall be made within ninety (90) days from the posting of the notice.

(Ord. XXX)

12.16.080 Permit for repairs.

Prior to making drainage swale repairs, the owner, agent, or occupant shall obtain from the Planning Official with input from the City Engineer a permit prescribing the kind of repair to be made, the material to be used, and the specifications therefore.

(Ord. XXX)

12.16.090 Repairs by city, record and report.

If the owner, agent, or occupant of a lot, part of a lot, or parcel of land fails, neglects, or refuses to make the drainage swale repairs within the time designated, the city may make the repairs. The city engineer shall keep an accurate account of the cost of the labor and materials used in making the repairs and use the abatement process outlined in Title 8 Health and Safety Chapter 8.04 Nuisances as needed. [EM5][CM6]

(Ord. XXX)

12.16.100 Liability of owners.

The owner or owners of land adjoining any street in the city shall be liable to any person suffering injury by reason of failure to maintain the drainage swales in front of such land in accordance with Chapter 12.16.

(Ord. XXX)