

ORDINANCE 2954

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL CLARIFYING, REVISING, AND UPDATING VARIOUS ARTICLES DECLARING VIOLATIONS TO BE CIVIL VIOLATIONS AND/OR SUBJECT TO ENFORCEMENT FEES; AND AMENDING LOC ART. 20.02 (BUSINESS LICENSES); LOC ART. 32.06 (PARKING REGULATIONS); LOC ART. 34.10 (TYPES OF NUISANCE); LOC ART. 42.03 (STREET DESIGN STANDARDS); LOC ART. 47.03 (SIGN CODE); AND LOC ART. 55.02 (TREE REMOVAL).

WHEREAS, through the application of the Lake Oswego Code, staff of the City Attorney's Office, and of the Community Development, Engineering and Police Departments have found that some sections of the Lake Oswego Code could be improved by removing ambiguous and conflicting language, correcting provisions, and adding to or repealing certain articles of the Lake Oswego Code;

The City of Lake Oswego ordains as follows:

Section 1. The Lake Oswego Code is hereby amended by adding the section and text shown in double-underlined type and deleting the text shown in type as set forth on **Exhibit 1**. (Section or subsections within the Lake Oswego Code that are not marked for deletion or addition are neither amended nor deleted by this Ordinance.)

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 3rd day of December, 2024.


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

NOES: None

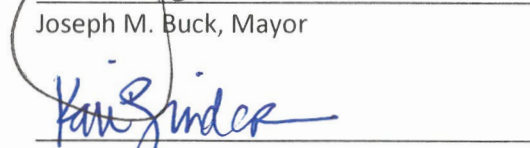
ABSTAIN: None

EXCUSED: Verdick

ATTEST:



Joseph M. Buck, Mayor



Kari Linder, City Recorder

APPROVED AS TO FORM:



Ellen Osoinach, City Attorney

2024 Annual Non-CDC Code Amendments

Chapter 20 Licenses; Article 20.02 General

20.02.095 Appeal (Business License).

An applicant whose application for a license has been conditioned or denied, or a licensee whose request for license renewal has been conditioned or denied, or whose license has been suspended, or is to be revoked may within 10 calendar days after the notice of denial, suspension, revocation or approval with conditions is mailed or delivered, whichever is earlier, appeal in writing to [a hearings officer appointed by](#) the City Council. The appeal shall be filed with the City Recorder and shall state and include:

- a. The name and address of the appellant and business owner;
- b. The nature of the determination from which an appeal is taken and a copy of the determination;
- c. The reason or reasons why the determination is alleged to be incorrect;
- d. What the correct determination should be; and
- e. Any established fee for appeal.

[The decision of the hearings officer shall be the final decision of the City.](#)

20.02.110 Violation.

[\(1\) Civil Violation. A violation of LOC 20.02.025 or LOC 20.02.100, in addition to any other remedy, is a civil infraction and shall be enforced pursuant to LOC §§ 34.04.100 to 34.04.145.](#)

[\(2\) Enforcement Fee. A person who violates a provision of this Article shall pay an enforcement fee to the City in an amount as established by resolution of the City Council.](#)

Chapter 31 Animals and Fowl; Art. 31.02 In General

§ 31.02.135 ~~Prosecution of Violations.~~

[1. Civil Violation.](#) Offenses committed in violation of provisions of this chapter constitute civil violations. Except where otherwise provided, anyone convicted of a violation of any provision of this chapter shall be subject to a fine not to exceed One Thousand Dollars (\$1,000).

[2. Enforcement Fee. A person who violates a provision of this Article shall pay an enforcement fee to the City in an amount as established by resolution of the City Council.](#)

Chapter 32 Lake Oswego Uniform Traffic Code; Art. 32.06 Parking Regulations

32.06.090 Fines for Parking Violations.

1. Parking with the front of the vehicle facing the opposite direction from that of the traffic flow in violation of LOC § 32.06.075, parking in violation of LOC § 32.06.080 (1), or violating any

provision of this article by parking at a location where parking is prohibited at any time, shall be punishable by a fine of \$~~20~~60.00.

2. Violation of any provision of this article not listed in subsection (1) of this section shall be punishable by a fine of \$~~15~~40.00.

Chapter 34 Crimes and Civil Violations; Article 34.08 Nuisances

34.08.425 Remedies Not Exclusive; Violation.

1. The nuisance abatement procedure provided in LOC §§ 34.08.405 through 34.08.421 is not an exclusive remedy; any other remedy provided by this chapter or State law is available unless otherwise provided.

2. The City Manager or the appropriate official may in addition to nuisance abatement or any other proceedings initiate civil violation proceedings against the owner of property on which the condition exists or against any other person determined to be responsible for such condition. Any penalty or fine imposed for the civil violation shall be in addition to reimbursement for any abatement costs as determined under LOC § 34.08.421.

2. Enforcement Fee. A person who violates a provision of this Article or Article 34.10 shall pay an enforcement fee to the City in an amount as established by resolution of the City Council.

Article 34.10 Types of Nuisances

34.10.520 Periodic Brush Cutting Required; Exceptions

1. Property owners, lessees, occupants, or persons in possession or control of property shall:

~~a. Remove~~ a. remove from their property:

i. Thistles and noxious weeds,

ii. Vegetation of an inflammable condition or nature,

iii. Dead trees that are a hazard to use of public property or public right-of-way, and

iv. All grass or weeds more than 10 inches in height.

~~b. Trim away from any property line to a distance of 10 feet all blackberry vines or plant material which characteristically spreads under or around barriers intended to prevent intrusion.~~

2. A violation of this section is a civil violation and a public nuisance.

Chapter 42 Streets, Sidewalks, Public Rights-of-Way and Public Easements; Article 42.03 Street Design Standards

42.03.130 Access Spacing and Sight Distance for Roadway Intersections, Driveway Approaches, and Accesses.

4. Standards.

e. There shall be a landing area where a driveway meets the public street. The landing area shall be a minimum of 25 ft. long and shall have a maximum grade of five percent. The length and grade of the landing area described in this subsection presupposes that the abutting street has been fully improved to its ultimate anticipated width. If a driveway is proposed on a street that is not fully improved, and a development proposal is anticipated to proceed prior to the improvement of the street, the City Engineer shall determine the location and grade of the future street improvement and the applicant shall design the driveway and site grading so that this standard will not be compromised when the street is improved in the future.

Note to CAO: Remove eNote when adopted.

Chapter 45 Building Code; Article 45.25 Building Code Violations

45.25.005 ~~Penalties~~Violation.

5. Enforcement Fee. A person who violates a provision of this this Chapter shall pay an enforcement fee to the City in an amount as established by resolution of the City Council.

LOC Chapter 47 Sign Code / Article 47.03 In General

47.03.015 Definitions

For the purpose of this chapter, certain terms and words are defined as follows: the words "used for" include "designed for" and vice-versa; words used in the present tense include the future, the singular tense include the plural and vice-versa; the word "shall" is always mandatory; the word "may" is discretionary; ~~the masculine gender includes the feminine gender, except as otherwise provided.~~ The definitions in LOC § 50.10.003.2 apply to this chapter to the extent that they do not conflict. The following terms shall mean: ****

47.03.025 ~~Penalties, Nuisance~~ Violation.

1. A person commits a civil violation if they;
 - a. Fail to comply with or violate any provision of this chapter; or,
 - b. Develop or maintain a sign contrary to the terms of a sign permit.
2. A sign which fails to comply with or violates any provision of this chapter, or is developed or maintained contrary to the terms of a sign permit is hereby declared to be unlawful and a public nuisance and may be abated by appropriate proceedings.
3. Enforcement Fee. A person who violates a provision of this Chapter shall pay an enforcement fee to the City in an amount as established by resolution of the City Council.

LOC Chapter 55 Tree Code / Article 55.02 Tree Removal

55.02.020 Definitions.

APPLICANT

Means the owner, contract purchaser, easement holder, licensee or similar interest, or for public street and right-of-way the road authority per ORS 810.010 or governmental entity with jurisdiction, either directly or through a representative, applying for a tree removal permit for a tree on the person's real property.

...

55.02.042 Permit Classifications and Review Procedures

An ~~person who~~ applicant that desires to remove a tree shall first apply for and receive one of the following tree cutting permits before tree removal occurs:

3. Dead Tree Removal Permit:

- a. The City shall issue a tree cutting permit for a dead tree, except as provided by subsection 3.b of this section, if the applicant demonstrates that a tree is dead or is in progressive and irreversible decline and warrants removal, or for ash (*Fraxinus spp.*), white fringetree (*Chionanthus virginicus*) and cultivated olive (*Olea europaea*) tree species known to be infested with emerald ash borer (*Agrilus planipennis*). The City may require the applicant to submit a report from an arborist substantiating that the tree is dead or in progressive and irreversible decline or infested with emerald ash borer.
- b. In order to provide for wildlife habitat and natural processes, the City Manager may require the retention of a dead tree. Dead trees shall not be removed if located in wetlands, RC protection areas (LOC § 50.05.010.5.b), HBA protection areas, stream corridors, parks or open space areas required to be preserved as a condition of development approval unless the tree presents a potential hazard to persons or property or is known to be infested with emerald ash borer.

55.02.072 Forest Management Permit.

1. ***

2. Applicability. An ~~owner of a large forested tract or the owner's authorized agent~~applicant may apply for removal of one or more trees from the subject tract provided the tract is not subject to a pending application for minor or major development, and the subject trees are not:

3. Minor Forest Management Permit. An ~~owner of a large forested tract or the owner's authorized agent~~applicant may apply for a minor forest management permit to remove trees under the following criteria:

Minor forest management permits shall be issued without further review upon application and demonstration by the applicant that the request qualifies as a minor forest management permit pursuant to this subsection.

55.02.084 Mitigation Required.

1. ****

2. Mitigation for the removal of trees with known emerald ash borer infestation under a dead tree removal permit or for invasive tree species removal is required when: ****

4. The mitigation requirement shall be satisfied as listed below. Except where subsection (4)(c) of this section applies, a mitigation plan shall be submitted showing the location, size, and species of mitigation trees, or in the case of large forested tracts, restocking of any new trees to replace the trees to be removed.

a. ***

b. Replanting off Site. If in the City's determination there is insufficient available space on the subject property, the replanting required in this section ~~shall~~may occur on other property in the applicant's ownership or control within the City, or in an open space tract that is part of the same subdivision, upon ~~Such mitigation planting is subject to the~~ approval of the ~~authorized~~ property owners. The City may specify the species and size of the tree.

c. ***

55.02.094 Conditions of Approval for Tree Cutting Permits.

2. Conditions of approval may include, but are not limited to:

e. Avoiding removal of ash (*Fraxinus* spp.), white fringetree (*Chionanthus virginicus*) and cultivated olive (*Olea europaea*) tree species unless necessary during the emerald ash borer (EAB) active period of April 1–September 30 to prevent the spread of live insects.

f. Disposing of ash, fringetree and olive wood in accordance with guidelines established by the Oregon Department of Agriculture.

55.02.130 PenaltiesViolation.

1. Civil Violation. A violation of any provision of this chapter, or the breach of any condition of a permit granted under this chapter by the applicant or successor holder of an interest in the real property that is the subject of the application and permit shall be a civil violation as defined by LOC § **34.04.105**, enforceable pursuant to LOC Article **34.04**. The unlawful removal of each individual tree shall be a separate offense hereunder. Failure to comply with the provisions of this chapter or a condition of approval shall be a separate offense each day the failure to comply continues. The violation shall be punishable by a fine set forth by the municipal court and the enforcement fee and restoration requirements as set forth in subsections **(3)** and **(4)** of this section.
2. ***
3. Enforcement Fee. A person, including an applicant or successor holder of an interest in the real property, ~~who that~~ removes a tree without first obtaining a tree cutting permit from the City pursuant to this chapter, removes a tree in violation of an approved tree cutting permit, or violates a condition of an approved tree cutting permit shall pay an enforcement fee to the City in an amount as established by resolution of the City Council.
4. Restoration.
 - a. A person, including an applicant or successor holder of an interest in the real property, ~~who that~~ removes a tree without first obtaining a required tree cutting permit from the City pursuant to this chapter, removes a tree in violation of an approved tree cutting permit, or violates a condition of such a permit shall pay into the City's tree fund a standard fee per caliper inch for the total number of caliper inches of the tree removed in violation of this chapter in an amount as established by resolution of the City Council.

Appendix 55.02-1 Native Mitigation Tree List

75-100 FT (23-30 M) HIGH

DECIDUOUS AND *BROAD-LEAVED EVERGREEN

bigleaf maple (*Acer macrophyllum*)

*Pacific madrone (*Arbutus menziesii*)

~~Oregon ash (*Fraxinus latifolia*)~~

*tanoak (*Lithocarpus densiflorus*)

*Oregon myrtle, California bay (*Umbellularia californica*)
