

1 A BILL

ORDINANCE NO.

2022- 842

3 FOR

4 AN ORDINANCE

5
6
7 ESTABLISHING STORMWATER DISCHARGE
8 CONTROL REGULATIONS; **REPEAL OF**
9 **ORDINANCE NO. 2009-585; DECLARING AN**
10 **EMERGENCY**
11

12 The City of Keizer ordains as follows:

13 Section 1. TITLE AND GENERAL PROVISIONS. This Ordinance shall be known
14 as the Stormwater Discharge Control Ordinance of the City of Keizer and may be so cited.

15 Section 2. PURPOSE AND INTENT. The purpose and intent of this Ordinance is
16 to ensure the health, safety, and general welfare of citizens through the regulation of non-
17 stormwater discharges to the municipal separate storm sewer system (MS4), to underground
18 injection controls, and to surface waters within the City's jurisdiction. This Ordinance
19 establishes methods for prohibiting stormwater pollution to the maximum extent practicable,
20 pursuant to and consistent with the Federal Clean Water Act, Federal Safe Drinking Water Act,
21 Oregon Revised Statutes, Oregon Administrative Rules, and the Oregon Department of
22 Environmental Quality. The objectives of this Ordinance are:

- 23 1. To regulate non-stormwater discharges to the municipal separate storm sewer
24 system (MS4) by any user;
- 25 2. To regulate non-stormwater discharges to underground injection controls (UICs)
26 by any user;

1 3. To prohibit illicit connections and/or illegal/illicit discharges to the MS4, surface
2 waters, and UICs by any user;

3 4. To establish legal authority to carry out all inspection, surveillance, and
4 monitoring procedures necessary to ensure compliance with this Ordinance.

5 Section 3. DEFINITIONS. The terms used in this Ordinance shall have the
6 following meanings:

7 (a) "**Bank**" means:

8 (1) That portion of a waterway that is exposed from the Ordinary High Water
9 Line (OHWL) and extends to upland.

10 (b) **Best Management Practice(s), or BMPs.** BMPs are schedules of activities,
11 prohibitions of practices, general good housekeeping practices, pollution prevention and
12 educational practices, maintenance procedures, and other management practices to
13 prevent or reduce the direct or indirect discharge of pollutants to surface waters, storm
14 drainage systems, underground injection systems, or other natural or built stormwater
15 facilities or conveyances. BMPs also include treatment practices, operation and
16 maintenance procedures, and practices to control site runoff, spillage or leaks, sludge or
17 water disposal, or drainage from raw materials storage.

18 (c) **City.** The City of Keizer.

19 (d) **Clean Water Act.** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et
20 seq.), and any subsequent amendments thereto.

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1 (e) **Construction Activity.** Any ground disturbing activities, whether or not a permit is
2 required, or any ground-work activities that include, but are not limited to, clearing and
3 grubbing, grading, excavating, building and/or demolition; or any activities subject to
4 NPDES Construction Permits.

5 (f) **Hazardous Materials.** Any material, including any substance, waste, or combination
6 thereof, which because of its quantity, concentration, or physical, chemical, or infectious
7 characteristics may cause, or contribute to, a substantial present or potential hazard to
8 human health, safety, property, or the environment when improperly treated, stored,
9 transported, disposed of, or otherwise managed.

10 (g) **Illegal/Illicit Discharge.** Any direct or indirect non-stormwater discharge to the
11 MS4, UICs, or surface waters within the City's jurisdiction, except as exempted in
12 Section 9.

13 (h) **Illicit Connection.** An illicit connection is defined as either of the following:

14 (1) Any drain or conveyance, whether on the surface or subsurface, which
15 allows an illegal discharge to enter the storm drainage system including but not
16 limited to any conveyances which allow any non-stormwater discharge
17 including sewage, process wastewater, and wash water to enter the storm
18 drainage system and any connections to the storm drainage system from indoor
19 drains and sinks, regardless of whether said drain or connection had been
20 previously allowed, permitted, or approved by a government agency; or
21

1 (2) Any drain or conveyance connected from a commercial or industrial land use
2 to the storm drainage system which has not been documented in plans, maps, or
3 equivalent records and approved by the City.

4 (i) **Industrial Activity.** Activities subject to NPDES Industrial Permits, any activity
5 relating to or resulting from industry, and/or activities occurring in an area zoned for
6 industry.

7 (j) **Municipal Separate Storm Sewer System (MS4).** Public facilities by which
8 stormwater is collected and/or conveyed, including but not limited to any roads,
9 highways, or municipal streets with drainage systems, curbs, gutters, inlets, catch basins,
10 piped storm drains, structural stormwater controls, detention or retention basins, ditches,
11 swales, infiltration facilities, outfalls, reservoirs, natural and man-made or altered
12 drainage channels, and all appurtenances thereof.

13 (k) **National Pollutant Discharge Elimination System (NPDES)** Stormwater
14 Discharge Permits. General, group, and individual stormwater discharge permits which
15 regulate facilities defined in federal NPDES regulations and regulated through the
16 Oregon Department of Environmental Quality.

17 (l) **Non-Stormwater Discharge.** Any discharge to the storm drainage system that is not
18 composed entirely of stormwater, except as exempted in Section 9.

19 (m) **"Ordinary High Water Line" (OHWL).** The line on the bank or shore to which
20 the high water ordinarily rises annually in season. The OHWL excludes exceptionally
21 high water levels caused by large flood events (e.g., 100 year events).

1 (n) **Person Responsible or Responsible Person.** The equitable or legal owner of the
2 subject property, a lessee, tenant or person in possession of the property, or the person
3 or persons directly or indirectly responsible for an act.

4 (o) **Pollutant.** Anything which causes or contributes to pollution. Pollutants may
5 include, but are not limited to: paints, varnishes, and solvents; oil and other automotive
6 fluids; non-hazardous liquid and solid wastes; yard debris, leaves, soils, compost,
7 mulch, and organic wastes; refuse, rubbish, garbage, litter, or other discarded or
8 abandoned objects, articles, and accumulations, so that the same may cause or contribute
9 to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and
10 wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal
11 wastes; construction wastes; residues or accumulations such as sediment, slurries, and
12 concrete rinsates; and noxious or offensive matter of any kind.

13 (p) **"Pollution"** means such contamination or other alteration of the physical, chemical,
14 or biological properties of any waters of the state, including change in temperature,
15 taste, color, turbidity, silt, or odor of the waters, or such discharge of any liquid,
16 gaseous, solid, radioactive, or other substance into any water of the state that either by
17 itself or in connection with any other substance present can reasonably be expected to
18 create a public nuisance or render such waters harmful, detrimental, or injurious to
19 public health, safety, or welfare; to domestic, commercial, industrial, agricultural,
20 recreational, or other legitimate beneficial uses; or to livestock, wildlife, fish, other
21 aquatic life or the habitat thereof.

1 (q) **Premises.** Any building, lot, parcel of land, or portion of land whether improved or
2 unimproved including adjacent sidewalks and parking strips.

3 (r) **Storm Drainage System or Storm Drain System.** Any public or private facility
4 designed or used for collecting an/or conveying stormwater, including but not limited to
5 roads, highways, or streets with drainage systems, curbs, gutters, inlets, catch basins,
6 piped storm drains, structural stormwater controls, detention or retention basins, ditches,
7 swales/infiltration facilities, underground injection controls, outfalls, natural and man-
8 made or altered drainage channels, reservoirs, local waterways, and water of the State
9 and/or United States.

10 (s) **Stormwater.** "Stormwater" means stormwater runoff, snow melt runoff, and surface
11 runoff and drainage.

12 (t) **UIC** means underground injection control. A UIC is a subsurface distribution
13 system for stormwater; usually an assemblage of perforated pipes, drain tiles or other
14 mechanisms intended to distribute fluids below the surface of the ground.

15 (u) **"Waters of the State"** means lakes, bays, ponds, impounding reservoirs, springs,
16 wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within
17 the territorial limits of the State of Oregon, and all other bodies of surface or
18 underground waters, natural or artificial, inland or coastal, fresh or salt, public or private
19 (except those private waters that do not combine or effect a junction with natural surface
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1 or underground waters) that are located wholly or partially within or bordering the state
2 or within its jurisdiction, or as currently defined by the U.S. Environmental Protection
3 Agency.

4 (v) **Waterway** means a body of water (whether natural or man-made) that periodically
5 or continuously contains waters of the state and has a definite bed and banks that serve
6 to confine the water.

7 Section 4. APPLICABILITY. This Ordinance shall apply to all water entering the
8 storm drainage system generated on any developed and undeveloped lands lying within the City
9 of Keizer including any amendments or revisions thereto.

10 Section 5. RESPONSIBILITY FOR ADMINISTRATION. The Public Works
11 Director of the City shall administer, implement, and enforce the provisions of this Ordinance.
12 As used herein, "Public Works Director" shall include designees.

13 Section 6. SEVERABILITY. The provisions of this Ordinance are hereby declared
14 to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the
15 application thereof to any person, establishment, or circumstances shall be held invalid, such
16 invalidity shall not affect the other provisions or application of this Ordinance.

17 Section 7. REGULATORY CONSISTENCY. This Ordinance shall be construed to
18 assure consistency with the requirements of the Federal Clean Water Act, Federal Safe Drinking
19 Water Act, Oregon Revised Statutes, Oregon Administrative Rules, and the Oregon Department
20 of Environmental Quality and acts amendatory thereof or supplementary thereto, or any
21 applicable implementing regulations.

1 Section 8. ULTIMATE RESPONSIBILITY OF DISCHARGER. The standards set
2 forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this
3 Ordinance does not intend nor imply that compliance by any person will ensure that there will
4 be no contamination, pollution, nor unauthorized discharge of pollutants into Waters of the State
5 caused by said person. This Ordinance shall not create liability on the part of the City of Keizer,
6 or any agent or employee thereof for any damages that result from any discharger's reliance on
7 this Ordinance or any administrative decision lawfully made hereunder.

8 Section 9. PROHIBITION OF ILLEGAL DISCHARGES. No person shall
9 discharge or cause to be discharged directly or indirectly into the storm drainage system any
10 materials, including but not limited to pollutants or waters containing any pollutants that may
11 cause or contribute to a violation of applicable water quality standards, other than stormwater.

12 Prohibited discharges include, but are not limited to:

- 13 1. Septic, sewage, and dumping or disposal of liquids or materials other than
14 stormwater;
- 15 2. Discharges of washwater resulting from the hosing or cleaning of gas stations,
16 auto repair garages, or other types of automotive service facilities;
- 17 3. Discharges resulting from the cleaning, repair, or maintenance of any type of
18 equipment, machinery, or facility, including motor vehicles, cement-related
19 equipment, and port-a-potty servicing, etc.;
- 20 4. Discharges of washwater from mobile operations such as mobile automobile or
21 truck washing, steam cleaning, power washing, and carpet cleaning, etc.
- 22 5. Discharges of washwater from the cleaning or hosing of impervious surfaces in
23 municipal, industrial, commercial, or residential areas (including parking lots,
24 streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or
25 drinking areas, etc.) where detergents are used and spills or leaks of toxic or
26 hazardous materials have occurred (unless all spilled material has been
27 removed);
- 28 6. Discharges of runoff from material storage areas, which contain chemicals,
29 fuels, grease, oil, or other hazardous materials from material storage areas;
- 30

- 1 7. Discharges of pool or fountain water; discharges of pool or fountain filter
- 2 backwash water;
- 3 8. Discharges of sediment, unhardened concrete, pet waste, vegetation clippings, or
- 4 other landscape or construction-related wastes;
- 5 9. Discharges of trash, paints, stains, resins, or other household hazardous wastes;
- 6 10. Discharges of food-related wastes (grease, restaurant kitchen mat and trash bin
- 7 washwater, etc.)
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9 The prohibition shall not apply to any non-stormwater discharge permitted under an

10 NPDES permit, waiver, or waste discharge order issued to the discharger and administered by

11 the Oregon Department of Environmental Quality under the authority of the Federal

12 Environmental Protection Agency, provided that the discharger is in full compliance with all

13 requirements of the permit, waiver, or order and other applicable laws and regulations, and

14 provided that written approval has been granted by the City of Keizer for any discharge to the

15 storm drainage system.

16 The commencement, conduct or continuance of any illegal discharge to the storm

17 drainage system is prohibited except as described as follows:

18 Discharges from the following activities will not be considered a source of pollutants to

19 the storm drainage system and to Waters of the State when properly managed to ensure that no

20 potential pollutants are present, and therefore they shall not be considered illegal discharges

21 under the Federal Clean Water Act, Federal Safe Drinking Water Act, Oregon Revised Statutes,

22 Oregon Administrative Rules or this Ordinance:

23 (a) uncontaminated, potable water line flushing;

- 1 (b) uncontaminated pumped groundwater (including Aquifer storage and recovery wells)
2 and other discharges from potable sources (including potable groundwater monitoring
3 wells and draining and flushing of municipal potable water storage reservoirs);
4 (c) landscape irrigation and lawn watering;
5 (d) diverted stream flows; rising groundwater; uncontaminated groundwater infiltration (as
6 defined at 40 CFR § 35.2005(20)) to the storm drainage system;
7 (e) uncontaminated water from foundation and footing drains; uncontaminated water from
8 crawl space pumps;
9 (f) Uncontaminated air conditioning or compressor condensation; uncontaminated
10 residential roof drains;
11 (g) springs;
12 (h) individual residential car washing (exterior only - no engines, engine compartments,
13 transmissions or undercarriages) that occurs on private property and not in the public
14 right-of-way;
15 (i) flows from riparian habitats and wetlands;
16 (j) street and pavement washwaters that do not contain chemicals, soaps, steam or heater
17 water;
18 (k) discharges or flows from emergency fire fighting activities;
19 (l) start up flushing of groundwater wells;
20 (m) irrigation water;
21 (n) fire hydrant flushing;

1 (o) routine external building and sidewalk wash-down that does not use chemicals, soaps,
2 detergents, steam or heated water and accumulated debris does not enter the storm
3 drainage system;

4 (p) discharges of treated water from investigation, removal and remedial actions;

5 (q) water associated with dye testing activity, as long as City is notified in writing no less
6 than twenty-four (24) hours prior to the time of the test.

7 Section 10. PROHIBITION OF ILLICIT CONNECTIONS.

8 (a) The construction, use, maintenance or continued existence of illicit connections to
9 the storm drainage system is prohibited.

10 (b) This prohibition expressly includes, without limitation, illicit connections made in
11 the past, regardless of whether the connection was permissible under law or practices
12 applicable or prevailing at the time of connection.

13 Section 11. WASTE DISPOSAL PROHIBITIONS. No person shall throw, deposit,

14 leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any
15 public or private property, driveway, parking area, street, alley, sidewalk, component of the
16 storm drainage system, UICs, or Waters of the State, any refuse, rubbish, garbage, litter, yard
17 debris or other discarded or abandoned objects, articles, and accumulations, such that the same
18 may cause or contribute to pollution. Wastes deposited in proper waste receptacles for the
19 purposes of collection are exempted from this prohibition.

1 Section 12. DISCHARGES IN VIOLATION OF INDUSTRIAL OR
2 CONSTRUCTION ACTIVITY NPDES STORMWATER DISCHARGE PERMIT OR UIC
3 PERMIT. Any person subject to an industrial or construction activity NPDES stormwater
4 discharge permit or UIC permit shall comply with all provisions of such permit. Failure to
5 comply with all provisions shall constitute a violation of this Ordinance. Proof of compliance
6 with said permit may be required in a form acceptable to the Public Works Director prior to or
7 as a condition of a subdivision map, site plan, building permit, or development or improvement
8 plan; upon inspection of the facility; during any enforcement proceeding or action; or for any
9 other reasonable cause.

10 Section 13. WATERWAY PROTECTION. Every person owning property through
11 which a waterway passes, or such person's lessee, shall keep and maintain that part of the
12 waterway within the property free of trash, debris, excessive vegetation, and other obstacles that
13 would pollute, contaminate, or retard the flow of water through the waterway. In addition, the
14 owner or lessee shall maintain existing privately owned structures within or adjacent to a
15 waterway, so that such structures will not become a hazard to the use, function, or physical
16 integrity of the waterway. The owner or lessee shall not remove bank vegetation that will result
17 in bare slopes subject to erosion. Removal of invasive vegetation may be allowed by the Public
18 Works Director upon submittal of a plan for approval prior to removal and replanting. The
19 Public Works Director may impose reasonable conditions upon such approval. Violation of the
20 conditions or any other portion of the approval shall constitute a violation of this Ordinance.
21 The property owner shall be responsible for maintaining and stabilizing that portion of the

1 waterway that is within their property lines in order to protect against erosion and degradation
2 of the waterway originating or contributed from their property.

3 Section 14. REQUIREMENT TO MONITOR AND ANALYZE. The Public Works
4 Director may require by written notice that any person engaged in any activity and/or owning or
5 operating any facility which may cause or contribute to stormwater pollution, illegal discharges,
6 and/or non-stormwater discharges to the storm drainage system, UICs, or Waters of the State, to
7 undertake at said person's expense such monitoring and analyses and furnish such reports to the
8 City of Keizer as deemed necessary to determine compliance with this Ordinance.

9 Section 15. NOTIFICATION OF SPILLS. Notwithstanding other requirements of
10 law, as soon as any person responsible for a facility or operation, or responsible for emergency
11 response for a facility or operation has information of any known or suspected release of
12 materials which are resulting or may result in illegal discharges or pollutants discharging into
13 stormwater, the storm drainage system, or Waters of the State from said facility, said person
14 shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
15 In the event of such a release of hazardous materials said person shall immediately notify
16 emergency response agencies of the occurrence via emergency dispatch services. In the event
17 of a release of non-hazardous materials, said person shall notify the Public Works Director or
18 other available City personnel in person or by phone or electronic mail no later than the next
19 business day. Notifications in person, by phone, or electronic mail shall be confirmed by
20 written notice addressed and mailed to the Public Works Director within three business days of
21 the release. If the discharge of prohibited materials emanates from a commercial or industrial

1 establishment, the owner or operator of such establishment shall also retain an on-site written
2 record of the discharge and the actions taken to prevent its recurrence. Such records shall be
3 retained for at least three (3) years.

4 Section 16. AUTHORITY TO INSPECT. Whenever necessary to make an
5 inspection to enforce any provision of this Ordinance, or whenever the Public Works Director
6 has cause to believe that there exists, or potentially exists, in or upon any premises any
7 condition which constitutes a violation of this Ordinance, the Director, or the Director's
8 designee, may enter such premises at all times to inspect the same and to inspect and copy
9 records related to stormwater compliance. In the event the owner or occupant refuses entry after
10 a request to enter and inspect has been made, the City is hereby empowered to seek warrant or
11 other assistance from any court of competent jurisdiction in obtaining such entry, including, but
12 not limited to Municipal Court Warrant.

13 Section 17. AUTHORITY TO SAMPLE, ESTABLISH SAMPLING DEVICES,
14 AND TEST. During any inspection as provided herein, the Public Works Director may take
15 any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to
16 record site activities.

17 Section 18. REQUIREMENT TO ELIMINATE ILLEGAL DISCHARGES.
18 Notwithstanding the requirements of Section 23 (Emergency Abatement) herein, the Public
19 Works Director may require by written notice that a person responsible for an illegal discharge
20 immediately, or by a specified date, discontinue the discharge and, if necessary, take measures
21 to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

1 Failure to comply with the requirements of the notice within the time stated shall constitute a
2 violation of this Ordinance.

3 Section 19. REQUIREMENT TO ELIMINATE OR SECURE APPROVAL FOR
4 ILLICIT CONNECTIONS.

5 (a) The Public Works Director may require by written notice that the person responsible
6 for an illicit connection to the storm drainage system comply with the requirements of
7 this Ordinance to either eliminate the connection or secure approval for the connection
8 by a specified date, regardless of whether or not the connection or discharges to it had
9 been established or approved prior to the effective date of this Ordinance.

10 (b) If, subsequent to eliminating a connection found to be in violation of this Ordinance,
11 the responsible person can demonstrate that an illegal discharge will no longer occur,
12 said person may request City approval to reconnect. The reconnection or reinstallation
13 of the connection shall be at the responsible person's expense.

14 Section 20. REQUIREMENT TO REMEDIATE. Whenever the Public Works
15 Director finds that a discharge of pollutants is taking place or has occurred which will result in
16 or has resulted in pollution of stormwater, the storm drainage system, or Waters of the State, the
17 Public Works Director may require by written notice to the responsible person that the pollution
18 be remediated and the affected property restored within a specified time. Failure to comply
19 with the requirements of the notice within the time stated shall constitute a violation of this
20 Ordinance.

1 Section 21. NOTICE OF VIOLATION. Whenever the Public Works Director finds
2 that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the
3 Director may order compliance by written notice of violation to the responsible person. Such
4 notice may require without limitation:

5 (a) The performance of monitoring, analyses, and reporting;

6 (b) The elimination of illicit connections or discharges;

7 (c) That violating discharges, practices, or operations shall cease and desist;

8 (d) The abatement or remediation of stormwater pollution or contamination hazards and
9 the restoration of any affected property;

10 (e) The implementation of source control or treatment BMPs supplied by the Public
11 Works Director or designee; and

12 (f) A private maintenance agreement.

13 If abatement of a violation and/or restoration of affected property is required, the notice
14 shall set forth a deadline within which such remediation or restoration must be completed. The
15 Public Works Director or designee shall have the discretion to set a deadline taking into account
16 the whole circumstances including, but not limited to, the type, size, and effect of the discharge
17 or other violation. Said notice shall further advise that, should the violator fail to remediate or
18 restore within the established deadline, the work will be done by the City or a contractor
19 designated by the Public Works Director and the expense thereof shall be charged to the violator
20 pursuant to Sections 22 and 24.

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1 Section 22. ABATEMENT BY CITY. If the violation has not been corrected
2 pursuant to the requirements set forth in the Notice of Violation, then the City or a contractor
3 designated by the Public Works Director may enter upon the subject private property and is
4 authorized to take any and all measures necessary to abate the violation and/or restore the
5 property. It shall be unlawful for any person, owner, agent or person in possession of any
6 premises to refuse to allow the City or designated contractor to enter upon the premises for the
7 purposes set forth above. Any expense related to such remediation undertaken by the City of
8 Keizer shall be fully reimbursed by the property owner and/or responsible party pursuant to
9 Section 24.

10 Section 23. EMERGENCY ABATEMENT. The Public Works Director, or designee,
11 is authorized to require immediate abatement of any violation of this Ordinance that constitutes
12 an immediate threat to the health, safety or well-being of the public. If any such violation is not
13 abated immediately as directed by the Public Works Director, the City of Keizer is authorized to
14 enter onto private property and to take any and all measures required to remediate the violation.
15 Any expense related to such remediation undertaken by the City of Keizer shall be fully
16 reimbursed by the property owner and/or responsible party pursuant to Section 24. Any relief
17 obtained under this section shall not prevent City from seeking other and further relief
18 authorized under this Ordinance.

1 Section 24. CHARGING COST OF ABATEMENT/LIENS.

2 (a) Following completion of abatement by the City, the City Manager, by
3 certified mail, postage prepaid, return receipt requested, shall forward to the
4 responsible person a statement of costs which include:

5 (1) The total costs of abatement, including administrative overhead.

6 (2) A statement that the costs as indicated will be assessed against
7 the subject property unless paid within ten (10) days of the date
8 of the statement.

9 (3) A statement that the City Council will hold a public hearing to
10 determine the correctness of the statement and to declare a lien
11 against the subject property on a date which is at least ten (10)
12 days from the date of the statement.

13 (b) After the expiration of ten (10) days after the date of the statement, the
14 City Council, in the regular course of business, shall hold a public hearing to
15 hear the matter. Following the hearing, the Council may, by ordinance,
16 determine the correctness of such statement and declare the same to be a lien
17 upon the subject property, to be entered in the lien docket and enforced against
18 the property. Such determination by the Council shall be considered a final
19 order. Appeal from the Council's final order shall be by way of writ of review
20 only, pursuant to ORS 34.020 et. seq.

1 (c) An error in the name of the responsible person shall not void the
2 assessment, nor will a failure to receive the notice of the proposed assessment
3 render the assessment void, but it shall remain a valid lien against the property.

4 (d) The lien shall bear interest at the rate of nine percent (9%) per annum.
5 The interest shall commence to run from the date of entry of the lien in the lien
6 docket.

7 Section 25. VIOLATIONS. It shall be unlawful for any person to violate any
8 provision or fail to comply with any of the requirements of this Ordinance. A violation of or
9 failure to comply with any of the requirements of this Ordinance shall constitute an infraction
10 and shall be punished as set forth in the Civil Infraction Ordinance. The mandatory penalties
11 are as follows:

12 (a) \$250.00 per day for the first offense.

13 (b) \$350.00 per day for the second offense within a three (3) year period.

14 (c) \$500.00 per day for the third offense within a three (3) year period.

15 (d) There shall be an enhanced penalty of \$100.00 per day if there is any
16 discharge of hazardous materials in any amount.

17 (e) There shall be an enhanced penalty of \$100.00 per day if the discharge is
18 fully or partially intentional.

Section 26. COMPENSATORY ACTION. In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Public Works Director may propose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 27. NOTICE PROCESS. When required by this Ordinance, notice shall be in writing and delivered personally, by posting or by certified mail, postage prepaid, return receipt requested to the Responsible Person and is effective on the third day after mailing. However, notice can also be delivered by phone, text, electronic mail or other means to the Responsible Person. Such alternate notice is effective upon receipt by the Responsible Person.

Section 28. REPEAL OF ORDINANCE NO. 2009-585. Ordinance No. 2009-585 (Establishing Stormwater Discharge Control Regulations) is hereby repealed in its entirety, but such Ordinance shall remain in force for the purpose of enforcing any violation under such Ordinance that existed prior to the date of this Ordinance.

Section 29. EFFECTIVE DATE. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED this 22nd day of February, 2022.

SIGNED this 22nd day of February, 2022.

Cathy Clark
Mayor

Mary Dye
City Recorder