

ORDINANCE NO. 06-09

AN ORDINANCE PROVIDING FOR THE MAINTENANCE AND MODIFICATION OF DRAINAGE BERMS; MAKING IT UNLAWFUL FOR ANY PERSON TO MODIFY THE DRAINAGE BERM WITHOUT PERMISSION FROM THE CITY OF CAMMACK VILLAGE; PROVIDING FOR A REVIEW OF BERM MODIFICATION PROPOSALS; PROVIDING FOR AN EMERGENCY AND OTHER PURPOSES.

WHEREAS, the City of Cammack Village Street Improvement District #1 has constructed flood control berms (referred to herein as “berms”) in the City for the purpose of channeling runoff water within and along the public street, said berm consisting of urban fill, a permanent synthetic turf reinforcing mat known as TRN-450, and grass sod;

WHEREAS, in order to preserve the effectiveness of the berms for its flood control purpose, it is necessary to properly maintain the berms and it is necessary for the City to prohibit alteration of the berm so as to reduce its effectiveness;

Now, therefore, be it resolved that:

Section 1. General Provision

(a) It is the responsibility of the property owner to maintain a healthy stand of grass on each side of the peak of the berm sufficient to resist erosion resulting from storm water events. To that end, the owner shall be responsible for the watering and fertilizing and maintenance of the grass surface on the berm in such a manner as to maintain a healthy stand of grass on the berm.

(b) It shall be unlawful for any person to disturb, cut, penetrate, reconstruct, alter, remove or replace any part of the berm without the specific written authorization of the City of Cammack Village. The only permissible planting on the berm shall be the aforementioned solid grass cover.

Section 2. Berm Modification Proposals

(a) Any owner proposing to modify the berm on his property as part of a landscaping, grating, paving, or reconstruction within the berm, shall request written permission from the City of Cammack Village before commencing work.

(b) The City shall be under no obligation to approve any berm modification and shall not approve any berm modification without the certification of the City's engineer (or engineering firm retained by the City), who shall issue its written opinion that the proposed modification will not adversely alter storm water runoff control.

(c) Project approval shall be issued in the name of the applicant and shall set forth the terms and conditions of the approved berm modification plan.

(d) All costs incurred by the City, including the costs of any review by the City's engineer (or engineering firm retained by the City) shall be paid by the property owner.

Section 3. Enforcement

(a) The City building inspector shall make periodic inspections of the berms to insure that the berms functions and aesthetic quality are being properly maintained.

(b) In the event the City building inspector determines that there has been unauthorized work on the berm, the property owner shall be given written notice to remove any unauthorized work and restore the berm to its condition existing prior to the unauthorized work.

(c) If the property owner does not take the remedial action required by Section 3(b) within 30 days from the date written notice is delivered to the property address, the City shall have the right to restore the berm to its condition existing prior to the unauthorized work and the property owner shall be liable to the City for such costs of remedial work. Said costs shall constitute a lien to the property on which the berm corrections were made until such time as said costs are paid.

(d) Failure to obtain prior permission for changes to the berm or failure to take corrective action to restore the berm after unauthorized modification shall be a violation of this Ordinance and subject to a fine not to exceed \$250.00 for each violation in addition to the obligation to reimburse the City for remedial costs.


Section 4: EMERGENCY CLAUSE:

The City Council for the City of Cammack Village finds and determines that maintenance of the berms and rules related thereto are essential for storm water runoff and erosion control and an emergency is declared to exist, and this ordinance being necessary for the preservation of the public peace, health and safety be in full force and effect on and after October 10, 2006.

ADOPTED:

Date: 10/10/06

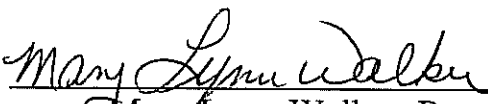
APPROVED:



Harry A. Light, Mayor

ATTEST:

Date: 10/10/06



Mary Lynn Walker, Recorder