

ORDINANCE NO. 233

AN ORDINANCE AMENDING TITLE XIV, ENTITLED WATER QUALITY PROTECTION; AMENDING CHAPTER 141 “EROSION AND SEDIMENT CONTROL”; ADDING NEW PROVISIONS TO CHAPTER 141 REFERRED TO AS “STORMWATER MANAGEMENT”, REPEALING ORDINANCE NUMBER 193, AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Dunes City Council adopted Ordinance No. 193 on August 19, 2007 which repealed Section 154.05 of the Dunes City Code and replaced it with Chapter 141, entitled “Erosion and Sediment Control;” and

WHEREAS, technology, information and science regarding the best and most efficient means of controlling and preventing erosion and sediment movement is advancing at a rapid rate due to the need to protect the United States’ water resources; and

WHEREAS, the provisions of Ordinance No. 193 locked the City into using outdated best management practices and recommendations and did not provide the flexibility for the City to improve upon its standards to restrict sediments from intruding into any public water bodies or onto right-of-ways or crossing ownership property lines; and

WHEREAS, it is in the best interest of the City to allow Dunes City the flexibility to keep up with science and technology and require the best methods for control of erosion and sediment movement;

WHEREAS, Ordinance No. 193 also set out separate enforcement and penalty provisions; and

WHEREAS, it is in the best interests of Dunes City and its residents to have all of its enforcement procedures and actions located in one section of Code to facilitate clear understanding of potential activities and penalties that may occur in the event of a violation of Code provisions; and

WHEREAS, Dunes City has no Code provisions that address Stormwater Management; and

WHEREAS, control of stormwater runoff is an integral part of ensuring the continued protection of the water resources of Dunes City; and

WHEREAS, it is in the best interests of Dunes City that it have Code provisions addressing how stormwater runoff will be controlled;

NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 193, which contains Section 141 of the Dunes City Code, is hereby repealed, effective on the day this Ordinance becomes effective.

Section 2. Title XIV., entitled Water Quality Protection, of the Dunes City Code of Ordinances is amended by adding the following Chapter 141:

CHAPTER 141: SURFACE WATER MANAGEMENT

Sections:

Erosion Control:

- 141.001 Purpose and Applicability
- 141.002 Definitions
- 141.003 Requirement for an Erosion and Sediment Control Plan; Fees; Exceptions
- 141.004 Levels of ESCPs; Expedited ESCP
- 141.005 Inspection Required
- 141.006 Erosion and Sediment Control Plan Standards
- 141.007 Erosion and Sediment Control Plan Submission Requirements
- 141.008 Erosion and Sediment Control Plan Implementation Requirements; Fees and Costs
- 141.009 Correction of Ineffective Measures and Expedited ESCPs; Fees and Costs
- 141.010 Emergency Measures
- 141.011 Duration of Maintenance
- 141.012 Enforcement
- 141.013 to
- 141.019 Reserved

Stormwater Management:

- 141.020 Purpose
- 141.021 Definitions
- 141.022 Stormwater Design Standards
- 141.023 Drainage Plan Submittal Requirements
- 141.024 Operation and Maintenance Plan Submittal Requirements
- 141.025 Public Stormwater Facilities
- 141.026 Construction
- 141.027 Extension of Public Stormwater Facilities
- 141.028 City Acceptance of New Stormwater Management Facilities
- 141.029 Correction of Ineffective Measures
- 141.030 Maintenance Responsibilities for Public Stormwater Management
- 141.031 Maintenance Responsibilities for Private Stormwater Management
- 141.032 Easements

141.033 Inspection
141.034 Enforcement

EROSION CONTROL

§141.001 PURPOSE AND APPLICABILITY

The purpose of Sections 141.001 through 141.019 are to establish standards and practices to restrict sediments resulting from land disturbance from intruding into any public water bodies or onto any right-of-ways, or crossing ownership property lines. The objective is to control erosion at its source in order to maintain and improve water quality and reduce downstream impacts.

In all cases of land disturbance, the responsible party is responsible for preventing erosion and sediment transport and is subject to requirements and penalties as listed in this Chapter. Sections 141.001 through 141.019 pertain to planned land disturbance or to accidental transport of sediments across property lines and shall apply to activity on both public and private property within the City.

§ 141.002 DEFINITIONS

For purposes of Sections 114.001 through 141.019 of this Chapter, the following definitions apply:

Best Management Practices (BMPs): A technique, or series of techniques, which is the best known erosion management practice available to be effective in protecting water quality and lake and/or stream habitat.

Development: Any manmade change that results in land disturbance.

Emergency: A situation which would result in an unacceptable hazard to life, a significant loss of property or an immediate, unforeseen, and significant economic hardship if corrective action is not undertaken.

Erosion: The process by which wind or water can impact the land surface and remove sediment. The rate of erosion depends on a variety of factors such as type of soil, climate, presence or absence of vegetative cover, topography, and surrounding land management practices. Erosion occurs naturally as a result of weather or runoff but can be intensified by clearing, grading or excavation of the land surface. Erosion usually refers to processes of surface erosion and not to mass soil movement (landsliding).

Erosion and Sediment Control Plan (ESCP): The ESCP provides detailed information about the construction site, and serves as a blueprint for the location, installation, and maintenance of the erosion and sediment control measures.

Excavation: The mechanical removal of earth material.

Fill: The placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land.

Grading: The act of excavating and moving soil. Grading also refers to the mechanical smoothing of a road bed to maintain a free-draining, smooth traveling surface.

Land Disturbance: Any activity that results in a change in the existing soil cover, both vegetative and non-vegetative and both temporary or permanent, and/or the existing soil topography. Land disturbing activities include, but are not limited to, demotion, construction, paving, clearing, and grubbing.

Material: Soil, rocks, vegetative matter and non-vegetative matter.

Off-Site: Not located or occurring at the site of a particular development or on a particular property.

On-Site: The entire property that includes the proposed development.

Planning Official: The Planning Official is the City Recorder or the City Recorder's designee.

Qualified Professional: An Oregon Registered Professional Engineer, an Oregon Registered Landscape Architect, Oregon Certified Engineering Geologist, or Certified Professional in Erosion and Sediment Control (Soil and Water Conservation Society).

Responsible Party:

A. A person or entity holding fee title to a property, tenant, lessee, or a person or entity who is acting as an owner's representative including any person, company, nonprofit organization or other entity performing services that are contracted, subcontracted, or obligated by other agreement to meet the requirements of this Code.

B. Any individual or entity who causes land disturbance on land within the City limits with or without the permission of the landowner.

Sediment: Soil or other surface material held in suspension in water.

Sediment Transport: The horizontal conveyance of sediment suspended in moving water. Suspension and deposition result from the combined effects of sediment grain size, turbulence and channel configuration.

Significant Amount of Sediment: One cubic foot or more of sediment constitutes a significant amount of sediment.

Stormwater: Water that originates as precipitation on a particular site, basin, or watershed and flows over land or impervious surfaces without percolating into the

ground.

§141.003 REQUIREMENT FOR AN EROSION AND SEDIMENT CONTROL PLAN; FEES; EXCEPTIONS

For all land disturbances which comprise an area of greater than 4,000 square feet or propose to move more than 50 cubic yards of material, or in any situation when sediment transport has occurred across property lines, an Erosion and Sediment Control Plan (ESCP) is required. ESCP approval is required by inspectors defined in Section 141.004 herein prior to land disturbance.

A. Erosion and Sediment Control Plan. In all cases of land disturbance as defined in Section 141.002 herein, and prior to the commencement of any land disturbance, the responsible party must submit an Erosion and Sediment Control Plan (ESCP) to the City for approval. The ESCP shall accompany any application for Excavation and Grading Permit required by the City. Submission of the ESCP must be accompanied by the payment of ESCP Review fees in an amount set by the City Council from time to time.

The specific erosion control measures and Best Management Practices (BMPs) to be used shall be selected from the Oregon Department of Environmental Quality (DEQ) Construction Stormwater Erosion and Sediment Control Manual (January 2013), or other standards which may be adopted by City Council Resolution. These practices shall be the primary guide for establishing and reviewing the erosion control plan and its application.

B. Exceptions To Erosion and Sediment Control Plan Requirement. No Erosion and Sediment Control Plan is required for all land disturbances, including vegetable gardens and orchards, which:

1. Comprise an area of less than 4,000 square feet or proposes to move less than 50 cubic yards; and
2. Does not disturb land within 100 horizontal feet of the high water level of any lake; and
3. Does not occur on lands having slope of 15% or greater.

§ 141.004 LEVELS OF ESCPs; EXPEDITED ESCP

There are three levels of Erosion and Sediment Control Plans:

A. Simple ESCP. A Simple ESCP does not require professional engineering but is an outline including and addressing the requirements and standards identified in Section 141.006 of this Chapter, and includes a general plan with drawings of the site. A simple ESCP shall be used for planned land disturbance of greater than 4,000 square feet or greater than 50 cubic yards, with slopes of less than 15%, and where no portion of the

land disturbance occurs within 100 horizontal feet of the high water level of any lake.

B. Standard ESCP. A Standard ESCP shall be prepared and stamped by a Qualified Professional as defined in Section 141.002 herein which includes scale drawings of the full site and detailed plans for erosion control. The Standard ESCP must be accompanied by a full set of drawings according to the current Oregon Department of Environmental Quality Manual and any standards contained in Section 141.006 hereof. In all cases the drawing shall indicate all slopes where the slopes are 15% or greater and will identify a 100 horizontal foot setback from the ordinary high water level of any lake. A Standard ESCP shall be required for all planned land disturbances not subject to the Exceptions listed in Section 141.003 hereinabove, or to the requirements of a Simple ESCP as described in Paragraph A. of this Section 141.004.

C. Expedited ESCP. An Expedited ESCP may be required when previous methods of sediment and erosion control have not been effective and sediment transport occurs, moving material across property lines. See Section 141.009 regarding Correction of Ineffective Measures and Expedited Plans.

§ 141.005 INSPECTION REQUIRED

All ESCPs shall be inspected as follows:

- A. Roads and driveways that require an ESCP will be inspected by the City Engineer.
- B. Standard ESCPs will also be inspected by the City Engineer.
- C. Simple ESCPs will be inspected by the Planning Official, or authorized City Representative.

Costs associated with inspection will be billed to and paid by the responsible party within thirty (30) days of invoicing by the City. Failure to pay the invoice within such time period may result in referral of the matter to the City Code Enforcement Officer for action pursuant to Chapter 36 of this Code.

§ 141.006 EROSION AND SEDIMENT CONTROL PLAN STANDARDS

All ESCPs shall address the following standards:

1. Specific measures to prevent erosion and sediment transport are to be included in the plan.
2. The plan is designed to limit land disturbance of natural topography and soils.
3. The site design plan will seek to preserve native vegetation, healthy trees and ground cover.

4. Activities will be scheduled to avoid land disturbance during periods of heavy rain.

5. Measures are specified to stabilize disturbed soils if land disturbance activities cease for any extended period of time.

6. Measures are specified for delineation and protection of wetlands, riparian or shoreland areas (zones) on the parcel.

7. Control measures are included for site access points to prevent tracking of sediments off-site by any equipment.

§ 141.007 EROSION AND SEDIMENT CONTROL PLAN SUBMISSION REQUIREMENTS

All ESCPs shall address all items in Section 141.006, as well as the following specific items:

1. A description of the project, including the name, address, telephone number, and email address, if any, of the property owner, the map and tax lot number and street address, if any, of the site.

2. A drawing of the lot, showing planned area of ground disturbance, riparian areas, and waterways. This drawing must be to scale for a Standard ESCP.

3. A schedule of activities designed to minimize land disturbance during wet weather.

4. The manner and method of covering or otherwise protecting bare soil during wet weather.

5. A manner and method of controlling perimeter erosion.

6. The site entrance and exit sediment control manner and method.

7. The designation of an on-site representative, including name, business name, address, and contact telephone numbers and email address, if any.

§141.008 EROSION AND SEDIMENT CONTROL PLAN IMPLEMENTATION REQUIREMENTS; FEES AND COSTS

A. ESCP approval is required by inspectors as delineated in Section 141.004 prior to land disturbance.

B. The property owner and/or responsible party shall implement the measures and construct facilities contained in the approved ESCP in a timely manner and

consistent with the following:

1. Erosion control measures shall be installed prior to or concurrent with any land disturbance or road work. Upon completion of the installation or a phase of the installation, the on-site representative shall call for City inspection to certify that erosion control measures are installed in accordance with the ESCP.

2. In all cases, the property owner and/or responsible party shall be responsible for maintenance of erosion control measures to ensure that they are functioning properly without interruption.

3. The removal of significant amounts of sediment that are carried off the site are the responsibility of the property owner and/or responsible party. Sediment shall be removed daily from road surfaces. The property owner and/or responsible party shall also be responsible for cleaning and repairing streets, catch basins, and adjacent property where sediment transport affects such properties. In no case shall sediments be washed into storm drains, ditches, drainage ways, streams, wetlands, or lakes.

4. Pollutants such as fuels, lubricants, raw sewage, and other harmful materials shall not be discharged onto the ground, shall be protected from the weather, and shall be properly stored and disposed of. Where the construction process results in or reveals soils contaminated with hazardous materials or machine fluids, the property owner and/or responsible party shall remove all spill-contaminated soil from the site to an approved location. Spill kits are required on-site when construction machinery is present.

C. Any and all costs associated with inspections to ensure compliance with ESCPs shall be borne by the property owner and/or responsible party and shall be paid within thirty (30) days of invoice for the same. Failure to pay said costs within said time period will result in the referral of the non-compliance to the City Code Enforcement Officer for further action in accordance with Chapter 36 of this Code.

§ 141.009 CORRECTION OF INEFFECTIVE MEASURES AND EXPEDITED ESCPs; FEES AND COSTS

A. If the implementation of the approved ESCP, based on an inspection of the site by the appropriate inspector as defined in Section 141.005, does not fulfill the requirements of the approved ESCP, the City shall require immediate compliance, with remedial action to be completed within seventy-two (72) hours.

B. In the event that visible amounts of sediment have been inadvertently deposited on adjacent property, on roadways, in a wetland, stream, or lake, the property owner or his designee shall take remedial actions within seventy-two (72) hours to mitigate the inadvertent deposit and must notify the City within the same time period.

C. If the City finds that significant amounts of sediment have been deposited on adjacent property, on roadways, in a wetland, stream, or lake, the property owner has

forty-eight (48) hours to correct the problem in consultation with the City or be in violation of the provisions of this Chapter.

D. In the event that the above remedies are ineffective, a modified and expedited ESCP shall be provided within five (5) working days after written notification by the City. This ESCP shall be created in consultation with the City Engineer. This expedited ESCP shall address measures for immediate erosion concern as well as prevention of future episodes. The property owner and/or responsible party shall implement the expedited ESCP within five (5) working days of approval.

E. The property owner and/or responsible party shall reimburse the City for any and all fees and costs incurred by the City in conjunction with any corrective measures required under this Section 141.009. Payment of such reimbursement shall be made within thirty (30) days of invoicing by the City. Failure to make such reimbursement within the time frame indicated may result in referral of the matter to the City Code Enforcement Officer for further action in accordance with Chapter 36 of this Code.

§ 141.010 EMERGENCY MEASURES

If the property owner, Code Enforcement Official or City Engineer determine that the health or safety of residents or the community is under immediate threat by circumstances that have developed on the site, corrective action, including excavation or grading, can commence without prior notice to the City. In this case notice shall be provided to the City at the earliest possible opportunity, together with proof that an emergency situation existed.

§ 141.011 DURATION OF MAINTENANCE

Temporary erosion control facilities constructed to control erosion shall be removed once the site is permanently stabilized. The ESCP measures are to be maintained during all periods of construction whether currently active or delayed. When the construction activity is completed or ceases, temporary facilities constructed to control erosion shall be removed once the site is permanently stabilized. Subsequent to the above circumstances the individual property owner is then responsible for the continued observance and maintenance of the ESCP on their property as applicable and described in Sections 141.001 through 141.019.

In the case of a partition, subdivision, Planned Unit Development (PUD), or commercial development, responsibility for ongoing observance and maintenance of the ESCP measures shall lie with the homeowners association or responsible parties that are owners of the property. Copies of the ESCP shall be kept in the Dunes City offices and made available for review.

§ 141.012 ENFORCEMENT

A. Failure to carry out the conditions and standards of erosion and sediment control set forth in Sections 141.001 through 141.019 shall be unlawful and a civil infraction subject to the enforcement provisions of Chapter 36 of the Dunes City Code.

B. In addition to penalties imposed under Chapter 36 of the Dunes City Code, the Code Enforcement Officer may enforce the following additional mitigating measures:

1. Issue a stop work order or suspend any development or building permit on the subject property, or deny occupancy of the subject property until erosion control measures have been installed properly and maintained in accordance with the provision of Sections 141.001 through 141.019.

2. In the event costs are incurred by Dunes City to mitigate problems of erosion or sediment transport caused by the inadequacy of an ESCP or its application, all costs and penalties must be paid in full by the property owner and/or responsible party before work is resumed, permits reinstate, or occupancy permitted. In the event the costs incurred by Dunes City are not reimbursed to the City within thirty (30) days of issuance of a Finding and Order of Violation pursuant to Chapter 36 of this Code, development or building permits can be revoked by the City and a lien may be issued on the property.

3. The owner of the property from which the erosion and/or sediment transport occurs, together with any person or parties who cause such erosion, shall be responsible for mitigating the impacts of the erosion and for preventing future erosion. A property owner shall not be held responsible for the products of erosion or sediment transport that originate on other properties.

§§ 141.013 THROUGH 141.019 are hereby reserved.

STORMWATER MANAGEMENT

§ 141.020 PURPOSE

The purpose of this Code is to protect, maintain, and enhance the public health, safety and general welfare by establishing minimum requirements and procedures to control the adverse effects of stormwater runoff associated with existing and future land development within the City. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the negative effects of development on the existing stream channels, assist in the attainment of water quality standards, help protect the quantity and quality of the water in the aquifer, enhance and protect the natural environment associated with the drainage system, and facilitate orderly development while mitigating the associated impacts of development.

§ 141.021 DEFINITIONS

The following terms used in Sections 141.020 through 141.034 shall have the meanings set forth below:

Drainage Plan – The submittal requirement for all projects except those specifically exempt from the submittal process or subject to the modified requirements. The Plan helps to identify the major impact of the proposed development on the quality and quantity of stormwater and the proposed activities to limit and address negative impacts.

Operations and Maintenance Plan – Specifies the proposed stormwater collection and management facilities to be constructed as part of the residential developments, partitions, subdivisions, PUDs, and commercial developments for the purpose of treating and managing water flows from private grounds. May not be required for all developments.

Private Stormwater Facility – Drainage and stormwater management facilities located on private property.

Public Stormwater Facility – Drainage and stormwater management facilities located within the public right-of-way or easements dedicated to the City that are owned and maintained by the City.

Responsible Party – A person or entity holding fee title to a property, tenant, lessee, or a person or entity who is acting as an owner’s representative including any person, company, nonprofit organization or other entity performing services that are contracted, subcontracted, or obligated by other agreement to meet the requirements of this Code.

Stormwater Management Facilities – Facilities or structures that control the quality or quantity of stormwater, including: detention ponds, water quality ponds, vegetated swales, water quality manholes, treatment wetlands, infiltration systems, etc.

Stormwater System – All of the structures and facilities that are designed for the collection, conveyance, storage, treatment, and disposal of stormwater runoff and surface water, including both man made and natural drainage systems.

§ 141.022 STORMWATER DESIGN STANDARDS

All stormwater facilities and associated Operations and Maintenance Plans shall be designed in accordance with Stormwater Design Standards adopted by the City Council by Resolution.

§ 141.023 DRAINAGE PLAN SUBMITTAL REQUIREMENTS

A. A Drainage Plan is required for all partitions, subdivisions, PUDS, and commercial development. A Drainage Plan is not required for single family residential development.

B. A registered professional engineer licensed by the State of Oregon shall prepare, certify, and stamp the Drainage Plan.

C. The Drainage Plan shall be submitted and approved as part of the land use approval process.

§ 141.024 OPERATION AND MAINTENANCE PLAN SUBMITTAL REQUIREMENTS

A. An Operation and Maintenance Plan is required for all partitions, subdivision, PUDs, and commercial development. An Operation and Maintenance Plan is not required for single family residential development.

B. The Operation and Maintenance Plan shall name the individual(s) or entity(ies) responsible for ongoing maintenance of the stormwater system and contact information for said individual(s) or entity(ies).

C. The Operation and Maintenance Plan shall provide for the ongoing maintenance of stormwater facilities in accordance with the Stormwater Design Standards adopted in accordance with Section 141.022 of this Chapter.

D. The Operation and Maintenance Plan shall be submitted and approved as part of the land use approval process.

§141.025 PUBLIC STORMWATER FACILITIES

A. Storm drainage and management facilities may or may not be publicly owned and maintained.

B. Storm drainage and management facilities within a partition, subdivision, Planned Unit Development (PUD), or commercial development may or may not be a publicly owned and maintained facility. Generally, if the City owns and maintains the roads and there is free ingress and egress from the community (not gated), then the City may own and maintain the stormwater facility provided the easement and maintenance requirements of this Code are satisfied. Ownership of the stormwater facility shall be established prior to the approval of the tentative plan.

D. Natural stream and drainage ways may or may not be publicly owned and maintained.

E. The City may accept ownership of the major components of an existing stormwater system located within the Current City boundary. The City shall consider the following factors prior to acceptance of any facilities into the public stormwater system:

1. Standards used in the design,
2. The location of the system relative to the public right-of-way,

3. Functionality of the system,
4. Associated flooding problems,
5. Maintenance requirements,
6. Ability to access facilities, and
7. Any other factors pertinent to the decision.

§ 141.026 CONSTRUCTION

Prior to the construction of, or modification to any public stormwater facility, a letter of commitment along with a performance bond or cash deposit in form and substance satisfactory to the City shall be submitted by the property owner or his agent as a performance assurance for such work. The amount of the performance assurance shall be the sum necessary to construct the public stormwater facility improvements. The performance assurance shall remain in effect until released by the City. A final inspection shall be conducted by the City upon completion of the work included in the approved Drainage Plan and/or Operation and Maintenance Plan to determine if the completed work is constructed in accordance with the plan(s). At a minimum, all the following must be complete prior to release of the performance assurance:

A. Construction is completed on all public improvements required for the stormwater drainage and management system to operate. Each components of the stormwater system must have been inspected and accepted by the City, including all compaction, pipeline video inspections, and plastic pipe deflection testing.

B. The City has inspected and accepted the public improvements and the owner has submitted a maintenance assurance (letter of commitment, maintenance bond, or cash deposit, as approved by the City Administrator or his/her designate). The amount of the maintenance assurance shall be for ten (10) percent of the cost of construction of the public improvements, excluding the cost of landscaping. The assurance shall be for a period of not less than one (1) year from the date of completion of construction.

C. For projects with landscaping, the landscaping has been installed and accepted by the City. A two (2) year landscaping maintenance assurance has been submitted and accepted by the City. The amount of the assurance shall be fifty (50) percent of the cost of construction of the landscaping features.

D. All onsite and off-site easements as required by the City are granted to the City and recorded with the Lane County Deeds and Records office.

E. The post construction erosion control is completed.

F. All required record drawings are submitted.

§ 141.027 EXTENSION OF PUBLIC STORMWATER FACILITY

To the greatest extent possible, the public stormwater system shall be extended up

to and through the most distance up gradient and down gradient parcel boundary(ies) to accommodate current and future flows entering or exiting the property. Consideration and accommodation shall be made for all existing drainage routes. Except as otherwise provided, the extension of the public stormwater system to serve any parcel or tract of land shall be done by and at the expense of the property owner(s) or applicant.

§ 141.028 CITY ACCEPTANCE OF NEW STORMWATER FACILITIES

The City may accept for maintenance all or part of new stormwater facilities constructed under approved permits. The City may refuse to accept maintenance of stormwater facilities unless all of the following conditions are met:

A. Improvements in partitions, subdivisions, PUDs or commercial development have been completed to the satisfaction of the City,

B. All drainage and stormwater management facilities have been inspected and have been in satisfactory operation for at least one (1) year,

C. Any stormwater facility improvements made during the one-year maintenance period have been inspected and approved by the City.

§ 141.029 CORRECTION OF INEFFECTIVE MEASURES

If the implementation of the approved Drainage and Operation and Maintenance Plans, based on an inspection of the site by the City Engineer, does not fulfill the requirements of the approved Plans, the City Engineer shall require immediate compliance, with remedial action to be completed within seventy-two (72) hours of notification by the City Engineer of the need to correct. Any and all costs associated with the remedial action and incurred by the City including, but not limited to, all fees and costs of the City Engineer, shall be borne by the responsible party and shall be paid within thirty (30) days of invoicing by the City.

§ 141.030 MAINTENANCE RESPONSIBILITY FOR PUBLIC STORMWATER FACILITIES

The City shall maintain and operate Public Stormwater Facilities.

§ 141.031 MAINTENANCE RESPONSIBILITY FOR PRIVATE STORMWATER FACILITIES

Private Stormwater Facilities shall be the responsibility of the property owner until such time as a Homeowners Association assumes responsibility for maintenance. Any change in the maintenance responsibility for the Stormwater Facility requires notification to the City.

A. Private stormwater facilities must be maintained in accordance with the

approved Operations and Maintenance Plan. The Operation and Maintenance Plan shall be recorded with the Lane County Deeds and Records Office with a copy provided to the City.

B. A log of all maintenance activity shall be kept by the responsible party(ies) and made available to the City upon request.

C. If the responsible party(ies) fail to maintain their facilities, or if a problem arises and/or a Complaint is filed, the City Code Enforcement Officer, or his designee, will take action necessary to resolve the problem in accordance with Chapter 36 of the Dunes City Code. The responsible party(ies) shall reimburse the City for any and all costs incurred by the City in conjunction with the enforcement and resolution of the problem, which shall be collected as set forth in Chapter 36 of the Dunes City Code, including, but not limited to, the placement of a lien on the property.

§ 141.032 EASEMENTS

A. Public Facilities. Public facilities must be placed in an easement, tract, or right-of-way that allows for the maintenance of these facilities in accordance with the Operations and Maintenance Plan.

The City may determine that certain privately owned facilities are critical components of the City's overall stormwater system. In these situations, the City shall be granted perpetual, non-exclusive access that allows for public inspection. The access shall be defined in accordance with the requirements for a public easement, tract, or right-of-way.

B. Private Facilities. Private facilities must be placed in an easement or adjacent to, tract, or right-of-way that allows for the maintenance of these facilities in accordance with the Operations and Maintenance Plan.

§ 141.033 INSPECTION

The City Engineer shall inspect the stormwater project as necessary and shall check materials, equipment, and the construction of the project to determine whether the work is proceeding in accordance with the approved plans and the requirements of this Code. An approved inspection report from the City Engineer is required before issuance of final plat. The purpose of these inspections is to monitor compliance with City construction standards and the inspections are for the benefit of the City. The City does not provide the primary inspection for the project and only provides a level of inspection necessary to monitor the quality of work being performed by others. The City's role in making inspections is not supervisory and the City has no responsibility, by virtue of such inspections, for any construction means or methods or compliance with safety requirements that remain the responsibility of the Contractor.

§ 141.034 ENFORCEMENT

All violations and penalties will be administered under Chapter 36 (Code Enforcement), Dunes City Code of Ordinances.

Section 3. Repeal

The repeal of Ordinance No. 193 shall not affect any action occurring before the repeal takes effect. Ordinance No. 193 is hereby repealed.

Section 4. Effective Date

The provisions of this ordinance will become effective thirty (30) from and after the date of adoption.

Passed at the first reading in regular meeting of the City Council of Dunes City, Oregon, on this 9th day of June, 2016.

Ayes: 3 Nays: 0 Abstain: 0 Absent: 3 Vacant 0

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon, on this 9th day of June, 2016.

Ayes: 3 Nays: 0 Abstain: 0 Absent: 3 Vacant 0

ADOPTED BY THE DUNES CITY COUNCIL, THIS 9th DAY OF June, 2016.


Rebecca Ruede, Mayor

ATTEST:

Jamie Mills, Acting City Recorder