

ORDINANCE 2942

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO AMENDING LOC CHAPTER 38.25 (STORMWATER MANAGEMENT), ESTABLISHING A COMMERCIAL AND INDUSTRIAL STORMWATER INSPECTION PROGRAM.

The City of Lake Oswego ordains as follows:

Section 1. Section 38.25 of the Lake Oswego Code is hereby amended by adding the text shown in **bold, double-underlined** type and deleting the text shown in ~~strikethrough~~ type, as set forth on Exhibit A.

Section 2. Severability. The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.


Enacted at the regular meeting of the City Council of the City of Lake Oswego held on the 21st day of November, 2023.

AYES: Mayor Buck, Wendland, Mboup, Verdick, Rapf, Afghan, Corrigan

NOES: None

ABSTAIN: None

EXCUSED: None



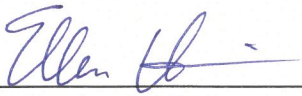
Joseph M. Buck, Mayor

ATTEST:



Kari Linder, City Recorder

APPROVED AS TO FORM:



Ellen Osoinach, City Attorney

Article 38.25

Stormwater Management Code.

Sections:

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~~38.25.100~~ 005 Purpose, Applicability, Other Codes and Laws.

38.25.050 Requirement to Register NIACS or SIC Classification.

38.25.055 Inspections of Properties with Commercial, Mixed Use and Industrial Uses

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38.25.190 Definitions.

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~~38.25.100~~ 005 Purpose, Applicability, Other Codes and Laws.

1. Purpose and Objectives.

a. Purpose.

i. Establish minimum stormwater management requirements to protect the water quality of receiving waters within the jurisdiction of the City of Lake Oswego;

ii. Require a level of stormwater management to protect downstream parties from the effect of changes to runoff direction or quantity due to development; and

iii. Avoid a net negative impact from certain maintenance activities, development, redevelopment, and stormwater discharges on nearby streams, wetlands, groundwater, and other water bodies.

iv. To protect the public health and environment from spills and discharges of pollutants into the Surface Water Management System from industrial and commercial uses.

v. To protect the water-quality of the City's watercourses and Surface Water Management System.

vi. To implement the City's NPDES MS4 Phase I permit regarding industrial and commercial discharges.

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2. Applicability. This Code shall apply to:

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e. All properties classified with a commercial, mixed-use, or industrial zone and which have a stormwater discharge by a point source or sheetflow into the City's watercourses and Surface Water Management System.

ef. Causing, permitting or allowing direct or indirect discharges into receiving waters, including discharges that initially occur outside the City but where the discharge drains into the City.

3. Interpretation; Relationship to Other City Codes and Standards.

a. The provisions of this Article shall be interpreted to be consistent with applicable federal and state law, and shall be interpreted, to the extent possible, to cover only matters not preempted by federal or state law.

b. Where a provision of this Code conflicts with the restrictions by other provisions of the Lake Oswego Code or ordinance, or the provisions of State or Federal law, the provision that is more protective of water quality applies.

4. Exclusion of Liability.

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CITY INSPECTION OF PROPERTY FOR PROPER DISCHARGE

38.25.050 Requirement to Register NAICS or SIC Classification.

1. Owners and tenants of properties with a commercial, mixed use, industrial zone (see LOC 50.01.004 and Table 50.01.004-1: Zoning Designations) shall register the following information with the City Engineer:

- a. The property address;
- b. The owner's and any applicant tenant's mailing address and contact information;
- c. The name of any commercial or industrial business operating on the property (whether owner's or tenant's business);
- d. The SIC or NAICS code of all commercial and industrial uses on the property; and
- e. Such other information as required by the City Engineer.

The submission of a complete registration by the owner shall relieve the tenant of also submitting the same information, and vice versa.

38.25.055 Inspections of Properties with Commercial, Mixed Use and Industrial Uses

1. The City Engineer shall establish inspection programs which may include but are not limited to:

- a. Routine inspections;
- b. Inspections based upon complaints or other notice of possible violations; and
- c. Joint inspections with other agencies inspecting under environmental or safety laws.

These inspections are to promote management practices that are protective of water quality and evaluate current management practices of industrial, commercial and mixed use properties that aid in the prevention of pollutants discharged into the City's watercourses and Surface Water Management System.

2 Inspection Notification

- a. Routine Inspections: Property Owners and tenants (as disclosed on the filed registrations) will be notified through regular US mail not less than 60 days prior to a stated date and time for the inspection. The notice shall state the purpose of the inspection and a request for documentation relating to the business's management practices to prevent discharge of pollutants. The requested documentation shall be submitted to the City Engineer 30 days prior to the inspection date.
- b. Other Inspections. The City Engineer may make an onsite inspection without prior notice but shall make a reasonable effort for the inspection to occur during a time that accommodates the business activity, but is consistent with the urgency for an inspection. The City Engineer shall provide documentation stating the purpose of the inspection to the apparent responsible person of the business at time of entry, and shall, after the site visit, mail a copy of the documentation to the owner and tenant.

3. Inspection Report.

The City Engineer will provide by regular mail an inspection report to the property owner and tenants, if any, with corrective measures, if needed after the inspection, the date for completion of the corrective measures and re-inspection of the property.

4. Corrective Measures.

If the corrective measures cannot be reasonably completed within the stated time period notwithstanding diligent efforts, the property owner and tenant shall provide information to the City

Engineer on why the corrective measures cannot be completed within such time and a proposed schedule for completion. The City Engineer shall review and approve the request for a revised date of completion if it has been shown that the property owner and tenants, if any, are diligently undertaking the corrective measures.

DEVELOPMENT ACTIVITIES

38.25.105 Development Applications.

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GENERAL PROVISIONS

38.25.150 Illicit Discharges.

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38.25.190 Definitions.

Applicant. The party submitting a development application.

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Municipal Separate Storm Sewer System (MS4). ***

North American Industry Classification System (NAICS) Manual. See US Census Bureau for latest publication [<https://www.census.gov/naics/>]

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Responsible Party. ***

SIC. Standard Industrial Classification (SIC).

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