

City of Wilsonville

City Council Meeting

September 17, 2018



AGENDA

**WILSONVILLE CITY COUNCIL MEETING
SEPTEMBER 17, 2018
7:00 P.M.**

**CITY HALL
29799 SW TOWN CENTER LOOP
WILSONVILLE, OREGON**

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Kristin Akervall - Excused
Councilor Charlotte Lehan

CITY COUNCIL MISSION STATEMENT

To protect and enhance Wilsonville's livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

Executive Session is held in the Willamette River Room, City Hall, 2nd Floor

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|------------------|---|-----------|--------|
| 5:00 P.M. | EXECUTIVE SESSION | [25 min.] | |
| | A. Pursuant to: ORS 192.660 (2)(e) Real Property Transactions
ORS 192.660(2)(h) Legal Counsel/Litigation | | |
| 5:25 P.M. | REVIEW OF AGENDA | [5 min.] | |
| 5:30 P.M. | COUNCILORS' CONCERNS | [5 min.] | |
| 5:35 P.M. | PRE-COUNCIL WORK SESSION | | |
| | A. ADU Code Amendments (Pauly/Guile-Hinman) | [15 min.] | Page 4 |
| | B. WWSP Project Coordination (Kraushaar/Weigel) | [30 min.] | |
| 6:20 P.M. | ADJOURN | | |
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CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, September 17, 2018 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on September 4, 2018. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered there with except where a time limit for filing has been fixed.

7:00 P.M. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

7:05 P.M. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

7:10 P.M. MAYOR'S BUSINESS

- A. Upcoming Meetings Page 48

7:15 P.M. COUNCILOR COMMENTS

- A. Council President Starr
- B. Councilor Stevens
- C. Councilor Lehan
- D. Councilor Akervall - Excused

7:25 P.M. CONSENT AGENDA

- A. Minutes of the September 6, 2018 Council Meeting. Page 49

7:30 P.M. PUBLIC HEARING

- A. **Ordinance No. 827** – 1st Reading (*Legislative Hearing*) Page 57
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 10 By Adding 10.600 Through 10.680 And Deleting 10.305.

7:40 P.M. CONTINUING BUSINESS

- A. **Ordinance No. 818** - 2nd Reading Page 81
An Ordinance Of The City Of Wilsonville Repealing And Replacing Chapter 8 – Environment Of The Wilsonville Code And To Repeal Ordinance No. 482.

7:50 P.M. CITY MANAGER'S BUSINESS

7:55 P.M. LEGAL BUSINESS

8:00 P.M. ADJOURN

INFORMATION ITEMS – No Council Action Necessary. Page 195

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated.) Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if required at least 48 hours prior to the meeting. The city will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting: Qualified sign language interpreters for persons with speech or hearing impairments. Qualified bilingual interpreters. To obtain services, please contact the City Recorder, (503) 570-1506 or cityrecorder@ci.wilsonville.or.us.



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: September 17, 2018</p>	<p>Subject: Accessory Dwelling Unit (ADU) Development Code Amendments</p> <p>Staff Member: Daniel Pauly, Senior Planner; Amanda Guile-Hinman, Assistant City Attorney</p> <p>Department: Community Development/Legal</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p><input type="checkbox"/> Motion</p> <p><input type="checkbox"/> Public Hearing Date:</p> <p><input type="checkbox"/> Ordinance 1st Reading Date:</p> <p><input type="checkbox"/> Ordinance 2nd Reading Date:</p> <p><input type="checkbox"/> Resolution</p> <p><input checked="" type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comments: Following Planning Commission public hearings staff wishes to update Council on the proposed code amendments and gather any additional feedback before finalizing for Council adoption.</p>	
<p>Staff Recommendation: Staff recommends the Council provide any additional feedback.</p>		
<p>Recommended Language for Motion: N/A</p>		
<p>Project / Issue Relates To:</p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Staff will present draft code amendments on accessory dwelling units for council discussion and direction.

EXECUTIVE SUMMARY:

On August 15, 2017 Senate Bill (SB) 1051 (2017) became Oregon law. The new statutes adopted became effective July 1, 2018. The purpose of SB 1051 is to create more housing in Oregon by

removing barriers to development. Among the new statutes adopted as part of SB 1051 is ORS 197.312, which requires at least one accessory dwelling unit (ADU) be allowed per detached single-family dwelling. City legal and planning staff, as well as consultants provided by Metro, reviewed Wilsonville's Development Code to identify any areas needing adjustments to comply with new state law. The effort identified a number of necessary code amendments. The effort further identified additional barriers to ADU construction in Wilsonville. In addition, as is common

with this type of project, staff identified a number of related minor amendments and definitions to help increase functionality and clarity of the code. At the time of writing this staff report, the Planning Commission had not yet conducted its final public hearing on the proposed code amendments. The hearing is scheduled for September 12, 2018.

During the July 11, 2018 Planning Commission Public Hearing, commissioners requested additional information regarding some of the proposed code amendments, particularly regarding lot coverage changes, requirements that new subdivisions allow ADUs in their CC&Rs, and removal of architectural requirements for ADUs. Staff prepared the requested additional information, and made additional code amendments based on the Planning Commission feedback as well as information coming to the surface during additional research. The final draft of the code amendments do not propose to amend the lot coverage standards, do not mandate that CC&Rs allow ADUs, and include clear and objective design related standards for roof pitch and materials. Staff wishes to update the Council on the code amendments and receive any additional feedback prior to bringing the code amendments to Council for adoption.

City legal and planning staff reviewed the Development Code for conformance with SB 1051 as it relates to ADUs. In addition, a consultant provided by Metro performed an audit of the Code. The review identified a few necessary amendments including allowing ADUs for detached dwelling units even if they are not on their own lot, removing subjective "substantially similar architecture" language, and removing any numerical limits to the number of ADUs in the City or an individual neighborhood. Previous feedback from the Planning Commission requested some limited clear and objective architecture standards. Staff recommends adding clear regulations on roof pitch and roof and siding material as sufficient to ensure neighborhood compatibility.

The review also took a broader look at potential barriers to ADU development. A very common reason not allowing an ADU or other accessory structure is lot coverage requirements provided in the Development Code. Staff recommended amending the Code to allow additional lot coverage to provide enough space to permit the possibility for ADUs. Additional research and data analysis on the lot coverage question revealed issues that go beyond ADUs to apply to residential lots in a number of zones generally. While the Planning Commission can still recommend adoption of revised lot coverage standards as part of the current package of code amendments, staff suggests saving the lot coverage related code amendments to be part of a larger residential code project related to density and open space coming before the commission in the near future. The deferment to this upcoming project allows for additional in depth discussion with the Planning Commission, City Council, and community about the complexities surrounding lot coverage and related residential standards.

Another potential barrier is private covenants and restrictions. While not addressing current private restrictions, staff recommended code language preventing future subdivisions from having private restrictions on ADUs beyond those commensurate with homes and other accessory structures.

While prohibiting private restrictions on ADUs does have the potential to support the City's housing goals, staff sees the current status quo of most CC&R's being silent on the topic acceptable.

Lastly, staff identified a number of related minor amendments and definitions necessary to help increase functionality and clarity of the Code. Among these are clarifying regulations on short-term rentals, clarifying square footage limitations and parking requirements for ADUs, and clarifying definitions of different types of dwelling units. This language, has not substantially changed since the Council's June work session.

One implementation measure in the Comprehensive Plan, Implementation Measures 4.1.4.bb., also needs amending to be consistent with the new state statute and the proposed Development Code amendments.

EXPECTED RESULTS:

Guidance for staff as they finalize the code amendments for Council adoption.

TIMELINE:

Staff expects a Planning Commission recommendation on the code amendments during their September 12, 2018 meeting. Council has a public hearing scheduled for the first reading of the Ordinance to adopt the code amendments on October 1 with second reading scheduled October 15, making the code amendments effective 30 days later.

CURRENT YEAR BUDGET IMPACTS:

The project uses capacity of current City staff and personnel and other non-financial resources provided by Metro and the State of Oregon.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 9/9/2018

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 9/10/2018

COMMUNITY INVOLVEMENT PROCESS:

The City sent broad notice of the public hearing to all residential properties as well as other typical public hearing notice procedures.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The adoption of the Code amendments will provide clarity and certainty for property owners in Wilsonville desiring to add an ADU on their property, potentially increasing ADU construction, and thus providing needed housing in the community consistent with state law.

ALTERNATIVES:

A number of alternatives exist for the Code amendments. The staff will provide their recommendations and reasoning. Feedback on other alternatives from the Council and public are welcomed.

ATTACHMENTS:

Attachment 1: Code Amendment Category List

Attachment 2: Draft Code Amendments to Chapter 4 Wilsonville Code

Attachment 3: Draft Amendments to Old Town Single-Family Design Standards Book

Attachment 4: Comprehensive Plan Text Amendment for Implementation Measure 4.1.4.bb.

Attachment 1

ADU Code Amendment Categories

Referenced in Code Amendment Document

A. Ensure Compliance:

A1	SB 1051 requires the allowance of at least one ADU per single-family dwelling. Add ADU allowance for each detached dwellings in a scenario with multiple detached dwellings on a single lot. Currently the City allows an ADU for each single-family lot rather than per single-family dwelling.
A2	The State requires clear and objective standards. Remove subjective “match the architecture” standards beyond those applied to other structures in the applicable zone. ADUs will be subject to the same architectural standards as homes and other accessory structures in all zones.
A3	Remove numeric limits for Canyon Creek Estates included in the Development Code.

B. Further the Intent:

B1	Review regulations such as setbacks and lot coverage to ensure clear, objective, and reasonable.
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C. Increase Code Function and Clarity:

C1	Refine definitions related to ADUs and other dwelling unit types.
C2	Add definitions defining “Attached Dwelling Unit” and “Detached Dwelling Unit.”
C3	Remove duplicative definitions and code language.
C4	Clarify what accessory uses must be on the same lot as the primary use.
C5	Update definition of “Private Garage” to reflect ADU/garage multi-use structures.
C6	Define “Habitable Floor Area” to clarify what type of storage is part of an ADU and what type of storage isn’t, as this is a common question asked of Planning staff.
C7	Define “Short-Term Rental” and clarify allowance of short-term rental of ADUs and other residential structures and what type of approval is required.
C8	Clarify in a number of lists that “accessory buildings and structures” includes ADUs.
C9	Simplify and clarify language related to maximum floor area for ADUs.
C10	Simplify and remove unclear/uncertain language for ADU parking, make standard the same for all ADUs, put ADUs in parking table.
C11	Clarify ADUs do not count in density calculations.
C12	Remove language that could be read to require trash vehicle and emergency vehicle access beyond that required by relevant building and fire code and other standards.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.001 Definitions.

In addition to the definitions set forth in Section 4.001, below, for the purpose of this Chapter, the following terms are hereby defined. The word "occupy" includes premises designed or intended to be occupied. The word "shall" is always mandatory. All other words shall have the following respective meanings, unless the context otherwise requires:

1. Abutting: See Adjoining.
2. Access, Vehicular: The designed location of ingress and egress, where vehicles enter or leave property.
3. Access, Pedestrian: The designed location of ingress and egress, where pedestrians enter or leave property.
4. Access Control Restriction: A type of access restriction that involves establishing a reserve area adjacent to and paralleling a half street improvement, or across the end of a street that is to be extended in the future, to ensure proper participation by adjoining properties in completion of the required street improvements. See Street, Half. [Amended by Ord. #719, 6/17/13]
5. Access Drive: A private travel lane primarily used as a means of approach for vehicles.
6. Accessory Building or Use: A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot. For non-residential uses, an accessory use may be located on a lot adjoining that of the main use if approved for this purpose through the Administrative Review procedures of Section 4.030.
7. Accessory Dwelling Unit: A dwelling unit of not more than 800 square feet of habitable floor area subordinate to another dwelling unit on the same lot. [Amended by Ord. 677, 3/1/10]
8. Address Overlay Zone: Distinct areas within the Villebois Village Center where additional information is provided for the definition of architectural character and community elements. [Added by Ord. No. 595, 12/5/05.]
9. Adjacent: See adjoining.
10. Adjoining: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.
11. Agriculture: The use of land larger than one acre for the primary purpose of deriving income from growing plants on land including, but not limited to, land used principally for the production of crops, land used for orchards or production of fruit, but not including land used primarily for another use and incidentally for growing plants, crops, or fruit.
12. Alley: A public or private way which includes a roadway used to provide vehicular ingress and egress to the back or side of properties otherwise abutting on a street, private drive, or shared common area. An alley typically has a width of no more than twenty (20) feet.

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

22. **Area of Shallow Flooding:** Means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
23. **Area of Special Flood Hazard:** Means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This is the area subject to a base flood event. Designation on FIRM maps always includes the letters A or V.
24. **Artificial Sky Glow.** The brightening of the night sky attributable to human made sources of light. [Added by Ord. 649, 6/2/08]
25. **Attached Wireless Communication Facility:** A wireless communication facility that is affixed to an existing structure, (e.g., an existing building wall or roof, mechanical equipment, or alternative tower structure. [Added by Ord. #479, 5/19/97]
26. **Attachment:** An antenna or other piece of related equipment affixed to a transmission tower. [Added by Ord. #479, 5/19/97]
27. **Base Flood:** Means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on FIRM maps always includes the letters A or V.
28. **Basement:** A portion of a building which has less than one-half (1/2) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining grade. For areas located in a Special Flood Hazard Area, the definition of basement is any area of the building having its floor subgrade (below ground level) on all sides.
29. **Bed and Breakfast Home or Boarding House:** A building or premises used for the provision of lodging and meals, where not more than five (5) rooms are available for rent. Does not including short-term rentals.
30. **Bikeway:** Bikeway is a general term used to describe any type of transportation facility that is designated for use by bicycles in conformance with City standards. Bikeways may or may not be within a public right-of-way and include the following:
 - A. **Bike Lane:** A bike lane facility is a type of bikeway where a section of the roadway is designated for exclusive bicycle use.
 - B. **Recreational Trail:** A recreation trail is a type of pedestrian, bicycle, or equestrian facility that is entirely separate from roadways and has unimproved, gravel, or bark dust surface.
 - C. **Shared Roadway:** A shared roadway facility is a type of bikeway where motorists and cyclists occupy the same roadway area.

Deleted: <#>**Attached Family Dwelling Units:** A building or structure designed to house two (2) or more families, whether related to each other or not.

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Deleted: <#>**Accessory Dwelling Unit:** A dwelling unit of not more than 600 square feet on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

building is divided into units by means of masonry division walls, each unit shall be considered separately in calculation for height of building.

- 46. Candela. The unit of luminous intensity of a lighting source emitted in a given direction. [Added by Ord. 649, 6/2/08]
- 47. Canopy. A roof-like covering over an area, in or under which a lighting fixture is mounted. [Added by Ord. 649, 6/2/08]
- 48. Category of Use: Type of use. See Mixed Use.
- 49. Change of Use: Within the Willamette River Greenway means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of the existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of Sections 4.500.
- 50. Civic: Relating to, or derived from, a city or citizen.
- 51. Civic Building or Place: A building or place that functions communally, such as religious, cultural, environmental or educational institutions.
- 52. Clear Vision Area: A standard for sight lines at intersections of streets, railways, and driveways. See section 4.125.09, Street Improvement Standards.
- 53. Cluster Housing: A type of detached dwelling unit development arranged in groups, with a courtyard(s) containing shared green space and a public access sidewalk easement.
- 54. Commercial: Development having to do with retail, service, commercial recreation, and/or office uses.
- 55. Common Residential Areas.
 - Areas shared in common by residents of buildings with three or more dwelling units, (i.e. common open space, play areas, trash receptacle areas, “common property” under a subdivision or partition declaration); and
 - Three or more open off-street stripped parking spaces, either abutting or within 10 feet of each other and not separated by a wall or other physical barrier between the two parking spaces, designated or set aside for use by the three or more dwelling units, regardless of whether the parking space is assigned for exclusive use of each dwelling unit or non-exclusively used by three or more dwelling units, and are either commonly owned or were developed for the purpose of serving the parking needs of “multiple dwellings” or multiple attached single-family dwellings, as defined in the Development Code. [Added by Ord. 649, 6/2/08]

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

- 85. Duplex: Two attached dwelling units on a single lot, neither of which meets the definition of an accessory dwelling unit.
- 86. Dwelling: A building, mobile home, or manufactured home, designed for residential occupancy, but not a house trailer or recreational vehicle.
Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.
- 87. Dwelling Unit, Attached: A dwelling unit which (1) shares one or more common or abutting wall, floor, or ceiling with one or more dwelling units and/or (2) has a shared roof structure with or a roof without a spatial gap between one or more dwelling units. The common or abutting walls, floors, ceilings, and roofs includes those of attached garages, storage areas, or other accessory uses. When a dwelling unit is attached only to an accessory dwelling unit and the accessory dwelling unit is not attached to any other dwelling unit, the dwelling unit is not "Attached" under this definition while the accessory dwelling unit is "Attached" under this definition.
- 88. Dwelling Unit, Detached: A dwelling unit not meeting the definition of attached dwelling unit.
- 89. Dwelling Unit, Multiple-Family: Three or more dwelling units located on a single lot. Multiple-family dwelling units may be detached or attached.
- 90. Dwelling Unit, Single-Family: A dwelling unit designed for occupancy by one family located on its own lot. A single-family dwelling unit may be detached or attached.
- 91. Encroachment Area: See Section 4.139.00
- 92. Equipment Enclosures: A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators. [Added by Ord. #479, 5/19/97]
- 93. Essential Government Services. Services and facilities provided by a governmental unit, that are basis and inherent to the public health and welfare including, but not limited to, fire, police, water, sewer, transportation, emergency communication, and education, and governmental services and facilities in support thereof. [Added by Ord. 545, 8/19/02]
- 94. Exempt tree or vegetation: As used in the solar access provisions of this Code, the terms "exempt tree or exempt vegetation" refer to the full height and breadth of vegetation that has been identified by the City as "solar friendly," and any vegetation listed as exempt on a plat, a document recorded with the plat, or a solar access permit.
- 95. Existing Manufactured Home Park or Subdivision: A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations. [Added by Ord. # 647, 4/21/08]
- 96. Exterior Display: The outdoor exhibit of merchandise by a retail merchant.
- 97. Facade. The exterior wall or elevation of a building. [Added by Ord. 649, 6/2/08]
- 98. Family: One or two persons with or without their direct descendants and adopted

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

children (and including domestic employees thereof) together with not more than five (5) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or fewer persons living in such housekeeping unit shall be considered a separate family. For housing developed to implement ORS 426.508 or under the Fair Housing Amendments Act of 1988, family shall mean all persons living in a dwelling unit, regardless of relationship.

- 113. Garage, private: An accessory building, or portion thereof, or portion of a main building used for the parking or temporary storage of vehicles.
- 114. Glare. Light that causes visual discomfort or disability, and the wattage and/or light distribution is excessive for the purposes for which the illumination is necessary. [Added by Ord. 649, 6/2/08]
- 115. Grocery Store: A retail business that sells food and household sundries.
- 116. Grocery Store, Specialty: A retail business that sells specialty food and specialty household sundries.
- 117. Habitable floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
- 118. Habitable floor area: For the purpose of calculating the area of a dwelling unit, the area of a dwelling unit usable for living purposes, which includes areas for sleeping, eating, cooking, bathing, sanitation, recreation, and similar activities. Storage areas with floor-level interior access from other habitable areas are included in habitable floor area. Storage areas without interior floor-level access from other habitable areas are not included in habitable floor area. A garage is not considered a storage area for the purpose of this definition and is not considered part of the habitable floor area.
- 119. Habitat-Friendly Development: A method of developing property that protects our natural resources as we grow and focuses on land development and site design that mimic natural processes. Examples include clustering development to avoid habitat, minimizing tree removal and root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, and, where feasible, reducing the amount of impervious surface created by development. [Added by Ord. #674 11/16/09]
- 120. Hardscape Permanent improvements to a site, including but not limited to, parking lots, driveways, streets, plazas, sidewalks, walkways, bikeways, abutments, stairs, ramps, and architectural features, such as fountains and sculptures. [Added by Ord. 649, 6/2/08]
- 121. Hearing Body: The City Council, the Development Review Board, or the Planning Commission having the authority to review an application assigned by Section 4.031, Section 4.032, and Section 4.033.
- 122. Heritage Tree: A tree that, due to age, size, species, quality or historic association, is considered of landmark importance to the community and has been designated as such by the City Council.
- 123. Home Business: A business operating from a dwelling unit that does not meet the definition of a "Home Occupation" listed below, Short-term rental of a dwelling unit or portion thereof where the operator does not live on the same lot is a home business. A home business requires a conditional use permit.
- 124. Home Occupation: An occupation, profession, or craft, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

premises as a dwelling place is largely incidental to the business use. A home occupation is carried on by an immediate member of the family residing within the dwelling place. A home occupation shall require no structural alteration or changes to the exterior of the dwelling, and shall include no display of merchandise on the premises which can be seen from the exterior of the dwelling. Any instruction shall be limited to one pupil at a time. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure. Traffic and parking are to be such as to give no outward appearance that a business is being conducted on the premises. [Short-term rental of a dwelling unit or portion thereof where the operator of the short-term rental lives on the same lot is a home occupation.](#)

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124. **Hospital:** A building or premises providing in-patient services that is used for human medical or surgical treatment.
125. **Hospital, Animal:** A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat and veterinary hospitals.
126. **Hotel, Motel, or Overnight Lodging Facility:** A building which is designed or used to offer [six \(6\) or more rooms for](#) lodging, with or without meals, for compensation.
127. **House Side Shield.** For fully shielded luminaires only, an internal shield designed and installed by the luminaire manufacturer that significantly attenuates candlepower in the back photometric hemisphere at all angles greater than 30 degrees relative to nadir. [Added by Ord. 649, 6/2/08]
128. **Human Occupancy:** For purposes of Section 4.172(.02)(C).(4.), any structure usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, is considered to be for human occupancy. A structure used only for storage purposes is not for "human occupancy." [Added by Ordinance No. 538, 2/21/02.]
129. **IESNA.** The Illuminating Engineering Society of North America (see www.iesna.com). [Added by Ord. 649, 6/2/08]
130. **Impact Area:** See Section 4.139.00
131. **Impervious Area:** An area with minimal infiltration of surface water into the underlying soil and shall include pavement (including but not limited to concrete or asphaltic concrete surfaces), gravel roads, structures, roadways, and roofs.
132. **Intensification of Use:** Within the Willamette River Greenway means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of land within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities, [including accessory dwelling units](#), adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this Code. Seasonal increases in gravel operations shall not be considered an intensification of use.

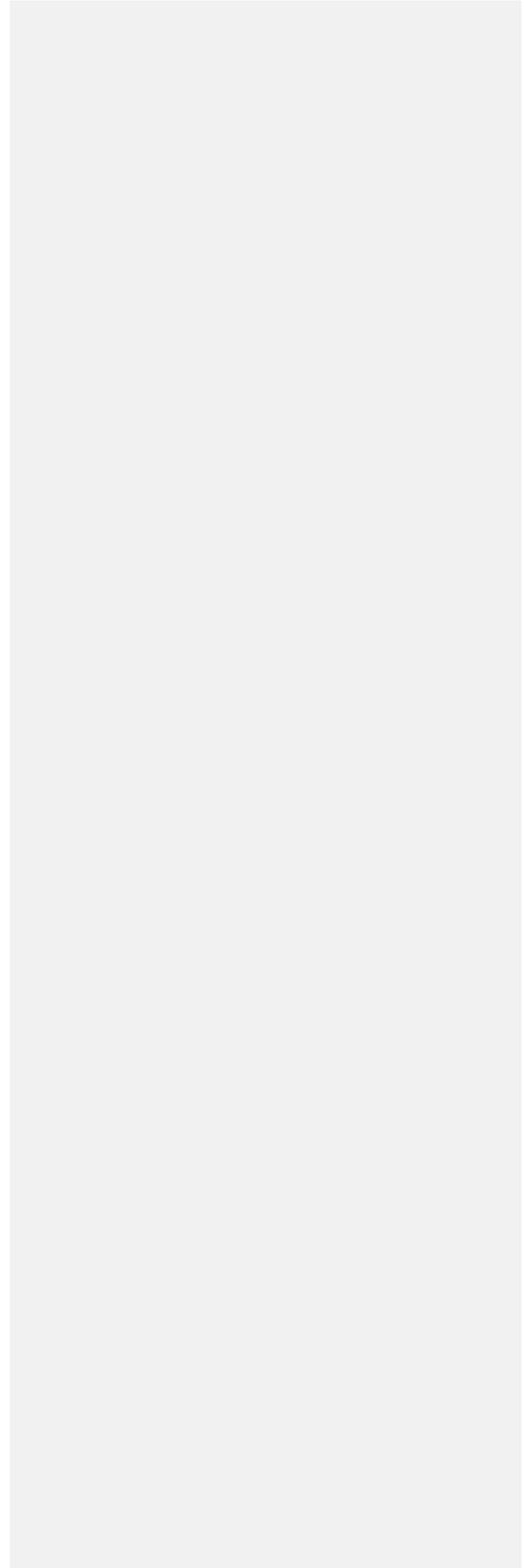
Commented [PD16]: C7

Deleted: , for six (6) or more people

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

133. Kennel: Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept for boarding, breeding or sales.
134. Landscaping: The term "landscaping" includes trees, grass, shrubs, flowers, water features, and garden areas, and the arrangement of paths, walkways, fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework areas, earth forms such as grading, mounding and contours. The use of pervious materials is



Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

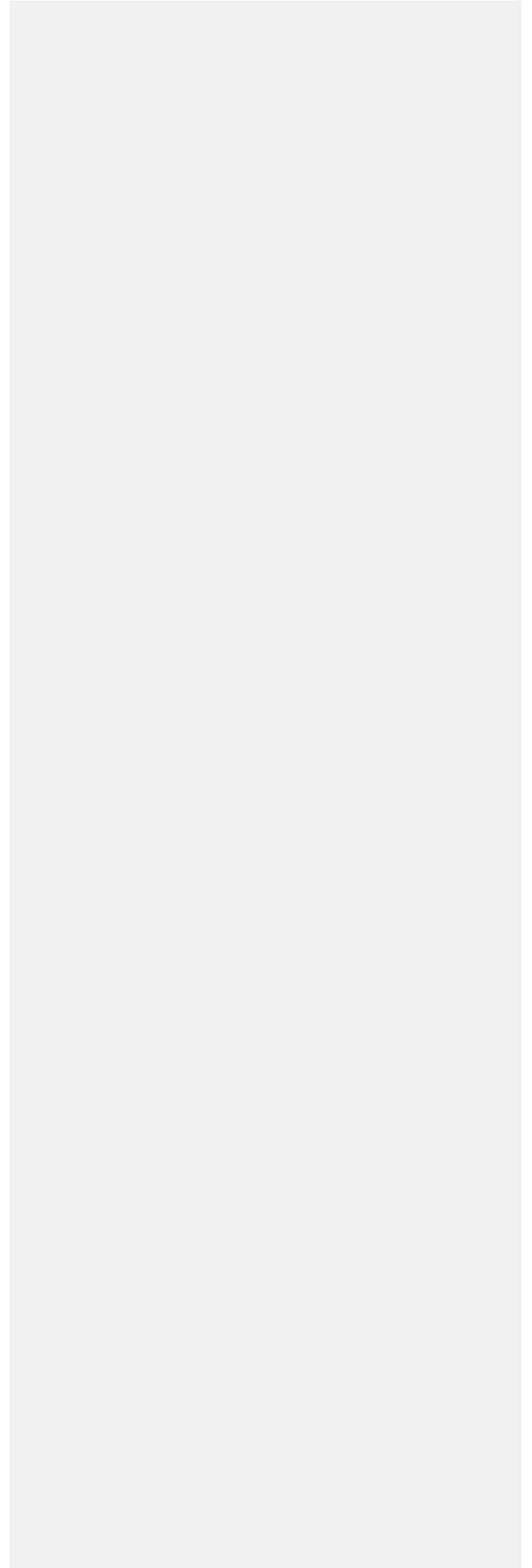
273. Short-Term Rental: A dwelling unit or portion thereof subject to a lease term, rental agreement, or similar agreement, either directly or through a professional vacation rental-company or similar, less than monthly, generally daily or weekly. Involves rental to only one party at a time. A dwelling unit with rental of different rooms during the same period to different parties is not considered a short-term rental, but may meet the definition of a bed and breakfast home or boarding house or hotel, motel, or overnight lodging facility.

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274. Solar access permit: A document issued by the city that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.
275. Solar feature: A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window or windows that contain(s) at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this Section.
276. Solar gain line: A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot (see Figure 8: Solar Gain Line in Section 4.137).
277. Source Separated Recyclables: Recyclable materials designated “principle recyclable materials” by the Oregon Environmental Quality Commission under ORS 495A.025 with the exception of yard debris, as well as other source-separated recyclables that may be designated by local ordinance or regulation. [Amended by Ord. #426– 4/1/94]
278. South or South facing: True south, or 20 degrees east of magnetic south.
279. Special Flood Hazard Area: Means an area having special flood, mudslide (i.e., mudflow), and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, AE, AH, VE, or V. [Amended by Ord. # 647, 4/21/08; Ord. 686, 11/1/10]
280. Specific Area Plan (SAP): A plan with a series of detailed components covering one of the five distinct areas of the Villebois Village Master Plan. These plans provide a higher level of analysis and detail than the Villebois Village Master Plan.
281. Stacked Flats: Two or more single-level dwelling units, the second arranged above the first, etc.
282. Start of Construction: Includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Added by Ord. # 647, 4/21/08; amended by Ord. 686, 11/1/10]



Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.113. Standards Applying To Residential Developments In Any Zone.

(.03) Building Setbacks(for Fence Setbacks, see subsection .08)

- A. For lots over 10,000 square feet:
 - 1. Minimum front yard setback: Twenty (20) feet.
 - 2. Minimum side yard setback: Ten (10) feet. In the case of a corner lot less than one hundred (100) feet in width, abutting more than one street or tract with a private drive, the side yard on the street or private drive side of such lot shall be not less than twenty percent (20%) of the width of the lot, but not less than ten (10) feet.
 - 3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot.
 - 4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan.
 - 5. Minimum setback to garage door or carport entry: Twenty (20) feet. Except, however, in the case of an alley where garages or carports may be located no less than four (4) feet from the property line adjoining the alley.
 - 6. Minimum rear yard setback: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.
- B. For lots not exceeding 10,000 square feet:
 - 1. Minimum front yard setback: Fifteen (15) feet, with open porches allowed to extend to within ten (10) feet of the property line.
 - 2. Minimum side yard setback: One story: five (5) feet; Two or more stories: seven (7) feet. In the case of a corner lot, abutting more than one street or tract with a private drive, the side yard on the street side of such lot shall be not less than ten (10) feet.
 - 3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot.
 - 4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan.
 - 5. Minimum setback to garage door or carport entry: Twenty (20) feet. Wall above the garage door may project to within fifteen (15) feet of property line, provided that clearance to garage door is maintained. Where access is taken from an alley, garages or carports may be located no less than four (4) feet from the property line adjoining the alley.
 - 6. Minimum rear yard setback: One story: fifteen (15) feet. Two or more stories: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

(.11) **Accessory Dwelling Units.**

A. Accessory Dwelling Units are permitted subject to the standards and requirements of this Subsection.

Deleted: , developed on the same lot as the detached or attached single-family dwelling to which it is accessory, shall be permitted outright, subject to the standards and requirements of this Section.

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B. Standards

1. Number Allowed

a. For detached dwellings units and attached single-family dwelling units: One per dwelling unit.

b. For all other attached dwelling units: None.

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2. Maximum Floor Area: per definition in Section 4.001, 800 square feet of habitable floor area. Per Subsection 4.138 (.04) C. 1., in the Old Town Overlay Zone the maximum is 600 square feet of habitable floor area. Larger units shall be subject to standards applied to duplex housing.

Deleted: One Accessory Dwelling Unit per lot shall be no greater than 800 square feet with not more than two bedrooms, unless the size and density of ADUs are otherwise provided in an adopted Neighborhood Plan or Stage II Development Plans.

3. Accessory dwellings units shall be on the same lot as the dwelling unit to which they are subordinate.

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4. Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.

Commented [PD22]: C4

5. Design Standards:

Commented [PD23]: B1

a. Roof pitch shall be 4:12 to 12:12. No flat roofs allowed.

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i. Where the primary dwelling unit has a roof pitch of less than 4:12 the minimum roof pitch does not apply.

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b. Roof and siding materials shall match the respective material of one or more of the following: (1) the primary dwelling unit on the same lot, (2) a primary dwelling unit on an immediately adjacent lot, or (3) a primary dwelling unit within the same subdivision.

i. For the purpose of the requirement to match material, fiber cement siding made to appear like wood, stucco, or masonry may be used to match wood, stucco, or masonry respectively.

Commented [PD25]: A2

c. Where design standards established for a zone or overlay zone are more restrictive and/or extensive than a. and b. above the more restrictive and/or extensive design standards shall apply. This includes design standards for the Village (V) Zone, the Residential Neighborhood (RN) Zone, and the Old Town Overlay Zone.

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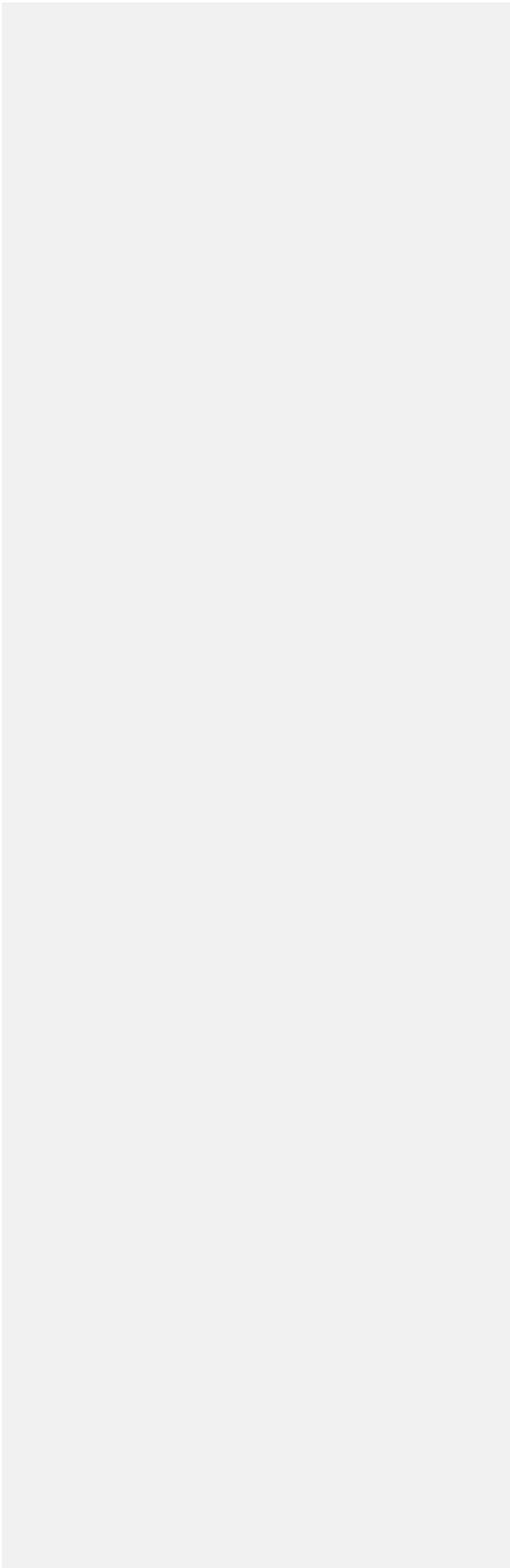
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6. Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit. Application for duplex construction shall be subject to the density standards of the zone in which it is located, or as otherwise provided in a Neighborhood Plan or Stage II/Final Development Plan.

7. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or



Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed.

Parking: Each accessory dwelling unit shall have one standard sized parking space on the same lot.

Where an off-street parking space is not available to serve the accessory dwelling unit, on-street parking satisfies this requirement if at least 45 feet of frontage along the lot is available for on-street parking and is not otherwise approved to meet minimum parking standards for another use.

- 8. Each accessory dwelling unit shall provide complete, independent permanent facilities for living, sleeping, eating, cooking, bathing and sanitation purposes, and shall have its own separate secure entrance.

9. ↓

- 10. Accessory dwelling units may be short-term rentals, but the owner/local operator must maintain an active business license with the City of Wilsonville for a short-term rental business and pay all applicable lodging and other taxes.

[Section 4.133(11) amended by Ord. 677, 3/1/10]

(.12) Reduced Setback Agreements. The following procedure has been created to allow the owners of contiguous residential properties to reduce the building setbacks that would typically be required between those properties, or to allow for neighbors to voluntary waive the solar access provisions of Section 4.137. Setbacks can be reduced to zero through the procedures outlined in this subsection.

A. Examples

- 1. First example: the owner of one house is allowed to build to the sideyard property line, with no setback, provided that the owner of the neighboring property agrees and that the agreements of both owners are recorded with the deed records for those properties.

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Deleted: Each Accessory Dwelling Unit must be accessible by street or driveway to fire and emergency vehicles, and for trash pick-up

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Deleted: Neighborhood Density and Size Standards.¶
Canyon Creek Estates – up to 12 ADUs as per Resolution No. 95PC16.

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.120. Zones. RA-H Residential Agricultural - Holding Zone.

(.01) Purpose. It is the purpose of this zone to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for more intensive development. This zone has been applied to all urbanizable properties within the city which are planned for development and which have not previously received development approval in accordance with the Comprehensive Plan.

(.02) Uses Permitted Outright:

- A. One single-family dwelling per lot and accessory dwelling units subject to the standards of Section 4.113 (.11). Where the Comprehensive Plan calls for future non-residential zoning of the site, the building permit for any proposed residential development shall not be granted until a statement has been recorded applying to the title of the subject property, notifying any potential buyer that future development in the area is expected to be non-residential.
- B. Except for existing lots of record of less than two acres, recorded prior to the effective date of this Code, partitioning or subdivision of properties designated for development shall only be considered in conjunction with or following a zone change in conformance with the Comprehensive Plan. Said zoning shall confirm the adequate provision of public facilities and the protection of future urban development potentials.
- C. If the proposed development is for a less intensive interim density consisting of large lots, a pre-plat and Site Plan review shall be required that provides for future development of the property in accordance with the uses and densities shown in the Comprehensive Plan. Said plat shall be filed on the City's Lien Docket as an obligation toward the property, together with an agreement of non-remonstrance towards the formation of any local improvement district which may serve the subject site.
- D. For properties designated in the City's Comprehensive Plan for nonresidential use, the intensity of use shall be restricted to activities which do not require construction of a permanent structure and which will not tend to restrict, obstruct, or adversely affect the future development of the property for its designated use. Except, however, that the development of a single-family dwelling shall be permitted as specified in subsection (.02), above.
- E. Temporary structures or uses, subject to the procedures for temporary uses set forth in Section 4.163.
- F. Agriculture, horticulture, greenhouses, nurseries (provided that any commercial sales of products shall require the approval of a conditional use permit), timber growing, grazing, and the small scale raising of livestock and animals.
- G. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H district.

H. Accessory Uses Permitted:

1. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal uses permitted located on the same lot therewith.
2. Home occupations.
3. Signs, subject to the provisions of Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

(.03) Uses Permitted Subject to receiving approval of a Conditional Use Permit:

- A. Private parks, municipal and government buildings, public utilities, public information centers, semi-public buildings of a non-commercial nature, churches, attached family dwelling units limited to two (2) family maximum, public, private, and parochial schools as provided in Section 4.184 when approved by the Development Review Board at a Public Hearing as provided in Section 4.013.
- B. Roadside stands when located on the same property as the principal uses, selling only those products that are produced on the same property on which the stand is located, or on adjacent property.

(.04) Dimensional Standards:

- A. Minimum Lot Size: 30,000 square feet.
- B. Minimum Front and Rear Yard Setbacks: Thirty (30) feet. Minimum Side Yard Setback: Ten (10) feet.
 1. Legal, non-conforming RA-H lots in the Old Town Overlay Zone shall have the following setbacks:
 - a. Front: Ten (10) feet for single family dwellings, for all other uses: none;
 - b. Rear: Fifteen (15) feet;
 - c. Side: Five (5) feet.
 2. Minimum setback for residential garage or carport: At least five (5) feet behind the front of the nearest residential unit on the property. In no case shall the front of a garage or carport be located less than twenty (20) feet behind a sidewalk or a public right-of-way providing access to that garage or carport. Except, however, in the case of an alley where garages or carports are located within five (5) feet of the property line adjoining the alley. [Amended by Ord. 682, 9/9/10]
- C. Minimum Street Frontage: Seventy-five (75) feet. A reduced street frontage may be approved, based on a finding that the proposed lot frontage will not hinder the future development of the site to densities proposed in the Comprehensive Plan.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.122. Residential Zone.

- (.01) Purpose: The purpose of this zone is to provide for standards and a simplified review process for small-scale urban low and medium density residential development. Developments in the 'R' zone are not intended to be Planned Developments.
- (.02) Residential Densities: Residential densities shall be governed by the density range designated by the City of Wilsonville Comprehensive Plan.
- (.03) Lot Size Qualifications:
 - A. The owner or the owner's authorized agent shall not hold or cause to be held any interest in any adjacent property with the intent to avoid PDR regulations.
 - B. The lot or any part thereof shall not be an identified area of special concern as defined in the Comprehensive Plan.
 - C. The development area must be two (2) acres or less in size. Development of larger properties shall be reviewed through planned development procedures.
 - D. Not more than thirty percent (30%) of the lot shall be covered by buildings.
- (.04) Principal Uses Permitted:
 - A. Single-Family Dwelling Units.
 - B. Duplexes.
 - C. Multiple-Family Dwelling Units.
 - D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature. Any principal building or public swimming pool shall be located not less than forty- five (45) feet from any other lot in a residential or RA-H zone.
 - E. Manufactured homes. [Note: Section 4.115 Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing is Permitted deleted per by Ord. 538, 2/21/02.]
- (.05) Accessory Uses Permitted to Single Family and Detached Dwelling Units:
 - A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, including accessory dwelling units subject to the standards of Subsection 4.113 (.11), located on the same lot therewith.
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
 - E. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

F. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main buildings, at least one-half (1/2) of the side yard setback. In no case shall a setback less than three (3) feet be permitted unless a Reduced Setback Agreement has been approved and properly recorded, as provided in Section 4.113.

G. Livestock and farm animals shall be permitted subject to the provisions of Section 4.162.

(.06) Accessory Uses Permitted for Duplexes and Attached Multiple-Family Dwelling Units:

A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.

B. Home occupations.

C. A private garage or parking area.

D. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.

F. Livestock and farm animals shall be permitted, subject to the provisions of Section 4.162.

(.07) Other Standards:

A. Minimum lot width at building line: Sixty (60) feet.

B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive.

C. Minimum lot size: 5000 square feet.

D. Minimum lot depth: Seventy (70) feet.

E. Maximum building or structure height: Thirty-five (35) feet.

F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; thirty percent (30%) for all buildings.

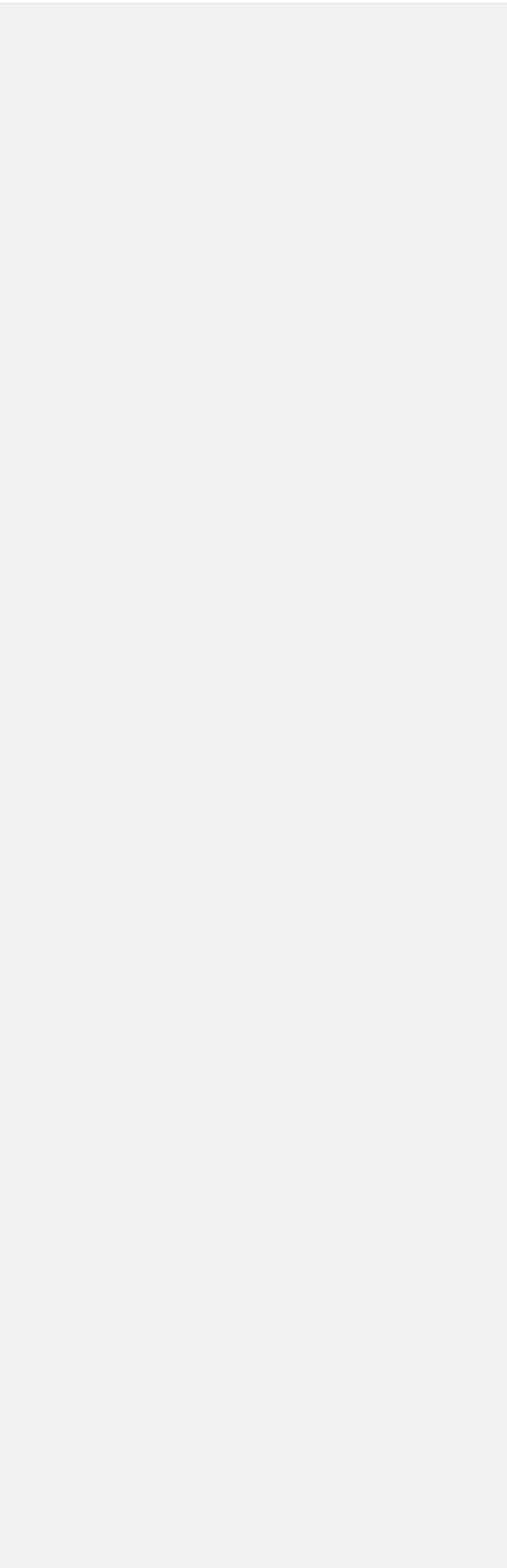
G. Block and access standards:

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.122(.07) amended by Ord. 538, 2/21/02; Ord 682, 9/9/10.]



Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.124. Standards Applying To All Planned Development Residential Zones.

(.01) Examples of principal uses that are typically permitted:

- A. Open Space.
- B. Single Family Dwelling Units.
- C. Duplexes.
- D. Multiple-Family Dwelling Units.
- E. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.
- F. Manufactured homes, subject to the standards of Section 4.115 (Manufactured Housing).

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(.02) Permitted accessory uses to single family and detached dwelling units:

- A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.
- B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.
- C. Accessory dwelling units, subject to the standards of Section 4.113 (.11).
- D. Home occupations.
- E. A private garage or parking area.
- F. ↓
- G. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
- H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- I. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
- J. Livestock and farm animals, subject to the provisions of Section

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4.162. (.03) Permitted accessory uses for duplexes and attached multiple-family dwelling units:

- A. Accessory uses, buildings, and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
- B. Home occupations.

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

- C. A private garage or parking area.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
- F. Livestock and farm animals, subject to the provisions of Section 4.162.

(.04) Uses permitted subject to Conditional Use Permit requirements:

- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
- B. Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.
- C. Churches, public, private and parochial schools, public libraries and public museums.
- D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, and not requiring a zone change to a commercial designation:
 - 1. The site of a Neighborhood Commercial Center was proposed at the time of the original application.
 - 2. Such centers are of a scale compatible with the surrounding residential structures.
 - 3. Such centers shall be compatible with the surrounding residential uses.
 - 4. The site of a Neighborhood Commercial Center shall be at least one-quarter (1/4) mile from any other sites zoned for commercial uses.
 - 5. The site of a Neighborhood Commercial Center shall not exceed five percent (5%) of the total area or one (1) acre, whichever is less.
 - 6. The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have direct pedestrian access to the residential areas.
 - 7. The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

E. Commercial Recreation which is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of subsection "D" (Neighborhood Commercial Centers), above.

F. Home businesses

Commented [PD41]: C7

(.05) Appropriate PDR zone based on Comprehensive Plan Density:

Comprehensive Plan Density*	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

*All dwelling unit types, except accessory dwelling units, are included for calculating density.

Commented [PD42]: C11

[Section 4.124(.05) amended by Ordinance No. 538, 2/21/02.]

(.06) Block and access standards:

1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard. [Amended by Ord. 682, 9/9/10]
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.124(.06) amended by Ordinance No. 538, 2/21/02.]

(.07) Signs. Per the requirements of Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

(.08) Parking. Per the requirements of Section 4.155.

(.09) Corner Vision Clearance. Per the requirements of Section 4.177.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.124.1. PDR-1:

The following standards shall apply in PDR-1 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 30,000 square feet.
- (.02) Minimum lot size: 25,000 square feet.
- (.03) Minimum density at build out: One unit per 37,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Eighty (80) feet.
 - B. Minimum street frontage of lot: Eighty (80) feet.
 - C. Minimum lot depth: One hundred (100) feet.
 - D. Setbacks: per Section 4.113(.03)
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; twenty-five percent (25%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. Ten single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Fourteen dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.2. PDR-2:

The following standards shall apply in PDR-2 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 16,000 square feet.
- (.02) Minimum lot size: 12,000 square feet.
- (.03) Minimum density at build out: One unit per 20,000 square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Sixty (60) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - C. Minimum lot depth: Seventy (70) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty-five percent (25%) for all residential dwelling units; thirty percent (30%) for all buildings.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

(.05) Examples of development that is typically permitted (hypothetical 10-acre site):

Twenty single-family dwellings (with or without accessory dwelling units) on individual lots, or

- A. Twenty-nine dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.3. PDR-3:

The following standards shall apply in PDR-3 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 7,000 square feet.
- (.02) Minimum lot size: 5,000 square feet.
- (.03) Minimum density at build out: One unit per 8,000 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Forty (40) feet.
 - B. Minimum street frontage of lot: Forty (40) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Fifty percent (50%) for lots containing less than 7000 square feet. Forty-five percent (45%) for lots between 7000 and 8000 square feet. Forty percent (40%) for lots exceeding 8000 square feet.

(.05) Examples of development that is typically permitted (hypothetical 10-acre site):

- A. Fifty-four single-family dwellings on individual lots, or
- B. Sixty-two dwelling units (any combination of multiple-family or single-family units).

Commented [PD43]: C3
 Deleted: (with or without accessory dwelling units)
 Commented [PD44]: C3
 Deleted: with or without accessory dwelling units

Section 4.124.4. PDR-4:

The following standards shall apply in PDR-4 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 5,000 square feet.
- (.02) Minimum lot size: 4,000 square feet.
- (.03) Minimum density at build out: One unit per 6,000 square feet.
- (.04) Other standards: Minimum lot width at building line: Thirty-five (35) feet.
 - A. Minimum street frontage of lot: Thirty-five (35) feet; however, street frontage

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]

- B. Minimum lot depth: Sixty (60) feet.
- C. Setbacks: per Section 4.113(.03).
- D. Maximum building height: Thirty-five (35) feet.
- E. Maximum lot coverage: Seventy-five percent (75%) for all buildings.

(.05) Examples of development that is typically permitted (hypothetical 10-acresite):

- A. Seventy-two single-family dwellings (with or without accessory dwelling units) on individual lots, or
- B. Eighty-seven dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.5. PDR-5:

The following standards shall apply in PDR-5 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 3,000 square feet.
- (.02) Minimum lot size: 2,500 square feet.
- (.03) Minimum density at build out: One unit per 4,000 square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum Lot Depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 108 town-house units on individual lots, or
 - B. 145 dwelling units (any combination of multiple-family or single-family units).

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.124.6. PDR-6:

The following standards shall apply in PDR-6 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 2,000 to 2,500 square feet.
- (.02) Minimum lot size: None.
- (.03) Minimum density at build out: One unit per 2,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acre site):
 - A. 174 condominium units, or
 - B. 217 multiple family-units.

Section 4.124.7. PDR-7:

The following standards shall apply in PDR-7 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 2,000 square feet.
- (.02) Minimum lot size: 1,500 square feet.
- (.03) Minimum density at build out: One unit per 2,400 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acre site):
 - A. 174 condominium units, or
 - B. 217 multiple-family units.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.125. V – Village Zone

(.01) Purpose.

The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.

- A. The Village zone provides for a range of intensive land uses and assures the most efficient use of land.
- B. The Village zone is intended to assure the development of bicycle and pedestrian-sensitive, yet auto-accommodating, communities containing a range of residential housing types and densities, mixed-use buildings, commercial uses in the Village Center and Neighborhood Centers, and employment opportunities.
- C. The Village zone, together with the Architectural Pattern Book and Community Elements Book, is intended to provide quantitative and objective review guidelines.

(.02) Permitted Uses. Examples of principle uses that are typically permitted:

- A. Single Family Dwellings
- B. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11)
- C. Duplexes
- D. Row Houses
- E. Multi-Family Dwellings
- F. Cluster Housing
- G. Residential Facilities, Residential Homes, and Community Housing developed to implement ORS 426.508
- H. Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.
- I. Commercial uses within the Village Center, subject to the standards of (.06) Standards Applying to Commercial Uses and similar to the following:
 - 1. Sales and servicing of consumer goods:
 - Bicycle shop
 - Bookstore
 - Clothing store
 - Electronics and appliances store
 - Florist

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Table V-1: Development Standards													
Building Type	Min. Size (sq.ft.)	Lot Min. Width (ft.)	Lot Min. Depth (ft.)	Lot Max. Coverage (note)	Lot Min. Width (%age)	Frontage Max. Height ⁹ (ft.)	Bldg. Setbacks ^{10, 13, 20}			Side Min. (ft.)	Alley-Loaded Garage (note)	Street-Loaded Garage (note)	
							Front (ft.)	Min. Front (ft.)	Max. Rear Min. (ft.)				
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	5	NR	NR	NR	NA	
Hotels - Village Center ¹⁴	NR	NR	NR	1	80	60	NR ³	15	NR	NR	NR	NA	
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	8	NR	NR	NR	NA	
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	15	NR	NR	NR	NA	
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	10	NR	NR	NR	NA	
Commercial Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA	
Mixed Use Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA	
Multi-Family Dwellings	NR	NR	NR	1	60	45	8 ⁴	15	NR	NR	NR	NA	
Row Houses ¹¹	NR	15	50	1	80	45	8 ⁵	15	NR	NR	NR	NA	
Duplexes	4,000	45	70	2	60 ¹⁶	35	12 ^{5, 6}	20 ⁶	5	5 ¹⁵	7	8, 17, 18	
Single-Family Dwellings	2,250	35	50	2	60 ¹⁶	35	12 ^{5, 6}	20 ⁶	5	5 ¹⁵	7	8, 17	

Notes: NR No Requirement

NA Not Allowed

1 Lot < 8000sf: NR; Lot >8000sf: 80% (Max. Lot Coverage)

2 Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%, Estate Lots: 45% Maximum Lot Coverage On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.

3 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.

4 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.

5 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.

6 For Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback.

7 The garage setback from alley shall be between 3 and 5 foot or, when as optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.

8 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main façade of the associated dwelling unit.

9 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.

10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.

11 Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB.

12 See Definitions, 4.125.01, for measurement of Minimum Frontage Width.

13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.

14 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.

15 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.

16 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.

17 Dwellings on lots without alley access shall be at least 36 feet wide.

18 Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.

19 Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

4.127 Residential Neighborhood (RN) Zone

(.01) Purpose.

The Residential Neighborhood (RN) zone applies to lands within Residential Neighborhood Comprehensive Plan Map designation. The RN zone is a Planned Development zone, subject to applicable Planned Development regulations, except as superseded by this section or in legislative master plans. The purposes of the RN Zone are to:

- A. Implement the Residential Neighborhood policies and implementation measures of the Comprehensive Plan.
- B. Implement legislative master plans for areas within the Residential Neighborhood Comprehensive Plan Map designation.
- C. Create attractive and connected neighborhoods in Wilsonville.
- D. Regulate and coordinate development to result in cohesive neighborhoods that include: walkable and active streets; a variety of housing appropriate to each neighborhood; connected paths and open spaces; parks and other non-residential uses that are focal points for the community; and, connections to and integration with the larger Wilsonville community.
- E. Encourage and require quality architectural and community design as defined by the Comprehensive Plan and applicable legislative master plans.
- F. Provide transportation choices, including active transportation options.
- G. Preserve and enhance natural resources so that they are an asset to the neighborhoods, and there is visual and physical access to nature.

(.02) Permitted uses:

- A. Open Space.
- B. Single-Family Dwelling Unit.
- C. Attached Single-Family Dwelling Unit. In the Frog Pond West Neighborhood, a maximum of 2 dwelling units, not including ADU's, may be attached.
- D. Duplex.
- E. Multiple-Family Dwelling Units, except when not permitted in a legislative master plan, subject to the density standards of the zone. Multi-family dwelling units are not permitted within the Frog Pond West Master Plan area.
- F. Cohousing.
- G. Cluster Housing.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

H. Public or private parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.

I. Manufactured homes.

J. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).

Moved (insertion) [2]

Deleted: ¶

(.03) Permitted accessory uses to single family dwellings:

A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.

B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.

C. Home occupations.

Commented [PD45]: A1

D. A private garage or parking area.

Moved up [2]: <#>Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).¶

E. Keeping of not more than two (2) roomers or boarders by a resident family.

F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

G. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.

H. Livestock and farm animals, subject to the provisions of Section 4.162.

(.04) Uses permitted subject to Conditional Use Permit requirements:

A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.

B. Commercial Recreation, including public or private clubs, lodges or meeting halls, golf courses, driving ranges, tennis clubs, community centers and similar commercial recreational uses. Commercial Recreation will be permitted upon a finding that it is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

shall conform to the requirements of Section 4.124(.04)(D) (Neighborhood Commercial Centers).

- C. Churches; public, private and parochial schools; public libraries and public museums.
- D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents. Neighborhood Commercial Centers are only permitted where designated on an approved legislative master plan.

(.05) Residential Neighborhood Zone Sub-districts:

- A. RN Zone sub-districts may be established to provide area-specific regulations that implement legislative master plans.
 - 1. For the Frog Pond West Neighborhood, the sub-districts are listed in Table 1 of this code and mapped on Figure 6 of the Frog Pond West Master Plan. The Frog Pond West Master Plan Sub-District Map serves as the official sub-district map for the Frog Pond West Neighborhood.

(.06) Minimum and Maximum Residential Units:

- A. The minimum and maximum number of residential units approved shall be consistent with this code and applicable provisions of an approved legislative master plan.
 - 1. For the Frog Pond West Neighborhood, Table 1 in this code and Frog Pond West Master Plan Table 1 establish the minimum and maximum number of residential units for the sub-districts. The minimum and maximum number does not include accessory dwelling units.
 - 2. For parcels or areas that are a portion of a sub-district, the minimum and maximum number of residential units are established by determining the proportional gross acreage and applying that proportion to the minimums and maximums listed in Table 1. The maximum density on a parcel may be increased, up to a maximum of 10% of what would otherwise be permitted, based on an adjustment to an SROZ boundary that is consistent with 4.139.06.
- B. The City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions.

Commented [PD46]: C11

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Table 1. Minimum and Maximum Dwelling Units by Sub-District in the Frog Pond West Neighborhood

Area Plan Designation	Frog Pond West Sub-district	Minimum Dwelling Units in Sub-district	Maximum Dwelling Units in Sub-district
R-10 Large Lot Single Family	3	26	32
	7	24	30
	8	43	53
R-7 Medium Lot Single Family	2	20	25
	4	86	107
	5	27	33
	9	10	13
	11	46	58
R-5 Small Lot Single Family	1	66	82
	6	74	93
	10	30	38
Civic	12	0	7 ^a
Public Facilities (PF)	13	0	0

^a These metrics apply to infill housing within the Community of Hope Church property, should they choose to develop housing on the site. Housing in the Civic sub-district is subject to the R-7 Medium Lot Single Family regulations.

(.07) Development Standards Generally

- A. Unless otherwise specified by this the regulations in this Residential Development Zone chapter, all development must comply with Section 4.113, Standards Applying to Residential Development in Any Zone.

(.08) Lot Development Standards:

- A. Lot development shall be consistent with this code and applicable provisions of an approved legislative master plan.
- B. Lot Standards Generally. For the Frog Pond West Neighborhood, Table 2 establishes the lot development standards unless superseded or supplemented by other provisions of the Development Code.
- C. Lot Standards for Small Lot Sub-districts. The purpose of these standards is to ensure that development in the Small Lot Sub-districts includes varied design that avoids homogenous street frontages, creates active pedestrian street frontages and has open space that is integrated into the development pattern.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Standards. Planned developments in the Small Lot Sub-districts shall include one or more of the following elements on each block:

1. Alleys.
2. Residential main entries grouped around a common green or entry courtyard (e.g. cluster housing).
3. Four or more residential main entries facing a pedestrian connection allowed by an applicable legislative master plan.
4. Garages recessed at least 4 feet from the front façade or 6 feet from the front of a front porch.

Table 2: Neighborhood Zone Lot Development Standards

Neighborhood Zone Sub-District	Min. Lot Size (sq.ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (%)	Min. Lot Width ^{G, H, J} (ft.)	Max. Bldg. Height ^F (ft.)	Setbacks ^H				
						Front Min. (ft.)	Rear Min. (ft.)	Side Min. (note)	Garage Min Setback from Alley (ft.)	Garage Min Setback from Street ^K (ft.)
R-10 Large Lot Single Family	8,000 ^A	60'	40% ^B	40	35	20 ^C	20	1'	18 ^D	20
R-7 Medium Lot Single Family	6,000 ^A	60'	45% ^B	35	35	15 ^C	15	1'	18 ^D	20
R-5 Small Lot Single Family	4,000 ^A	60'	60% ^B	35	35	12 ^C	15	1'	18 ^D	20

- Notes:
- A May be reduced to 80% of minimum lot size where necessary to preserve natural resources (e.g. trees, wetlands) and/or provide active open space. Cluster housing may be reduced to 80% of minimum lot size. Duplexes in the R-5 Sub-District have a 6,000 SF minimum lot size.
 - B On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.
 - C Front porches may extend 5 feet into the front setback.
 - D The garage setback from alley shall be minimum of 18 feet to a garage door facing the alley in order to provide a parking apron. Otherwise, the rear or side setback requirements apply.
 - F Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
 - G May be reduced to 24' when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive or a public pedestrian access in a cluster housing development.
 - H Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.
 - I On lots greater than 10,000 SF with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 20 ft. with a minimum of 10 ft. On other lots, minimum side setback shall be 5 ft. On a corner lot, minimum side setbacks are 10 feet.
 - J For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.
 - K Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

4.138 Old Town Overlay Zone

2. Exterior remodeling of commercial, industrial, public facility, multi-family residential, or mixed use building that requires a building permit, when that remodeling is visible from a public street (other than an alley) and changes the existing design of the building; and
 3. Upon the request of an applicant, in order to pursue a design not in conformance with the Old Town Single-Family Designs Standard Book, new single-family homes (including duplexes) and accessory buildings, or remodeling thereof. Standards for ADU's in Subsection (.04) C. below shall apply.
- B. The following (except as noted in A.3. above) shall be reviewed through the Class I administrative review process for conformance with the Development Standards of Subsection (.04) concurrently with building plan review:
1. New single-family homes (including duplexes), single-family home additions, remodels, accessory dwelling units, garages, and other buildings accessory to a single-family use.

(.04) Single-Family Development Standards (including accessory buildings and duplexes)

- A. The standards of this subsection shall take precedence over setback, lot coverage, height, and accessory dwelling unit standards otherwise established in the Development Code. All other standards of the base zone and/or approved planned developments shall apply. For PDR Zones, the setback and lot coverage standards are subject to the waiver provisions of Section 4.118.
- B. Development shall comply (except as noted in 1. and 2. below) with the standards of the Old Town Single-Family Design Standards Book including but not limited to architectural design, height, setbacks, and lot coverage.
1. An applicant for a remodel of and/or addition to structures existing prior to December 1, 2017 may elect to match the existing design of the structure rather than comply with the Old Town Single-Family Design Standards Book if all of the following are met:
 - a. The height of the structure remains the same and any additions do not exceed the height of the existing structure;
 - b. The roof pitch on the existing portion of the structure remains the same and is matched for additions involving facades facing a street or public open space;
 - c. All exterior materials are substantially similar in style and texture to the existing materials on the structure;
 - d. For facades of the structure facing a street or public open space (does not include alleys) all architectural elements, such as windows, doors, porches, dormers, details, etc. are kept the same, or in the case of extending out a wall during an addition, reproduced; and
 - e. Setbacks and lot coverage requirements of the underlying zone are met.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

- 2. Accessory structures less than 120 square feet and 10 feet in height are not subject to the Old Town Single-Family Design Standards but rather the standards of the underlying zone.
- C. The following standards shall apply to Accessory Dwelling Units (ADU's) within the "O" Overlay Zone to ensure smaller bulk of residential buildings and minimal use of on-street parking consistent with the historic character of the neighborhood. Where these standards differ from those of Subsection 4.113 (.11), including size design and parking, these standards take precedence. All other standards of Subsection 4.113 (.11), including but not limited to number of ADU's and review process, continue to apply.
 - 1. Size: ADU's shall not exceed 600 square feet of living space.
 - 2. Design: ADU's shall be substantially the same exterior design and architecture (i.e. siding, windows, color, roof pitch, doors and roofing materials) as the primary dwelling unit on the property. ADU's shall be either:
 - a. Detached single-story structures; or
 - b. Over a detached garage meeting the following requirements:
 - i. The garage/ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and
 - ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.

(.05). Standards for Development Subject to Site Design Review

- A. Building Setbacks - Buildings fronting Boones Ferry Road shall abut the public sidewalk except where public plazas, courtyards, approved landscaping, or other public pedestrian amenities are approved. Except, however, that residential garages or carports shall be set back a minimum of twenty (20) feet from any sidewalk or traveled portion of a street across which access to the garage or carport is taken. The Development Review Board may approve other setbacks to accommodate sidewalks, landscaping, or other streetscape features located between the street right-of-way and the building.
- B. Landscaping - Not less than fifteen (15) percent of the development site shall be landscaped. In the event that a building is set back from a street side property line, along Boones Ferry Road, Bailey Street, or 5th Street, the intervening area shall be landscaped. In reviewing proposals for parking lots in locations between buildings and streets, the Development Review Board may require special landscaping treatments or designs to screen the view of the parking lot from the public right-of-way.
- C. Building height - As specified in the underlying base zone.
- D. Street access to Boones Ferry Road. Ingress and egress points along Boones Ferry Road shall be designed and constructed such that access points on one side of the

Commented [PD47]: C10

Deleted: Parking: Each ADU shall have one dedicated standard sized parking space on the same lot.

Deleted: ¶

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

- E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]
- F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.
- G. Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]
- H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.
- I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.
- J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.
- K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as pervious materials (i. e. pavers, concrete, asphalt) that is found by the City's authorized representative to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's authorized representative, shall be provided. [Amended by Ord. # 674 11/16/09]
- L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.
- M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.
- N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

Note: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the uses that are currently proposed. For waivers to exceed the maximum standards, applicants shall bear the burden of proving that Metro, State, and federal clean air standards will not be violated.

TABLE 5: PARKING STANDARDS			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
a. Residential			
1. Single-family dwelling units, duplexes, multiple-family dwelling units of nine (9) or fewer units	1 per D.U.	No Limit	Multiple Family Dwelling Units – Min. of 2
2. Accessory dwelling units	Per Subsection 4.113 (.11)	No Limit	Non required
3. Multiple-family dwelling units of ten (10) or more units	1 per D.U. (less than 500 sq. ft.) 1.25 per D.U. (1 bdrm) 1.5 per D.U. (2 bdrm) 1.75 per D.U. (3 bdrm)	No Limit	1 per D.U.
4. Manufactured or mobile home park	2 spaces/unit	No Limit	1 per D.U.
b. Commercial Residential			
1. Hotel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2

- Deleted: , except
- Deleted: accessory dwelling units, which have no minimum
- Deleted: Single and attached units and any apartments
- Deleted: Apartments
- Commented [PD48]: C1, C10
- Deleted:)
- Commented [PD49]: C10
- Commented [PD50]: C1
- Deleted: 2
- Deleted: Apartments
- Deleted: 3
- Deleted: 4. Manufactured subdivision
- Deleted: or
- Deleted: mobile
- Deleted: home
- Commented [PD51]: C3
- Deleted: 1 per D.U.
- Deleted: No Limit
- Deleted: 1 per D.U.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

C. The Community Development Director shall not sign any plat which does not indicate the marking with monuments of the intersections of all streets and the centerlines of all streets at every point of curvature and point of tangent. It shall be the responsibility of the applicant to provide such Monumentation within the land division prior to the issuance of any Building permit for construction within the subject property.

(.04) Action on Final Plat: Within thirty (30) days of receipt of a complete final plat submittal, the Planning Director shall approve, deny, or, when further information is required, postpone a decision on the application. Written notice of such action shall be mailed to the applicant by the Planning Director. If the Planning Director determines that full conformity with all applicable ordinances has not been made, the Director shall advise the applicant of the changes or additions that must be made and shall afford the applicant an opportunity to make the necessary changes or additions.

A. A final plat shall be approved only if affirmative findings can be made that:

1. The Plat is in substantial conformance with the provisions of the Preliminary Plat, as approved;
2. The proposal is consistent with the provisions, intents and purposes of the Comprehensive Plan, Zoning Regulations and the requirements of other relevant sections of this Code.
3. Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The plat contains a donation to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, the donation of which is required by Ordinance or was made a condition of the approval of the tentative plat for the development.
5. Explanations of all common improvements to remain in private ownership have been accounted for and referenced on the plat;
6. Private drives indicated on the tentative plat have been approved by the City; and [Amended by Ord. 682, 9/9/10]
7. All conditions of approval for the development have been met, or adequate assurances for their completion have been provided, to the satisfaction of the Community Development Director.

B. If affirmative findings cannot be made with regard to all of the above criteria, the Planning Director shall not approve the final plat.

C. If approved, such approval shall be evidenced by the signature on the plat of the Planning Director together with the date of approval. In the event of denial, the Planning Director shall cause written notice and the reasons for denial to be furnished to the applicant.

Attachment 3

Accessory Buildings, ADU's, and Garages



© The Bangalow Company, Portland, Oregon



© Candace Kramer, Portland, Oregon



© E. Allen Fine Designs, San Jose, CA

DESIGN

Design guidelines are applicable to any and all exterior building elements visible from the public right-of-way or public parcel, in any direction, regardless of existing or proposed landscaped or natural visual barriers between the public view shed and exterior building elements.

The garage and other accessory buildings over 120sf and 10ft in height must be designed using the same exterior design and architecture (i.e. siding, windows, doors, and roofing materials) as the primary residence on the lot. Accessory buildings cannot be taller than the primary residence. If the primary residence is less than 15 feet, an accessory building can be 15 feet or less.

Accessory Dwelling Units (ADU's) in Old Town shall:

1. Size: ADU's shall not exceed 600 square feet of living space.
2. Design. ADU's shall be either:
 - a. Detached single-story structures; or
 - b. Over a detached garage meeting the following requirements:
 - i. The garage ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and
 - ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.

All other standards of Subsection 4.113 (.11) related to ADU's apply. See Subsection 4.138 (.04) C. Wilsonville Code.

STYLE GUIDELINES

Western Farmhouse
 Roof Style: Gable
 Roof Pitch: 7:12 to 12:12
 Eaves: 8" minimum to 18" maximum

New Ranch
 Roof Style: Hip or Low-Pitched Gable
 Roof Pitch: 4:12 to 6:12
 Eaves: 8" minimum to 18" maximum

Craftsman
 Roof Style: Gable
 Roof Pitch: 6:12 to 10:12
 Eaves: 8" minimum to 18" maximum

Deleted: <#>Parking. Each ADU shall have one dedicated standard size parking space on the same lot.

Deleted: <#>¶

Attachment 4

Implementation Measure 4.1.4.bb The City allows the construction of one accessory dwelling unit with any detached dwelling or attached single-family dwelling permitted to be built in any zone, subject to standards in the Land Development Code. Regulations of such units include size and parking requirements. [Amended by Ord. 676, 3/3/10]

Deleted: single family

Deleted: that is

Deleted: or density and size standards in Neighborhood Plans, Stage II Development Plans or Final Development Plans

Deleted: , architectural design to match the primary unit on the site,

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2018

Items known as of 09/12/18

September

DATE	DAY	TIME	EVENT	LOCATION
9/24	Monday	6:30 p.m.	DRB Panel B - CANCELLED	Council Chambers
9/26	Wednesday	6:30 p.m.	Library Board Meeting	Library

October

DATE	DAY	TIME	EVENT	LOCATION
10/1	Monday	7:00 p.m.	City Council Meeting	Council Chambers
10/8	Monday	6:30 p.m.	DRB Panel A	Council Chambers
10/10	Wednesday	1:00 p.m.	Wilsonville Community Seniors, Inc. Advisory Board	Community Center
10/10	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
10/15	Monday	7:00 p.m.	City Council Meeting	Council Chambers
10/22	Monday	6:30 p.m.	DRB Panel B	Council Chambers
10/24	Wednesday	6:30 p.m.	Library Board Meeting	Library

November

DATE	DAY	TIME	EVENT	LOCATION
11/5	Monday	7:00 p.m.	City Council Meeting	Council Chambers
11/12	Monday	6:30 p.m.	DRB Panel A	Council Chambers
11/14	Wednesday	1:00 p.m.	Wilsonville Community Seniors, Inc. Advisory Board	Community Center
11/14	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
11/19	Monday	7:00 p.m.	City Council Meeting	Council Chambers
11/26	Monday	6:30 p.m.	DRB Panel B	Council Chambers

Community Events:

- 9/19** SMART Walk at Lunch, noon - 12:30 p.m. at Noodles and Company
- 9/26** SMART Walk at Lunch, noon - 12:30 p.m. at Prographics Services Inc.
- 10/5** First Friday Films, 6:00 p.m. - 8:00 p.m. at the Library
- 11/2** First Friday Films, 6:00 p.m. - 8:00 p.m. at the Library
- 11/22-11/23** City offices closed in observance of the Thanksgiving holiday

All dates and times are tentative; check the City's online calendar for schedule changes at www.ci.wilsonville.or.us.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Thursday, September 6, 2018. Mayor Knapp called the meeting to order at 7:11 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Council President Starr
Councilor Stevens
Councilor Lehan
Councilor Akervall - Excused

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Kerry Rappold, Natural Resources Manager
Nancy Kraushaar, Community Development Director
Mark Ottenad, Public/Government Affairs Director
Amanda Guile-Hinman, Assistant City Attorney
Mike McCarty, Parks and Recreation Director
Brian Stevenson, Parks and Recreation Program Manager
Tod Blankenship, Parks Supervisor

Motion to approve the order of the agenda.

Motion: Councilor Starr moved to approve the order of the agenda. Councilor Stevens seconded the motion.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

None.

MAYOR'S BUSINESS

- A. Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.

COUNCILOR COMMENTS

- A. Council President Starr

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Mentioned the Metro Hazardous Waste Collection Day scheduled for September 15, 2018 from 9:00 a.m. to 2:00 p.m. at Wilsonville City Hall.

B. Councilor Stevens

Informed the audience of the below:

- The Wilsonville Library Board meeting scheduled for September 26, 2018.
- Emergency Preparedness Workshop scheduled for Saturday, September 11, 2018 at the Wilsonville LDS Church.

C. Councilor Lehan

Shared that the Ellingsen house south of Costco has been purchased by Sysco.

CONSENT AGENDA

Ms. Jacobson read the titles of the Consent Agenda items into the record.

A. Resolution No. 2687

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Paul Brothers, Inc. For The Memorial Park Dog Park And Community Garden Parking Lot Project (Capital Improvement Project #9132).

B. Minutes of the, July 16, 2018; August 6, 2018 and August 20, 2018 Council Meetings.

Motion: Councilor Stevens moved to approve the Consent Agenda. Councilor Lehan seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor Akervall	Excused

PUBLIC HEARING

A. Ordinance No. 818 – 1st Reading

An Ordinance Of The City Of Wilsonville Repealing And Replacing Chapter 8 – Environment Of The Wilsonville Code And To Repeal Ordinance No. 482.

Ms. Jacobson read the title of Ordinance No. 818 into the record on first reading.

Mayor Knapp provided the public hearing format and opened the public hearing at 7:30 p.m.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Kerry Rappold, Natural Resources Manager along with Amanda Guile-Hinman, Assistant City Attorney presented on Ordinance No. 818.

Staff's presentation encompassed the below:

Historical Context

- Staff saw need for clearer enforcement measures for stormwater management.
- Other parts of Chapter 8 needed some clean-up, but no substantive overhaul undertaken.

Overview of Revisions to Chapter 8

- Redrafting Erosion Prevention and Sediment Control Regulations
 - ESC permit requirement
 - ESC plans
 - Inspection requirements
- Redrafting Stormwater Enforcement Regulations
 - Enforcement delegated to City staff
 - Allows City inspections and right of entry
 - Outlines notice requirements prior to enforcement action
 - States various enforcement measures
 - Civil penalties
 - Stop work orders
 - Abatement requirements
 - Termination of permit
 - Provides for appeal procedure
- Housekeeping Matters
 - Renumbered sections
 - Checked/refined definitions
 - Removed outdated/superseded language

Council concurred that Attachment C would be more helpful earlier on or leading into the document to make it more apparent to the reader.

Staff informed that Attachment C (Chapter 8 Code Revision - Chart of Applicability of Chapter 8) matrix itself is not located in the Code. However, the verbiage supplied in the matrix is included in Chapter 8. Staff prefers the attachment itself not be incorporated in the Code. The attachment will be utilized to educate and inform community members.

The Mayor invited public testimony, seeing none he closed the public hearing at 7:49 p.m.

Motion: Councilor Lehan moved to adopt Ordinance No. 818 on first reading. Councilor Stevens seconded the motion.

Vote: Motion carried 4-0.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor Akervall	Excused

B. Ordinance No. 826 – 1st Reading

An Ordinance Of The City Of Wilsonville Adopting The 2018 Parks And Recreation Comprehensive Master Plan As A Sub-Element Of The City Of Wilsonville Comprehensive Plan, Replacing All Prior Parks And Recreation Master Plans, And Repealing Ordinance No. 625.

Ms. Jacobson read the title of Ordinance No. 826 into the record on first reading.

Mayor Knapp provided the public hearing format and opened the public hearing at 7:50 p.m.

Parks and Recreation Director Mike McCarty, Parks and Recreation Program Manager Brian Stevenson, and Parks Supervisor Tod Blankenship presented on Ordinance No. 826.

Purpose of this Plan

- Update 2007 Parks and Recreation Master Plan.
- Follow City of Wilsonville 2013 Comprehensive Plan principles.
- Provide a vision for future parks, recreation, open space and trails.
- Serve as an action plan for providing a high level of service.
- Address park development, recreation services, trails, open space & natural resource preservation, current deficiencies, and the need for future facilities.

Master Planning Components

1. Information Gathering & Analysis
 - Review background data
 - Stakeholder Focus Groups
 - Community Survey
 - Inventory Update & Gap Analysis
 - Organizational and Program Review
 - Analyze and Coalesce Data
2. Findings & Visioning
3. Goals & Recommendations
4. Draft and Final Plans

Key Findings

- Appreciation of existing parks, programs, and services
- Parks highly valued by residents
- Desire for river access
- Trail connectivity priority for residents

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

- Need to add synthetic turf fields
- Concern for lack of indoor recreation and aquatic facilities
- Quality and maintenance of facilities and amenities important to residents
- Protect/preserve natural areas and environment high priority
- Safety and security high priority
- Desire to increase special/cultural events

Parks and Recreation mission statement was displayed:

“Recognizing community history, enriching the quality of life and fostering a safe environment, the Wilsonville Parks and Recreation Department shall provide, preserve, maintain, improve and enhance recreational opportunities, social services, natural resources and parkland for current and future generations.”

The following was shared from the City Council feedback previously received:

Integrated Pest Management (IPM) Plan

- Objective 3.9 (p 132) – The Department should work with other City Departments for creation and implementation of a City-wide IPM Plan
- Action 3.9a – Select optimal integrated pest management strategies that balance social, environmental and economic factors. The goals for selecting treatment principles and developing pest management strategies include:
 - Preservation of natural system, including pollinator habitat
 - Emphasize practices to minimize risk to human health
 - Reduce and eliminate, where possible, chemical pest control treatments
 - Ensure cost-effectiveness in the short and long term
 - Evaluate the efficacy of the integrated pest management

Natural Resources

- Objective 3.10 (p 133) – Maintain and Improve Wilsonville’s Natural Areas, including Tree City and Bee City USA designations.
- Action 3.10a – Provide appropriate care of natural resources paying attention to bio diversity, chemical pest control management and eco-friendly practices while following the City’s IPM Plan.
- Action 3.10b – Tree City and Bee City USA designations.
- Action 3.10c – Creation and implementation of Urban Forestry Management Plan.

Joint Use Agreement with School District

- Objective 3.5 (p 131) Review current Joint Use Agreement (JUA) with the school system and how it is benefitting the Parks and Recreation Department.
 - The Department should look to maximize potential usage of school facilities as a key goal of any joint operating agreement.
 - Action 3.5.a – Review current Joint Use Agreement with schools to maximize potential.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

- Action 3.5.b – Ensure that all existing and future partnerships are accurately portrayed in a signed agreement.

Synthetic Turf

- Objective 1.8 (p 127) – Consider Development of Synthetic Turf Fields
 - The Department should consider development of synthetic turf fields in an effort to meet the demand of the community for year-round play. Staff should explore synthetic surfaces that best meet the needs of the community.
 - Action 1.8.a – Develop priorities for consideration of installation of synthetic turf fields analyzing financial projections for construction and replacement, O&M budget projections, safety and environmental concerns and a pro-forma for operations.

Sport Tournaments

- Objective 1.7b (p 125) – Indoor Sports Facility Feasibility Study*
 - Conduct a feasibility /conceptual study to determine the feasibility and best method to gain community support for an indoor sports facility. Includes: Conceptual plans, financial projections, pro-forma for operations.

The following was shared from the Planning Commission feedback previously received:

Public Art

Action 1.6.c (p 125) – “Explore opportunities to feature existing and future public art at various park locations.”

Future Development

- Action 1.7.h (p 127) – Future Development
 - Ensure adequate parks and recreation facilities are provided in all future planning areas, including areas added to the UGB and annexed into the City, including the Basalt Creek Planning Area.
 - Work closely with City departments and private developers early and throughout the planning process to make sure the parks and recreational needs of the community are being met.
 - Work with Oregon Parks and Recreation for public access to, and development of, 15 acre Willamette Meridian Landing site.

For the record, staff informed that comments and suggested language made during Work Session will be included in the materials at the second reading of Ordinance No. 826.

Staff stated that they will verify and then update the language used for the Frog Pond neighborhood park and bring those modifications to the second reading. Additionally, staff informed they will perform a search of the word should and replace with the word shall.

Staff stated for the record that there was a typo on 3.10a, pesticide management becomes pest management.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

It was mentioned that the next steps for staff include listing priorities in order of short term and long term. Once priorities have been set, then funding options can be reviewed and discussed.

The below Parks and Recreation Comprehensive Master Plan edits were provided for the record to be incorporated into the plan. Adjustments are highlighted:

1.2.f* <i>Complete Boeckman Creek Regional Trail</i> Design and Construction of trail from Memorial Park to Canyon Creek Park	\$2,400,000	Staff Time	Ongoing
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1.7.d* <i>Development Frog Pond West Trailhead Park</i> Design and construction of neighborhood park including connection to	\$1,500,000	Staff Time	Short-Term
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ADD

1.7.h* <i>Frog Pond Neighborhood Park</i> Design and construction of neighborhood park	\$2,400,000 (funded by developer)	Staff Time	Mid-Term
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1.7.h* Future Development becomes 1.7i*
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The Mayor invited public testimony, seeing none he closed the public hearing at 8:13 p.m.

Council appreciated staff and expressed the importance of parks to the community.

Council demonstrated interest in knowing how many private recreational facilities such as church gymnasiums, indoor soccer venues, and other such amenities are located in Wilsonville.

Motion: Councilor Starr moved to approve Ordinance No. 826 on first reading and then amended the motion to include all the edits and carryovers from Work Session and; the edits included in the post packet handout and; the word should to be changed to shall in the document. Councilor Lehan seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor Akervall	Excused

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

CITY MANAGER'S BUSINESS

City Manager Cosgrove shared a letter submitted to the Municipal Court from a driver that participated in the diversion program.

It was noted that the Community Survey results are complete and will be presented to Council in October.

Mr. Cosgrove left the meeting at 8:25 p.m.

LEGAL BUSINESS

City Attorney Jacobson and Council discussed the recent ruling from the Ninth Circuit Court of Appeals, *Martin v. City of Boise* decided on September 4, 2018. Attorney Jacobson summarized the ruling made is very broad-based. Ms. Jacobson reported that essentially this case holds that the cruel and unusual punishments clause of the Eighth Amendment precludes the enforcement of a statute prohibiting sleeping outside against homeless individuals with no access to alternative shelter. Furthermore, as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.

It was mentioned that the City of Portland's interpretation of the ruling is if a person sleeps in a space and moves on that is fine. However, a person cannot place a tent or make the space their camp or home base.

Discussion ensued about homeless camping outside and in vehicles. In closing the City Attorney along with the Chief of Police will review the City's ordinances on the issue.

ADJOURN

Mayor Knapp adjourned the meeting at 8:41 p.m.

Respectfully submitted,

Kimberly Veliz, City Recorder

ATTEST:

Tim Knapp, Mayor



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: September 17, 2018	Subject: Ordinance No. 827 – 1st Reading SMART Transit Rider Rules Staff Member: Dwight Brashear, Transit Director; Amanda Guile-Hinman, Assistant City Attorney Department: SMART/Legal	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: September 17, 2018 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: September 17, 2018 <input type="checkbox"/> Ordinance 2 nd Reading Date: October 1, 2018 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: Adoption of proposed additions to Wilsonville Code Chapter 10 to include regulations for SMART transit riders.	
Staff Recommendation: Staff recommends the Council adopt Ordinance No. 827 on first reading.		
Recommended Language for Motion: I move to approve Ordinance No. 827 on first reading.		
Project / Issue Relates To:		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUES BEFORE COUNCIL:

Council is being asked to approve regulations for riders of South Metro Regional Area Transit (“SMART”). Currently, WC Chapter 10 only has a smoking prohibition at, in, or near a transit stop (WC 10.305). The proposed transit rider rules incorporate this prohibition among other regulations governing transit riders. There are no other current published passenger regulations explaining what is allowed and what is prohibited conduct on SMART vehicles and transit stops.

EXECUTIVE SUMMARY:

City staff worked to create SMART transit rider rules under Chapter 10.600 and through 10.680. The purpose of the SMART transit ride rules and procedures are for the safety, convenience, and comfort of the City’s passengers and employees and for the protection, reservation, use and enjoyment of City property.

The proposed draft of WC 10.600 and through 10.680 will help ensure that passengers are respecting others and the City’s property while on the City’s public transportation system. In other words, if any violation is found, whether criminal or not, the City will be able to not only protect itself and its constituents, but will have a uniformed and clear enforcement process to regulate unacceptable behavior.

At the September 6, 2018 work session, Council raised several items for staff to review in the proposed transit rider rules. Those comments and how staff addressed them are outlined below. A redline of these changes is attached as **Attachment B**.

1. Allowing for grocery shoppers to utilize buses while transporting groceries.
 - a. Staff clarified the food and beverages allowed on buses must be in containers or grocery bags. *See* WC 10.620(3).
2. Allowing for luggage when a rider is traveling to another destination.
 - a. Staff clarified that luggage and other packages are allowed as long as they do not block the aisle or stairway. *See* WC 10.630(1).
3. Canvassing/solicitation – free speech implications
 - a. Staff used the regulations from other transit jurisdictions and confirmed that the provision is compliant with Oregon state and federal laws. The provision allows a person to canvass/solicit upon approval of the Transit Director and requires reasonable time/place/manner considerations, which is consistent with state and federal cases regarding canvassing/solicitation involving public transportation. *See* WC 10.620(12).
4. Prohibiting loud, lengthy cell phone conversations
 - a. Covered under WC 10.620(6) (Excessive Noise)
5. Clarifying shoes and clothes requirement – consider infants, disabled persons
 - a. Staff utilized the language from Lane County Transit District to clarify the clothing/shoes requirement. Staff also added an exception for infants being held, which was taken from the Land County and Corvallis transit rules. Much of the nuance in enforcing this provision will be a key part of the training of transit staff (which is also true regarding excessive odor and children). *See* WC 10.620(4); (5).

6. Use of bus shelters for relief from weather
 - a. Staff revised the requirement that transit shelters must be used for boarding, disembarking, or waiting for a transit vehicle. *See* WC 10.650(2).
7. Listing ORS provisions
 - a. Staff removed the list and simply stated that it is a violation of the transit rider rules to violate any Oregon state or federal criminal laws. *See* WC 10.660.
8. Aimless riding
 - a. This provision came from an internal policy that SMART uses for its transit drivers regarding when they should ask a rider of the rider's destination when the rider has been on the bus for an extended period of time.
 - b. Staff recommend the 2-hour rule (with the exceptions listed) because no trip within Wilsonville should be more than 2 hours. *See* WC 10.620(14).
9. Clarify exclusion rule
 - a. Staff clarified that an exclusion may be imposed for a period not to exceed 6 months on a first offense unless there is an immediate and serious threat to the safety of the passengers or City staff, in which case they exclusion period could be up to a permanent exclusion.
 - b. Staff also clarified that subsequent offenses may lead to an exclusion for any period of time including a permanent exclusion. *See* WC 10.670(1).

EXPECTED RESULTS:

Passengers and transit employees will have a safer and more enjoyable use of the City's transit system and City staff will have more clarity in the enforcement of City transit regulations.

TIMELINE:

The proposed WC 10.600 through WC 10.680 additions are scheduled for a first reading and public hearing on September 17, 2018 and a second reading on October 1, 2018. Rather than a 30-day period before the regulations become effective, SMART proposes an effective date of December 1, 2018 so that SMART can conduct outreach to the community to inform riders of the new regulations, as well as to allow ample time to properly train SMART team members on their role regarding these new regulations.

CURRENT YEAR BUDGET IMPACTS:

Although fines may be assessed under the proposed rules, fines are considered a last resort. SMART will seek compliance through education and communication with riders. As such, staff do not anticipate significant budget impacts as a result of the new regulations.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 9/10/2018

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 9/10/2018

COMMUNITY INVOLVEMENT PROCESS:

With an extended timeline for the effective date, SMART will undertake an education campaign to inform the community and its riders of the new regulations, if adopted. SMART will use several mediums to convey the information to the public, including the Boones Ferry Messenger, tabling at community events, and posting information onboard transit vehicles and at transit stations.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

SMART transit rider rules help to educate passengers by providing guidelines on how to access and use public transit in a safe way that is beneficial for all. The rules create a safer environment for transit employees by clarifying what is acceptable behavior when using the City's transit system. The City will now be able to enforce the rules in a way that is impactful to offenders with the opportunity to change objectionable behavior.

ALTERNATIVES:

Retain WC Chapter 10 as is.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

Attachment A: Ordinance No. 827

Attachment B: Redline of proposed WC 10.600 through 10.680

ATTACHMENT A

ORDINANCE NO. 827

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 10 BY ADDING 10.600 THROUGH 10.680 AND DELETING 10.305.

WHEREAS, the City of Wilsonville operates, through its Transit Department, the South Metro Area Regional Transit (“SMART”); and

WHEREAS, the City of Wilsonville does not have regulations governing riders of SMART; and

WHEREAS, Wilsonville Code (“WC”) 10.305 is the only regulation regarding prohibited activities specifically around transit stops or shelters; and

WHEREAS, the proposed amendments will incorporate the regulations contained in WC 10.305, rendering it unnecessary.

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

1. The following is added to Chapter 10 of the Wilsonville Code as Section 10.600 through Section 10.680 (Transit Rider Rules):

“Transit Rider Rules

10.600 Purpose.

The Code and implementing procedures are adopted for the safety, convenience, and comfort of the City of Wilsonville South Metro Area Regional Transit (“SMART”) passengers and for the protection, preservation, use and enjoyment of City property.

10.605 Scope.

This section sets out the rules governing conduct within and around the City of Wilsonville’s SMART Transit System.

10.610 Severability.

If any section, paragraph, subdivision, clause, sentence, or provision of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair, invalidate, or nullify the validity of the remaining portions of the title.

10.615 Definitions.

(1) City. The City of Wilsonville, Oregon or the City Council of Wilsonville, Oregon or a designated representative of the City of Wilsonville, Oregon.

(2) Electronic Smoking Device. An electronic or battery operated device that delivers vapors for inhalation. Electronic Smoking Device includes every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah or any other product name or descriptor.

(3) Emergency. A fire, actual or threatened serious physical injury to a person, or any apparent urgent medical need occurring on or in a SMART Transit Shelter or aboard a SMART Transit Vehicle.

(4) Exclusion. A sanction administered to an individual for violation of this Section. An Exclusion prohibits that individual from entering or remaining on or in the SMART Transit System in whole or in part, for a specified duration.

(5) Operator. A City employee responsible for operating any SMART Transit Vehicle.

(6) Passenger. A person who is aboard a SMART Transit Vehicle or waiting for the next available SMART Transit Vehicle to such person's destination, or person who enters a SMART Transit Shelter with the intent to utilize transportation on the next available SMART Transit Vehicle for such person's destination.

(7) Peace Officer. A law enforcement official who is employed by the Clackamas County Sheriff's Office, a marshal, a City of Wilsonville police officer, a law enforcement official of the Oregon State Police, and any other person as may be designated by law.

(8) Qualified Exclusion. An exclusion which excludes a person from use of the SMART Transit System except for use for travel to and from medical and legal appointments, obtaining food, clothing and necessary household items, or for accessing any critical services.

(9) Service Animal. An animal recognized under the Americans with Disabilities Act (ADA) as a service animal, including a dog guide, hearing ear dog, or other service animal assisting an individual with a physical disability in one or more daily life activities including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair, or fetching dropped items. An animal which provides solely emotional support, well-being, comfort, or companionship is not a service animal.

(10) SMART Transit Shelter. All real property, structures, and personal property owned, possessed or occupied by the City, leased or licensed by the City, or devoted on an exclusive or nonexclusive basis to the use of the SMART Transit System and includes a structure provided along a transit route for the purpose of providing

seating and/or while passengers wait for a transit vehicle.

(11) SMART Transit System. The property, equipment and improvements of whatever nature owned, leased, or controlled by the City to provide public transportation for passengers through SMART or to provide for movement of people, and includes any SMART Transit Vehicle and any SMART Transit Shelter.

(12) SMART Transit Vehicle. A City-owned bus, van, automobile or other vehicle used by SMART to transport passengers.

(13) Transit Dependent. A person who relies on public transit services instead of the private automobile to meet one's travel needs.

(14) Transit Director. The SMART Transit Director for the City or other City-designated authority charged with the administration and enforcement of these Standards.

10.620 Regulations.

(1) Smoking Prohibited. No person shall smoke tobacco or any other substance, including Electronic Smoking Device, in, or within 20 feet of a SMART Transit Vehicle or SMART Transit Shelter. To the extent this smoke free zone extends into any City street or public way, any and all occupants of any fully enclosed vehicle driving through this smoke free zone are exempted from the provisions of this section.

(2) Vacating Elderly and Disabled Priority Seating. The aisle-facing benches at the front of buses are for the use of disabled and senior citizen Passengers. Non-qualifying Passengers must vacate seating upon request of the Operator.

(3) Food and Beverages: Any food or beverage brought aboard a SMART Transit Vehicle must be in a sealed container, grocery bag, or other container used to transport the food or beverage to the person's destination. No person shall consume food or alcohol on any SMART Transit Vehicle. Passengers on SMART Transit Vehicles may consume non-alcoholic beverages only from containers with snap-on or screw-on lids.

(4) Attire. All persons (except infants who are held) who enter a SMART Transit Vehicle or SMART Transit Shelter must wear shoes, pants/shorts and shirt, a dress, or comparable clothing. In addition, all Passengers must cover any exposed skin that may transmit communicable disease.

(5) Excessive Odor. No person shall board or remain on a SMART Transit Vehicle or enter or remain in a SMART Transit Shelter if the person, the person's clothing, or anything in the person's possession, emits a grossly repulsive odor that is unavoidable by other Passengers on the SMART Transit Vehicle or Shelter and which causes a nuisance or extreme discomfort to Passengers or Operator.

(6) Excessive Noise. No person shall make excessive or unnecessary noise, within the SMART Transit Vehicle with the intent to cause inconvenience, annoyance or alarm to the public, Operator, or a Peace Officer, or with a reckless disregard to the risk thereof.

(7) Audio Devices. Any audio devices, radio, or musical instruments on a SMART Transit Vehicle or in a SMART Transit Shelter operated by a person other than the Operator must only be audible through earphones to the person carrying the device.

(8) Littering and Spitting. No person shall discard or deposit any rubbish, trash, debris, or garbage near, in, or on a SMART Transit Shelter or aboard a SMART Transit Vehicle, except in proper waste disposal container. No person shall spit, defecate, or urinate near, in, or on a SMART Transit Shelter or aboard any SMART Transit Vehicle.

(9) Animals. No person shall bring or carry aboard a SMART Transit Vehicle or take into a SMART Transit Shelter any animal not housed in an enclosed carrying container, except:

(a) Service Animals. A person accompanied by a Service Animal or a person training a Service Animal, so long as the animal is under the control of its handler, housebroken and restrained by leash, harness or other device made for the purpose of controlling the movement of an animal. A Service Animal may be carried on its handler's person but may not occupy a separate seat.

(b) Police Dogs. A trained police dog accompanied by a Peace Officer.

(10) Flammable or Corrosive Substance. No person shall bring aboard a SMART Transit Vehicle or take into a shelter any flammable, combustible, explosive or corrosive (as those terms are defined in ORS 453.005) substance or device, except matches and cigarette lighters or factory-sealed household products. No person shall light any match or cigarette lighter or ignite any flame or ember within or around a SMART Transit Vehicle or SMART Transit Shelter.

(11) Display of Lights. No person shall light a flashlight, scope light, laser light, or other object that projects a flashing light or emits beam of light while inside a SMART Transit Vehicle, except in an Emergency.

(12) Canvassing or Solicitation. No person shall sell or distribute anything, solicit for any purpose, or canvass to collect money in or on any SMART Transit Shelter or aboard any SMART Transit Vehicle, unless authorized in writing by the Transit Director or designee pursuant to objective, content neutral standards and administrative procedures which shall be adopted by the Transit Director establishing the reasonable conditions on time, place and manner of activities based upon the magnitude of the interference of the activity upon the safe and efficient operation of the transit system.

(13) Posting Notices. Except as otherwise allowed by City regulations, no person shall place, permit or cause to be placed any notice or sign upon any SMART Transit Vehicle or SMART Transit Shelter without the City Manager's consent.

(14) Aimless Riding. No person shall remain on the SMART Transit Vehicle for longer than two (2) hours, unless the passenger's destination requires it. Passengers who do not seem to have a specific destination will be asked by the Operator to state their destination. Once stated, the Passenger will be transported to that destination. If the Passenger does not disembark the Operator will ask that the Passenger do so, unless the Passenger has a legitimate reason. Some legitimate reasons include:

- (a) Passenger got on the wrong bus;
- (b) Passenger missed the stop;
- (c) Passenger forgot something and had to return; or
- (d) Passenger got on near the end of a route and is waiting to ride in the direction the Passenger wishes to travel.

(15) Damaging or Defacing City Property. No person shall draw graffiti or any other writing on any part of the SMART Transit System; or in any manner damage, destroy, interfere with, or obstruct in any manner, the property, services or facilities of the City.

(16) Harassment. No person shall intentionally or recklessly harass or annoy another person by:

- (a) Subjecting such other person to offensive physical contact;
- (b) Publicly insulting such other person by abusive words or gestures in a manner intended and likely to provoke a violent response;
- (c) Otherwise violate ORS 166.065.

(17) Threatening or Offensive Language. No person shall intentionally or recklessly disturb, harass, or intimidate another person by means of threatening or offensive language or obscenities in a SMART Transit Vehicle in such a manner as to interfere with a passenger's use and enjoyment of the SMART Transit System.

(18) Weapon. No person, except a Peace Officer or person with a valid concealed weapon permit as stated in ORS 166.370 and 166.240, shall bring into or carry aboard a SMART Transit Vehicle, or bring into a SMART Transit Shelter, any firearm, knife (except a folding knife with a blade less than 3 ½ inches in length), any explosive device or material, or any other weapon.

10.630 Prohibited Baggage/Packages.

(1) Oversized Objects. No person shall bring or carry aboard a SMART Transit Vehicle any package(s) or object(s) of a size that will block any aisle or stairway upon the SMART Transit Vehicle. Luggage or other packages are allowed on SMART Transit Vehicles if they do not block the aisle or stairway of the SMART Transit Vehicle. No person shall leave behind, or unattended, such package(s) or object(s) within, or around, any SMART Transit Vehicle or SMART Transit Shelter.

(2) Carriages and Strollers.

(a) Except while boarding or exiting a SMART Transit Vehicle, carriages or strollers must remain folded and infant child must be held while aboard a SMART Transit Vehicle.

(b) No person shall bring or carry a commercial shopping cart aboard any type of SMART Transit Vehicle.

(c) No person shall abandon a commercial shopping cart at a SMART Transit Shelter.

10.640 Safety.

(1) No person shall:

(a) Extend any portion of his or her body through any door or window of a SMART Transit Vehicle while it is in motion.

(b) Lie down on or across the seats of a SMART Transit Vehicle or SMART Transit Shelter.

(c) Place any object or substance on the seats of a SMART Transit Vehicle or SMART Transit Shelter that inhibits the proper use of such seats, or block or obstruct the use of the seats.

(d) In any manner hang onto, or attach himself or herself to any exterior part of a SMART Transit Vehicle while the vehicle is resting or in motion.

(e) Impede or block the free movement of others within a SMART Transit Shelter or SMART Transit Vehicle.

(f) Interfere, in any manner, with the safe operation or movement of any SMART Transit Vehicle.

(g) Activate the "Emergency Exit" or alarm device of a SMART

Transit Vehicle, except in an Emergency.

(h) Throw, toss, or kick any ball, or other object on or in a SMART Transit Shelter or aboard any SMART Transit Vehicle.

(i) Leave an unattended child under the age of seven (7), unless accompanied by a person twelve years (12) or older. A child between the ages of five and seven years old may ride the SMART Transit Vehicle without an adult present or waiting at the departure or arrival site, if the place of departure or arrival is a school and a waiver of responsibility form has been submitted by the child's parent or legal guardian.

(j) Talk to the Operator while the SMART Transit Vehicle is in operation, except for information facilitating the Passenger's trip.

10.650 Specific Prohibited Use of a SMART Transit Shelter.

(1) No person shall continuously occupy a SMART Transit Shelter for a time exceeding two hours.

(2) SMART Transit Shelters are primarily for Passengers boarding, disembarking, or waiting for a SMART Transit Vehicle and are expected to be used for that intended purpose.

(3) No person shall climb upon any City bus stop sign, or stand upon any bench within the SMART Transit Shelter.

10.660 Criminal Conduct.

It shall be a violation of this Ordinance for any person to engage in conduct in violation of any applicable local, state, or federal laws occurring within, on, or near any SMART Transit Vehicle or SMART Transit Shelter.

10.670 Exclusions.

(1) The City may exclude an individual from all or any part of the SMART Transit System for a violation of any provisions of WC 10.600 through 10.680 or a violation of any applicable local, state, or federal laws while within, on, or near the SMART Transit System. The Exclusion period shall be determined on a case-by-case basis, but may be based upon:

(a) First Offense – Exclusion period not to exceed six (6) months, unless the offense poses an immediate and serious threat to the safety of the Passengers and City employees, then an Exclusion period up to permanent exclusion is permitted.

(i) An individual poses an immediate and serious threat to the safety of the Passengers when the individual has committed a sexual assault, committed an assault that resulted in serious injury or death, or used a weapon to injure another person while the offender is on the SMART Transit System.

(b) Subsequent Offenses – Exclusion may be for any period of time up to and including permanent Exclusion, except as provided under subsection (2) below.

(2) An individual with a disability shall not be issued a complete Exclusion from the SMART Transit System, unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the SMART Transit System. Absent such finding, the Transit Director shall order a Qualified Exclusion to permit the individual with a disability to use the SMART Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items or for accessing any critical services.

(3) An individual that is Transit Dependent shall not be issued a complete Exclusion from the SMART Transit System, unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the SMART Transit System. Absent such finding, the Transit Director shall order a Qualified Exclusion to permit the individual with a disability to use the SMART Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items or for accessing any critical services. Any person asserting the right to a Qualified Exclusion on the basis of transit dependence shall have the burden of establishing transit dependence by a preponderance of the evidence.

(4) A Passenger excluded under this section of this Code may not enter or remain upon any of the SMART Transit System during the period of Exclusion. An excluded passenger who enters or remains upon any part of the SMART Transit System is a trespasser and may be arrested and prosecuted for the crime of Criminal Trespass in the Second Degree (ORS 164.245). In addition, failure to abide by an Exclusion notice shall constitute a further violation for which the period of Exclusion may be extended by the Transit Director.

(5) Exclusion Notice.

(a) A written notice signed by the issuing party shall be given to the Passenger excluded from all or part of the SMART's Transit System. The written notice shall specify the reason for the Exclusion, duration of Exclusion, and the consequences for failure to comply with the written notice.

(b) Oral Exclusions shall be effective only for the route in progress at the time of the Exclusion, when made by the Operator. The Operator may direct a Passenger to leave a SMART Transit Vehicle, or direct a prospective Passenger not to board a SMART Transit Vehicle, if the Passenger is in violation of this Section.

(i) Oral Exclusions must be followed by a written explanation of how the Passenger was behaving and how the Passenger's actions unreasonably interfered with the operation of the SMART Transit System. Written notice by the Operator must be made no later than the end of that working day and be filed with the Transit Director as well as mailed to the Passenger, if the address is known.

(6) Exclusion Appeal.

(a) Process. No later than ten (10) days after an Exclusion notice has been issued, an excluded person may appeal in writing to the Transit Director for de novo review of the Exclusion and may petition the Transit Director to rescind, alter the places of Exclusion or reduce the duration of the Exclusion. An appeal shall contain a copy of the Exclusion notice; a request for a hearing or request for written review without a hearing; and a statement setting forth the reason why the Exclusion is/was invalid or otherwise improper.

(i) The Transit Director shall render a decision not later than ten (10) business days after receipt of appeal, unless the appellant has requested a hearing.

(b) Public Hearing. When a public hearing is requested by the appellant, the public hearing shall be conducted by the Transit Director not later than ten business (10) days after receipt of the appeal, unless the appellant waives the right to have the hearing within the ten (10) business days. The Transit Director shall render a decision within fifteen business (15) days after the hearing.

(c) Public Hearing Process. The public hearing shall include presentation by City staff member designated by the Transit Director to provide documentation and testimony supporting the Exclusion, followed by the appellant's presentation of documents and testimony opposing the Exclusion. The Transit Director may question witnesses and review all documentation. A tape recording shall be made of the hearing which shall be made available to the appellant upon the appellant paying the cost of producing the tape recording. If the appeal raises a dispute of fact, the burden of persuasion shall be on the excluded person.

(d) The determination of the Transit Director shall be final.

10.680 Enforcement.

(1) Seating Change. Any Peace Officer, Operator, Transit Director and persons designated by the Transit Director has authority to require a seating change, pursuant to 10.620(2) or refuse entrance to an individual who violates any provision of the City Codes.

(2) SMART Transit Removal. The Transit Director and/or designee has the authority to remove any individual off of the SMART Transit System who violates any provision of the City Codes.

(3) Officer Citations. Any Peace Officer of the State of Oregon or City code enforcement officer is authorized to enforce regulations regarding transit rider regulations found in the Oregon statutes and/or in these transit rider regulations (WC 10.600 through WC 10.680).

(4) Citation. Any citations made will direct the violator to appear in the Municipal Court for the City of Wilsonville. The City Municipal Court will determine the appropriate fine amount, which will not exceed two hundred fifty dollars (\$250).”

2. Wilsonville Code 10.305 is hereby repealed.

3. The City Recorder is directed to amend Wilsonville Code Section 10, as approved above, and to make such format, style, and conforming changes to match the format and style of the Offenses Chapter of the Wilsonville Code.

4. Except as set forth above, Chapter 10 of the Wilsonville Code remains in full force and effect, as written.

5. This Ordinance will become effective on December 1, 2018.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 17th day of September, 2018, and scheduled for a second reading at a regular meeting of the Council on October 1, 2018 commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the ____ day of _____, 2018, by the following votes: Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor the _____ day of _____, 2018.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

ATTACHMENT B

Transit Rider Rules

10.600 Purpose.

The Code and implementing procedures are adopted for the safety, convenience, and comfort of the City of Wilsonville South Metro Area Regional Transit (“SMART”) passengers and for the protection, preservation, use and enjoyment of City property.

10.605 Scope.

This section sets out the rules governing conduct within and around the City of Wilsonville’s SMART Transit System.

10.610 Severability.

If any section, paragraph, subdivision, clause, sentence, or provision of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair, invalidate, or nullify the validity of the remaining portions of the title.

10.615 Definitions.

- (1) City. The City of Wilsonville, Oregon or the City Council of Wilsonville, Oregon or a designated representative of the City of Wilsonville, Oregon.
- (2) Electronic Smoking Device. An electronic or battery operated device that delivers vapors for inhalation. Electronic Smoking Device includes every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah or any other product name or descriptor.
- (3) Emergency. A fire, actual or threatened serious physical injury to a person, or any apparent urgent medical need occurring on or in a SMART Transit Shelter or aboard a SMART Transit Vehicle.
- (4) Exclusion. A sanction administered to an individual for violation of this Section. An Exclusion prohibits that individual from entering or remaining on or in the SMART Transit System in whole or in part, for a specified duration.
- (5) Operator. A City employee responsible for operating any SMART Transit Vehicle.
- (6) Passenger. A person who is aboard a SMART Transit Vehicle or waiting for the next available SMART Transit Vehicle to such person’s destination, or person who enters a SMART Transit Shelter with the intent to utilize transportation on the next available SMART Transit Vehicle for such person’s destination.

(7) Peace Officer. A law enforcement official who is employed by the Clackamas County Sheriff's Office, a marshal, a City of Wilsonville police officer, a law enforcement official of the Oregon State Police, and any other person as may be designated by law.

(8) Qualified Exclusion. An exclusion which excludes a person from use of the SMART Transit System except for use for travel to and from medical and legal appointments, obtaining food, clothing and necessary household items, or for accessing any critical services.

(9) Service Animal. An animal recognized under the Americans with Disabilities Act (ADA) as a service animal, including a dog guide, hearing ear dog, or other service animal assisting an individual with a physical disability in one or more daily life activities including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair, or fetching dropped items. An animal which provides solely emotional support, well-being, comfort, or companionship is not a service animal.

(10) SMART Transit Shelter. All real property, structures, and personal property owned, possessed or occupied by the City, leased or licensed by the City, or devoted on an exclusive or nonexclusive basis to the use of the SMART Transit System and includes a structure provided along a transit route for the purpose of providing seating and/or while passengers wait for a transit vehicle.

(11) SMART Transit System. The property, equipment and improvements of whatever nature owned, leased, or controlled by the City to provide public transportation for passengers through SMART or to provide for movement of people, and includes any SMART Transit Vehicle and any SMART Transit Shelter.

(12) SMART Transit Vehicle. A City-owned bus, van, automobile or other vehicle used by SMART to transport passengers.

(13) Transit Dependent. A person who relies on public transit services instead of the private automobile to meet one's travel needs.

(14) Transit Director. The SMART Transit Director for the City or other City-designated authority charged with the administration and enforcement of these Standards.

10.620 Regulations.

(1) Smoking Prohibited. No person shall smoke tobacco or any other substance, including Electronic Smoking Device, in, or within 20 feet of a SMART Transit Vehicle or SMART Transit Shelter. To the extent this smoke free zone extends into any City street or public way, any and all occupants of any fully enclosed vehicle driving through this smoke free zone are exempted from the provisions of this section.

(2) Vacating Elderly and Disabled Priority Seating. The aisle-facing benches at the front of buses are for the use of disabled and senior citizen Passengers. Non-qualifying

Passengers must vacate seating upon request of the Operator.

(3) Food and Beverages: Any food or beverage brought aboard a SMART Transit Vehicle must be in a sealed container, ~~or~~ grocery bag, or other container used to transport the food or beverage to the person's destination. No person shall consume food or alcohol on any SMART Transit Vehicle. Passengers on SMART Transit Vehicles may consume non-alcoholic beverages only from containers with snap-on or screw-on lids.

(4) Attire. All persons (except infants who are held) who enter a SMART Transit Vehicle or SMART Transit Shelter must wear shoes, pants/shorts and shirt, a dress, or comparable clothing. In addition, all Passengers must cover any exposed skin that may transmit communicable disease~~must be wearing shoes and clothing~~.

(5) Excessive Odor. No person shall board or remain on a SMART Transit Vehicle or enter or remain in a SMART Transit Shelter if the person, the person's clothing, or anything in the person's possession, emits a grossly repulsive odor that is unavoidable by other Passengers on the SMART Transit Vehicle or Shelter and which causes a nuisance or extreme discomfort to Passengers or Operator.

(6) Excessive Noise. No person shall make excessive or unnecessary noise, within the SMART Transit Vehicle with the intent to cause inconvenience, annoyance or alarm to the public, Operator, or a Peace Officer, or with a reckless disregard to the risk thereof.

(7) Audio Devices. Any audio devices, radio, or musical instruments on a SMART Transit Vehicle or in a SMART Transit Shelter operated by a person other than the Operator must only be audible through earphones to the person carrying the device.

(8) Littering and Spitting. No person shall discard or deposit any rubbish, trash, debris, or garbage near, in, or on a SMART Transit Shelter or aboard a SMART Transit Vehicle, except in proper waste disposal container. No person shall spit, defecate, or urinate near, in, or on a SMART Transit Shelter or aboard any SMART Transit Vehicle.

(9) Animals. No person shall bring or carry aboard a SMART Transit Vehicle or take into a SMART Transit Shelter any animal not housed in an enclosed carrying container, except:

(a) Service Animals. A person accompanied by a Service Animal or a person training a Service Animal, so long as the animal is under the control of its handler, housebroken and restrained by leash, harness or other device made for the purpose of controlling the movement of an animal. A Service Animal may be carried on its handler's person but may not occupy a separate seat.

(b) Police Dogs. A trained police dog accompanied by a Peace Officer.

(10) Flammable or Corrosive Substance. No person shall bring aboard a SMART Transit Vehicle or take into a shelter any flammable, combustible, explosive or corrosive (as those terms are defined in ORS 453.005) substance or device, except matches and cigarette

lighters or factory-sealed household products. No person shall light any match or cigarette lighter or ignite any flame or ember within or around a SMART Transit Vehicle or SMART Transit Shelter.

(11) Display of Lights. No person shall light a flashlight, scope light, laser light, or other object that projects a flashing light or emits beam of light while inside a SMART Transit Vehicle, except in an Emergency.

(12) Canvassing or Solicitation. No person shall sell or distribute anything, solicit for any purpose, or canvass to collect money in or on any SMART Transit Shelter or aboard any SMART Transit Vehicle, unless authorized in writing by the Transit Director or designee pursuant to objective, content neutral standards and administrative procedures which shall be adopted by the Transit Director establishing the reasonable conditions on time, place and manner of activities based upon the magnitude of the interference of the activity upon the safe and efficient operation of the transit system.

(13) Posting Notices. Except as otherwise allowed by City regulations, no person shall place, permit or cause to be placed any notice or sign upon any SMART Transit Vehicle or SMART Transit Shelter without the City Manager's consent.

(14) Aimless Riding. No person shall remain on the SMART Transit Vehicle for longer than two (2) hours, unless the passenger's destination requires it. Passengers who do not seem to have a specific destination will be asked by the Operator to state their destination. Once stated, the Passenger will be transported to that destination. If the Passenger does not disembark the Operator will ask that the Passenger do so, unless the Passenger has a legitimate reason. Some legitimate reasons include:

- (a) Passenger got on the wrong bus;
- (b) Passenger missed the stop;
- (c) Passenger forgot something and had to return; or
- (d) Passenger got on near the end of a route and is waiting to ride in the direction the Passenger wishes to travel.

(15) Damaging or Defacing City Property. No person shall draw graffiti or any other writing on any part of the SMART Transit System; or in any manner damage, destroy, interfere with, or obstruct in any manner, the property, services or facilities of the City.

(16) Harassment. No person shall intentionally or recklessly harass or annoy another person by:

- (a) Subjecting such other person to offensive physical contact;
- (b) Publicly insulting such other person by abusive words or gestures in a

manner intended and likely to provoke a violent response;

(c) Otherwise violate ORS 166.065.

(17) Threatening or Offensive Language. No person shall intentionally or recklessly disturb, harass, or intimidate another person by means of threatening or offensive language or obscenities in a SMART Transit Vehicle in such a manner as to interfere with a passenger's use and enjoyment of the SMART Transit System.

(18) Weapon. No person, except a Peace Officer or person with a valid concealed weapon permit as stated in ORS 166.370 and 166.240, shall bring into or carry aboard a SMART Transit Vehicle, or bring into a SMART Transit Shelter, any firearm, knife (except a folding knife with a blade less than 3 ½ inches in length), any explosive device or material, or any other weapon.

10.630 Prohibited Baggage/Packages.

(1) Oversized Objects. No person shall bring or carry aboard a SMART Transit Vehicle any package(s) or object(s) of a size that will block any aisle or stairway upon the SMART Transit Vehicle. Luggage or other packages are allowed on SMART Transit Vehicles if they do not block the aisle or stairway of the SMART Transit Vehicle. No person shall leave behind, or unattended, such package(s) or object(s) within, or around, any SMART Transit Vehicle or SMART Transit Shelter.

(2) Carriages and Strollers.

(a) Except while boarding or exiting a SMART Transit Vehicle, carriages or strollers must remain folded and infant child must be held while aboard a SMART Transit Vehicle.

(b) No person shall bring or carry a commercial shopping cart aboard any type of SMART Transit Vehicle.

(c) No person shall abandon a commercial shopping cart at a SMART Transit Shelter.

10.640 Safety.

(1) No person shall:

(a) Extend any portion of his or her body through any door or window of a SMART Transit Vehicle while it is in motion.

(b) Lie down on or across the seats of a SMART Transit Vehicle or SMART Transit Shelter.

(c) Place any object or substance on the seats of a SMART Transit Vehicle or SMART Transit Shelter that inhibits the proper use of such seats, or block or obstruct the use of the seats.

(d) In any manner hang onto, or attach himself or herself to any exterior part of a SMART Transit Vehicle while the vehicle is resting or in motion.

(e) Impede or block the free movement of others within a SMART Transit Shelter or SMART Transit Vehicle.

(f) Interfere, in any manner, with the safe operation or movement of any SMART Transit Vehicle.

(g) Activate the “Emergency Exit” or alarm device of a SMART Transit Vehicle, except in an Emergency.

(h) Throw, toss, or kick any ball, or other object on or in a SMART Transit Shelter or aboard any SMART Transit Vehicle.

(i) Leave an unattended child under the age of seven (7), unless accompanied by a person twelve years (12) or older. A child between the ages of five and seven years old may ride the SMART Transit Vehicle without an adult present or waiting at the departure or arrival site, if the place of departure or arrival is a school and a waiver of responsibility form has been submitted by the child’s parent or legal guardian.

(j) Talk to the Operator while the SMART Transit Vehicle is in operation, except for information facilitating the Passenger’s trip.

10.-650 Specific Prohibited Use of a SMART Transit Shelter.

(1) No person shall continuously occupy a SMART Transit Shelter for a time exceeding two hours.

(2) ~~No person shall occupy a~~ SMART Transit Shelter are primarily for Passengers except for boarding, disembarking, or waiting for a SMART Transit Vehicle and are expected to be used for that intended purpose.

(3) No person shall climb upon any City bus stop sign, or stand upon any bench within the SMART Transit Shelter.

10.660 Criminal Conduct.

~~(1)~~—It shall be a violation of this Ordinance for any person to engage in conduct in violation of any ~~of the applicable local, state, or federal laws following laws if such conduct occurs~~ within, on, or near ~~or in any way affects~~ any SMART Transit Vehicle or SMART Transit Shelter. ~~;~~

- ~~(a) — Assault in any degree in violation of ORS 163.160 through 163.185.~~
- ~~(b) — Menacing in violation of ORS 163.190.~~
- ~~(c) — Reckless endangering in violation of ORS 163.195.~~
- ~~(d) — Public indecency in violation of ORS 163.465.~~
- ~~(e) — Trespass in violation of ORS 164.245.~~
- ~~(f) — Disorderly conduct in violation of ORS 166.025.~~
- ~~(g) — Interfering with public transportation in violation of ORS 166.115.~~
- ~~(h) — Unlawful use of a weapon in violation of ORS 166.220.~~
- ~~(i) — Possession or delivery of controlled substances in violation of ORS 475.992.~~

10.670 Exclusions.

(1) ~~In addition to the laws of the State of Oregon, t~~The City may exclude an individual from all or any part of the SMART Transit System for a violation of any provisions of WC 10.600 through 10.680 or a violation of any applicable local, state, or federal eriminal laws of the State of Oregon while within, on, or near the SMART Transit System. The Exclusion period shall be determined on a case-by-case basis, but may be based upon:

(a) First Offense – Exclusion period not to exceed six (6) months, unless the offense poses an immediate and serious threat to the safety of the Passengers and City employees, then an Exclusion period up to ~~one year or in excess of one year~~permanent exclusion is permitted.

(i) An individual poses an immediate and serious threat to the safety of the Passengers when the individual has committed a sexual assault, committed an assault that resulted in serious injury or death, or used a weapon to injure another person while the offender is on the SMART Transit System.

(b) Second-Subsequent Offenses — Exclusion may be ~~excluded for any period of time~~for a period of more than one year up to and including permanent Exclusion, except as provided under subsection (2) below.

(2) An individual with a disability shall not be issued a complete Exclusion from the SMART Transit System, unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the

SMART Transit System. Absent such finding, the Transit Director shall order a Qualified Exclusion to permit the individual with a disability to use the SMART Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items or for accessing any critical services.

(3) An individual that is Transit Dependent shall not be issued a complete Exclusion from the SMART Transit System, unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the SMART Transit System. Absent such finding, the Transit Director shall order a Qualified Exclusion to permit the individual with a disability to use the SMART Transit System for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items or for accessing any critical services. Any person asserting the right to a Qualified Exclusion on the basis of transit dependence shall have the burden of establishing transit dependence by a preponderance of the evidence.

(4) A Passenger excluded under this section of this Code may not enter or remain upon any of the SMART Transit System during the period of Exclusion. An excluded passenger who enters or remains upon any part of the SMART Transit System is a trespasser and may be arrested and prosecuted for the crime of Criminal Trespass in the Second Degree (ORS 164.245). In addition, failure to abide by an Exclusion notice shall constitute a further violation for which the period of Exclusion may be extended by the Transit Director.

(5) Exclusion Notice.

(a) A written notice signed by the issuing party shall be given to the Passenger excluded from all or part of the SMART's Transit System. The written notice shall specify the reason for the Exclusion, duration of Exclusion, and the consequences for failure to comply with the written notice.

(b) Oral Exclusions shall be effective only for the route in progress at the time of the Exclusion, when made by the Operator. The Operator may direct a Passenger to leave a SMART Transit Vehicle, or direct a prospective Passenger not to board a SMART Transit Vehicle, if the Passenger is in violation of this Section.

(i) Oral Exclusions must be followed by a written explanation of how the Passenger was behaving and how the Passenger's actions unreasonably interfered with the operation of the SMART Transit System. Written notice by the Operator must be made no later than the end of that working day and be filed with the Transit Director as well as mailed to the Passenger, if the address is known.

(6) Exclusion Appeal.

(a) Process. No later than ten (10) days after an Exclusion notice has been issued, an excluded person may appeal in writing to the Transit Director for de novo

review of the Exclusion and may petition the Transit Director to rescind, alter the places of Exclusion or reduce the duration of the Exclusion. An appeal shall contain a copy of the Exclusion notice; a request for a hearing or request for written review without a hearing; and a statement setting forth the reason why the Exclusion is/was invalid or otherwise improper.

(i) The Transit Director shall render a decision not later than ten (10) business days after receipt of appeal, unless the appellant has requested a hearing.

(b) Public Hearing. When a public hearing is requested by the appellant, the public hearing shall be conducted by the Transit Director not later than ten business (10) days after receipt of the appeal, unless the appellant waives the right to have the hearing within the ten (10) business days. The Transit Director shall render a decision within fifteen business (15) days after the hearing.

(c) Public Hearing Process. The public hearing shall include presentation by City staff member designated by the Transit Director to provide documentation and testimony supporting the Exclusion, followed by the appellant's presentation of documents and testimony opposing the Exclusion. The Transit Director may question witnesses and review all documentation. A tape recording shall be made of the hearing which shall be made available to the appellant upon the appellant paying the cost of producing the tape recording. If the appeal raises a dispute of fact, the burden of persuasion shall be on the excluded person.

(d) The determination of the Transit Director shall be final.

10.680 Enforcement.

(1) Seating Change. Any Peace Officer, Operator, Transit Director and persons designated by the Transit Director has authority to require a seating change, pursuant to 10.620(2) or refuse entrance to an individual who violates any provision of the City Codes.

(2) SMART Transit Removal. The Transit Director and/or designee has the authority to remove any individual off of the SMART Transit System who violates any provision of the City Codes.

(3) Officer Citations. Any Peace Officer of the State of Oregon or City code enforcement officer is authorized to enforce regulations regarding transit rider regulations found in the Oregon statutes and/or in these transit rider regulations (WC 10.600 through WC 10.680).

(4) Citation. Any citations made will direct the violator to appear in the Municipal Court for the City of Wilsonville. The City Municipal Court will determine the appropriate fine amount, which will not exceed two hundred fifty dollars (\$250).



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: September 17, 2018</p>	<p>Subject: Ordinance No. 818 - 2nd Reading Code updates regarding enforcement of stormwater regulations</p> <p>Staff Member: Kerry Rappold, Natural Resources Manager; Amanda Guile-Hinman, Assistant City Attorney</p> <p>Department: Natural Resources/Legal</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p><input checked="" type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date: September 6, 2018</p> <p><input checked="" type="checkbox"/> Ordinance 1st Reading Date: September 6, 2018</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: September 17, 2018</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comments: Adoption of a new Wilsonville Code Chapter 8 – Environment to address housekeeping issues and also to substantively address stormwater regulation and enforcement.</p>	
<p>Staff Recommendation: Staff recommends the Council adopt Ordinance No. 818 on second reading.</p>		
<p>Recommended Language for Motion: I move to approve Ordinance No. 818 on second reading.</p>		
<p>Project / Issue Relates To:</p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUES BEFORE COUNCIL:

Council to consider adoption of a new Wilsonville Code (WC) Chapter 8 – Environment to address housekeeping issues and substantive issues regarding regulation and enforcement of stormwater provisions. Currently, there is no clear process for enforcing violations of stormwater regulations. Moreover, Chapter 8 does not delineate between enforcement of stormwater as opposed to enforcement of industrial wastewater and sanitary sewer regulations. Because of the specific federal and state laws and regulations applicable to each, enforcement needs to be addressed in different, but complementary, manners.

The revisions also include some “housekeeping” within Chapter 8 and remove the provisions related to solid waste and recycling, as those matters are addressed in the recently adopted Ordinance No. 814. Staff added WC 8.010 under “General Provisions” to reflect that solid waste management is handled by Ordinance. Attached hereto as **Attachment A** is the Ordinance adopting revisions to Wilsonville Code Chapter 8.

EXECUTIVE SUMMARY:

This Staff Report explains staff’s proposal for restructuring Chapter 8, as well as some of the issues concerning erosion prevention and sediment control (ESC) regulations found in WC 8.534 and enforcement of stormwater regulations in WC 8.536.

1. Chapter 8 “Housekeeping”

City staff worked to reorganize Chapter 8 to match enforcement provisions with the regulations they enforce. The table below explains the “housekeeping” performed by staff:

Current Code Section/ Ordinance	New Code Section (if applicable)	Action Taken by Staff	Reason for Action
General Provisions – WC 8.000-8.008	Added WC 8.010	Update 8.006 (definitions); Add 8.010	Added definitions necessary for clarifying erosion prevention and sediment control and for enforcement of stormwater regulations; minor updates for consistency. Added a general provision discussing solid waste management to reflect new franchise agreement.
Water Conservation – WC 8.101-8.150	N/A	Update	Housekeeping; updates to reflect defined terms. Added language in WC 8.136 to address notifications via the internet regarding use of water during an emergency.
Public Sanitary Sewer Use – WC 8.200-8.214	N/A	Update	Housekeeping; updates to correct citations to Code provisions and grammatical errors.
Industrial Wastewater Regulations – WC 8.300-8.320	WC 8.400-8.420	Update	Housekeeping; updates to correct citations to Code provisions and grammatical errors.
Solid Waste Disposal – WC 8.400-8.404	WC 8.010	Update and Replace	Housekeeping; incorporated in Ordinance No. 814.
Stormwater – WC 8.500-8.534	WC 8.300-8.336	Update	Updated and renumbered WC 8.534 to WC 8.334 to provide clearer requirements for erosion prevention and sediment control and updated and renumbered 8.536 to 8.336 to enforce stormwater regulations.

Code Section/ Ordinance	New Code Section (if applicable)	Action Taken by Staff	Reason for Action
Enforcement – WC 8.602-8.606	WC 8.502- 8.506	Update and Replace 8.400-8.404	Minor changes to reflect that the enforcement measures apply to WC 8.200-214 and 8.400-420. Moved to follow 8.400-8.420 so it follows the provisions it enforces.
Business Recycling Requirements – WC 8.700-8.750	WC 8.010	Update and Replace	Housekeeping, incorporated in Ordinance No. 814.
Industrial Pretreatment Program Enforcement Response Plan	N/A	Update	Housekeeping; updates to correct citations to Code provisions and grammatical errors.
Ordinance 482	N/A	Repeal	Requires and regulates ESC permits, which will be incorporated into WC 8.334, so the Ordinance is no longer necessary.

The proposed update to Chapter 8 has been reorganized so that the relevant provisions that potentially apply to any resident or business in Wilsonville are first in the Chapter and the more specific Industrial Wastewater regulations are later in the Chapter since they only apply to industrial users (as defined in the Chapter and by 40 CFR 403.8 (federal regulations set by the Environmental Protection Agency)).

2. Comprehensive Redrafting of Erosion Prevention and Sediment Control Regulation

One of the initial reasons that City staff began reexamining WC Chapter 8 was the need to revise the current sections titled: WC 8.534 – Erosion Prevention and Sediment Control (renumbered to WC 8.334) and WC 8.536 – Stormwater – Violations (renumbered to WC 8.336). Previously, the Erosion Prevention and Sediment Control (“ESC”) provision referred to the Stormwater Management Coordinator. However, to create a more efficient inspection process, these duties have been reassigned to the Engineering Technicians. Additionally, ESC was previously regulated under Ordinance No. 482. New requirements within the Oregon Department of Environmental Quality (DEQ) Municipal Separate Storm Sewer System (MS4) Permit require the City to issue a permit for any land disturbing activities between 500 square feet and five acres in area, which makes Ordinance No. 482 obsolete. City staff examined city codes from other jurisdictions and determined that the current WC 8.534 needed to be expanded to outline the ESC permit requirement, the ESC Plan that a developer must submit to the City, inspection requirements, and revisions necessary to such ESC Plans if erosion is occurring.

3. Enforcement of Stormwater Regulations

The second reason that City staff reexamined WC Chapter 8 was the lack of clarity and usefulness of the enforcement provisions found in the current WC 8.536 (renumbered to 8.336) to enforce the stormwater regulations found in the current WC 8.500 through 8.534 (renumbered to 8.300 through 8.334). In particular, the current WC 8.536 does not allow for more substantial fines when the violation is significant and is not clear with respect to assessing fines per day when a stormwater violation is ongoing. For example, if a business is found to be discharging contaminated water into the City’s stormwater system, they are currently subject to a \$500 fine. An enforcement action last year involved a site where trash seepage and related materials were discharged into the City’s stormwater system for over 25 days. The Stormwater Management Coordinator initially worked with the business, but eventually had to contact the City Attorney and the police department. After

25 days and two visits by a police officer, the discharge was finally stopped. A more efficient enforcement procedure implemented by City staff would provide the City a clearer mechanism to stop the flow of contaminated stormwater into the City's stormwater system.

The proposed draft of WC 8.336 (renumbered from the current WC 8.536) provides a process for City staff to enforce the stormwater regulations in the renumbered WC 8.300 through 8.334 and to impose fines that are applicable to the particular violation. In other words, if a minor violation is associated with an individual who may not be well-educated in ESC requirements, a smaller fine may be appropriate versus a sophisticated developer that chooses to disregard ESC standards.

City staff recommend a multi-factor approach to establishing the appropriate fine that can range from \$50 to \$5,000 per offense or, in the case of a continuing offense, up to \$1,000 for each day of the offense. This process is modeled after the City of Corvallis. The factors include:

- (a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
- (b) Any prior violations of statutes, rules, orders and permits;
- (c) The gravity and magnitude of the violation;
- (d) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
- (e) The cost to the City;
- (f) The violator's cooperativeness and efforts to correct the violation; and
- (g) Any relevant regulation under the City Code.

The revised and renumbered 8.336 mimics other enforcement provisions found in Chapter 8, but tailors the enforcement provisions to stormwater because violations may be caused offsite from a property or by a party that is not the owner of the property.

4. Public Information/Outreach

Staff will continue the one-on-one education of members of the public regarding regulations under Chapter 8 consistent with past practice. Staff will also utilize the Chapter 8 chart as a guidance tool for the public through the City's website and information provided to people who seek to undertake construction projects or to obtain relevant permits from the City.

EXPECTED RESULTS:

Developers and other interested parties will have a better understanding of the City's ESC requirements and City staff will have more clarity in the enforcement of City stormwater regulations.

TIMELINE:

A public hearing and first reading for the WC Chapter 8 revisions was held on September 6, 2018. The second reading is scheduled for September 17, 2018.

CURRENT YEAR BUDGET IMPACTS:

City staff do not anticipate any significant budget impacts. Refinement of WC Chapter 8 should not, and is not intended to, cause substantial increases in fines, but rather help encourage compliance before a fine becomes necessary.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 7/20/2018

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 7/20/2018

COMMUNITY INVOLVEMENT PROCESS:

Staff will work with the Community Development Department and the Public Works Department to ensure that City staff properly communicate the new stormwater regulations to new and current businesses and residents. Staff will also explore developing a webpage with information to guide citizens and businesses regarding Chapter 8 regulations and which staff should be contacted to answer questions or concerns regarding the regulations.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Revision of WC Chapter 8 should benefit the community by encouraging compliance with the City's stormwater requirements.

ALTERNATIVES:

Retain WC Chapter 8 as is.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

Attachment A: Ordinance No. 818

ATTACHMENT A

ORDINANCE NO. 818

AN ORDINANCE OF THE CITY OF WILSONVILLE REPEALING AND REPLACING CHAPTER 8 – ENVIRONMENT OF THE WILSONVILLE CODE AND TO REPEAL ORDINANCE NO. 482.

WHEREAS, Wilsonville Code (WC) Chapter 8 was last revised via Ordinance No. 753 in November 2014; and

WHEREAS, portions of Chapter 8 – Environment need to be revised to provide for comprehensive compliance and enforcement measures related to stormwater management regulations; and

WHEREAS, the City of Wilsonville (City) was issued a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Discharge Permit from the Oregon Department of Environmental Quality (DEQ), which was renewed in March 2012 and has been administratively extended by DEQ; and

WHEREAS, the City is a co-permittee with Clackamas County, other cities within Clackamas County, and certain service districts under its NPDES MS4 Discharge Permit; and

WHEREAS, the City's Chapter 8 provisions governing stormwater management, particularly regarding compliance and enforcement, are insufficient and less robust in some instances than other co-permittees' code provisions; and

WHEREAS, the City has encountered incidents of continuing stormwater violations without clear guidance and provisions from Chapter 8 for how to enforce the City's stormwater management requirements; and

WHEREAS, in undertaking a review of Chapter 8 in relation to stormwater management, revising provisions for clarification and grammar became necessary; and

WHEREAS, in undertaking a review of Chapter 8, renumbering sections of Chapter 8 to provide a more logical approach to Chapter 8 also became necessary.

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

1. The above recitals are incorporated by reference as if fully set forth herein.
2. Chapter 8 – Environment of the Wilsonville Code is repealed and replaced with Attachment 1, attached hereto and incorporated by reference as if fully set forth herein.

- 3. Ordinance No. 482 is hereby repealed.
- 4. The City Recorder shall conform these amendments to the City’s code format and correct any scrivener’s errors.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 6th day of September 2018, and scheduled for second reading on the 17th day of September 2018, commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the ____ day of _____ 2018, by the following votes: Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this ____ day of _____ 2018.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

- Mayor Knapp
- Council President Starr
- Councilor Stevens
- Councilor Lehan
- Councilor Akervall

Attachments:

Attachment 1 – Proposed New Wilsonville Code Chapter 8

WILSONVILLE CODE

CHAPTER 8 - ENVIRONMENT

GENERAL PROVISIONS

- 8.000 General Provisions
- 8.002 Administration
- 8.004 Abbreviations
- 8.006 Definitions
- 8.008 Miscellaneous Provisions
- 8.010 Solid Waste Management

WATER CONSERVATION

- 8.101 Declaration of Emergency
- 8.102 Notice of Declaration of Emergency
- 8.108 Standards – Purpose
- 8.112 Standards – Application
- 8.114 Standards – Wasted Water
- 8.116 Section Not Used
- 8.118 Standards – General
- 8.120 Section Not Used
- 8.130 Use of Water During Emergency – Prohibited Uses of Water
- 8.132 Use of Water During Emergency – Exemptions
- 8.134 Use of Water During Emergency – Length of Restriction
- 8.136 Use of Water During Emergency – Declaration Period
- 8.140 Authority of Officer
- 8.150 Penalties

PUBLIC SANITARY SEWER USE

- 8.200 General Provisions
- 8.202 Use of Public Sanitary Sewer Required
- 8.204 Private Sewage Disposal
- 8.205 Conflict
- 8.206 Buildings Sanitary Sewers and Connections
- 8.208 Use of Public Sanitary Sewers
- 8.210 Public Sanitary Sewers – Construction
- 8.212 Public Sanitary Sewers - Property Damage Prohibited
- 8.214 Powers and Authorities of Inspectors

STORMWATER

- 8.300 General Provisions
- 8.302 Stormwater System Construction
- 8.304 Use of Public Stormwater System
- 8.306 Public Stormwater System – Property Damage Prohibited
- 8.308 Right of Entry
- 8.310 Discharge of Pollutants
- 8.312 Discharge in Violation of Permit
- 8.314 Waste Disposal Prohibitions

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- 8.316 General Discharge Prohibitions
- 8.318 Compliance with Industrial NPDES Stormwater Permits
- 8.320 Compliance with Local, State, and Federal Laws and Regulations
- 8.322 Conflicts with Existing and Future Regulatory Requirements of Other Agencies
- 8.324 Accidental Spill Prevention and Control
- 8.326 Notification of Spills
- 8.328 Requirement to Eliminate Illicit Connections
- 8.330 Requirement to Remediate
- 8.332 Requirement to Monitor and Analyze
- 8.334 Erosion Prevention and Sediment Control
- 8.336 Stormwater – Violations

INDUSTRIAL WASTEWATER REGULATIONS

- 8.400 General Provisions
- 8.401 Applicability
- 8.402 General Sanitary Sewer Use Requirements
- 8.404 Pretreatment of Wastewater
- 8.406 Industrial Wastewater Discharge Permit
- 8.408 Industrial Wastewater Discharge Permit Issuance by City
- 8.410 Reporting Requirements
- 8.412 Compliance Monitoring
- 8.414 Confidential Information
- 8.416 Publication of Users in Significant Noncompliance
- 8.418 Affirmative Defense
- 8.420 Pretreatment Charges and Fees

ENFORCEMENT

- 8.502 Administrative Enforcement Remedies
- 8.504 Judicial Enforcement Remedies
- 8.506 Supplemental Enforcement Action

INDUSTRIAL PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

- Section I Introduction
- Section II Enforcement Remedies
- Section III Assessment of Administrative Fines
- Section IV Noncompliance Defined
- Section V Range of Enforcement Responses
- Section VI Enforcement Procedures
- Section VII Time Frames for Enforcement Action and Follow Up
- Section VIII Responsibilities of Personnel
- Section IX Enforcement Response Matrix

WILSONVILLE CODE

ENVIRONMENT

GENERAL PROVISIONS

8.000 General Provisions – Environment

(1) Chapter 8 of this Code is enacted for the purpose of promoting the general public welfare by ensuring procedural due process in the administration and enforcement of the City's Comprehensive Plan, Design Review, Permitting Process, Building Code, Development Standards and Public Works Standards, and associated state and federal regulations.

(2) This Chapter addresses four (4) key sections: Water Conservation; Public Sanitary Sewer; Stormwater; and Industrial Wastewater regulations. This Chapter sets forth requirements and enforcement mechanisms pertaining to these four (4) sections. Information regarding compliance requirements for each of the four (4) sections is as follows:

(a) Water Conservation: the Water Conservation regulations are found in WC 8.101 through 8.150 and involve the City's regulation of personal and business use of water during emergencies.

(b) Public Sanitary Sewer: the Public Sanitary Sewer regulations are found in WC 8.200 through 8.214 and to any person or business whose property is connected to the Public Sanitary Sewer system. The Public Sanitary Sewer regulations state when a connection to the public sanitary sewer system is required (8.202); the permitting and specifications for such connections (8.206); and construction of public sanitary sewers (8.210); and other regulations found in WC 8.200 through 8.214.

(c) Stormwater: the Stormwater regulations are found in WC 8.300 through 8.336 and applies to any person or business who discharges materials into the City's stormwater system, including run-off from owned property; or who constructs a stormwater facility that connects to or discharges any material, including property run-off, into the City's stormwater system. The Stormwater regulations include construction requirements (8.302); erosion prevention and sediment control requirements (8.334); and enforcement measures (8.336); and other regulations found in WC 8.300 through 8.336.

(d) Industrial Wastewater: the Industrial Wastewater regulations and enforcement are found in WC 8.400 through 8.506 and apply to businesses that are subject to the United States Environmental Protection Agency's (EPA) regulations found in the Code of Federal Regulations (CFR), Title 40, Part 403 regarding pretreatment and discharge of industrial wastewater.

(3) This Chapter shall be known as the Environment Chapter and includes those ordinances familiarly referred to as the Water Conservation Ordinance, Public Sanitary Sewer Use Ordinance, Storm Water Ordinance, Industrial Wastewater Ordinance, and Environment Enforcement.

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8.002 Administration.

Except as otherwise provided herein, the Public Works Director shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Public Works Director may be delegated by the Public Works Director to a duly authorized representative.

8.004 Abbreviations. The following abbreviations shall have the designated meanings:

(a)	<u>BOD</u>	Biochemical Oxygen Demand
(b)	<u>BMP</u>	Best Management Practices
(c)	<u>BMR</u>	Baseline Monitoring Reports
(d)	<u>CFR</u>	Code of Federal Regulations
(e)	<u>CIU</u>	Categorical Industrial User
(f)	<u>COD</u>	Chemical Oxygen Demand
(g)	<u>DEQ</u>	Oregon Department of Environmental Quality
(h)	<u>EPA</u>	U.S. Environmental Protection Agency
(i)	<u>gpd</u>	Gallons Per Day
(j)	<u>IU</u>	Industrial User
(k)	<u>mg/l</u>	Milligrams per liter
(l)	<u>NPDES</u>	National Pollutant Discharge Elimination System
(m)	<u>NSCIU</u>	Non-Significant Categorical Industrial User
(n)	<u>O&M</u>	Operation and Maintenance
(o)	<u>POTW</u>	Publicly Owned Treatment Works
(p)	<u>RCRA</u>	Resource Conservation and Recovery Act
(q)	<u>SIC</u>	Standard Industrial Classification
(r)	<u>SIU</u>	Significant Industrial User
(s)	<u>SNC</u>	Significant Non-Compliance
(t)	<u>SWDA</u>	Solid Waste Disposal Act (42 U.S.C. 6901, <u>et seq.</u>)
(u)	<u>TSS</u>	Total Suspended Solids
(v)	<u>USC</u>	United States Code

8.006 Definitions. For the purpose of this Chapter, the following terms, words, phrases and their derivations shall have the meaning given herein, unless the context specifically indicates otherwise:

(1) Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

(2) Applicant. The Owner of a property and/or the Owner’s agents, contractors, or developers who applies for a City permit.

(a) ESC Applicant. The Owner of a property and/or the Owner’s agent, contractors, or developers who applies for an Erosion Prevention and Sediment Control permit pursuant to this Chapter 8.

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- (3) Authorized or Duly Authorized Representatives of the User.
- (a) If the user is a corporation, authorized representative shall mean:
- 1) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation; or
 - 2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate or direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulation; can ensure that the necessary systems are established or action taken to gather complete and accurate information for individual City-issued industrial wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) If the user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
- (c) If the user is a Federal, State or local government facility the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) The individuals described in paragraphs (3) (a)-(c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the City.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter mg/l).
- (5) Best Management Practices or BMP's.. The schedule of activities, controls, prohibition of practices, maintenance procedures, and other management practices designed to prevent or reduce pollution.
- (a) Erosion and Sediment Control BMPs. BMPs that are intended to prevent Erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, Sediment fences, and Sediment traps and ponds. Erosion and Sediment control BMPs are synonymous with stabilization and structural BMPs.

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- (b) Pretreatment BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP's may also include alternative means (i.e., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.
- (6) Building Drain. Shall mean that part of the lowest piping of a drainage system which receives the Discharge from soil, waste and other drainage pipes inside the exterior walls of the buildings and which conveys it to the Building Sewer, which begins five (5) feet (1.524 meters) outside of the building exterior wall.
- (7) Building Sewer (Sanitary Sewer). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a Building Drain and that receives the Sewage Discharge of the Building Drain and conveys it to a public Sanitary Sewer, private sanitary Sewer, private Sewage disposal system, or other point of disposal (aka Sanitary Sewer Lateral).
- (8) Building Sewer (Storm Sewer). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a Building Drain and that receives the Stormwater or other approved drainage, but no Sewage Discharge from a Building Drain, and conveys it to a Public Stormwater System, private Stormwater system or other point of disposal (aka Storm Sewer Lateral).
- (9) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S. C. 1317) that applies to a specific category of users and that appears in 40 CFR Chapter I, Subchapter N, Parts 405-471, incorporated herein by reference.
- (10) Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
- (11) Chemical Oxygen Demand (COD). A measure of oxygen required to oxidize all compounds, both inorganic and organic in water. COD is expressed as the amount of oxygen consumed from chemical oxidant in mg/l during a specific test.
- (12) City. The City of Wilsonville, Oregon or the City Council of Wilsonville, Oregon or a designated representative of the City of Wilsonville, Oregon.
- (13) City's Authorized Stormwater Representative. A Representative selected by the Community Development Director to oversee Stormwater activities and enforcement.
- (14) City Manager. The City Manager for the City of Wilsonville, other designated authority charged with the administration and enforcement of this Chapter, or the City Manager's duly authorized representative.

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(15) Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

(16) Commercial. Shall mean for the purposes of this Chapter, all buildings or structures of which are not designed for the purposes of these sections as Residential or Industrial in keeping with the City's zoning and building code provisions. Commercial when used in the context of this Chapter's Pretreatment Standards shall mean Industrial.

(17) Composite Sample. The sample resulting from the combination of individual Wastewater samples taken at selected intervals based on either an increment of flow or time.

(18) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added, is heat.

(19) Control Authority. The City of Wilsonville, Oregon or designated representative of the City, tasked with the administration of this Chapter.

(20) Customer. Shall mean any individual, firm, company, association, society, corporation, group or Owner, who receives utility services from the City such as water, Sanitary Sewer, Stormwater and streetlights.

(21) Daily Maximum. The arithmetic average of all effluent samples for a Pollutant collected during a calendar day.

(22) Daily Maximum Limits. The maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily Discharge is the total mass released or introduced over the course of a day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily Discharge is the arithmetic average measure of the Pollutant concentration derived from all the measurements taken that day.

(23) Department of Environmental Quality or DEQ. The Oregon Department of Environmental Quality or where appropriate, the term may also be used any duly authorized official of the Department.

(24) Discharge. The release or the introduction of Pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d), of the Act.

(25) Environmental Protection Agency or EPA. The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, the Regional Administrator or other duly authorized official of said agency.

(26) Erosion. The movement of soil, rocks, and other surface materials by wind, water, or mechanical means.

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(27) Erosion Prevention and Sediment Control (ESC). Any temporary or permanent measures taken to reduce Erosion, control siltation and sedimentation, and ensure that Sediment-laden water does not leave a site.

(28) Erosion Prevention and Sediment Control Plan (ESC Plan). Standards found within this Chapter and set forth in the Clackamas County Water Environment Services' most current version of the "Erosion Prevention and Sediment Control Planning and Design Manual" for all Erosion and Sediment control measures.

(29) Existing Source. Any source of Discharge that is not a "New Source."

(30) Federal. The United States government, including all related branches and authorized representatives or officials of the United States government.

(31) Garbage. Shall mean all refuse and solid wastes, including ashes, rubbish in cans, debris generally, dead animals, street cleaning and Industrial wastes and things ordinarily and customarily dumped, solid wastes from domestic and Commercial preparation, cooking and dispensing food, and from the handling, storage and sale of product, but not including source separated recyclable material purchased from or exchanged by the generator for fair market value for recycling Sewage and body waste.

(32) Grab Sample. A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream over a period of time not to exceed 15 minutes.

(33) Illicit Discharge. Any Discharge to the public or natural Stormwater conveyance system that is not composed entirely of Stormwater, except Discharges governed by and in compliance with an NPDES Stormwater Permit.

(34) Indirect Discharge. The introduction of pollutants into the POTW from a non-domestic source.

(35) Instantaneous Limit. The maximum concentration of a Pollutant allowed to be Discharged at any time, determined from the analysis of any discrete or Composite Sample collected, independent of the Industrial flow rate and the duration of the sampling event.

(36) Industrial. Shall mean, in the context of Building Sanitary Sewer permits and connections, all buildings or structures in which a product is manufactured, stored, or distributed, or any combination of the above in keeping with the City's zoning and building code provisions. It shall otherwise mean in the context of this Chapter for Pretreatment Standards, non-domestic.

(37) Industrial Wastewater. Any non-domestic Wastewater originating from a nonresidential source.

(38) Interference. A Discharge, which, alone or in conjunction with a Discharge or Discharges from other sources:

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(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes; use or disposal; and

(b) Therefore is a cause of a violation of the City’s NPDES Waste Discharge Permit (including an increase in the magnitude or duration of a violation) or of the prevention of Sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or any more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

(39) Land Development. Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located or storage of equipment or materials located within the area of special flood hazard. A Land Development may encompass one or more tax lots.

(40) Lessee. A Person other than the Owner having a legal right to possess or control the property.

(41) Local Limits. Specific Discharge limits developed and enforced by the City upon Industrial or Commercial facilities to implement the general and specific Discharge prohibitions listed in this Chapter.

(42) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(43) Monthly Average. The sum of all “daily Discharges” measured during a calendar month divided by the number of “daily Discharges” measured during the month.

(44) Monthly Average Limits. The highest allowable average of “daily Discharges” over a calendar month, calculated as the sum of all “daily Discharges” measured during a calendar month divided by the number of “daily Discharges” measured during that month.

(45) Municipal Separate Storm Sewer System (MS4). A system of conveyances, including roads, ditches, catch basins, and Storm Drains that are owned or operated by a public entity.

(46) National Pretreatment Standard. National Pretreatment Standard is defined in 40 CFR 403.3(l) as any regulation containing Pollutant Discharge limits promulgated by EPA under Section 307(b) and (c) of the Clean Water Act applicable to users, including the general and specific prohibition found in 40 CFR 403.5.

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(47) New Source.

(a) Any building, structure, facility or installation from which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of Proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are hereafter promulgated in accordance with that section provided that:

- 1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- 2) The building, structure, facility or installation completely replaces the process of production equipment that causes the Discharge of Pollutants at the Existing Source or
- 3) The production of Wastewater generating processes of the buildings, structure, facility or installation is substantially independent of an Existing Source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the Existing Source should be considered.

(b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a) (1), (2) of this section but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction of a New Source as defined under this paragraph has commenced if the Owner or operator has:

- 1) Begun, or caused to begin as part of a continuous on-site construction program;
 - a) Any placement, assembly, or installation of facilities or equipment; or
 - b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities for equipment or
- 2) Entered into a binding or contractual obligation for the purchase of facilities of equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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- (48) Non-contact Cooling Water. Water used for cooling that does not come into contact with any raw material, intermediate product, waste product or finished product.
- (49) NPDES Stormwater Permit. A National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).
- (50) NPDES Waste Discharge Permit. A National Pollutant Discharge Elimination System permit issued pursuant to ORS 468B.050 and the Federal Clean Water Act.
- (51) Official or Building Official. Shall be the Building Official for the City of Wilsonville.
- (52) Owner. Shall mean the Person(s) who holds title to the property.
- (53) Pass Through. A Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of the City's NPDES Waste Discharge Permit (including an increase in the magnitude or duration of a violation).
- (54) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, or local governmental entities.
- (55) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (56) Pollutant. Any dredged spoil, solid waste, incinerator residue, Sewage, Garbage, Sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or Discharged equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial wastes and certain characteristics of Wastewater (e.g. pH, temperature, TSS, turbidity, Color, BOD, COD, toxicity, or odor).
- (57) Pretreatment. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration in the nature of Pollutant properties in Wastewater prior to or in lieu of introducing such Pollutants into the POTW. This reduction or alteration may be obtained by physical, chemical or biological processes, by process changes or by other means except by diluting the concentration of the Pollutant unless allowed by the applicable Pretreatment Standard.
- (58) Pretreatment Requirement. Any substantive or procedural requirements related to the Pretreatment, other than National Pretreatment Standards, imposed on an Industrial user.
- (59) Pretreatment Standard or Standard. Prohibited Discharge standards, Categorical Pretreatment Standards and Local Limits.

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(60) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the Discharge of certain types or characteristics of Wastewater as established by EPA, DEQ, and/or the Public Works Director.

(61) Public Sewer. Shall mean a Sewer, either sanitary or storm, in which all the Owners of abutting property have equal rights, and which is controlled by public authority.

(62) Public Stormwater System. A Stormwater system owned or operated by the City of Wilsonville.

(63) Publicly Owned Treatment Works or POTW. A “treatment works” as defined in Section 212 of the Act, (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in collection, storage, treatment, recycling and reclamation of Sewage, or Industrial wastes, and any conveyances which convey Wastewater to a Treatment Plant or other point of Discharge. The term also means the municipal entity having responsibility for the operation and maintenance of the system.

(64) Public Works Director. The Person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Chapter or their duly authorized representative.

(65) Receiving Stream or Water(s) of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Oregon or any portion thereof.

(66) Residential. Shall mean for the purposes of this Chapter, Building Sewers and connections, buildings or structures, which are built to be occupied for living purposes in keeping with the City’s zoning and building code provisions.

(67) Residential Users. Persons only contributing Sewage Wastewater to the municipal Wastewater system.

(68) Responsible Party. The Person who causes a violation of the Stormwater regulations contained in WC 8.300 through WC 8.334 or who has the authority to direct and control the Person causing the violation.

(69) Sanitary Sewer. Shall mean a City Sewer which carries Sewage and to which storm, surface and ground water are not intentionally admitted.

(70) Sediment. Mineral or organic matter generated as a result of Erosion.

(71) Septic Tank Waste. Any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

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(72) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

(73) Sewer. Shall mean a pipe or conduit for carrying Sewage in the case of Sanitary (Wastewater) Sewer lines. Shall mean a pipe or conduit for carrying Stormwater runoff, surface waters or drainage in the case of storm water lines.

(74) Sewer Lateral. See Building Sewer – Sanitary and Storm definitions.

(75) Significant Industrial User.

(a) Except as provided in paragraph (b) of this section, the term Significant Industrial User means:

1) An Industrial Users subject to Categorical Pretreatment Standards or

2) Any other Industrial User that Discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding Sanitary, Non-contact Cooling Water, and boiler blow-down Wastewater); contributes a process waste stream which makes up 5 per cent of more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the City on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 CFR 403.8(f)(6).

(b) The City may determine that an Industrial User subject to the Categorical Pretreatment Standards is a Non-significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never Discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding Sanitary, Non-contact Cooling Water, and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met.

2) The Industrial User, prior to City's findings, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

3) The Industrial User annually submits the certification statement required in Section 8.410(14) together with any additional information necessary to support the certification statement; and

4) The Industrial User never Discharges any untreated concentrated Wastewater.

(c) Upon finding that an Industrial User meeting the criteria in paragraph (a)(2) of this section has no reasonable potential for adversely affecting the POTW's

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operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(F)(6), determine that such Industrial User is not a Significant Industrial User.

(76) Slug Load or Slug Discharge. Any Discharge at a flow rate or concentration which has the potential to cause a violation of the specific Discharge prohibitions of this article. A slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits of Permit conditions.

(77) State. State of Oregon.

(78) Storm Drain. (Sometimes termed "Storm Sewer"). Shall mean a Sewer which carries storm and surface waters and drainage, but excludes Sewage and Industrial wastes, other than unpolluted Cooling Waters.

(79) Stormwater. Any flow occurring during or following any form of natural precipitation and resulting there from, including snow melt.

(80) Summary Abatement. An abatement of a violation by the City pursuant to WC 8.336(13), or a contractor employed by the City, by removal, repair, or other acts necessary to abate the violation and without notice to the Applicant, agent, or occupant of the property, except for the notice required by this Section.

(81) Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid which is removable by laboratory filtering.

(82) Treatment Plant Effluent. Any Discharge of Pollutants from the POTW into Waters of the State.

(83) User or Industrial User. Any Person who contributes, or causes or allows the contribution of Sewage, or Industrial Wastewater into the POTW, including Persons who contribute such wastes from mobile sources.

(84) Visible and Measurable Erosion and Sediment.

(a) Sloughing, mud flows, gullies, rills, Sediment-laden water, or other Erosion that has occurred or is likely to occur.

(b) The presence of deposits or tracking of Sediment exceeding one half cubic foot in volume at any one time on public or private streets, in drainage systems, and/or on adjacent property.

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(c) In streams or drainage systems, an increase in Total Suspended Solids and/or turbidity relative to a control point immediately upstream of the Discharge point of the Sediment-generating activity.

(d) Offsite airborne debris clearly visible to the eye, including but not limited to dust, as determined by City Manager or designee.

(85) Wastewater. The liquid and water-carried Industrial wastes, or Sewage from Residential dwellings, Commercial buildings, Industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal Wastewater system.

(86) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal Sewage and Industrial waste.

(87) Water is water from the City water supply system.

8.008 Miscellaneous Provisions

(1) Pretreatment Charges and Fees. The City may adopt, from time to time, by Administrative Authority, in the City's Master Fee Schedule reasonable charges and fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include;

(a) Fees for permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by Industrial Users;

(c) Fees for reviewing and responding to accidental Discharge procedures and construction;

(d) Fees for filing appeals;

(e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, system development charges, fines and penalties chargeable by the City.

(2) Non-exclusivity. Enforcement of Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Public Works Director may take other action against any Industrial User when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any non-compliant Industrial User.

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8.010 Solid Waste Management

The regulation of disposal and hauling, including both hauler and customer requirements, for solid waste, recycling, yard debris, organic materials, and other materials shall be adopted by City ordinance.

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WATER CONSERVATION

8.101 Declaration of Emergency

A. When the City Water supply has become, or is about to become, depleted to such an extent as to cause a serious Water shortage in the City, the Mayor shall have the authority to declare an emergency Water shortage and to direct that the provision of Section 8.101, 8.102 and 8.130 of this article of the Code be enforced.

- B. In the event the Mayor is unavailable to declare an emergency, the following shall be the order of succession of authority, based upon availability:
- a. The President of the Council;
 - b. Any other council person;
 - c. The City Manager;
 - d. The Public Works Director

8.102 Notice of Declaration of Emergency

When a declaration of emergency is announced by the Mayor, the City Manager shall make the declaration public in a manner reasonably calculated to provide reasonable notice to the public. This provision shall not be construed as requiring personal delivery or service of notice or notice by mail.

8.108 Standards – Purpose.

This Section is established because during the summer months and in other times of emergency there is or may be insufficient Water in the City Water supply system to allow irrigation and other uses of Water at all times by all parties; and the level of Water supplied by the City is at certain times dangerously low; and it is imperative to the public well-being that certain uses of Water not essential to health, welfare and safety of the City be restricted from time to time.

8.112 Standards – Application.

The provisions of this Section shall apply to all Persons using water, both in and outside the City, regardless of whether any Person using Water shall have a contract for Water services with the City.

8.114 Standards – Wasted Water.

(1) Where Water is wastefully or negligently used on a Customer's premises, seriously affecting the general service, the City may discontinue the service if such conditions are not corrected after due notice by the City.

(2) Water shall not be furnished except through a meter to any premises where there are defective or leaking pipes, faucets, closets or other fixtures, or where there are Water closets or urinals without self-closing valves and, when such leakage or other defects are discovered and

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not corrected, the City may discontinue service after giving due notice and until repairs are made. If significant deficiencies are not corrected in a timely manner, as defined by the Public Works Director, the City may introduce enforcement action in conformance with Section 8.150 Violations.

(3) Water must not be allowed to run to waste through any faucet or fixture or kept running any time longer than actually necessary. Sprinkling of lawns, gardens, and parking strips shall be confined to what is actually needed and no running to waste on sidewalks, streets, and gutters shall be permitted. When any such waste is discovered, the Water service to the premises may be discontinued.

8.116 Section Not Used

8.118 Standards – General.

(1) In all new construction and in all repair and/or replacement of fixtures or trim, only fixtures or trim not exceeding the flow rates and/or Water usage shall be installed. The flow rates are found in the Oregon Plumbing Specialty Code as adopted in Wilsonville Code Chapter 9.

(2) Faucets on lavatories located in restrooms intended for the transient public in service stations, park toilet rooms, train stations and similar facilities shall be metering or self-closing.

(3) Any Water connective device or appliance requiring a continuous flow of five GPM of more and not previously listed in this section shall be equipped with an approved Water recycling system.

8.120 Section Not Used

8.130 Use of Water During Emergency – Prohibited Uses of Water.

(1) When a declaration of emergency is announced and notice has been given in accordance with this Section, the use and withdrawal of Water by any Person may be limited and include prohibition of the following:

(a) Sprinkling, watering or irrigating shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers or any other vegetation.

(b) Washing automobiles, trucks, trailers, trailer houses, railroad cars, or any other type of mobile equipment

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- (c) Washing sidewalks, driveways, filling station aprons, porches and other surfaces.
- (d) Washing the outside of dwellings, washing the inside or outside of office buildings.
- (e) Washing and cleaning any business or industrial equipment and machinery.
- (f) Operating any ornamental fountain or other structure making a similar use of water.
- (g) Maintaining swimming and wading pools not employing a filter and re-circulating system.
- (h) Permitting the escape of Water through defective plumbing.

8.132 Use of Water During Emergency – Exemptions.

At the discretion of the Mayor, one of more of the uses specified in Section 8.130 may be exempted from the provisions of this section. The exemption shall be made public as provided in Section 8.102 of this Chapter.

8.134 Use of Water During Emergency – Length of Restriction.

The prohibition shall remain in effect until terminated by an announcement by the Mayor in accordance with Sections 8.102.

8.136 Use of Water During Emergency – Declaration Period.

(1) The Mayor shall cause each declaration made by him pursuant to Sections 8.101 to 8.150 to be publicly announced by means of posting notice in three (3) public and conspicuous places in the City, and the Mayor may cause such declaration to be further announced in a newspaper of general circulation within the City when feasible, and publicize through the City's website and any other internet sites the City deems appropriate. Each announcement shall prescribe the action taken by the Mayor, including the time it became or will become effective, and shall specify the particular use for which the use of Water will be prohibited.

(2) Whenever the Mayor shall find the conditions which gave rise to the Water prohibition in effect pursuant to Sections 8.101 to 8.150 no longer exist, the Mayor may declare the prohibition terminated in whole or in part in the manner prescribed by these sections, effectively immediately upon announcement.

(3) The Mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section, and this includes the notice of termination, both in whole or in part.

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8.140 Authority of Officer.

Any police officer of the City, Clackamas County or designated employee of the City may enter the premises of any Person for the purpose of shutting off or reducing the flow of Water being used contrary to the provisions of Sections 8.101 to 8.150.

8.150 Penalties.

A Person convicted of a violation of any provisions of Sections 8.101 to 8.140 shall be punished upon a first conviction thereof for a violation pursuant to Section 1.012, and upon a subsequent conviction thereof for a Class C Misdemeanor pursuant to Section 1.011. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

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PUBLIC SANITARY SEWER USE

8.200 Public Sanitary Sewer Use – General Provision

(1) Purpose. Provides for the required use of public Sanitary Sewer facilities except as otherwise set forth, for the regulation of the building of and connection to public Sanitary Sewer facilities and for the uniform regulation of Indirect Discharge to the Publicly Owned Treatment Works (POTW) through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for other Users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to Users within the City limits and to Users outside the City limits who, by contract or agreement with the City, are included as Users of the municipal Wastewater system.

8.202 Use of Public Sanitary Sewer Required. Except as herein provided in this Chapter:

(1) It shall be unlawful for any Person to place, deposit or permit to be deposited in any manner as described herein on public or private property within the City of Wilsonville, or in any area under the jurisdiction of said City, any human or animal excrement, Garbage or other objectionable waste.

(2) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of Sewage.

(3) The Owner or Lessee of any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley of right-of-way, in which there is now located or may in the future be located, a public Sanitary Sewer of the City, is hereby required, at Owner or Lessee's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public Sanitary Sewer in accordance with the provisions of this section of the Code within ninety (90) days after the date of official notice to do so, provided that said public Sanitary Sewer for the Residential use is within three hundred (300) feet of the property. Commercial and Industrial buildings or structures shall connect no matter what the distance is from the public Sanitary Sewer to the property to be served.

8.204 Private Sewage Disposal.

(1) Where a public Sanitary Sewer is not available under the provisions of Section 8.202(3), the Building Sewer shall be connected to a private Sewage disposal system.

(2) Before commencement of construction of a private Sewage disposal system, the Owner or Lessee shall first obtain a written permit signed by the City.

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(a) The application for such permit shall be made on a form furnished by the City, and shall be supplemented by any plans, specifications and other information as are deemed necessary by the City. The appropriate Type B Construction Permit and plan check fee shall be paid by the City at the time the application is filed.

(b) A permit for a private Sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. Inspection of the work in any stage of construction shall be allowed and, in any event, the Applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City.

(3) The type, capacities, location and layout of a private Sewage disposal system shall comply with all recommendations to the Oregon State Board of Health. No permit shall be issued for any private Sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to Discharge any natural outlet. If it is determined by the City that a health hazard would be created or that the soil is unable to transfer the Sewage runoff through the soil as an effective means of treatment of Sewage disposal, the City shall reject the septic or private Sewage disposal system, and require, at the Owner's or Lessee's expense, construction of an adequately sized Sanitary Sewer line as approved by the City to connect to an existing public Sanitary Sewer system. The Owner or Lessee shall construct the Sanitary Sewer by those requirements of the Public Works Standards of the City of Wilsonville.

(4) At such time as a public Sanitary Sewer becomes available to a property served by a private Sewage disposal system, as provided in Section 8.202(3), a direct connection shall be made to the public Sanitary Sewer in compliance with this Code, and any septic tanks, cesspools and similar disposal facilities shall be removed or opened and filled with sand or gravel in accordance with the Oregon Plumbing Specialty Code.

(5) Where existing buildings are too low to be served by gravity by an available Sanitary Sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the City under Section 8.202(3), approved pumping facilities shall be installed to pump the septic tank effluent to the available Sanitary Sewer system.

(6) The Owner or Lessee shall operate and maintain private Sewage disposal or pumping facilities in a sanitary manner at all times, at no expense to the City.

8.205 Conflict

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by State health officials.

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8.206 Buildings Sanitary Sewers and Connections.

(1) No unauthorized Person shall uncover, make any connections to or opening into, use, alter or disturb any Sanitary Sewer Lateral or appurtenance thereof without first obtaining a written permit from the Building Official. In each case, the Owner, Lessee, or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Official.

(2) There shall be two (2) classes of plumbing permits for Sanitary Sewer Laterals that run from the property line to the structure on the property:

- (a) Residential, Single, and Multifamily; and
- (b) Commercial.

If a Person intends to connect a Sanitary Sewer Lateral to the Public Sewer, the Person must also obtain a public works permit from the City.

(3) All costs and expenses incident to the installation and connection of the Sanitary Sewer Lateral shall be borne by the Owner or Lessee. The Owner or Lessee shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of the Sanitary Sewer Lateral.

(4) A separate and independent Building Sanitary Sewer shall be provided for every building; except, however, when one building stands at the rear of another on an interior lot and no private Sanitary Sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, then the building Sanitary Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.

(5) Old Building Sanitary Sewers may be used in connection with new buildings only when they are found, on examination or through tests, by the Official, to meet all requirements of this Code Chapter.

(6) The size, slope, alignment, construction material of a Building Sanitary Sewer, and the methods to be used excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Oregon Structural Specialty Code and the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

(7) Whenever possible, the building Sanitary Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the public Sanitary Sewer, sanitary Sewage carried by such Building Drain shall be lifted by an approved means and Discharged to the building Sanitary Sewer.

(8) No Person shall make connection of roof down spouts, areaway drains, or other sources of Stormwater runoff to a Building Sanitary Sewer or Sewer drain which, in turn, is

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connected directly or indirectly to the public Sanitary Sewer.

(9) The connection of the Building Sanitary Sewer into the public Sanitary Sewer shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight. Any deviation from prescribed procedures and materials must be approved by the Building Official before installation.

(10) The Applicant for the building permits shall notify the Building Official when the Building Sanitary Sewer is ready for inspection. The connection shall be made under the supervision of the Building Official or designated representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the Applicant's or Owner's or Lessee's expense in a manner satisfactory to the City, in accordance with adopted Public Works Standards.

(11) All excavations for Building Sanitary Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(12) The property Owner or Lessee is responsible for the maintenance, repair and replacement of the Sanitary Sewer Lateral from the building up to and including the connection to the Sanitary Sewer main. Sewer Lateral maintenance work, which, as used herein, includes pipe clean-out, clog removal, root removal, foaming and any other work or protocol required to ensure proper flow. Repair and replacement work for the Sewer Lateral shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

8.207 Equipment and/or Vehicle Washing Facilities

(1) Equipment and/or Vehicle wash areas shall be covered.

(2) Equipment and/or Vehicle washing facilities shall be equipped with a Water recycling system approved by the Public Works Director.

(3) Best available technology shall be utilized for the Pretreatment system of any drainage to the Sanitary Sewer system.

(4) No coin operated equipment and/or vehicle washing facilities shall be installed or used until plans have been submitted to and approved by the City. The plans shall show the method of connections to an approved Pretreatment system before discharging into the Sanitary Sewer system, disposal of rain or surface water and the protection of the potable water system. No rain or surface water shall be conveyed to or through the Sanitary Sewer system.

8.208 Use of Public Sanitary Sewers.

(1) No unauthorized Person shall uncover, make any connections with or openings into, use, alter, or disturb, any Public Sewer or appurtenance thereof without first obtaining a written permit from the City.

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(2) When required by the City, the Owner or Lessee of any property serviced by a Building Sanitary Sewer carrying Industrial wastes or large quantities of Discharge shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sanitary Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the Owner or Lessee at the Owner's or Lessee's expense, and shall be maintained by the Owner or Lessee so as to be safe and accessible at all times.

(3) All measurements, tests and analysis of the characteristics of water wastes to which reference is made in this Chapter of the Code shall be determined in accordance with the current edition of the "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon testing of suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public Sanitary Sewer to the point at which the building Sanitary Sewer is connection. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewage works and to determine the existence of hazards to life, limb, and property. When customary measurement for BOD characteristics is impractical due to time constraints and the necessity to have immediate measurable results, mg/l of BOD may be based on forty-two percent (42%) of measured C.O.D.

(4) Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Director or Building Official, they are necessary for the proper handling of Wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for Residential Users. All interception units shall be of type and capacity approved by the Public Works Director or Building Official and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the Owner or Lessee, at Owner or Lessee's expense. Connection to these devices shall conform to the requirements of the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

(5) Separation of Domestic and Industrial Waste Streams. All new and domestic Wastewaters from restrooms, showers, drinking fountains, etc., unless specifically included as part of a Categorical Pretreatment Standard, shall be kept separate from all Industrial Wastewaters until the Industrial Wastewaters have passed through a required Pretreatment system and the Industrial User's monitoring facility. When directed to do so by the Public Works Director, Industrial Users must separate existing domestic waste streams.

(6) Hauled Wastewater. Septic Tank Waste (septage) or hauled septage shall not be accepted into the municipal Wastewater system.

(7) Vandalism. No Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or

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equipment, or other part of the municipal Wastewater system. Any Person found in violation of this requirement shall be subject to the sanctions set out in Section 8.504.

8.210 Public Sanitary Sewers – Construction

(1) No Person shall construct, extend or connect to any public Sanitary Sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required herein and the Public Works Standards for the City of Wilsonville. The provisions of this section requiring permits shall not be construed to apply to contractors constructing Sanitary Sewers and appurtenances under contracts awarded and entered into by the City.

(2) The application for a permit for public Sanitary Sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable sections of the Code, rules and regulations of the City prepared by a registered civil engineer in the State of Oregon showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the City Engineer or designee who shall, within twenty (20) days, approve them as filed or require them to be modified as the City Engineer or designee may deem necessary.

(3) All Sewer works plans, specifications and construction procedure shall conform to Public Works Standards for the City of Wilsonville.

(4) Prior to issuance of a permit for public Sanitary Sewer construction, the Applicant shall furnish to the City a performance bond, or cash deposit, in the amount of the total estimated cost of the work. Such performance bond, or cash deposit, shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one (1) year from and after the date of acceptance of the work by the City.

(5) Except as provided, the extension of the public Sewage facilities to serve any parcel or tract of land shall be done by and at the expense of the Owner or Lessee. The size of all Sanitary Sewer mains and other Sewage facilities shall be as required by the City Engineer to lay Sewer pipe larger than that required for Owner or Lessee's own purposes, to accommodate other Users, and may be reimbursed under the provisions of Section 3.116 of the Wilsonville Code for the difference in cost between the size of the line installed and that which would be required for Owner or Lessee's own use.

(6) Where special conditions exist, in the opinion of the City Engineer, relating to any reimbursement agreement pursuant to the provisions of this section, The City may, either in addition to, or in lieu of any of the provisions of the section, authorize a special reimbursement contract between the City and the Person or Persons constructing Public Sewer facilities. Said special reimbursement agreement shall be made and entered into prior to the issuance of a permit for the work by the City.

(7) Vehicle maintenance installations shall be covered and equipped with oil/water

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separation and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(8) Vehicle fueling installations shall be covered and equipped with oil/water separators, spill control manholes, shut off valves and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(9) Outside storage areas for grease, oil, waste products, recycling, Garbage, and other sources of contaminants shall be equipped with oil/water separators, shut off valves and spill protection approved by the Public Works Director for any drainage to the Sanitary Sewer system. No drainage is allowed to enter the Storm Sewer system

8.212 Public Sanitary Sewers – Property Damage Prohibited.

No unauthorized Person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Sewage works which is a municipal public utility. Any Person violating this provision and as a result thereof damages any part of the Sewage works, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in OPRS 164.345 through 164.365.

8.214 Powers and Authorities of Inspectors

(1) In addition to the authority set forth in Section 8.412, the Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in connection with the provisions and regulations of City Sewage collection and treatment system as provided for in this Chapter.

(2) While performing the necessary work on private properties referred to in Section 8.412(1) and 8.214(1) above, the Owner or Lessee of the premises or representative shall notify the City or duly authorized employee of the City to observe all safety rules applicable to the premises established by the Owner or Lessee. The premises shall be maintained in a safe condition and the Owner or Lessee, or representative shall have a duty to notify the Public Works Director and any duly authorized representative of the City of any unsafe conditions.

(3) The City or duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a negotiated easement, of for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the Sewage works which is connected to or lying within an easement. All entry and subsequent work, if any, on said easement of any connection thereto, on the sanitary system shall be done according to those regulations as stipulated in the Code of the City of Wilsonville.

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STORMWATER

8.300 General Provisions

(1) Purpose. Provides for the building of and connection to public Stormwater facilities and for the uniform regulation of Discharges to the Public Stormwater System through the issuance of permits and through enforcement of general requirements for other Users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to users within the City limits and to users outside the City limits who, by contract or agreement with the City, are included as users of the Public Stormwater System.

8.302 Stormwater System Construction

(1) No unauthorized Person shall uncover, make any connections to or opening into the Public Stormwater System, use, alter or disturb any Storm Sewer Lateral or appurtenance thereof without first obtaining a permit from the City. In each case, the Owner, Lessee, or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City's Authorized Stormwater Representative.

(2) All costs and expenses incidental to the installation and connection of Stormwater facilities shall be borne by the Owner or Lessee. The Owner or Lessee shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of Stormwater facilities or connections to the Public Stormwater System.

(3) The size, slope, alignment, construction materials of Stormwater facilities, and the methods to be used excavating, placing of the pipe or other facilities, jointing, testing and backfilling the trench, shall all conform to the requirements of the State of Oregon Plumbing Specialty Code and other applicable rules and regulations of the City, including the City's Public Works Standards.

(4) The connection of the Stormwater facilities to the Public Stormwater System shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City, including the City's Public Works Standards. Any deviation from prescribed procedures and materials must be approved by the City's Authorized Stormwater Representative before installation.

(5) The property Owner or Lessee is responsible for the maintenance, repair and replacement of private Stormwater conveyance systems (such as a Storm Sewer Lateral, swale, etc.) from the building up to and including the connection to the Public Stormwater System. Storm Sewer Lateral maintenance work, as used herein, includes pipe clean-out, clog removal, root removal, foaming and any other work or protocol required to ensure proper flow. Repair and

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replacement work for a private Stormwater conveyance system shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

(6) The Applicant shall notify the City's Authorized Stormwater Representative when the Stormwater facilities are ready for inspection. The connection shall be made under the supervision of the City's Authorized Stormwater Representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the Applicant's or Owner's or Lessee's expense in a manner satisfactory to the City, in accordance with the City's requirements.

(7) All excavations for Stormwater facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

8.304 Use of Public Stormwater System

(1) No unauthorized Person shall uncover, make any connections with or openings into, use, alter, or disturb, any Public Stormwater System or appurtenance thereof without first obtaining written permission from the City.

(2) Stormwater shall be Discharged to Storm Sewers and natural outlets under the authority and regulations of the NPDES Municipal Stormwater Permit Program, administered by the Oregon Department of Environmental Quality.

(3) No Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the Public Stormwater System.

(4) It shall be unlawful to Discharge in or into any natural outlet or Stormwater Sewer inlet (catch basin, grate, roof downspout, etc.) within the City of Wilsonville, or in any area under the jurisdiction of said City, any Sewage or other polluted water.

(5) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.

8.306 Public Stormwater System – Property Damage Prohibited

(1) No unauthorized Person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Public Stormwater System. Any Person violating this provision and as a result thereof damages any part of the Public Stormwater System, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in ORS 164.345 through 164.365.

8.308 Right of Entry

(1) Where it is necessary to perform inspections, measurements, sampling and/or

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testing, to enforce the provisions of this code, or where the City's Authorized Stormwater Representative has reasonable cause to believe that there exists upon the premises a condition which is contrary to or in violation of this code which makes the premises unsafe, dangerous or hazardous, the City's Authorized Stormwater Representative is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this code. Provided, however, that if such premises is occupied that credentials be presented to the occupant and entry requested. If such premises are unoccupied, the City's Authorized Stormwater Representative shall first make a reasonable effort to locate the Owner, Lessee, or other Person having charge or control of the premises and request entry. If entry is refused, the City's Authorized Stormwater Representative shall have recourse to the remedies provided by law to secure entry.

- (1) The premises shall be maintained in a safe condition by the Owner or a Person having charge or control of the premises and upon contact by the City's Authorized Stormwater Representative the Owner or a Person having charge or control of the premises shall have a duty to notify City's Authorized Stormwater Representative of any safety rules or unsafe conditions applicable to the premises.
- (2) Not with standing, Section 8.308(1) above, the City's Authorized Stormwater Representative shall be permitted to enter all private properties through which the City holds an easement, according to the terms of the easement. Any Stormwater facility work within said easement shall be done according to the regulation provided in this Code and/or the Public Works Standards.

8.310 Discharge of Pollutants

(1) The commencement, conduct, or continuance of any non-Stormwater Discharge to the Public Stormwater System is prohibited and is a violation of this Chapter, except as described below.

(2) The prohibition shall not apply to any non-Stormwater Discharge permitted or approved under an Industrial or Municipal NPDES Stormwater Permit, waiver, or Discharge order issued to the Person who Discharges and administered by the DEQ, provided that the Person who Discharges is in full compliance with all requirements of the permit, waiver, or Discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any Discharge to the Municipal Separate Storm Sewer System (MS4).

(a) Except as provided in subsection (3), the prohibition shall not apply to the following non-Stormwater Discharges to the Public Stormwater System: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to the MS4, uncontaminated pumped groundwater, Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual Residential car washing, flows from riparian

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habitats and wetlands, de-chlorinated swimming pool Discharges, street wash water, and flows from firefighting.

(b) “Street wash water” is defined for purposes of this section to be water that originates from publicly-financed street cleaning activities consistent with the City’s NPDES Stormwater Permit.

(c) Discharge of flows to the public or private Stormwater system from private washing of sidewalks, streets and parking lots are discouraged to the maximum extent practicable.

(3) The City may require Best Management Practices to reduce Pollutants, or may prohibit a specific Person who Discharges from engaging in a specific activity identified in subsection (2) if at any time the City determines that the Discharge is, was, or will be a significant source of pollution.

8.312 Discharge in Violation of Permit

Any Discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater Permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other Discharges, is a violation of this Chapter and is prohibited. Liability for any such Discharge shall be the responsibility of the Responsible Party, and such Persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such Discharge.

8.314 Waste Disposal Prohibitions

(1) No Person may cause or contribute to pollution, including but not limited to any refuse, rubbish, Garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, Sediment or Sediment-laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations in or to the Public Stormwater System.

(2) Runoff from Commercial or Industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not Discharge directly to a private or Public Stormwater System except as allowed under Section 8.310 of this code; this includes but is not limited to outdoor Commercial, Industrial or business activities that create airborne particulate matter, process by-products or wastes, hazardous materials or fluids from stored vehicles, where runoff from these activities Discharges directly or indirectly to a private or Public Stormwater System.

8.316 General Discharge Prohibitions

(1) It is unlawful to Discharge or cause to be Discharged directly or indirectly into the Public Stormwater System any of the following:

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- (a) Any Discharge having a visible sheen, or containing floating solids or discoloration (including but not limited to dyes and inks);
- (b) Any Discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic chemicals in toxic concentrations;
- (c) Any Discharge which causes or may cause damage, Interference, or hazard to the Public Stormwater System or the City personnel; and
- (d) Any Discharge containing human sanitary waste or animal feces.

8.318 Compliance with Industrial NPDES Stormwater Permits

Any Person who causes an Industrial Discharge, any Person who causes a Discharge associated with construction activity, or any Person who causes other Discharges subject to any NDPES Stormwater Permit issued by the Oregon DEQ, from which Pollutants may enter the public or private Stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by State and Federal regulations. Proof of compliance with said permits may be required in a form acceptable to the City prior to issuance of any grading, building, occupancy permits or business license.

8.320 Compliance with Local, State, and Federal Laws and Regulations

All users of the Public Stormwater System and any Person or entity whose actions may affect the system shall comply with all applicable local, State and Federal laws and regulations. Compliance with the requirements of this Chapter shall in no way substitute for or eliminate the necessity for compliance with applicable local, State and Federal laws and regulations.

8.322 Conflicts with Existing and Future Regulatory Requirements of Other Agencies

Any provisions or limitation of this Chapter and any rules adopted pursuant hereto are superseded and supplemented by any applicable local, State, and Federal requirements existing or adopted subsequent hereto, which are more stringent than the provisions and limitations contained herein.

8.324 Accidental Spill Prevention and Control

Accidental spills and releases by Persons who are not required to obtain a NPDES Stormwater Permit but who handle, store or use hazardous or toxic substances or Discharges prohibited under Section 8.312 and there is a reportable quantity as defined in OAR 340-142-0050, on their sites shall prepare and submit to the City an Accidental Spill Prevention and Control Plan within 60 days of notification by the City. If other laws or regulations require an Accidental Spill Prevention and Control Plan, a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this Section.

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8.326 Notification of Spills

(1) As soon as any Person in charge of a facility or responsible for emergency response for a facility becomes aware of any suspected, confirmed, or unconfirmed release of material, Pollutants, or waste creating a risk of Discharge to the Public Stormwater System, such Persons shall:

- (a) Begin containment procedures;
- (b) Notify proper emergency personnel in case of an emergency;
- (c) Notify appropriate city and/or State officials regarding the nature of the spill; and
- (d) Follow-up with the city regarding compliance and modified practices to minimize future spills, as appropriate.

(2) The notification requirements of this section are in addition to any other notification requirements set forth in local State, or Federal regulations and laws. The notification requirements do not relieve the Person of necessary remediation.

8.328 Requirement to Eliminate Illicit Connections

(1) The City's Authorized Stormwater Representative may require by written notice that a Responsible Party who makes an illicit connection to the Public Stormwater System complies with the requirements of this Chapter to eliminate the illicit connection or secure approval for the connection by a specified date.

(2) If, subsequent to eliminating a connection found to be in violation of this Chapter, the Responsible Party can demonstrate that an Illicit Discharge will no longer occur, that Person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the Responsible Party's expense.

8.330 Requirement to Remediate

Whenever the City finds that a Discharge of Pollutants is taking place or has taken place which will result in or has resulted in pollution of Stormwater or the Public Stormwater System, the City's Authorized Stormwater Representative may require by written notice to the Responsible Party that the pollution is remediated and the affected property restored, to the requirements of this Chapter.

8.332 Requirement to Monitor and Analyze

Whenever the City's Authorized Stormwater Representative determines that any Person engaged

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in any activity which may cause or contribute to Stormwater pollution or Illicit Discharges to the Public Stormwater System, the City's Authorized Stormwater Representative may, by written notice, order that the Responsible Party undertake such monitoring activities and/or analyses and furnish such reports as the City's Authorized Stormwater Representative may deem necessary to demonstrate compliance with this Chapter. The written notice shall be served either by personal delivery or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required including but not limited to, that which may be undertaken by a third party independent monitor, sampler and/or tester. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail requiring the Owner to monitor the property and furnish such reports as the City's Authorized Stormwater Representative may deem necessary to demonstrate compliance with this Chapter.

8.334 Erosion Prevention and Sediment Control

(1) **Purpose.** These regulations contained herein, together with the Clackamas County Water Environment Services' most current version of the Erosion Prevention and Sediment Control Planning and Design Manual, shall be known as the "City of Wilsonville Erosion Prevention and Sediment Control Standards," may be cited as such, and will be referred to herein as "these Standards." The purpose of these Standards is to establish uniform requirements for Land Development and construction-related activities in order to control the occurrence of Erosion and to prevent the creation, migration and/or transport of Erosion at the source during construction and Land Development.

(2) These Standards shall be administered and enforced by the City Manager or designee. The City Manager shall have the authority to develop and implement procedures, forms, policies, and interpretations for administering the provisions of these Standards.

(3) **ESC Permit Required.** An ESC Applicant must obtain an ESC permit before commencing any ground disturbing activity affecting 500 square feet or greater, cumulatively, throughout the duration of Land Development. The ESC Applicant must list each tax lot encompassed within the area where Land Development occurs, which tax lots will also be listed on the ESC permit. A copy of the approved ESC permit shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. An ESC Applicant must obtain a DEQ 1200-C permit if a site requires disturbing five acres or more. A copy of the approved 1200-C shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. DEQ 1200-C permits are obtained directly from DEQ.

(4) **ESC Plan Required.** The ESC Applicant shall submit an ESC Plan for projects requiring an ESC permit prior to commencing any ground disturbing activity. The City Manager or designee shall approve the ESC Plan if it demonstrates compliance with these Standards and the standards set forth in the Clackamas County Water Environment Services' most current version of the "Erosion Prevention and Sediment Control Planning and Design

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Manual” for all Erosion and Sediment control measures.

(5) ESC Plan Implementation. An approved ESC permit shall be implemented and maintained as follows:

(a) It shall be the duty of the ESC Applicant to inspect the property in conformance with the permit issued to ensure ESC measures are effective.

(b) The ESC Applicant is responsible to ensure that no Visible and Measurable Erosion and Sediment leaves the permitted site.

(c) The ESC Applicant shall keep a record of inspections with a brief explanation as to any signs of Erosion or Sediment release and measures taken to prevent future releases as well as any measures taken to clean up the Sediment that has left the site. Records must be made available to the City and DEQ upon request and must be submitted to the City upon final completion of work if so requested by the City.

(d) During periods of wet weather, disturbed areas of the site and/or stockpiled soil shall be covered by the ESC Applicant by tarps or straws at the end of each day’s operations; all disturbed, unworked areas of the site shall be protected from Erosion

(e) The ESC Applicant shall remove ESC measures, establish permanent groundcover on all exposed soils; clean and remove trash, construction waste and Sediment deposits before receiving a final ESC inspection approval.

(6) Ineffective Measures and ESC Plan Amendment. If the facilities and techniques in the approved ESC Plan are not effective or sufficient to meet the purposes of this Chapter, based on an on-site inspection, the City Manager or designee may require the ESC Applicant to revise the ESC Plan. Such requirement shall be in writing and shall explain the problem. The written requirement shall be presented to the ESC Applicant and any other related parties.

(a) The revised ESC Plan shall be submitted by the ESC Applicant not later than three (3) business days of when written notification by the City Manager is received. Receipt of such notice shall be deemed complete three (3) days after simultaneous regular mail and certified mail is deposited in the mail or completed the same day as personal delivery.

(b) The ESC Applicant shall implement fully the revised ESC Plan not later than three (3) business days after mailing the revised ESC Plan to the City, or within such other time frame as the City Manager may specify.

(c) In cases where significant Erosion is occurring, the City Manager or designee may require the ESC Applicant to immediately install interim control measures before submittal of a revised ESC Plan.

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(d) If there is a confirmed or imminent threat of significant off-site Erosion, the City Manager or designee shall issue a stop work order, upon issuance of which all work on the development site shall halt. The stop work order shall not be lifted until mitigation measures are implemented that comply with the City of Wilsonville's performance standards for ESC and are approved by the City Manager or designee.

8.336 Stormwater – Violation

(1) Enforcement. The City Manager or designee is authorized and directed to enforce all the provisions of Sections 8.300 through and including 8.334 and may conduct inspections whenever it is necessary to enforce any provisions of Sections 8.300 through and including 8.334 to determine compliance or whenever the City Manager or designee has reasonable cause to believe there exists any violation of Sections 8.300 through and including 8.334. It is the policy of the City to pursue compliance and enforcement against the Responsible Party when a violation of Sections 8.300 through and including 8.334 occurs. When the Owner of a property where a violation occurs is not the Responsible Party, the City will pursue compliance and, when necessary, enforcement, only when the Responsible Party cannot be located or determined.

(2) Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of Sections 8.300 through and including 8.334, the City Manager or designee, in accordance with Section 8.308, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code. If entry is refused, the City Manager shall have recourse to the remedies provided by Code Section 8.412(2) to secure entry.

(3) Notification. When it is determined that a violation of any provision of Sections 8.300 through and including 8.334 has occurred, the City Manager or designee shall notify the ESC Applicant or Responsible Party in writing of the violation observed. The notice of violation shall be delivered to the ESC Applicant or Responsible Party and posted at the property site of the violation. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail.

(4) Stop Work Orders. When it is necessary to gain compliance with Sections 8.300 through and including 8.334, the City Manager or designee may issue a written stop work order requiring that all work, except work directly related to the elimination of the violation, be immediately and completely stopped. The Responsible Party shall not resume work until such time as the City Manager or designee provides specific approval in writing. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail of the stop work order.

(5) Termination of Permit. If an ESC Applicant violates the requirements of Sections 8.300 through and including 8.334, the City Manager or designee may revoke any or all of the ESC Applicant's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. If a Responsible Party violates the

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requirements of Sections 8.300 through and including 8.334, the City Manager or designee may revoke any or all of the Responsible Party's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. The Responsible Party or ESC Applicant may appeal such determination pursuant to WC 8.336(12) herein.

(6) Civil Penalties. In addition to any other civil or criminal penalties, fines, or other enforcement measures allowed under the Wilsonville Code, Oregon law and regulations, or federal law and regulations, upon a determination by the City Manager or designee that a Person has violated any provision of Sections 8.300 through and including 8.334, the City Manager or designee may impose upon the ESC Applicant or Responsible Party a civil penalty. The use of a civil penalty does not prevent other authorized enforcement actions. A civil penalty shall be no less than fifty dollars (\$50) and shall not exceed five thousand dollars (\$5,000) per offense per tax lot in which the violation(s) occurs within the Land Development area, or in the case of a continuing offense, not more than one thousand dollars (\$1,000) for each day of the offense and shall be processed in accordance with the procedures set forth in WC 8.336.

(a) Prior to imposing a civil penalty, the City Manager or designee, upon sending the ESC Applicant or Responsible Party an order to correct the violation(s), will pursue reasonable attempts to secure voluntary correction. Following the date or time by which the correction(s) must be completed as required by the order, the City Manager or designee shall determine whether such correction(s) has/have been completed. If the required correction(s) has/have not been completed by the date or time specified in the notice, the City Manager or designee may impose a civil penalty.

(b) In order to ensure that penalties correspond appropriately with the level of violation, and in consideration of this Section, for any fine above the fifty dollar (\$50) minimum fine, a formula will be used by the City Manager or designee to determine the dollar amount of the civil penalty.

(c) The civil penalty authorized by the Section shall be in addition to:

1) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement; and

2) Any other actions authorized by law.

(d) Notwithstanding WC 8.336(2)(a) above, the City Manager or designee may impose a civil penalty without having issued an order to correct violation or making attempts to secure voluntary correction where the City Manager or designee determines that the violation was knowing, intentional, or a repeat of a similar violation.

(e) If the City determines in its sole discretion that pursuing the Responsible Party is not feasible or it is in the public interest to pursue the Owner of the property for violations of WC 8.300 to WC 8.334, the City may impose a fine against the Owner pursuant to this subsection (6) after providing the Owner with written notice pursuant to

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WC 8.336(3).

(7) Civil Penalties Notice. The notice of civil penalty shall be served by personal service or shall be sent by registered mail or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three (3) days after the date mailed if to an address within the State, and seven (7) days after the date mailed if to an address outside this State. A notice of civil penalties shall include:

- (a) Reference to the particular code provision or rule involved;
- (b) A short and plain statement of the violation;
- (c) A statement of the amount of the penalty or penalties imposed;
- (d) If the penalty is imposed pursuant to WC 8.336(6)(d), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
- (e) A statement of the party's right to appeal the civil penalty to the City Council.

(8) In imposing a penalty authorized by this Section 8.336, the City Manager or designee shall consider:

- (a) The Person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
- (b) Any prior violations of statutes, rules, orders and permits;
- (c) The gravity and magnitude of the violation;
- (d) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
- (e) Cost to City;
- (f) The violator's cooperativeness and efforts to correct the violation; and
- (g) Any relevant regulation under the City Code.

(9) Any Person who has been issued a notice of civil penalty may appeal the penalty to the City Council. The provisions of WC 8.336(12) herein shall govern any requested hearing. The burden of proof shall be on the party appealing the penalty.

(10) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the ESC Applicant or Responsible Party appeals the penalty to

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the City Council pursuant to, and within the time limit established by WC 8.336(12). If the ESC Applicant or Responsible Party appeals, the decision will become final, if at all, upon issuance of the City Council's decision affirming the imposition of the administrative civil penalty.

(11) Unpaid Penalties. Failure to pay a civil penalty imposed pursuant to this Section 8.336 within fourteen (14) days after the penalty becomes final shall constitute a violation of this Section 8.336. The City Manager or designee shall assess the property the full amount of the unpaid fine, notify the ESC Applicant or Responsible Party of such assessment, and shall enter such an assessment as a lien in the City lien docket. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

(a) In addition to enforcement mechanisms authorized elsewhere in this Code, failure to pay an administrative civil penalty imposed pursuant to WC 8.336(6) shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

(12) Appeal Procedures.

(a) Filing deadline. A Person appealing a decision of the City Manager or designee shall file a written notice of appeal with the City Recorder within ten (10) calendar days from the date of mailing of the notice sent pursuant to WC 8.336(7).

(b) Notice of appeal content. The written notice of appeal shall include:

- 1) The name and address of the appellant;
- 2) A statement of the authority or jurisdiction for the appeal including specific code sections authorizing the appeal;
- 3) A statement of the appellant's standing or right to be heard;
- 4) The nature of the decision being appealed;
- 5) A copy of the decision being appealed;
- 6) A short and plain narrative statement including the reason(s) the original decision is alleged to be incorrect, with reference to the particular sections of the applicable code sections; and
- 7) The result the appellant desires on appeal.

(c) An appellant who fails to file such a statement with the information required in Subsection (12)(b) within the time permitted waives the objections, and the

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appeal shall be dismissed without a hearing.

(d) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal; however, any stop work order will remain in effect. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, a notice of suspension.

(e) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Council within thirty (30) days of the receipt of the notice of intent to appeal. At least ten (10) days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

(f) The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. The City may provide a response to the appeal for consideration by the City Council. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The City may also present testimony and oral arguments as well. If the appellant is represented by counsel, the City Attorney or designee will represent the City. The rules of evidence as used by courts of law do not apply.

(g) The City Council shall issue a written decision within ten business (10) days of the hearing date. The decision of the City Council after the hearing is final may include a determination that the appeal fee be refunded to the ESC Applicant or Responsible Party upon a finding by the City Council that the appeal was not frivolous.

(13) Abatement of Violation.

(a) Summary Abatement Authorized. The City Manager or designee may determine that the failure or non-existence of Stormwater control measures as required by this Section 8.300 through and including 8.334 constitute a violation presenting an immediate threat of injury to the public health, the environment, or public or private property. Such violations shall be subject to the requirements and enforcement measures stated in Sections 8.300 through and including 8.336. In cases where the City Manager or designee determines it is necessary to take immediate action in order to meet the purposes of this Section 8.300 through and including 8.336, Summary Abatement of such violation is authorized.

(b) Notification Following Summary Abatement. When Summary Abatement is authorized by Sections 8.300 through and including 8.336, the decision regarding whether or not to use Summary Abatement shall be at the City Manager's or designee's discretion. In case of Summary Abatement, notice to the ESC Applicant or Responsible Party prior to abatement is not required. However, following Summary Abatement, the City Manager or designee shall post upon the affected site the abatement notice describing the action taken to abate the violation and shall cause a notice to be mailed to the ESC Applicant or Responsible Party at the ESC Applicant's

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or Responsible Party's address as recorded in the county assessment and taxation records for the property in question.

(c) Financial Responsibility.

1) Whenever a violation is abated under this Subsection 8.336(13), the City Manager or designee shall keep an accurate account of all expenses incurred.

2) The City Manager or designee shall file a statement of such costs with the City Finance Department. Upon receipt of the statement, the Finance Director or designee shall mail a notice to the ESC Applicant or Responsible Party, stating the City's intent to assess the property in question the amount due plus charges to cover the costs of processing.

3) Lien. In the event that amount due set forth in the notice is not paid in full within thirty (30) days of the date of notice, the City Finance Director shall enter the amount of the unpaid balance, plus charges to cover administrative costs in the Docket of City liens which shall therefore constitute a lien against the property.

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INDUSTRIAL WASTEWATER REGULATIONS

8.400 General Provisions

(1) Purpose and Policy. This Chapter sets forth uniform requirements for Users of the POTW for the City of Wilsonville and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this Chapter are:

(a) To prevent the introduction of Pollutants into the POTW that will interfere with its operation;

(b) To prevent the introduction of Pollutants into the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;

(c) To protect both POTW personnel who may be affected by Wastewater and sludge in the course of their employment and the general public;

(d) To promote reuse and recycling of Industrial Wastewater and sludge from the POTW;

(e) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other Federal or State laws which the POTW is subject thereto.

(f) This Chapter authorizes the issuance of individual City-issued industrial wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires User reporting.

8.401 Applicability

This Chapter shall apply to all Users of the POTW, whether inside or outside of the City limits, by contract, permit, or agreement with the City.

8.402 General Sanitary Sewer Use Requirements

(1) Prohibited Discharge Standards.

(a) General Prohibitions. No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which will cause Interference or Pass Through. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

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(b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following Pollutants, substances, or Wastewater:

- 1) Pollutants which create fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flash point of less than 140°F (60°C) using the test methods prescribed in 40 CFR 261.21.
- 2) Solid or viscous substances in amounts which will obstruct the flow in the POTW resulting in Interference.
- 3) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- 4) Waste streams having a pH less than 5.5 or more than 10.0, or which may otherwise cause corrosive structural damage to the POTW, City personnel or equipment. In cases where pH is continuously monitored, a violation is deemed to have occurred if the pH falls outside the 5.5 to 10.0 range more than 60 minutes in any one calendar day beginning at midnight and/or more than seven hours 26 minutes in any one calendar month, except that any Discharge below 5.0 or above 11.0 is a violation.
- 5) Pollutants, including oxygen- demanding Pollutants (BODs, etc.) released at a flow rate and/ or Pollutant concentration- which, either singly or by interaction with other Pollutants, to Pass Through or Interfere with the POTW, any Wastewater treatment or sludge process, or constitute a hazard to humans or animals.
- 6) Noxious of malodorous liquids, gases, or solids or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the Sanitary Sewers for maintenance and repair.
- 7) Any substance which may cause the Treatment Plant Effluent or any other residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance Discharged to the system cause the City to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other State requirements applicable to the sludge use and disposal practices being used by the City.
- 8) Any Wastewater which imparts Color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts Color to the Treatment Plants effluent thereby violating the City's NPDES Waste Discharge Permit. Color (in combination with turbidity) shall not cause the Treatment Plant Effluent to reduce

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the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

9) Any Wastewater having a temperature greater than 150°F(55°C), or which will inhibit biological activity in the Treatment Plant resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the Treatment Plant to exceed 104°F(40°C).

10) Any Wastewater containing any radioactive waste or isotopes except as specifically approved by the Public Works Director in compliance with applicable State and Federal laws and regulations.

11) Any Pollutants which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.

12) Any trucked or hauled Pollutants.

13) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, deionized water, Non-contact Cooling Water and unpolluted Industrial Wastewater, unless specifically authorized by the Public Works Director.

14) Sludges, screenings, or other residues from the pretreatment of Industrial wastes.

15) Medical Wastes, except as specifically authorized by the Public Works Director in a City-issued industrial wastewater discharge permit.

16) Material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfered with the POTW.

17) Material identified as hazardous waste according to 40 CFR Part 261 except as specifically authorized by the Public Works Director.

18) Wastewater causing, alone or in conjunction with other sources, the Treatment Plant Effluent to fail toxicity test.

19) Recognizable portions of the human or animal anatomy.

20) Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

21) Any Wastewater from dry cleaning machines.

22) Wastewater discharging from Dental facilities which contain

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mercury shall be provided with an approved amalgam separator.

23) Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be Discharged to the POTW.

(2) National Categorical Pretreatment Standards.

(a) Users must comply with the Categorical Pretreatment Standards found in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein. The City shall recognize any variance to the Categorical Standards authorized by the DEQ under 40 CFR 403.13 for fundamentally difference factors from those considered by the EPA when developing the Categorical Pretreatment Standard.

(b) When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the Public Works Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403 .6(e) using the combined waste stream formula.

(c) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the City may impose equivalent concentration or mass limits in accordance with Section (1) and (2) of this section.

1) Equivalent Concentration Limits: When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the City may convert the limits to equivalent limitations expressed either as mass of Pollutant Discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

2) The City may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Public Works Director.

When converting such limits to concentration limits, the City will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 8.402(6) of this Chapter. In addition, the City will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available.

3) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 8.402(2) in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.

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(d) Many Categorical Pretreatment Standards specify one limit for calculating maximum daily Discharge limitations and a second limit for calculating maximum Monthly Average Limits, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(e) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the City within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the City of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(3) State Requirements. Users must comply with State requirements and limitations and Discharges to the POTW shall be met by all Users which are subject to such limitations in any instance in which they are more stringent than Federal requirements and limitations or those in this Chapter.

(4) Local Limits.

(a) Authority to Establish Local Limits: The City is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The Public Works Director may develop BMP's by ordinance or in individual City-issued industrial wastewater discharge permits to implement Local Limits and 8.402.

(b) Numerical Local Limits.

1) No nonresidential User shall Discharge Wastewater containing restricted substances into the POTW in excess of limitations specified in its City-issued industrial wastewater discharge permit or adopted, by resolution, by the City. The Public Works Director shall publish and revise, from time to time, standards for specific restricted substances. These standards shall be developed in accordance with 40 CFR Section 403.5 and shall implement the objectives of this Chapter. Standards published in accordance with this Section will be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act.

(c) At their discretion, the Public Works Director may impose mass limitations in addition to or in place of the concentration based limitations referenced above. The more stringent of either the Categorical Standards or the specific Pollutant limitations for a given Pollutant will be specified in the City-issued industrial wastewater discharge permit.

(d) Specific effluent limits shall not be developed and enforced without individual notices to Persons or groups who have requested such notice and an

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opportunity to respond.

(5) City's Right to Revision. The City reserves the right to establish, by ordinance or in a City-issued industrial wastewater discharge permit, more stringent limitations or requirements or Discharges to the POTW if deemed necessary to comply with the objectives presented in this Chapter.

(6) Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The City may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or regulations, or in other cases when the impositions of mass limitation is appropriate.

(7) Authority to Condition or Deny Industrial Discharge. The City reserves the right to Condition or deny any, or all Industrial Discharges to the City Sanitary Sewer system.

8.404 Pretreatment of Wastewater

(1) Pretreatment Facilities.

(a) Users shall provide necessary Wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits and the prohibitions set out in Section 8.402, within the time limitations specified by the Public Works Director, EPA, or the State, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility.

(b) The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an acceptable Discharge to the City under the provisions of this Chapter.

(2) Additional Pretreatment Measures.

(a) Whenever deemed necessary, the Public Works Director may require Users to restrict their Discharge during peak flow periods, designate that certain Wastewater be Discharge only into specific Sanitary Sewers, relocate and/or consolidate points of Discharge, separate Sewage waste streams from Industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Chapter.

(b) The City may require any Person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A City-issued industrial wastewater discharge

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permit may be issued solely for flow equalization.

(c) Users with the potential to Discharge flammable substances may be required to install and maintain an approved combustible gas detection meter, even though a City-issued industrial wastewater discharge permit is not issued.

(3) Accidental Discharge/Slug Discharge Control Plans. The City shall evaluate whether each SIU needs a Discharge/Slug Discharge control plan or other action to control Slug Discharges. The City may require any User to develop, submit for approval and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the City may develop such plan for any User.

(a) An accidental Discharge/Slug Discharge plan shall address, at a minimum, the following:

1) Description of Discharge practices; including non-routine batch Discharges.

2) Description of stored chemicals.

3) Procedures for immediately notifying the Public Works Director of any accidental or Slug Discharge, as required by this Chapter;

(4) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response.

(5) Failure to comply with Spill/slug control plan conditions shall subject the permittee to enforcement action.

8.406 Industrial Wastewater Discharge Permit

(1) Authority to Require Data Disclosure. When requested by the Public Works Director, a User whether operating under a City-issued industrial wastewater discharge permit or not; and whether the User meets the criteria of a Significant Industrial User or not; the User must submit information on the nature and characteristics of all production processes; material storage, and their Wastewater generated on site. The User must submit this data within thirty (30) days of the request. The Public Works Director is authorized to prepare a form for this purpose and may periodically require Industrial Users to update this information.

(2) Wastewater Discharge Permit Requirement.

(a) SIU Wastewater Discharge Permit Required. No Significant Industrial Users shall Discharge to the POTW without first obtaining an individual City-issued

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industrial wastewater discharge permit from the Public Works Director, except that a SIU that has filed a timely application pursuant to Section 8.406(3) of the Chapter may continue to Discharge for the period of time specified therein.

(b) **Other Users May Obtain City-Issued Industrial Wastewater Discharge Permit:** The Public Works Director may require other Users, to obtain individual City-issued industrial wastewater discharge permits as necessary to carry out the purposes of this Chapter.

(c) **Violation of City-Issued Industrial Wastewater Discharge Permit.** Any violation of the terms and conditions of a City-issued industrial wastewater discharge permit shall be deemed a violation of this Chapter and subjects the industrial wastewater discharge permittee to the sanctions set out in Sections 8.502 through 8.506 of this Chapter. Obtaining a City-issued industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

(3) **Permitting Existing Connections.** Any User required to obtain an individual Discharge permit who was discharging Wastewater into the POTW prior to the effective date of this Chapter and who wishes to continue such Discharges in the future, shall within ninety (90) days after said date, apply to the City for an industrial wastewater discharge permit in accordance with Section 8.406(5) below, and shall not cause or allow Discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Chapter except in accordance with the permit issues by the Public Works Director.

(4) **Permitting New Connections.** Any SIU proposing to begin or recommence discharging Industrial waste into the POTW must obtain a City-issued industrial wastewater discharge permit prior to beginning or recommending such Discharge. An application for this City-issued industrial wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any Discharge will begin or recommence.

(5) **Industrial Wastewater Discharge Permit Application Contents.** All Users required to obtain City-issued industrial wastewater discharge permit must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. The City may require Users to submit all or some of the following information as part of a permit application:

(a) **Identifying Information.** The name, mailing address and location (if different from mailing address) of the facility, including the name of the operator and Owner or Lessee, Contact information, descriptions of the activities, facilities, and plant production processes on the premises;

(b) **Environmental Permits.** A list of any environmental control permits held by or for the facility;

(c) **Description of Operations.** A brief description of the nature, average rate

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of production (including each product produced by type, amount, processes and rate of production) and Standard Industrial Classification (SIC) or North American Industry Classification System (NAIS) of the operations carried out by such User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes, codes for Pretreatment the industry as a whole and any processes for which Categorical Pretreatment Standards have been promulgated;

(d) Types of waste generated and a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally Discharged to the POTW;

(e) Number and type of employees, and hours of operation, and proposed or actual hours of operation;

(f) Type and amount of raw materials processed (average and maximum per day);

(g) Site plans, floor plans, mechanical and plumbing plans, and details to show all Sewers, floor drains and appurtenances by size, location and elevation and all points of Discharge;

(h) Time and duration of the Discharge;

(i) The location for monitoring all wastes covered by the permit;

(j) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to use the combined waste stream formula in 40 CFR 403.6(e).

(k) Measurement of Pollutants.

1) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the City, of regulated Pollutants in the Discharge from each regulated process.

3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.410(10) of this Chapter. Where the Standard requires compliance with a BMP or pollution

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prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard.

5) Sampling must be performed in accordance with procedures set out in Section 8.410(11) of this Chapter.

(l) Any other information as may be deemed by the Public Works Director to be necessary to evaluate the permit application.

(6) Application Signatories and Certification.

(a) All City-issued industrial wastewater discharge permit applications, User reports and certification statements must contain the following certification statement and be signed by an authorized representative of the User:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

(c) A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the signed certification statement in Section 8.410(14).

(7) City-Issued Industrial Wastewater Discharge Permit Decisions. The Public Works Director will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Public Works Director will determine whether or not to issue an industrial wastewater discharge permit. The City may deny any application for an industrial wastewater discharge permit.

8.408 Industrial Wastewater Discharge Permit Issuance by the City

(1) Permit Duration. City-issued industrial wastewater discharge permits shall be issued for a specific time period not to exceed five (5) years. A City-issued industrial wastewater discharge permit may be issued for a period less than five (5) years at the discretion of the Public Works Director. Each permit will indicate a specific date on which it will expire.

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(2) Permit Contents. City-issued industrial wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Public Works Director to prevent Pass Through or Interference and to protect the quality of the water body receiving the Treatment Plant Effluent, protect worker health and safety, facility sludge management and disposal, and protect against damage to the POTW.

(a) City-issued industrial wastewater discharge permits must contain:

1) A statement that indicates City-issued industrial wastewater discharge permit issuance date, expiration date and effective date;

2) A statement that the City-issued industrial wastewater discharge permit is nontransferable without prior notification to and approval from the City and provisions for furnishing the new Owner or operator with a copy of the existing permit;

3) Effluent limits, including Best Management Practices, based on applicable standards in Federal, State, and local law;

4) Self-monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of Pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local laws; and

6) Requirement to control Slug Discharges, if determined by the Public Works Director to be necessary. Significant Industrial Users are required to notify the Public Works Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

(b) City-issued industrial wastewater discharge permits may contain, but need not be limited to, the following:

1) Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for flow regulation and equalization;

2) Requirements for the installation of Pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of Pollutants into the treatment works;

3) Requirements for the development and implementation of spill control plans or other special conditions including management practices

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necessary to adequately prevent accidental, unanticipated, or routine Discharges;

4) Development and implementation of waste minimization plans to reduce the amount of Pollutants Discharged to the POTW;

5) The unit charge or schedule of User charges and fees for the management of the Wastewater Discharged into the POTW;

6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

7) A statement that compliance with permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the permit; and/or

8) Other conditions as deemed appropriate by the Public Works Director to ensure compliance with this Chapter; and State and Federal laws, rules, and regulations; the term of the permit.

(3) Permit Issuance Process.

(a) Permit Appeals. Any Person including the Industrial User, may petition the City to reconsider the terms of the permit within ten (10) days of the issuance of the final permit.

(b) Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.

(c) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the permit.

(d) The effectiveness of the permit shall not be stayed pending the appeal.

(e) If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater discharge permit, not to issue a permit, or not modify a permit shall be considered final administrative action for purposes of judicial review.

(f) Aggrieved parties seeking judicial review of administrative permit decisions must do so by complaint with the Circuit Court for Clackamas County, State of Oregon within thirty (30) days of the final administrative decision.

(4) Permit Modifications. The Public Works Director may modify the permit for good cause and at any time including, but not limited to, the following:

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- (a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (b) To address signification alterations or additions to the Industrial User's operation, processes, or Wastewater volume or character since the time of permit issuance;
 - (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
 - (d) Information indicating that the permitted Discharge poses a threat to the POTW, City personnel, of the receiving waters;
 - (e) Violation of the terms or conditions of the City-issued industrial wastewater discharge permit;
 - (f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
 - (g) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 401.13;
 - (h) To correct typographical or other errors in the permit;
 - (i) To reflect a transfer of the facility ownership and/or operation to a new Owner/operator/Lessee.
- (5) Permit Transfer.
- (a) City-issued industrial wastewater discharge permits may be transferred to a new Owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Public Works Director and the Public Works Director approves the permit transfer. Failure to provide advance notice of a transfer renders the permit void as of the date of facility transfer, and the new Owner will be consider in violation of the City Codes for discharging without a permit. The notice must include a written certification to the new Owner which:
 - 1) States that the new Owner has no immediate intent to change the facility's operations and processes;
 - 2) Identifies the specific date on which the transfer is to occur; and
 - 3) Acknowledges full responsibility for complying with the existing permit.

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(6) Permit Revocation.

(a) City-issued industrial wastewater discharge permits may be revoked for the following reasons:

- 1) Failure to notify the City of significant changes to the Wastewater prior to the changed Discharge;
- 2) Failure to provide prior notification to the City of changed conditions pursuant to Section 8.410(5);
- 3) Misrepresenting or failure to fully disclose all relevant facts in the City-issued industrial wastewater discharge permit application;
- 4) Falsifying self-monitoring reports;
- 5) Tampering with monitoring equipment;
- 6) Refusing to allow the City timely access to the facility premises and records;
- 7) Failure to meet effluent limitations;
- 8) Failure to pay fines;
- 9) Failure to pay Sewer charges;
- 10) Failure to meet compliance schedules;
- 11) Failure to complete a Wastewater survey or the City-issued industrial wastewater discharge permit application;
- 12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- 13) Violation of any Pretreatment Standard or Requirement or any terms of the permit or this Chapter;
- 14) Upon cessation of operations; or
- 15) Upon issuance of a new City-issued industrial wastewater discharge permit to the User.

(7) Permit Renewal. A User with an expiring City-issued industrial wastewater discharge permit shall apply for industrial wastewater discharge permit renewal by submitting a complete permit application, in accordance with Section 8.406 of this Chapter, a minimum of

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ninety (90) days prior to the expiration of the User's existing City-issued industrial wastewater discharge permit. The existing permit shall remain in effect until the renewed permit is issued, providing the User has submitted the renewal application ninety (90) days prior to the expiration of the User's existing City-issued industrial wastewater discharge permit. If the User did not comply with the renewal application submittal criteria, the User will not be authorized to continue discharging past the expiration date of the existing permit without the written authorization of the City.

(8) Regulation of Wastewater Received From Other Jurisdictions.

(a) The City may accept Wastewater from individual Industrial Users located in other jurisdictions, or other municipalities under the following conditions:

1) Municipalities – the municipality must develop and implement a Sanitary Sewer use ordinance that meets, or exceeds, the Wilsonville Industrial Wastewater Regulations, Chapter 8. The municipality must submit their request in writing and the request for Extra-Jurisdictional Wastewater treatment a list of Industrial Users within their jurisdiction, the nature and volume of the Industrial Discharges, the combined Discharge from the municipality that will be treated by the Wilsonville Wastewater Treatment Plant. Municipalities will not be issued industrial wastewater discharge permits. Municipalities must enter into an Extra-Jurisdictional Agreement between the City of Wilsonville and the requesting municipality.

2) Extra-Jurisdictional Industrial Users – the Industrial User must submit an industrial wastewater discharge permit application to the City. The Industrial User must agree to comply with the terms and conditions of the permit, including right-of-entry for purposes of inspection, and sampling, enforcement actions specified in the permit.

(b) An inter-jurisdictional agreement, as required by paragraph A, above, shall contain the following conditions:

1) A requirement for the contributing municipality to adopt a Sanitary Sewer use ordinance which is at least as stringent as this Chapter and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 8.402 of this Chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Wilsonville Code Chapter 8 or Local Limits;

2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

3) A provision specifying which Pretreatment implementation activities, including industrial wastewater discharge permit issuance, inspection

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and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City;

4) A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its Pretreatment activities;

5) Limits on the nature, quality, and volume of the contributing municipality's Wastewater at the point where it Discharges to the POTW;

6) Requirements for monitoring the contributing municipality's Discharge;

7) A provision ensuring the City access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and

8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement.

9) Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the inter-jurisdictional agreement should specify that Wilsonville shall have the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against the Person who Discharges in the event the contributing jurisdiction is unable or unwilling to take such action.

8.410 Reporting Requirements

(1) Baseline Monitoring Reports.

(a) Users that become subject to new or revised Categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated a Non-Significant Categorical Industrial Users.

(b) Within either 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to Discharge to the POTW shall submit to the City a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an

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applicable Categorical Standard shall be required to submit to the City a report which contains the information listed in paragraph (b) below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source shall also give estimates of its anticipated flow and quantity of Pollutants Discharged.

(c) Users described above shall submit the information set forth below:

1) All information required in Section 8.406(2) through Section 8.406(7); and

2) Measurement of Pollutant. The City may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for Industrial Pretreatment measures.

(d) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

(e) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(f) Sampling and analysis shall be performed in accordance with Section 8.410(10);

(g) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the POTW;

(h) Compliance Certification. A statement, reviewed by the User's authorized representative and certified to be a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional Operations and maintenance (O&M) and/or additional Pretreatment is required in order to meet Pretreatment Standards and Requirements;

(i) Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest possible schedule by which the Industrial User will provide such additional Pretreatment and/or O&M. The completion date in this schedule not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 8.410(2) of this Chapter; and

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(j) **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with Section 8.410(3) and signed by an Authorized Representative.

The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the POTW.

(2) **Compliance Schedule Progress Reports.** The following conditions shall apply to the compliance schedule required by Section 8.410(1) of this Chapter:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the City.

(e) **Reports on Compliance with Categorical Pretreatment Standard Deadline.**

1) Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the City a report containing the information described in Section 8.406(5) of this Chapter. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 8.402(2), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8.410(14) of this Chapter. All sampling will be done in conformance with Section 8.410.

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2) Periodic Compliance Reports. All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 8.410(14).

(f) Except as specified in Section 8.410(14), all Significant Industrial Users must, at a frequency determined by the City submit no less than twice per year (June and December, or on dates specified, reports indicating the nature, concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.

(g) All periodic compliance reports must be signed and certified in accordance with Section 8.410(14) of this Chapter.

(h) All Wastewater samples must be representative of the User's Discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its Discharge.

(i) If a User subject to the reporting requirement in this Section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in Section 8.410(11) of this Chapter, the results of this monitoring shall be included in the report.

(5) Report of Changed Conditions. Each User must notify the Public Works Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume at least thirty (30) days before the change.

(a) The Public Works Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial wastewater discharge permit application under Section 8.406(5), if necessary.

(b) The Public Works Director may issue an industrial wastewater discharge permit under Section 8.408(7) or modify an existing City-issued industrial wastewater discharge permit under Section 8.408(4) in response to changed conditions or anticipated changed conditions.

(6) Reports of Potential Problems.

(a) In the case of any Discharge, including but not limited to accidental Discharge non-routine, episodic nature, a non-customary batch Discharge, a Slug

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Discharge or Slug Load, that might cause potential problems for the POTW the User shall immediately telephone and notify the City of the incident. This notification shall include the location and Discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(b) Within five (5) days following an accidental Discharge, the User shall, unless waived by the Public Works Director, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Chapter.

(c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of an accidental Discharge as described above. Employers shall ensure that all employees who may cause or suffer such a Discharge to occur are advised of all the emergency notification procedures.

(d) Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge.

(7) Reports from Un-Permitted Users. All Users not required to obtain a City-issued industrial wastewater discharge permit shall provide appropriate reports to the City as the Public Works Director may require.

(8) Notice of Violation/Repeat Sampling and Reporting.

(a) If sampling performed by a User indicates a violation, the User must notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation.

(9) Notification of the Discharge of Hazardous Waste.

(a) Any User who commences the Discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division City, and State hazardous waste authorities, in writing, of any Discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the User Discharges more than one-hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream Discharged during that

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calendar month, and an estimation of the mass of constituents in the waste stream expected to be Discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the Discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste Discharged. However, notifications of changed conditions must be submitted under Section 8.410(5) of this Chapter. The notification requirement in this Section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 8.410(1), 8.410(3), and 8.410(4) of this Chapter.

(b) Persons who Discharge are exempt from the requirements of paragraph A, above, during a calendar month in which they Discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User Discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the City, the EPA Regional Waste Management Waste Division City, and State hazardous waste authorities of the Discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to Discharge any substance not otherwise permitted to be Discharged by this Chapter, a permit issued hereunder, or any applicable Federal or State law.

(10) Analytical Requirements. All Pollutant analyses, including sampling techniques, to be submitted as part of a City-issued industrial wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by EPA.

(11) Sample Collection.

(a) Samples collected to satisfy reporting requirements must be based on data

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obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(b) The City shall establish the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.

(c) Except as indicated in Section (d) and (e) below, the User must collect Wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the Discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows:

- 1) For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field;
- 2) For volatile organics and oil and grease, the samples may be composited in the laboratory.
- 3) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.

(d) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(e) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 8.410(1) and 8.410(3), a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by paragraphs Section 8.410(4), the Industrial User is required to collect the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(12) Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

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(13) Recordkeeping. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 8.402(4). Records shall include the date, exact place, method, and time of sampling, and the name of the Person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City.

(14) Certification Statements.

(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 8.406(6); Users submitting baseline monitoring reports under Section 8.410(1); Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 8.410(3); Users submitting periodic compliance reports required by Section 8.410(4); and Users submitting an initial request to forego sampling of a Pollutant on the basis of Section 8.410(4). The following certification statement must be signed by an Authorized Representative:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(b) Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the following certification statement signed in accordance with the signatory requirements in Section 8.410(14). This certification must accompany an alternative report required by the City:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in

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Section 8.006 (81)(b)(1)-(3).

2) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and

3) The facility never Discharged more than 100 gallons of total categorical Wastewater on any given day during this reporting period.

4) The Facility never Discharged concentrated untreated Wastewater.”

8.412 Compliance Monitoring

(1) Right of Entry; Inspection and Sampling.

(a) The City, an authorized representative of the EPA and/or authorized representative of the Oregon DEQ shall have the right to enter the premises of any User to ascertain whether the purpose of this Chapter is being met and all requirements are being met. Users shall allow authorized personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(b) Where a User has security measures in force that require proper identification and clearance before entry into their premises, the Industrial User shall make necessary arrangements with its security guards, so that upon presentation of suitable identification, personnel from the City, State and EPA will be permitted to enter, without delay, for the purposes of performing specific responsibilities.

(c) The City, State, and EPA shall have the right to set up or require installation of, on the Industrial User’s property, such devices as are necessary to conduct sampling, and/or metering of the User’s operations.

(d) The City may require the User to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated annually to ensure their accuracy. The location of the monitoring facilities shall provide ample room in or near the monitored facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the City’s requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the City to perform independent monitoring activities.

(e) Any temporary or permanent obstruction to safe and easy access to the Industrial facility to be inspected and/or sampled shall be promptly removed by the

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Industrial User at the written or verbal request of the Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the User.

(f) Unreasonable delays in allowing the City access to the User's premises shall be a violation of this Chapter.

(2) Search Warrants. If the Public Works Director has been refused access to a building, structure or property or any part thereof, and if the Public Works Director has probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect as part of a routine inspection program of the City designed to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court Judge of the City may issue a search and/or seizure warrant describing herein the specific location subject to the warrant. The warrant shall specify what, if anything, may be search and/or seized on the property described. Such warrant shall be served at reasonable hours by the Public Works Director in the company of a uniformed police officer of the City.

8.414 Confidential Information

Information and data on a User obtained from reports, surveys, City-issued industrial wastewater discharge permit applications, City-issued industrial wastewater discharge permit, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

8.416 Publication of Users in Significant Noncompliance

(1) The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section and shall mean:

(a) Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameter taken during a six (6) month period exceed (by any magnitude) a

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numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 8.402;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each Pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 8.402 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH;

(c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 8.402 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any Discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City exercise of its emergency authority to halt or prevent such a Discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a City-issued industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local Pretreatment program.

8.418 Affirmative Defense

(1) Upset.

(a) For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.

(c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1) An upset occurred and the User can identify the cause(s) of the upset;

2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3) The User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

a) A description of the Indirect Discharge and cause of noncompliance;

b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

(f) Users shall control production of all Discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Prohibited Discharge Standards. User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibition and the specific prohibitions in Section 8.402 of this chapter if it can prove it did not know or have

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reason to know that its Discharge alone or in conjunction with other Discharges, would cause Pass Through or Interference and that either:

(a) A local limit exists for each Pollutant Discharged and the User was in compliance with each limit directly prior to and during the Pass Through or Interference; or

(b) No local limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior Discharge when the City was regularly in compliance with the NPDES Waste Discharge Permit, and in the case of Interference, in compliance with applicable sludge use or disposal requirements.

(3) Bypass.

(a) For the purposes of this Section:

1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.

2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of (c) and (d).

(c) Bypass Notification.

1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten (10) days before the date of the bypass.

2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Public Works Director within twenty-four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Public Works Director may waive the written report on a case-by-case basis if the oral

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report has been received within twenty-four (24) hours.

(d) Bypass is prohibited, and the Public Works Director may take enforcement action against an Industrial User for a bypass, unless;

1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintaining during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3) The Industrial User submitted notices as required under paragraph (c) of this section.

4) The Public Works Director may approve an anticipated bypass after considering its adverse effects, if the Public Works Director determines that it will meet paragraph (3)(d)(1) of this Section.

8.420 Pretreatment Charges and Fees

(1) The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

(a) Fees for City-issued industrial wastewater discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge;

(c) Fees for reviewing monitoring reports and certification statements submitted by Users;

(d) Fees for reviewing and responding to slug color;

(e) Discharge procedures and construction;

(f) Fees for filing appeals;

(g) Fees to recover administrative and legal costs (not included in Section 8.504, Section 8.506 and 8.416) associated with the enforcement activity taken by the City to address IU noncompliance; and

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(h) Other fees as the City may deem necessary to carry out the requirements contained herein.

(2) These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the City.

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ENFORCEMENT

8.502 Administrative Enforcement Remedies

(1) Enforcement. In addition to the imposition of civil penalties, the City shall have the right to enforce Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420 by injunction, or other relief, and seek fines, penalties and damages in Federal or State courts. Any Discharge that fails to comply with the requirements of these rules and regulations or provisions of its City-issued industrial wastewater discharge permit may be subject to enforcement actions as prescribed in Section 8.502(2) through Section 8.502(9) below.

(a) The City is hereby authorized to adopt, by ordinance or resolution, an Enforcement Response Plan, with procedures and schedules of fines, to implement the provisions of this Section.

(b) The type of enforcement action shall be based, but not limited by the duration and the severity of the violation; impacts on water quality, sludge disposal, Interference, work health and safety; violation of the City's NPDES Waste Discharge Permit. Enforcement shall generally be escalated in nature.

(2) Notification of Violation. Whenever the City finds that any User has violated or is violating any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit or order issued hereunder, or any other Pretreatment Requirement, the Public Works Director or designee may serve upon said User a written Notice of Violation. Within ten (10) days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Public Works Director. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of this Notice of Violation. Nothing in this section shall limit the authority of the City to take emergency action without first issuing a Notice of Violation.

(3) Consent Orders. The City may enter into Consent Orders, Assurance of Compliance, or other similar documents establishing an agreement with the any User responsible for the noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the document. Such documents shall have the same force and effect as administrative orders issued pursuant to Section 8.502(4) or 8.502(5) below and shall be judicially enforceable.

(4) Show Cause Hearing. The City may order any Industrial User which causes or contributes to any violation(s) of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, City-issued industrial wastewater discharge permits or orders issued hereunder, or any other Pretreatment Requirement to appear before the City and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or

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certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. Whether or not the User appears as notified, immediate enforcement action may be pursued following the hearing date. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(5) Compliance Orders. When the City finds that a User has violated, or continues to violate, any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an order to the User responsible for the Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, Sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants Discharged to the Sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(6) Cease and Desist Orders. When the City finds that a User has violated, or continues to violate, any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements:
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatening violation, including halting operations and/or terminating the Discharge. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(7) Administrative Fines.

(a) When the City finds that a User has violated, or continues to violate, any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may fine such User in an amount not to exceed five thousand dollars (\$5,000). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average Discharge limits, fines may be assessed for each day during the period of violation.

- (b) Assessments may be added to the User's next scheduled Sewer service charge

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and the City shall have such other collection remedies as may be available for other service charges and fees. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty percent (20%) of the unpaid balance, and interest shall accrue thereafter at a rate of seven percent (7%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the City may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(8) Emergency Suspensions. The City may immediately suspend a User's Discharge and the Industrial User's City-issued industrial wastewater discharge permit, after informal notice to the Industrial User, whenever such suspension is necessary in order to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent endangerment to the health and welfare of Persons. The City may also immediately suspend a User's Discharge and the Industrial User's City-issued industrial wastewater discharge permit, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any User notified of a suspension of its Discharge activity or City-issued industrial wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of an Industrial User's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the Sewer connection to prevent or minimize damage to the POTW, its Receiving Stream, or endangerment to any individuals. The City may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section 8.502(9) are initiated against the User. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(b) Any User which is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Public Works Director prior to the date of any show cause or termination hearing under Section 8.502(4) or 8.502(9).

(9) Termination of Permit. Any User who violates the following conditions is subject to Discharge termination:

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- (a) Violation of City-issued industrial wastewater discharge permit conditions;
- (b) Failure to accurately report the Wastewater constituents and characteristics of its Discharge;
- (c) Failure to report significant changes in operations or Wastewater volume, constituents and characteristics prior to Discharge;
- (d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling;
- (e) Violation of the Pretreatment Standards in Section 8.402 of this Chapter.

Such Users will be notified of proposed termination of its Discharge and be offered an opportunity to show cause under Section 8.502(4) above why the proposed action should not be taken.

Exercise of this option by the City shall not be a bar to, or establish a prerequisite for, taking any other action against the User.

(10) Appeals. Any enforcement action by the City may be appealed to the City Council by filing a petition for reconsideration. The petition must show cause why an enforcement action should not be taken.

- (a) Enforcement action appeals must be filed with the City Recorder within ten (10) working days of receipt of the enforcement action.
- (b) The petition for appeal shall indicate the nature of the interpretation that is being appealed. The matter at issue will be a determination of the appropriateness of the interpretation of the enforcement response and the requirements of the Pretreatment program.
- (c) Upon appeal, the City Council shall first determine whether the appeal shall be heard on the record only, or upon an evidentiary hearing *de novo*. Where an appellant has been afforded an opportunity of an evidentiary hearing by the City, then the appeal shall be limited to a review of the record and a hearing for receipt of arguments regarding the record. Where an appellant has not been afforded an evidentiary hearing, or upon finding that under prejudice should otherwise result, the City Council shall conduct an evidentiary hearing *de novo*.
- (d) Unless otherwise provided by the City Council, an evidentiary hearing *de novo* on appeal shall require a record be kept of the following:

- 1) The record, if any, of the matter before the City.
- 2) A factual report prepared and presented by the City.

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3) All exhibits, materials and memoranda submitted by any party and received or considered in reaching the decision under review.

4) A record of testimonial evidence, if any.

(e) Upon review, the City Council may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the Council modifies or renders a decision that reverses a decision regarding and enforcement action, the Council, in its order, shall set forth its finding and state its reasons for taking the action.

8.504 Judicial Enforcement Remedies

(1) Injunctive Relief. Whenever the City finds that a User has violated or continues to violate the provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, permits or orders issued hereunder, or any other Pretreatment Requirements, the City through the City's attorney, may petition the Circuit Court of Clackamas County for issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the City-issued industrial wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for taking any other action against the User.

(2) Civil Penalties. A User which has violated or continues to violate the provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or any order issued hereunder, or any other Pretreatment Standard or Requirement may be liable to the City for a maximum civil penalty of five thousand dollars (\$5,000) per violation per day. In the case of a monthly or other long term average Discharge limit, penalties shall accrue for each business day during the period of this violation.

(a) The City may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(b) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm, caused by the violation, the magnitude and duration, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the User, and any other factors as the justice requires.

(c) Filing a suit for civil penalties shall not be a bar to, or a prerequisite for, taking any other action against the User.

(3) Criminal Prosecution.

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(a) Any User who willfully or negligently violates any provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, any orders or permits issue hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(b) Any User who knowingly makes any false statement, representations, or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, or City-issued industrial wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(c) Any User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$5,000 per violation, per day, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(d) In the event of a second conviction, the User shall be punished by a fine not to exceed \$6,000 per violation per day or imprisonment for not more than three (3) years or both.

(4) Remedies Nonexclusive. The remedies provided for in this Chapter are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

8.506 Supplemental Enforcement Action

(1) Performance Bonds. The City may decline to reissue a permit to any User who has failed to comply with the provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial wastewater discharge permit, or orders issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve a consistent compliance.

(2) Liability Insurance. The City may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial wastewater

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discharge permit, or orders issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurance sufficient to restore or repair damage to the POTW caused by its Discharge.

(3) Payment of Outstanding Fees and Penalties. The City may decline to issue or reissue a City-issued industrial wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial wastewater discharge permit, or order issued hereunder.

(4) Water Supply Severance. Whenever a User has violated or continues to violate provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, orders, or permits issued hereunder, Water services to the Industrial User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

(5) Public Nuisance. Any violation of the prohibitions of effluent limitations of this Chapter, permits, or orders issued hereunder is hereby declared by a public nuisance and shall be corrected or abated as directed by the City. Any Person(s) creating a public nuisance shall be subject to the provisions of Chapter 7 of the Wilsonville City Codes governing such nuisance, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

(6) Informant Rewards. The City may pay up to five hundred dollars (\$500) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the Industrial User, the Public Works Director is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed ten thousand dollars (\$10,000).

(7) Contractor Listing. Users which have not achieved consistent compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contract for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by an Industrial User found to be in significant violation with Pretreatment Standards may be terminated at the discretion of the City.

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CITY OF WILSONVILLE, OREGON

**Industrial Pretreatment Program
Enforcement Response Plan**

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SECTION I. INTRODUCTION

The General Pretreatment Regulations, 40 CFR 403.8(f)(1)(vi)(A) require POTW's with approved Pretreatment programs to obtain remedies for noncompliance by any Industrial User. Specifically, 40 CFR 403.8(f)(5) requires the POTW to develop and implement an enforcement response plan.

EPA states that a violation occurs when any of the following conditions apply:

- Any requirement of the City's rules and regulations has not been met.
- A written request is not met within the specified time.
- A condition of a permit issued under the authority of rules and regulations is not met within the specified time.
- Effluent limitations are exceeded, regardless of intent or accident.
- False information has been provided by the Discharge.

Each day a violation occurs is considered a separate violation. Each parameter that is in violation is considered to be a separate violation.

Actions that can be taken by the City, in response to violations, are described in this Enforcement Response Plan.

This Enforcement Response Plan is intended to provide guidance to the City Staff for the uniform and consistent enforcement of the City Sewer Use Ordinance to all Users of the system. The Enforcement Response Plan should be considered a guide for making decisions on the appropriate actions to be taken to return the User to full compliance in the shortest possible time while not being excessive. For additional information see the City of Wilsonville Code, Chapter 8.

SECTION II. ENFORCEMENT REMEDIES

A. Preliminary Enforcement Contacts

It is of mutual interest to the City and the IU to resolve compliance problems with a minimum of formal coercion. As an aid to the communication process surrounding a formal enforcement action, the City will use the following informal responses:

1. Phone Calls

A phone call maybe the initial informal action taken by the City for missed deadlines and other minor incidents of noncompliance as detected by sampling, inspection and/or as soon as a compliance deadline is missed or noncompliance is detected. The City is not

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required to take this action prior to taking other enforcement options.

A written record of the phone conversation is kept and will contain the following information:

- name of company (IU);
- City-issued industrial wastewater discharge permit number;
- name and title of Person contacted;
- date and time; nature of violation;
- items discussed;
- results of conversation; and
- initials or signature of City personnel initiating the phone call.

2. Informal Compliance Meeting

An informal compliance meeting may be held to discuss violations which have recurred, violations which remain uncorrected, or violations of a magnitude which warrant more communication between the City and the Industry. The compliance meeting is held specifically to include an authorized representative of the IU (e.g., vice president, general partner, or their duly authorized representative to ensure that he/she is aware that the industry is in noncompliance.

If possible, the compliance meeting should be held before significant noncompliance (SNC) is reached by the Industrial User. The Industrial User should already be aware of the criteria for SNC, and the compliance meeting will reinforce that the result of SNC includes enforcement measures mandated by federal regulations. The industry may in turn communicate any progress or measures it has taken to regain compliance.

B. Administrative Enforcement Remedies

Administrative Enforcement Remedies are actions that may be initiated at the City Staff level and are intended to be used as an escalation of enforcement. These enforcement actions are considered “formal” and are to be in a written format.

1. Notice of Violation

The Notice of Violation (NOV) is an appropriate initial response to any violations and may often be the first response. An informal enforcement action is not required prior to issuing a Notice of Violation. The purpose of a NOV is to notify the Industrial User of the detected violation. It may be the only response necessary in cases of infrequent and generally minor violations. As a general rule, the NOV will be issued not later than five (5) business days after discovery of the violation.

The NOV may be issued by the Pretreatment Coordinator.

The NOV will require the IU to submit a written explanation of the violation and a plan for its satisfactory correction within ten (10) days of receipt of the NOV. If the User does not return to

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compliance or submit a plan of correction, the City will escalate to more stringent enforcement responses.

2. Administrative Order

An Administrative Order (AO) are enforcement actions requiring the IU to take a specific action within a specific time period, and may require the IU to seek outside assistance or to modify their production process to eliminate continued non-compliance. An Administrative Order is considered an escalation of the enforcement beyond an informal enforcement action and a Notice of Violation. The City is not required to take informal or less severe enforcement actions prior to issuing an Administrative Order. It is recommended that in most cases a Notice of Violation be issued prior to issuing an Administrative Order to assure the IU management are aware of the problem before ordering an action that may impact the productivity of the IU. The terms of an AO may or may not be negotiated with IUs.

a. Cease and Desist Order

A Cease and Desist Order directs a User in significant noncompliance (SNC) to cease illegal or unauthorized Discharges immediately or to terminate its Discharge altogether. A Cease and Desist Order should be used in situations where the Discharge could cause Interference of a Pass Through, or otherwise create an emergency situation. The Order may be issued immediately upon discovery of the problem or following a hearing. In an emergency, the Cease and Desist Order may be given initially by telephone, with follow-up (within 5 days) by formal written notice.

b. Consent Order

The Consent Order combines the force of an AO with the flexibility of a negotiated settlement. The Consent Order is an agreement between the City and the IU normally containing three elements:

- compliance schedules;
- stipulated fines or remedial actions; and
- signatures of the City and industry representatives.

Consent Orders are intended to provide a scheduled plan of action to be taken by the IU (sometimes actions to be taken by the City) to return to compliance. The compliance schedule should identify all significant actions in a step wise order and when each step should be completed. Routine written reports should be required of the IU providing written documentation of the status of the Consent Order at the time of the report. Typically Consent Orders should not exceed six months in overall time, and not specific step to exceed a ninety (90) day period. In some cases the completion of one consent order leads to the issuance of a second or third consent order dependent on the outcome of the previous consent order. Consent orders are effective providing the IU Discharge is not

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contributing to Pass Through or Interference of the POTW. The City may establish interim permit limits or special Discharge requirements while a Consent Order runs its course.

No informal or less severe enforcement action is required to be taken prior to issue of a Consent Order. Before issuing a Consent Order the City should consider the impact the IU's Discharge is having on the POTW (Pass Through or Interference) and the evidence that is used to determine the need for the order. The milestone dates established for completion of steps within the Consent Order become enforceable at the same level of a Discharge limit of the permit or a requirement of the City ordinance.

3. Show Cause Order

An order to show cause directs the User to appear before the City, and explain its noncompliance, and why more severe enforcement actions against the User should not go forward. The order to show cause is typically issued after information contacts, NOV's, Consent Orders or Compliance Orders have failed to resolve the noncompliance. However, the Show Cause Order/hearing can also be used to investigate violations or previous orders.

The Show Cause Order will either be hand-delivered or mailed with return receipt required. The Order will indicate the nature of the violations and the proposed enforcement response. At the Show Cause meeting, the Public Works Director will present a factual report prepared as the basis for the proposed enforcement action. The IU will present exhibits, material and memoranda. A record of testimonial evidence will be kept by the City.

Within thirty (30) days following the Show Cause meeting, the Public Works Director will render a decision regarding an enforcement action to be taken, setting forth findings and stating reasons for taking the action. Affirmative defenses to Discharge violations (WC, Section 8.418) will be taken into consideration of the Public Works Director's decision.

Within ten (10) working days of receiving notice of the enforcement action to be taken, the IU may appeal the Public Works Director's decision to the City Council, pursuant to WC 8.502(10).

4. Compliance Order

Compliance Orders are similar to Consent Orders, in that, specific actions are mandated and milestone dates are established for the completion of each mandatory action. The primary difference is that a Compliance Order is not negotiated with the IU. The City establishes the mandatory actions and milestone dates without consideration of the IU with the primary focus on protection of the POTW. Compliance Orders may include the acquisition of professional

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assistance, engineering design, additional or replacement Pretreatment equipment, development of Best Management Practices, action plans, increased or special testing and/or self-monitoring requirements, and other activities that the City may deem necessary to returning the IU to full compliance. Compliance Orders may establish interim limits and requirements while the IU is operating under the compliance order. The compliance order should require routine reporting during the course of the compliance order.

No previous enforcement action is required prior to issuance of a compliance order

5. Administrative Fines

Administrative Fine are a monetary penalties assessed by the City's Public Works Director for violations of Pretreatment Standards and Requirements, violations of the terms and conditions of the City-issued industrial wastewater discharge permit and/or violations of compliance schedules. Administrative fines are punitive in nature and not related to a specific cost borne by the City. Instead, such fines are intended to recapture the full or partial economic benefit of noncompliance, and to deter future violations. The maximum amount of the fine is \$5,000 for each day that each violation continues.

Administrative Fines are recommended as an escalated enforcement response, particularly when NOV's or administrative orders have not prompted a return to compliance. Whether administrative fines are an appropriate responses to noncompliance also depend greatly on the circumstances surrounding the violation. The City will consider the factors as set forth in Section III of this plan when determining the amount of the fine.

6. Emergency Suspension Order

The Public Works Director may suspend an Industrial User's Discharge and the Industrial User's City-issued industrial wastewater discharge permit, without informal notice or previous enforcement action, in order to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent endangerment to the health or welfare of Persons, or an endangerment to the environment. Any Industrial User notified of an emergency suspension must immediately stop or eliminate its Discharge to the POTW. In the event of the Industrial User's failure to immediately comply voluntarily with the suspension order, the City may sever Sewer connection prior to the date of any show cause or termination hearing. The Industrial User must submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrences before Discharge to the POTW can be restored.

7. Termination of Permit

Termination of service is the revocation of an Industrial User's privilege to Discharge Industrial Wastewater into the City's Sewer system. Termination may be accomplished by physical severance of the industry's connection to the collection system, by issuance of a suspension

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order which compels the User to terminate its Discharge, or by court ruling. Termination of service is an appropriate response to industries which have not responded adequately to previous enforcement responses. Unlike civil and criminal proceedings, termination of service is an administrative response which can be implemented directly by the City. However, the decision to terminate service requires careful consideration of legal and procedural consequences.

Any Industrial User who violates the Wilsonville Code Chapter 8, City-issued industrial wastewater discharge permit, or compliance orders is subject to termination of the City-issued industrial wastewater discharge permit as an enforcement remedy. Non-compliant Industrial Users will be notified in writing of the proposed termination of their City-issued industrial wastewater discharge permit and will be offered an opportunity to show cause why the action should not be taken. The Public Works Director is authorized to terminate an IU's Discharge if it presents or may present an endangerment to the environment or if it threatens to interfere with the operation of the POTW.

In contrast to the Emergency Suspension Order, the Notice of Termination of the Discharge Permit is to be used when significant changes in the Industrial User's operations have occurred without authorization resulting in new Pollutant contributions or volume of Wastewater Discharged. Furthermore, through the course of administering, monitoring and compliance activity, the City may acquire new information which was not available at the time the City-issued industrial wastewater discharge permit was issued. Until corrections have been made, and continuing Discharge compliance can be assured, the City may terminate the IU's permitted right to Discharge into the City's POTW.

C. **Judicial Enforcement Remedies**

There are four judicial enforcement remedies which are available to the City, as outlined in Wilsonville Codes – Injunctive Relief, Civil Penalties, Criminal Penalties, and Remedies Non-Exclusive.

1. Injunctive Relief

Injunctive relief is the formal process of petitioning the Circuit Court of Clackamas County for the issuance of either a temporary or permanent injunction which restrains or compels the specific performance of the City-issued industrial wastewater discharge permit, order or other required imposed on the activities of the Industrial User. Injunctive relief is carried out by the City Attorney in conjunction with the City Manager, Public Works Director and the Mayor.

2. Civil Penalties

Civil litigation is the formal process of filing lawsuits against Industrial Users to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to the POTW of the noncompliance. It is normally pursued when the corrective action required is costly and complex, the penalty to be assessed exceeds that which the City can assess administratively, or when the Industrial User is considered to be recalcitrant and unwilling to cooperate. Civil litigation also includes enforcement measures which require involvement or

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approval by the courts, such as injunctive relief and settlement agreements. Civil litigation is pursued by the City Attorney and only initiated as authorized by the City Council.

3. Criminal Prosecution

Criminal prosecution is the formal process of charging individuals and/or organizations with violations of Wilsonville Code Chapter 8 provisions that are punishable, upon conviction, by fines and/or imprisonment. The purposes of criminal prosecution are to punish noncompliance established through court proceedings, and to deter future noncompliance. Criminal prosecutions are up to the discretion of the City Attorney and may be filed in municipal court.

4. Remedies Nonexclusive

The remedies provided for in the Chapter are not exclusive. The Public Works Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Public Works Director may take other action against any User when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any noncompliant User.

D. **Supplemental Enforcement Remedies**

Supplemental or innovative enforcement remedies are used to complement the more traditional enforcement responses already described. Normally, supplemental responses are used in conjunction with more traditional approaches. The following are provided for in the City Code:

- Performance Bonds
- Liability Insurance
- Payment of Outstanding Fees and Penalties
- Water Supply Severance
- Public Nuisance
- Informant Rewards
- Contractor Listing

SECTION III – ASSESSMENT OF ADMINISTRATIVE FINES

A. Base-Penalty Matrix

The following matrix provides a sample of suggested base-penalty (BP) for administrative fines based on the magnitude of the violations. The City should keep in mind that the following suggested fines are not mandatory and should be applied based on the various factors discussed in this section.

Class of Violation	Major	Moderate	Minor
Class I	\$5,000	\$2,500	\$1,000
Class II	\$2,000	\$1,000	\$500
Class III	\$500	\$250	\$100

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B. Class of Violations

Class I:

- * Un-permitted Discharge or failure to halt Discharge which cause harm to the POTW and/or the environment.
- * Failure to comply with notification requirements of a spill or Slug Load or upset condition.
- * Violation of an Administrative Order or compliance schedule.
- * Failure to provide access to premises or records.
- * Any violation related to water quality which causes a major harm or poses a major risk of harm to public health or the environment.
- * Significant Noncompliance (40 CFR 403.8(f)(2)(vii)(A-H).
- * Process waste stream dilution as a substitute for Pretreatment.

Class II:

- ** Operation of a Pretreatment facility without first obtaining a City-issued industrial wastewater discharge permit. (No harm to POTW or the environment).
- ** Any violation related to water quality which is not otherwise classified.
- ** Recurring violations of City-issued industrial wastewater discharge permit limits or Federal Standard.

Class III

- *** Un-permitted Discharge which causes no harm to POTW.
- *** Failure to operate and maintain a Pretreatment facility.
- *** Monitoring, record keeping, and reporting violations.
- *** First-time violation of a local permit limit or Federal Standard regulating the Discharge of Pollutants.

C. Magnitude of Violations

Major:

- pH value less than 5.0 or more than 11.0.
- More than 2.0 times the maximum allowable limit established for regulated Pollutants, other than pH.
- Anything directly attributable to an upset condition or damage of the POTW.
- Recurring failure to meet the terms of a compliance order or recurring failure to correct a known violation.
- Missed compliance milestone or report submittal deadline by more than thirty (30) days without good cause.
- Any other violation meeting the definition of significant noncompliance (See Sections II and III, as well as the Enforcement Response Matrix).

Moderate:

- From 1.2 to 2.0 times the maximum allowable limit established for regulated Pollutants, other than pH.
- Third Notice of Violations of a City-issued industrial wastewater discharge permit

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condition or compliance order in a 12 month period.

Minor:

- pH value of 5.0 to 5.5 and 10.0 to 11.0 to 1.2 times the maximum allowable limit for regulated Pollutants, other than pH.
- Second Notice of Violation for the same City-issued industrial wastewater discharge permit condition or compliance order in a 12 month period.
- Missed compliance milestone or report submittal deadline without good cause by up to thirty (30) days.
- Violations detected during site visits which do not results in harm to the POTW or the environment.

D. Maximum/Minimum Fines

No administrative fine, civil or criminal penalty pursuant to this matrix shall be less than \$100. The maximum fine/penalty may not exceed \$5,000 per each day per violation.

E. Assessment of Fines/Penalties

1. Assessment Protocol

When determining the amount of an administrative fine or civil penalty to be assessed for any violation, the Public Works Director shall apply the following procedures:

- Determine the class and the magnitude of each violation.
- Choose the appropriate base penalty (BP) from the BP Matrix in paragraph A of this section.
- Starting with the base-penalty (BP), determine the total amount of penalty through application of the formula:

$$\mathbf{BP + [(0.1 \times BP) (P+H+O+R+C)] + EB}$$

Where:

BP = Base-Penalty

P = prior significant action taken against the IU. (Significant actions refers to any violation established either with or without admission by payment of a penalty.)

H = compliance history

O = violation repetitive or continuous

R = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act

C = Cooperation and effort put forth to correct the violation

EB = Approximated dollar sum of the economic benefit that the IU gained through noncompliance.

2. Values for (P) shall be as follows:

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- (i) 0 if no prior significant actions or there is insufficient information on which to base a finding.
- (ii) 1 if the prior significant action is one Class Two or two Class Threes;
- (iii) 2 if the prior significant action(s) is one Class One or equivalent;
- (iv) 3 if the prior significant actions are two Class One or equivalents;
- (v) 4 if the prior significant actions are three Class Ones or equivalents;
- (vi) 5 if the prior significant actions are four Class Ones or equivalents;
- (vii) 6 if the prior significant actions are five Class Ones or equivalents;
- (viii) 7 if the prior significant actions are six Class Ones or equivalents;
- (ix) 8 if the prior significant actions are seven Class Ones or equivalents;
- (x) 9 if the prior significant actions are eight Class Ones or equivalents;
- (xi) 10 if the prior significant actions are nine Class Ones or equivalents, of it any of the prior significant actions were issued for any violation of WC, Chapter 8.
- (xii) In determining the appropriate value for prior significant actions as listed above, the Public Works Director shall reduce the appropriate factor by:
 - (1) A value of two (2) if all prior significant actions are greater than three years but less than five years old;
 - (2) A value of four (4) if all the prior significant actions are greater than five years old;
 - (3) In making the above restrictions, no finding shall be less than 0.
- (xiii) Any prior significant action which is greater than ten years old shall not be included in the above determination.

3. Values for (H) shall be as follows:

(H) = Past history of the IU to take steps to correct violations cited in prior significant actions. In no case shall the combination of (P) and (H) be a value of less than zero.

- (i) -2 if IU took all feasible steps to correct each violation contained in any prior significant action;
- (ii) 0 if there is not prior history or if there is insufficient information on which to

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base a finding.

4. Values for (O) shall be as follows:

Where (O) = whether the violation was repeated or continuous

- (i) 0 if the violation existed for one day or less and did not recur on the same day;
- (ii) 2 if the violation existed for more than one day or if the violation recurred on the same day.

5. Values for (R) shall be as follows:

Where: (R) = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act.

- (i) 0 if an unavoidable accident, or if there is insufficient information or make a finding.
- (ii) 2 if negligent
- (iii) 6 if intentional; or
- (iv) 10 if flagrant

6. Values for (C) shall be as follows:

Where: (C) is the Cooperation and effort put forth by the IU to correct the violation.

- (i) 2 if IU was cooperative and took reasonable efforts to correct the violation or minimize the effects of the violation.
- (ii) 0 if there is insufficient information to make a finding, or if the violation of the effects of the violation could not be corrected.
- (iii) 2 if IU was uncooperative and did not take reasonable efforts to correct the violation or minimize the effects of the violation.

7. Values for (EB) shall be as follows:

Where: (EB) = Approximated dollar sum of the economic benefit that the IU gained through noncompliance. The penalty may be increased by the value assigned to (EB), provided that the sum penalty does not exceed the maximum allowed. In order to ensure that no IU may be able to pollute as a cost of doing business, the Public Works Director is empowered to take more than one enforcement action against any noncompliance IU (WC, Section 8.140(2)).

- (i) Add to the formula the approximate dollar sum of the economic benefit gained through noncompliance, as calculated by determining both avoided costs and the benefits obtained through any delayed costs, where applicable;

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- (ii) The Public Works Director need not calculate nor address the economic benefit component of the civil penalty when the benefit obtained is de minimis.

SECTION IV. NON COMPLIANCE DEFINED

A. Noncompliance

Noncompliance is any violation of one or more of the, Wilsonville Code, Chapter 8, any of the conditions or limits specified in the IU's City-issued industrial wastewater discharge permit or any compliance order issued by the City. Enforcement action must be initiated for the following instances of noncompliance:

1. Industry failure to submit a permit application form;
2. Industry failure to properly conduct self-monitoring;
3. Industry failure to submit appropriate reports;
4. Industry failure to comply with appropriate Pretreatment Standards by the compliance deadline date;
5. Industry failure to comply with Pretreatment limits as determined from review of self-monitoring reports or City sampling;
6. Industry falsification of information;
7. Sewer use violation of the municipal code.

B. Significant Noncompliance:

Significant Noncompliance shall be applicable to all Significant Users or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section and shall mean:

1. Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameters during a six month period exceeded (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits.
2. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) of more of Wastewater measurements taken for each Pollutant parameter taken during a six-month period equal or exceeded by the product of a numeric Pretreatment Standard or Requirement, including Instantaneous Limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other Pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement (Daily Maximum or longer- term average, Instantaneous Limits or narrative standard) that the City determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of City personnel of the general public);
4. Any Discharge of Pollutant that has caused imminent endangerment to the public

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or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a Discharge.

5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual City-issued industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

6. Failure to provide within forty five (45) days after the due date, required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

7. Failure to accurately report noncompliance; or

8. Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the Pretreatment program.

SECTION V. RANGE OF ENFORCEMENT REPOSSES

When the City is presented with the need for enforcement response, it will select the most appropriate response to the violation. The City will consider the following criteria when determining a proper response:

- Magnitude of violation;
- Duration of the violation;
- Effect of the violation on the receiving water;
- Effect of the violation on the POTW;
- Compliance history of the Industrial User; and
- Good faith of the Industrial User.

These six criteria are discussed in detail below:

1. Magnitude of the Violation

Generally, an isolated instance on noncompliance can be met with an informal response and a Notice of Violation or Consent Order. However, certain violations or patterns of violations are significant and must be identified as such. Significant Noncompliance (SNC) may be on an individual or long-term basis of occurrence. Categorization of an IU as being in SNC provides the City with priorities for enforcement action and provides a means for reporting on the IU performance history. SNC is a violation which meets one or more of the criteria set forth in Section IV B.

2. Duration of Violation

Violations, regardless of severity, which continue over long periods of time will subject the Industrial User to escalated enforcement actions. For example, an effluent violation

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which occurs in two out of three samples over a six-month period or a report which is more than forty-five (45) days overdue is considered SNC, while a report which is two days late would not be deemed significant.

The City's response to these situations must prevent extended periods of noncompliance from recurring. The City may issue an administrative order for chronic violations. If the Industrial User fails to comply with the administrative order, the City will assess administrative penalties or initiate judicial action. If the prolonged violation results in serious harm to the POTW, the City will also consider terminating services or obtaining a court order to halt further violations as well as to recover the costs of repairing the damage.

3. Effect on the Receiving Water

One of the primary objectives of the national Pretreatment program is to prevent Pollutants from "passing through" the POTW and entering the Receiving Stream. Consequently any violation which results in environmental harm will be met with a SNC categorization and corresponding enforcement action. Environmental harm will be presumed whenever an industry Discharges a Pollutant into the Sewer system which:

- a. Passes through the POTW and causes a violation of the POTW's NPDES Waste Discharge Permit (including water quality standards); or
- b. Has a toxic effect on the receiving waters (i.e. fish kill).

The enforcement response should ensure the recovery from the noncompliance User of any NPDES fines and penalties paid by the City to any party whether governmental or otherwise. If a User's Discharge causes repeated harmful effects, the City will seriously consider terminating service to the User.

4. Effect on the POTW

Some of the violations may have negative impacts on the POTW itself. For example, they may result in significant increases in treatment costs, interfere or harm POTW personnel, equipment, process, operations, or cause sludge contamination resulting in increased disposal costs. These violations will be categorized as SNC. For example, when the Industrial User's Discharge upsets the Treatment Plant, damages the collection system through pipe corrosion, causes an obstruction or explosion, or causes additional expenses (e.g. to trace a spill back to its source), the POTW's response will include cost recovery, civil penalties, and a requirement to correct the condition causing the violation.

5. Compliance History of the User

A pattern of recurring violations (even if different program requirements) may indicate whether that the User's treatment system is inadequate or that the User has taken a casual approach to operating and maintaining its treatment system. Accordingly, Users exhibiting recurring compliance problems will be categorized as SNC. Compliance history is an important factor for deciding which of the two or three designated appropriate remedies to apply to a particular violator. For example, if the violator has a good compliance history, the City may decide to use the less severe option.

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6. Good Faith of the User

The User's "good faith" in correcting its noncompliance is a factor in determining which enforcement response to invoke. Good faith is defined as the User's honest intention to remedy its noncompliance coupled with actions which give support to this intention. Generally, a User's demonstrated willingness to comply will predispose the City to select less stringent enforcement responses. However, good faith does not eliminate the necessity of an enforcement action. For example, if the City's POTW experiences a treatment upset, the City will recover its costs regardless of prior good faith. Good faith is typically demonstrated by cooperation and completion of corrective measures in a timely manner (although compliance with previous enforcement orders is not necessarily good faith).

SECTION VI. ENFORCEMENT PROCEDURES

The City must document procedures to evaluate industry self-monitoring data, reports and notices to accurately determine the compliance status of each significant User. These procedures must identify all violations, including non-Discharge or reporting violations.

This Enforcement Response Plan designates responsibilities for this evaluation task. The task is assigned to the Pretreatment Coordinator since he/ she is familiar with the IU's and the City's Pretreatment program rules and regulations. The Pretreatment Coordinator is responsible to identify the noncompliance and alert the Public Works Director (PWD) of the possible need for enforcement action.

The City will examine all monitoring data and reports within five (5) days of receipt. In order to review reports, the Pretreatment Coordinator will apply the following procedures:

- The Pretreatment Coordinator has established schedules in the City-issued industrial wastewater discharge permits to designate when self-monitoring reports are due. Each self-monitoring report will be checked to see that it is submitted by its due date, and is appropriately signed and certified. Likewise, the Pretreatment Coordinator will check notifications and report requirements.
- All analytical data will be screened by comparing it to categorical or Local Limits or to any additional Discharge standards which may apply.
- All violations will be identified and a record made of the response. At a minimum, this will be accomplished by circling the violation, using a red ink marker.
- The Pretreatment Coordinator, Responsible for screening data, must alert the PWD to the noncompliance. This allows the City to determine its enforcement response in a timely manner.

Industrial waste Discharges violations are usually detected by the following six ways:

- (1) An Industrial User reports a violation.

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- (2) The City’s collection system monitoring and field surveillance detects a possible violation.
- (3) The Treatment Plant process is upset.
- (4) An unauthorized waste disposal procedure is identified during a facility inspection.
- (5) Investigation of a Citizen Concern Action Report.
- (6) Emergency crews (i.e. police, fire, rescue) report a hazardous material incident.

Industrial source investigations will be initiated for each of the examples presented above, and ensuing enforcement actions will be of an escalating nature (see Enforcement Response Matrix). Enforcement will begin with administration remedies (e.g. Notice of Violation, Consent Orders, Compliance Orders). If necessary, civil/criminal penalties will be sought and/or emergency suspension of Sewer service will be ordered. Appropriate fines and penalties (civil/criminal) will be sought, as provided in WC Chapter 8.

The enforcement plan uses a three-level approach to enforcement action toward any noncompliance event.

LEVEL I: Responses represent the enforcement efforts utilized by the City to bring the IIU into compliance before a state of significant noncompliance (SNC) is reached. The following enforcement actions are utilized at this level of response.

<u>Response</u>	<u>City Personnel</u>
1. (Informal) Phone Call	Pretreatment Coordinator
2. (Informal) Compliance Meeting	Pretreatment Coordinator
3. Notice of Violation (WC, Section 8.502(2))	Pretreatment Coordinator
4. Consent Order (WC, Section 8.502(3))	Pretreatment Coordinator

LEVEL II: Responses are taken when an IU has reached significant noncompliance. Level II enforcement action must include the issuance of an Administrative Order, as described below:

<u>Response</u>	<u>City Personnel</u>
1. Compliance Order (WC, Section 8.502(5))	Public Works Director
2. Cease and Desist Order (WC, Section 8.502(6))	Public Works Director City Attorney
3. Emergency Suspension (WC, Section 8.502(8))	Public Works Director City Attorney

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- | | |
|--|--|
| 4. Termination of Permit
(WC, Section 8.502(9)) | Public Works Director
City Attorney |
|--|--|

When an IU is in SNC, the Pretreatment Coordinator will do the following:

1. Report such information to DEQ as a component of the City’s annual Pretreatment program report.
2. Include the IU in the annual published list of industries which were significantly violating applicable Pretreatment Standards and Requirements during the previous 12 months. The procedures the ESM will follow for compiling the list of IU’s, includes:
 - a. Prepare a compliance history from the City’s Pretreatment records for each SIU.
 - b. Review the history of each SIU for either a pattern of noncompliance, or if the SIU has been or continues to be in SNC.
 - c. To the extent that an SIU meets the criteria in (b), above, the SIU will be placed on the list for publication in the largest daily newspaper within the City of Wilsonville.
 - d. The published list of IU’s in SNC will include the following information:
 - I. Duration of violation.
 - ii. Parameters and/or reporting requirements violated.
 - iii. Compliance actions taken by the City.
 - iv. Whether or not the IU is currently in compliance or on a compliance schedule.

LEVEL III: This level of enforcement is reserved for the extreme occasion when the IU is in SNC and does not respond to an Administrative Order, does not adhere to compliance schedules, and where fines have not been effective in bringing the IU into compliance with Pretreatment regulations. Level III enforcement may also be used for willful Discharge of Wastewater in amounts which cause Pass Through or Interference, and cases of falsification. The timeframe for initiating Level III enforcement actions will range from immediate (e.g. reasonable potential to cause harm to the public, the POTW, or the environment, or a court ordered injunction for gaining access to an IU’s facility) to not more than sixty (60) days. This level of enforcement requires the consultation of the City Attorney to determine the appropriateness and legal basis for the action to be implemented.

<u>Response</u>	<u>City Personnel</u>
1. Injunctive Relief (WC, Section 8.504(1))	City Attorney City Council
2. Civil Penalties (WC, Section 8.504(2))	City Attorney City Council
3. Criminal Prosecution (WC, Section 8.504(3))	City Attorney City Council

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4. Supplemental Enforcement
(WC, Section 8.506)

Public Works Director, City Attorney,
City Council

SECTION VII. TIME FRAMES FOR ENFORCEMENT ACTION AND FOLLOW-UP

The City will provide timely response to violations. In Section I and Section IV it has been established that the Pretreatment Coordinator will review Industrial User reports within five (5) days of receipt. Similarly, violations observed in the field or upon receipt of compliance information will be responded to within five (5) days. Complex or larger violations may require a longer response time, and communications will be made with the Industrial User (IU) regarding the time of the City’s response. All formal enforcement notices will either be hand-delivered or mailed with return receipt required.

After its initial enforcement response, the City will closely track IU’s progress toward compliance. This may be done by inspection, as well as timely receipt of required progress reports. The frequency of User self-monitoring may be increased. When follow-up activities indicate that the violation persists or that satisfactory progress is not being made, the City will escalate its enforcement response, using the steps of the enforcement matrix as a guide.

The Pretreatment Coordinator will establish a manual log to record the receipt of required reports. This log will contain 12 sections. Each section will be titled with the name of the month, January through December. The pages in each monthly section will list all of the Industrial Users who are required to report. Under each listed industry will be listed the type of report due and its due date. Following the due date will be a place to write the date the report is actually received. Next to each listed industry, also on the same line which identifies required reports and due dates, will be an area to note a summary of compliance status, including enforcement actions, calculations of administrative fines and/or SNC, and enforcement action timelines.

At the end of the month, the material in the report log will be transferred to a computer file created for each Industrial User for ongoing storage and retrieval. The written records will be placed in a loose-leaf notebook developed to hold all Pretreatment information pertinent to the particular industry.

In summary, the tracking of noncompliance, including SNC will be accomplished as follows:

1. Monitoring reports, inspection reports and compliance reports will be reviewed by the Pretreatment Coordinator within 5 days of receipt. Likewise, all Pretreatment program violations will be identified and documented and the initial (Level 1) enforcement response (e.g. phone call or compliance meeting **and** an NOV or Consent Order) will occur within five (5) days of receipt of reports.
2. Violations classified by the Pretreatment Coordinator as SNC will be followed with an enforceable Level II order to be issued by the Public Works Director within three (3) days of

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receipt or detection of noncompliance.

3. Assisted by the City Attorney, the Pretreatment Coordinator will respond to persistent or recurring violations with an escalated enforcement response (Level III) within sixty (60) days after the initial enforcement action. Violations which threaten health, property or the environment will be treated as an emergency and an immediate enforcement response (e.g. Termination of Permit, Suspension Order, Injunctive Relief) will be initiated.

SECTION VIII. RESPONSIBILITIES OF PERSONNEL

A. POTW Supervisor

The Wastewater Treatment Plant Supervisor is responsible for the overall operation and maintenance of the POTW, including employee safety, and protection of the Treatment Plant. The Supervisor is also responsible for compliance with the NPDES Waste Discharge Permit for Wastewater Discharge. The Supervisor has the authority to recommend to discontinue Sewer service in emergency situations where there reasonably appears to present an imminent endangerment or substantial endangerment to the health or welfare of Persons. The Supervisor will work under the direction of the Public Works Director.

B. Pretreatment Coordinator (PC)

The City will have a Pretreatment Coordinator who will be an individual thoroughly familiar with the program requirements and responsible for ensuring implementation of the City's pre-treatment program requirements. The Pretreatment Coordinator is also responsible for the administration and implementation of the Pretreatment program. The Pretreatment Coordinator will screen monitoring data, do inspections, and detect noncompliance. The Pretreatment Coordinator will be the Person typically working with Industrial Users. The Pretreatment Coordinator is responsible for recommending to the Public Works Director any enforcement action and publishing the annual list of significant noncompliance violators. The Pretreatment Coordinator will also review Industrial User reports and make reports of violations. The Pretreatment Coordinator is also responsible to track all actions of enforcement, by establishing time lines and all necessary follow-up and make recommendations to the Public Works Director, City Attorney and City Council for enforcement action. The PC will work under direction of the Public Works Director.

C. Public Works Director (PWD)

The Public Works Director is the Person designated to supervise and assume responsibility for the overall operations of the City's public works infrastructure, including the POTW, NPDES, NPDES Waste Discharge Permit compliance and the Industrial Pretreatment program. The PWD is primarily involved in the escalation of enforcement responses and determining administrative fines. The Public Works Director works under the direction of the City Manager and supervises the Pretreatment Coordinator.

D. City Attorney

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The City Attorney will be responsible for advising staff and City Council on Pretreatment enforcement matters. The Attorney works under the direction of the City Council. The City Attorney will also be responsible for preparation and implementation of judicial proceedings.

E. City Council

The City Council for the City of Wilsonville will be responsible for authorizing any Level III enforcement action taken, except in an emergency. As defined by City Charter, the City Council will be ultimately responsible for effluent quality, sludge use and disposal, NPDES compliance, the issuance of administrative orders, fines and assessments, and any judicial action followed in this Chapter.

SECTION IX. ENFORCEMENT RESPONSE MATRIX

A. Definitions

AF	Administrative Fee
CA	City Attorney
CC	City Council of the City of Wilsonville
CDO	Cease and Desist Order. Unilateral order to require immediate IU compliance
CM	Compliance Meeting
CO-1	Consent Order. Voluntary compliance agreement, including specified timeframe
CO-2	Compliance Order. Unilateral order to require IU compliance within specified timeframe
ES	Emergency suspension of IU Discharge and City-issued industrial wastewater discharge permit
ESM	Environmental Services Manager
IU	Industrial User
Level III	When IU does not comply with CO-1 and CO-2, and AF has not been effective in bringing the IU into compliance, this level of enforcement requires the consultation of the CA to determine appropriate legal action which may include; injunctive relief, civil penalties, criminal prosecution
NOV	Notice of Violation
PC	Pretreatment Coordinator
PWD	Public Works Director
SNC	Significant Noncompliance
SCO	Show Cause Order requiring IU to appear and demonstrate why the City should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
TP	Termination of Permit

B. Applying the Enforcement Matrix

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The matrix specifies enforcement actions for each type (or pattern) of noncompliance. The Pretreatment Coordinator will select an appropriate response from the list of enforcement actions indicated by the matrix. There are a number of factors to consider when selecting a response from among these actions. Several of the factors are identical to those used in originally establishing the guide:

1. Good faith of the User.
2. Compliance history of the User.
3. Previous success of enforcement actions taken against the particular User.
4. Violation's effect on the receiving waters.
5. Violation's effect on the POTW.

Since the remedies designed in the matrix are all considered appropriate, the city staff and city council must weigh each of the factors outlined above before deciding whether to use a more or less stringent response. City personnel shall consistently follow the enforcement response matrix. To do otherwise sends a signal to Industrial Users and the public that the City is not acting in a predictable manner and may subject the City to charges of arbitrary enforcement decision making, thereby jeopardizing future enforcement. The enforcement response matrix is to be used as follows.

1. Locate the type of noncompliance in the first column and identify the most accurate description of the violation in column 2.
2. Assess the appropriateness of the recommended response(s) in column 3. First offenders or Users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response.
3. From column 3, apply the enforcement response to the Industrial User. Specify correction action or other responses required of the Industrial User, if any. Column 4 indicates personnel responsible for initiating each response.
4. Follow-up with escalated enforcement action if the Industrial User's response is not received or the violation continues.

WILSONVILLE CODE**SECTION IX. ENFORCEMENT RESPONSE MATRIX****ENFORCEMENT RESPONSE MATRIX**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
I. Unauthorized Discharge (No Discharge Permit)				
A. Discharge without a Permit	IU unaware of requirement, no harm to POTW or Environment	I	Phone Call & NOV with Permit Application Form	PC
	IU unaware of requirement, Harm to POTW or Environment	II	CO-2 with AF	PWD
	Recurring Un-permitted Discharge	III	SCO	CA, CC
B. Discharge without a Permit Failure to Renew Existing Permit	IU did not submit permit renewal application within 90 days of permit expiration date	I	Phone Call & NOV with Permit Application Form	PC
	IU did not submit permit renewal application follow NOV and permit application, exceeded 45 days beyond submittal due date.	II	CO-2 with AF	PWD
	IU did not submit permit renewal application follow NOV and permit application, exceeded 60 days beyond submittal due date.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA, CC

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation				
A. Reported Limit Violation	Sample results exceed numerical permit limit but does not exceed Technical Review Criteria for severity.	I	Phone Call &/or NOV	PC
	Four (4) violations for same Pollutant with three (3) consecutive months	II	CM and CO-1	PWD
	Sample results exceed numerical permit limit (chronic violation) and exceeds the Technical Review Criteria (TRC)	II	CO-2 and AF pending severity of violation with adverse impact to POTW	PC, PWD,
	Recurring Violations resulting in SNC (Significant Noncompliance)	II	CDO with AF	PWD CA,
	Discharge limit violation which causes POTW interference, pass-through or health hazard.	II	CDO with AF	PWD, CA,
	Any discharge causing endangerment to the public or the environment	III	ES and SCO	PWD, CA, CC
B. pH Limit Violations – Grab Sampling	Any excursion detected during a 24-hour period.	I	Phone call & NOV,	PC
	Four (4) violations within 3 consecutive months	I	CM & CO-1	PC
	pH violations resulting in Significant Noncompliance	II	CO with possible AF	PWD, CA,CM
C. pH Limit Violation – continuous	Excursion exceeding 60 min. in 24 hour period (level 1) except that per 40 CFR 403.5(b)(2) any discharge below 5.0 is a violation. Excursions above 11.0 is also a violation.	I	Phone & NOV. ** 4 excursions in one quarter: CM & C)-1	PC
	Excursions exceeding 7 hours and 26 min. during a calendar month > (Level I)	I	Phone call & NOV. **4 excursions in one quarter: CM & CO-1	PC

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	Daily or monthly violations occurring during 66% or more of a 6 month period. (Level II)	II	CO-2 with AF	PWD
D. pH Limit Violation – resulting in harm to POTW or environment	pH violations resulting harm to POTW or environment are considered significant non compliance	II	If reported IU, CO-2 with possible AF. If not reported by IU, CDO with AF	PWD, CA

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation (continued)				
E. Spill or Slug Discharge resulting in mass loading violations	Reported by IU: No damage to POTW, Isolated Occurrence.	I	Phone call & NOV.	PC
	Second occurrence within 6 month period.	I	CO-1	PC
	Reported by IU. Resulting in pass-through interference, or damage to POTW. Isolated occurrence.	II	CO-2 with possible AF	PWD
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
	Not Reported by IU. No damage to POTW	I	CM and CO-1	PC
	Second occurrence within 6 month period.	II	CO-1 with possible AF	PWD, CA, CM
	Not Reported by IU. Resulting in Interference, pass-through or damage	II	CDO with AF	PWD, CA
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
III Monitoring and Reporting Violations				
A. Reporting Violations	Report is improperly signed or certified.	I	Phone call & NOV	PC
	Second occurrence within 6 month period	II	CM and CO-1	PC
	Scheduled reports late, 45 days or less, isolated incident	I	Phone call & NOV	PC
	Scheduled reports late more than 45 days.	II	CO-2 with AF	PWD

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	Failure to Submit Reports; or reports are always late.	II	CDO with possible AF	PWD, CA, PC
	Incomplete Reports	I	Phone Call &/or NOV second incident CM and CO-1	
	Failure to Accurately Report noncompliance	II	CO-2 with AF	PWD, CA
	Scheduled reports late more than 60 days	III	SCO	PWD, CA, CC

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
A. Reporting Violations (continued)	Report Falsification	III	Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Monitoring Violations	Failure to monitor all Pollutants as specified by discharge permit	I	Phone Call &/or NOV	PC
	Second occurrence within 6 month period	II	CO-1with a possible AF	PWD, PC
	Improper sampling with evidence of intent	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
	Failure to install monitoring equipment. Delay of 30 days or less, with good cause	I	Phone Call &/or CO-1	PC
	Failure to install monitoring equipment. Delay of more than 30 days.	II	CM andCO-1 with possible AF	PWD
	Pretreatment Equipment and Monitoring Equipment no maintained or out of service, evidence of neglect.	II	CO-2 with possible AF	PWD

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
C. Compliance Schedule in Discharge Permit	Milestone Date missed by 30 days or less	I	Phone Call &/or NOV	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (good cause of delay)	I	CM & CO-1	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (without good cause for delay).	II	CO-2 with possible AF	PWD
	Violation of Compliance Schedules issued to enforcement discharge permit compliance schedule.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
IV. Other Violations				
A. Waste Streams are Diluted in lieu of Pretreatment	Initial Violation	II	CDO with possible AF	PWD, CA
	Recurring Violations	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Failure to meet compliance date for starting construction or attaining final compliance.	No Harm to POTW or environment. Delay, with good cause, less than 90 days.	I	CM and CO-1	PC
	Delay exceeds 90 days	II	CO-2 with possible AF	PWD
C. Failure to Properly Operate and Maintain a Pretreatment Facility	Evidence of neglect of intent	II	CO-2 with possible AF	PWD

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
V. Violations Detected During Site Visit				
A. Entry Denied by the IU	Entry consent or copies of records denied.	II	Obtain warrant and return to IU for site visit. Follow-up with SCO for TP	PC PWD, CA, CC
B. Illegal Discharge	No Harm to POTW or environment	I	CM and CO-1	PC,
	Discharge causes harm or there is evidence of willful intent or neglect.	II	CDO with possible AF	PWD
	Recurring with evidence of willful intent or neglect.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
C. Improper Sampling	Unintentional sampling at incorrect location	I	Phone Call &/or NOV	PC
	Reoccurring unintentional sampling and incorrect location	II	Phone call &/or NOV	PC
	Reoccurring unintentional using incorrect techniques	II	Phone Call &/or NOV	PC
	Unintentionally using incorrect sample collection techniques	I	Phone Call &/or NOV	PC
D. Inadequate Record Keeping	Inspection finds records incomplete or missing	I	NOV possible CO-1	PC
	Recurrence of records incomplete or missing.	II	CO-2 with possible AF	PWD
E. Failure to report additional monitoring	Inspection finds additional monitoring data	I	NOV with possible CO-1	PC
	Recurrence of failure to report additional monitoring data.	II	CO-2 with possible AF	PWD

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SUMMARY OF TIME FRAMES FOR RESPONSES

1. Compliance Reports – reviewed within five (5) days of receipt.
2. All violations will be identified and documented within 5 days of receiving compliance information.
3. **Level I** Enforcement Response (NOV, CO-1) – within five (5) days of violation detection.
4. **Level II** Enforcement Response (CO-2, CDO, EX, TP, SCO) – within thirty (30) days of violation detection.
5. **Level III** Enforcement Response (judicial and supplemental enforcement actions) time frame is subject to case-by-case legal review by the City Attorney, but in no case will the initiation of a Level III action exceed sixty (60) days.
6. Recurring Violations – follow-up enforcement within sixty (60) days.
7. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the Discharge or terminating service.

**Entire Chapter 8 of the Code repealed and replaced by Ordinance No. 654 adopted on August 18, 2008.
Section 8.700-8.750 Added by Ordinance No. 664, adopted 6/1/09
Amended by Ordinance No. 689, adopted January 20, 2011 (correct scrivener errors)
Entire Chapter 8 Amended by Ordinance No. 753, adopted October 24, 2014**



AUGUST 2018 MONTHLY REPORT

From The Director's Office

August sure was hot and smoky, but Community Development worked hard, kept cool with periodic rootbeer floats, and celebrated Wilsonville's 50th birthday on August 22! Our biggest highlights:

1. Finishing touches were put on the new Wastewater Treatment Plant outfall—see photo on next page showing pipe being lowered into the Willamette River.
2. Both the City of Wilsonville and Tualatin Councils held public hearings and adopted the Basalt Creek Concept Plan.
3. For the 50th birthday Block Party, CD staff showed their creativity and love of community:
 - The Planning and Engineering Divisions “constructed” a Town Center Main Street with a parklet and two-way cycle track where anyone could try out an E-bike—see photos right.
 - The Building and Natural Resources Divisions hosted the very busy and popular “build a planter” booth at the Block Party. Kids built their own wooden planter and filled it with a native plant and a pot with their planted seeds—see photos on following pages.

–Nancy Kraushaar, PE, Director





Building Division

Connecting with Junior Inspectors

On August 22, the Wilsonville Building Division partnered with Natural Resources staff to host a very popular planter box build for kids, dubbed Junior Building Inspectors, at the Wilsonville Community Block Party. The planter box build was a great way for building inspectors to connect with kids by building a planter box with them and providing information about building safety such as smoke detection and earthquake preparedness.



When complete, each Junior Inspector received an inspection of the planter box and by a certified building inspector to make sure the planter boxes were up to code. Once inspected, kids moved to the next stage with Natural Resources staff who provided a total of three pots to fill the planters. In two pots, staff provided soil, seeds, and hands-on instruction for planting and caring for their seeds as they germinate. A third pot was filled with a pre-potted native plant chosen from a variety of native species offered by Natural Resources staff.



Smiles were abundant. The kids had a great time interacting with staff and learning about building safety and protecting our natural environment while doing something fun. When complete, there were 91 planters built.



Building Division (Cont.)

For questions about building safety and other construction topics, Building Inspection staff are a resource and happy to answer questions.



Economic Development

- **TIF Zone Program**
 - TIF Zones are set to expire end of 2018. We will be taking a minor amendment to the Urban Renewal Agency that will extend expiration date by a year to allow further research/study as we pursue modifications to the program.
- **Business Recruitment**
 - A Utah-based company is looking for a combined office/manufacturing space that is 5,000—10,000 total square feet.
 - Industrial developer seeks to acquire 30 acres of land west of Garden Acres in Coffee Creek Industrial Area for speculative industrial development. City met with the developer on August 28 to discuss plans and public-private partnership.
 - City will be hosting Port of Portland on September 14 to tour Coffee Creek and discuss partnership opportunities related to site aggregation and investment of 'patient capital' to help enable development in the district.
- **Business Retention/Expansion**
 - City met with leadership from Sysco on August 17 to tour their facility, learn about Sysco company culture and business, and discuss regional expansion opportunities with the acquisition of adjacent 33 acre Elligsen site in Wilsonville.

Engineering Division, Capital Projects

124th Avenue Extension

Washington County's contractor continues construction of the 124th Avenue Extension project. They are currently placing Willamette Water Supply's 66" pipeline under the roadway on Grahams Ferry Road north of the City limits. We are coordinating with the County on the portions of work within the City limits.

Boones Ferry Road / Fred Meyer Improvements (4199)

Project is underway, but was delayed due to conflicts with a natural gas pipeline. Gas pipeline has now been relocated and the project is back underway.

Coffee Creek Sewer Facilities (2101)

This project involves the preliminary design of sanitary sewer facilities required to support future development of the Coffee Creek and Basalt Creek development areas. The City has contracted with Murraysmith to update the sanitary sewer concept planning for the two development areas. Planning work is currently underway and is anticipated to be complete by the end of the year.

Exit 283 Southbound Ramps (4199)

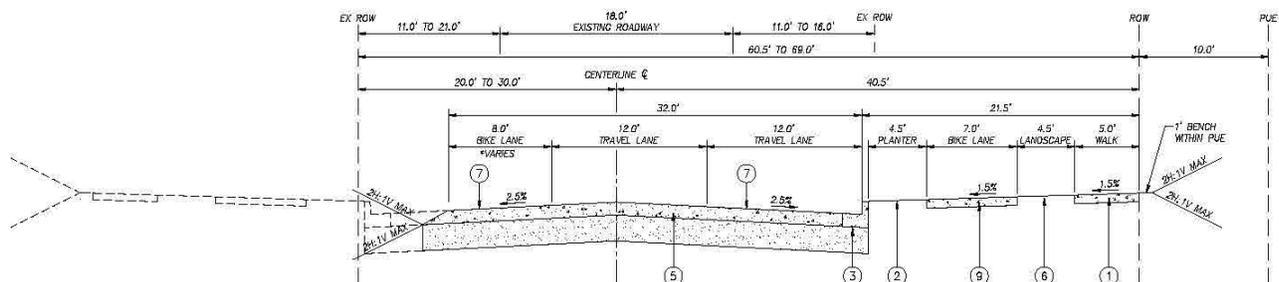
Staff is working on changing/updating the initial signage on the on-ramp as to when the new stacking lane can be utilized.

French Prairie Bridge (9137)

This project will determine the final location, alignment, and design type and includes preparation of preliminary construction and environmental documents for a new pedestrian, bike, and emergency vehicle bridge over the Willamette River in the vicinity of Boones Ferry Road. The Consultant team has identified 5 bridge types for evaluation at the preferred bridge location. A TAC meeting is being planned for the end of September for technical analysis of the bridge types. A public open house and Task Force meeting is being planned for the beginning of October to gather bridge type input.

Garden Acres Road (4201)

The project involves the design and construction of Garden Acres Road from a rural local access road to an urban industrial roadway as part of the Coffee Creek Industrial Area plan. Property acquisition work is underway. 90% design plans are currently under staff review. Planned street cross section shown below.



Engineering Division, Capital Projects (Cont.)

Graham Oaks Pedestrian Enhancements (0012)

AKS is providing engineering services for design and construction. The design is underway. The 60% plans are being prepared. PGE is providing estimates for adding services for the speed feedback sign and rectangular rapid flashing beacons.

I-5 Pedestrian Bridge (4202)

This project involves the design and preparation of construction documents for a pedestrian and bicycle bridge over Interstate 5 from Town Center Loop West to Boones Ferry/Barber Street. The grant fund exchange with the Kinsman Road Extension project is complete, allowing the bridge project to be de-federalized. Design of the bridge will begin after completion of the Town Center Plan.

Memorial Park Sewer Pump Station (2065)

The draft preliminary design memo has been submitted by Murraysmith. The land use process, site design and architecture design are underway.

Street Maintenance (4014/4118)

Kittelsohn and Associates has been selected to provide engineering services for the 2018 Street Maintenance project. The project kick-off meeting is scheduled for the 1st week of September.

Tooze Road to Grahams Ferry Road (4146)

Base lifts of asphalt installed in early August. Signal pole and street light installation scheduled for late August to late-September. Contractor's schedule anticipates completion in mid-October.

Water Telemetry (1114)

Brown & Caldwell submitted draft standards for review for our water system's communication hardware and controls. They are putting together the network and communication upgrade plan that will include a project list and estimates for future upgrades.



Tooze Road—View east from the new intersection with Paris Avenue. Base lift of asphalt and temporary striping completed. Final striping will include a left-turn lane/center median here.

Engineering Division, Capital Projects (Cont.)

WWSP Coordination (1127)

Ongoing coordination efforts are occurring for the Garden Acres Road project (4201), the 5th/Kinsman project (4196), and the Kinsman/Wilsonville Road truck turning improvements. Submittal of 90% design plans for the 5th/Kinsman project and Kinsman/Wilsonville Road truck turning improvements is anticipated within the next month.

WWTP Outfall Replacement (2095)

The Wilsonville Wastewater Treatment Plant is under a directive from DEQ to replace the damaged outfall pipe with a new, upsized outfall that meets current discharge compliance requirements. Project is substantially complete with the outfall back in active operation. Final inspection is scheduled in the next couple of weeks with all project work anticipated to finish at the end of October. The I-5 Undercrossing Trail is now open at all hours.

Engineering Division, Private Developments

Frog Pond—Morgan Farm

Staff are busy reviewing plans for the first phase (37 homes) of this 81-lot subdivision. Developer plans to get the project under construction in September.

Frog Pond—Stafford Meadows

Public Works Permit has been issued and construction is underway on this 44-lot subdivision.

Hilton Garden Inn

Plans have been submitted and are under review.

Villebois Calais East

Subdivision is almost complete. Model home construction is underway.

Villebois Mont Blanc

Subdivision (68 lots near Villebois Drive and Orleans Ave) is underway.

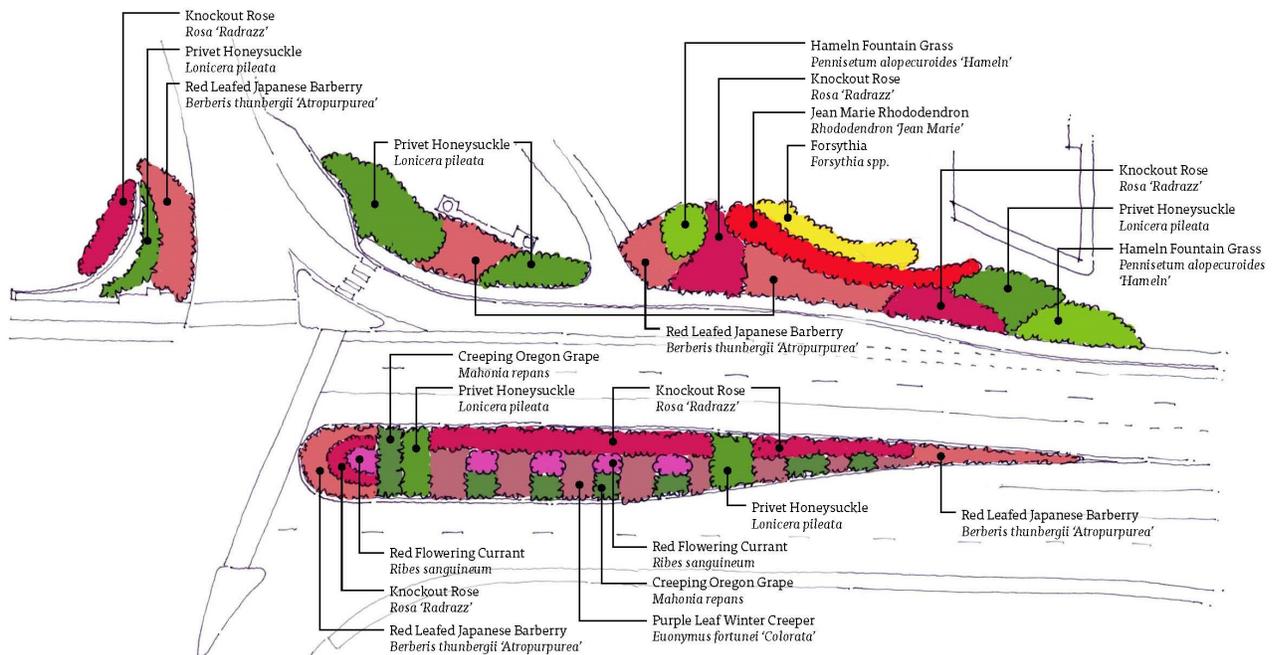


Stafford Meadows—Site Grading is underway. Demolition of three homes and tree removal completed.

Natural Resources

Administrative Directive—Hardy Plant City Webpage

For FY 2017-18, the City Council asked staff to develop a database of City plants with recommendations of hardy plants suited to the area. In response to this request, staff has been working on an update to the City website to include information about the type and location of local, hardy plants. The website, which should be completed in the next couple of weeks, will have examples (see below and on the following two pages) of public areas with hardy native and ornamental plants. In addition, the webpage will have links to plant lists and other relevant information.

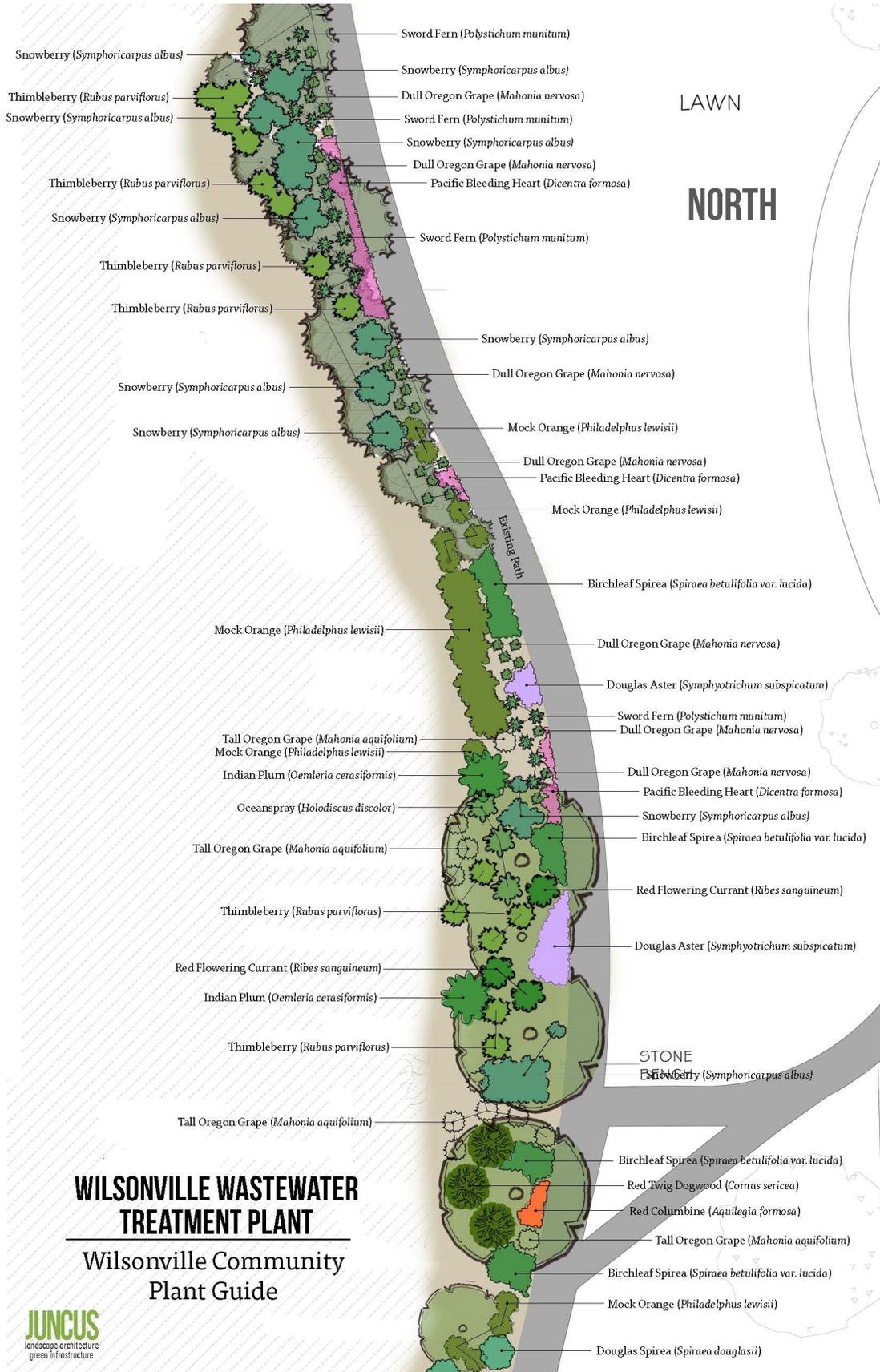


WILSONVILLE ROAD INTERCHANGE

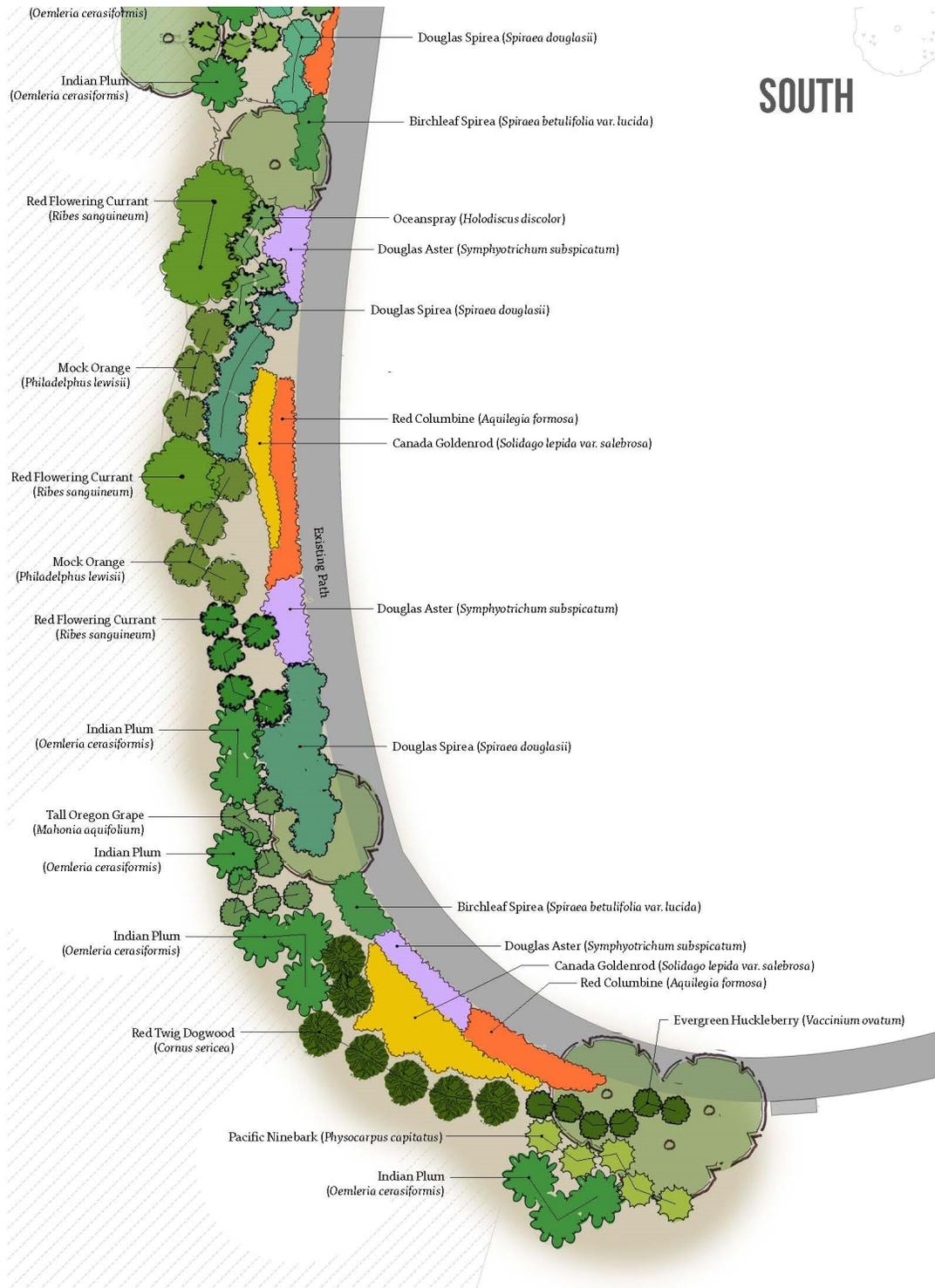
Wilsonville Community Plant Guide



Natural Resources (Cont.)



Natural Resources (Cont.)



WILSONVILLE WASTEWATER TREATMENT PLANT

Wilsonville Community Plant Guide



Planning Division, Current

Projects Being Prepared for DRB Hearings

- Phase 5 North of Villebois, single-family development on the south side of Tooze Road
- Holiday Inn Expansion and Master Plan for Future Additional Adjacent Hotel
- Remodel and Addition to former Pioneer Pacific College building at 27501 SW Parkway Avenue for Grace Chapel

Administrative Land Use Decisions Issued

- 3 Class I Administrative Reviews
- 1 Zoning Verification Letter
- 21 Type A Tree Permits
- 3 Type B Tree Permits
- 4 Type C Tree Permits
- 1 Class I Sign Permits
- New Single-family building permits

Board and Commission Updates

Development Review Board (DRB)

The DRB Panels A met on August 13 and after conducting a public hearing unanimously approved a proposal by the Family Fun Center for an extensive remodel and architectural refresh including removal of the batting cages and addition of a building primarily housing a 16-lane bowling alley.

The DRB Panel B met on August 27 and heard a request to develop the southeast corner of Villebois Drive and Barber Street in Villebois. The request includes three row houses, with the row house on the corner including a ground floor commercial flex space. At the conclusion of the public hearing, the board unanimously approved the request.

The Panel A meeting on September 10 has been canceled. The next regularly scheduled meeting for Panel B is September 24.

Planning Commission

On August 8, the Planning Commission held two public hearings. Mike McCarty, Parks and Recreation Director, presented the Parks and Recreation Comprehensive Master Plan hearing continued from May 2018. Resolution No. LP18-0003 Parks and Recreation Master Plan was unanimously adopted with revisions recommended by the Planning Commission. Mike McCarty, introduced the Boones Ferry Park Master Plan LP18-0008. After a short review, the Planning Commission approved a motion to continue the LP18-0008 hearing to a date certain of October 10 at 6:00 pm at Wilsonville City Hall.

In addition, the Planning Commission held a work session on the Town Center Plan and the SMART Programs Enhancement Strategy projects.

The next regular Planning Commission meeting will be Wednesday, September 12 at 6:00 pm, which will include a hearing on the SMART Programs Enhancement Strategy LP18-0009, and work sessions on the Signage and Wayfinding and the ADU Code projects.

Planning Division, Long Range



Basalt Creek Concept Plan

At the August 6 Wilsonville City Council meeting, the City Council held a public hearing and approved Resolution 2697 adopting the Concept Plan for the Basalt Creek Planning Area. At the August 13 Tualatin City Council meeting, the Tualatin City Council approved a resolution to adopt the Basalt Creek Concept Plan. The plan was worked on jointly by the Cities of Tualatin and Wilsonville with funding from Metro regional government. The plan guides future land use, transportation and infrastructure investments in an 847-acre area currently located in rural Washington County.

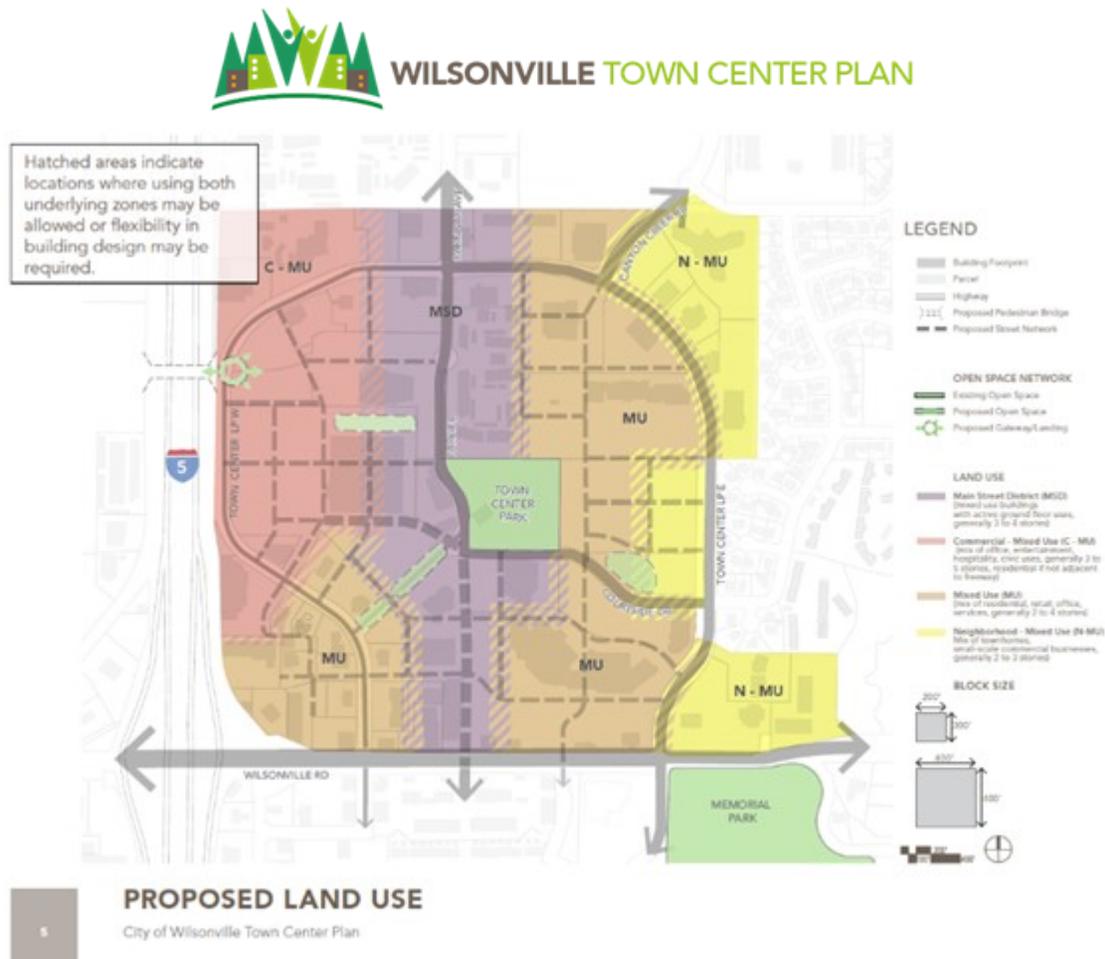
General project information is available on the project website <http://www.basaltcreek.com/>.

Sign Design and Wayfinding Signage Plan

The July Public Survey sought public input regarding sign design themes, shapes, building materials, color options and more. Planning will present the Public Survey results to Planning Commission in an informational session on October 10, 2018.

The next steps in the process will be to refine the draft sign packages to test and evaluate variations in color, materials, font and design. To review the full survey results please visit the project web page at www.ci.wilsonville.or.us/planning/page/citywide-signage-and-wayfinding-plan.

Planning Division, Long Range



August has been a busy month for the Town Center Plan Project Team. They met on August 8 to review and brainstorm ideas for implementation, including design standards, infrastructure projects, and economic development programs for achieving the community's desired land use and built form for Town Center. That same evening, design standards and code options were the topic of a Planning Commission work session on August 8 at Wilsonville City Hall. The project team also presented a project update to the City Council on August 20 at Wilsonville City Hall.

The project team hosted a Pop-up Main Street as part of the Community Block Party on August 22 to demonstrate the community's ideas for their future Main Street. This area on Park Place was transformed into the main street envisioned by community members, including al fresco dining and a two-way cycle track with bikes to borrow. There were opportunities for the public to review elements of the plan and to provide feedback.

The project team continues to work on a financial analysis of the desired building types for the Main Street and other areas of future Town Center. This information, paired with the market analysis, will be a topic of conversation for an event in the fall and will help finalize the implementation actions included in the Plan.

Lastly, on August 24 the project team met with our technical partners for this project. We shared the public feedback, updated community concept, design standards, code options, draft cross-sections and project lists.

For additional information about the Town Center Plan project, visit the project website www.wilsonvilletowncenter.com.



SEPTEMBER 2018 MONTHLY REPORT



Library "Story Walk" at Community Block Party on August 16

Director's Report

We had an amazing summer at the Library! Library construction wrapped up and we had a lovely grand opening event at the end of July. The summer reading program was a great success once again, thanks to a fantastic Youth Services team.

September is now a time for restarting. Youth Services programs (Storytime, Baby Time, etc.) return on September 10th, and Adult Services programs, which halted during the construction, restart. The Library will be selecting furniture this fall, as well as working on a new signage scheme for the Library. It is going to be an amazing Fall!

-Pat Duke, Library Director

Children's Services

Summer Reading Program Ends

The Summer Reading Program ended, with over 2,300 children and teens signed up for the program.

Robots on the Patio

The "Gifted Gears" teen robotics club shared exciting STEM activities for children with three separate drop-in programs. Kids participated in building challenged, craft activities, and got the chance to control mobile robots. All three events took place on the Library Patio, which just became accessible to the public this summer.

UPCOMING:

- Fall youth programs start the week of September 10 (nine events that week)
- New children's program "Read to the Bunny!" starts September 12
- Mexican Dance Classes start September 26



Youth Services staff performing their promotional skit for the Summer Reading Program



The Teen Area behind the Adult Fiction collection

Teen Services

Teen Area Refresh In Progress

To go along with the new carpeting and paint and location, the new Teen Area is getting a decorative refresh as well. The book shelves were shifted to provide more comfortable seating areas for teens. New furniture and decorations have been ordered and should arrive in time for the new school year.

UPCOMING:

- Teen monthly after-hours events return in September.
- New teen monthly after-school activities will start September 26

Adult Services

English Conversation Group

A new English Conversation Group started meeting weekly over the summer. The attendance has been growing, at times beyond their current meeting space, which is a great sign! The group will continue to meet through the fall on Tuesday evenings from 6:30-7:30 pm.



The Elligsen Property, photographed by Reference Librarian Burton Haun for Wilsonville historical record

UPCOMING:

- First Friday Films return September 7
- Book Notes Concerts return in October
- Mexican New classes, featuring literature and card-making, start in October
- Saturday, October 13—Wilsonville Boones Ferry Historical Society’s “Photo Round-Up”
- Book Saturday, October 27—Wilsonville Public Library Foundation’s “A Toast to Imagination” fundraising event



Wilsonville Boones Ferry Historical Society booth at the Community Block Party on August 22

Around the Library

Historical Materials Project

The Wilsonville Boones Ferry Historical Society has contracted with a professional archivist to inventory the wealth of historical materials currently housed in the library attic. Soon these items will be more accessible to researchers and the general public.

Discover Excellent Books

Visitors to the newly renovated library are greeted by a variety of attractive materials on display. Along with new books, we offer “staff picks” and rotating displays. August displays included “Poetry,” “Back to School,” and “Beach Reads.”

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<h1>SEPTEMBER</h1>						1
2	3  Labor Day Library Closed	4 English Conversation Group 6:30-7:30 pm	5	6	7 First Friday Films Ready Player One PG-13 (2018) 6-8 pm	8
9	10 Playgroup 10:30 am-12 pm	11 Toddler Time 10:30-11 am Baby Time 11:30 am-12:15 pm Family Storytime 6:30-7 pm English Conversation Group 6:30-7:30 pm	12 Family Storytime 10:30-11 am Read to the Bunny 3:30-4:30 pm	13 Family Storytime 10:30-11 am K-2 Book Adventures 3-3:45 pm Book Club 6-8 pm <i>The Undoing Project</i> by Michael Lewis	14 Teen Advisory Board Meeting 4:30-6:30 pm Teen After Hours Event 6:30-8:30 pm	15
16	17 Playgroup 10:30 am-12 pm Genealogy Club 1-2:30 pm	18 Toddler Time 10:30-11 am Baby Time 11:30 am-12:15 pm Great Books Discussion Group 6-8 pm Family Storytime 6:30-7 pm English Conversation Group 6:30-7:30 pm	19 Family Storytime 10:30-11 am Read to the Bunny 3:30-4:30 pm Lego Night 6:30-7:30 pm	20 Family Storytime 10:30-11 am	21	22 Mexican Folk Dancing For Kids 10:30-11:30 am <i>Registration Required</i>
23	24 Playgroup 10:30 am-12 pm	25 Toddler Time 10:30-11 am Baby Time 11:30 am-12:15 pm Family Storytime 6:30-7 pm English Conversation Group 6:30-7:30 pm History Pub @ McMenamins 6:30-8 pm Doors open at 5pm	26 Family Storytime 10:30-11 am Science Zone 1:30-2:30 pm Read to the Bunny 3:30-4:30 pm Teen After School Activities 4-6 pm	27 Family Storytime 10:30-11 am	28	29 Mexican Folk Dancing For Kids 10:30-11:30 am <i>Registration Required</i>
30						



AUGUST 2018

MONTHLY REPORT

From the Director:

End of Summer Spectacular Activities, News and what's Next!!

On August 20th the Wilsonville City Council reaffirmed a 30-year "sister city" relationship with Kitakata Japan. Kitakata Mayor Chuich and his delegation exchanged gifts including the planting of a friendship tree located at City Hall. City Officials, City Administration, the Wilsonville Sister City Committee interacted with the delegates enjoying a fantastic night of conversations, stories and dinner.



The next night, City Staff held the Annual Neighborhood Block Party with this year's event being especially unique as everyone present celebrated the City's 50th Birthday Party. All City departments participated with various activities including building planter boxes, duck races in the water feature (not real ducks Ha) and a train provided by SMART that made hundreds of trips around Town Center Park the entire evening. Speaking of Town Center... the Planning Department had a "futurist main street" theme. Human Resources staffed the information booth, Parks and Recreation provided a top notch band, Nate Botsford, and thanks to our amazing Parks Crew a flawless, safe beautiful venue. To top it all off, Finance had a great photo booth and the City Attorney Staff, in conjunction with our outstanding Police Department, gave away "free" cupcakes, and monitored a prize wheel, so youngsters could receive more items to take home. Mayor Tim Knapp announced the Japanese delegation, and helped kick off singing Happy Birthday to the City.

We concluded our Friday "free movies in the park" series on August 24th with Beauty and the Beast. This entire program was very successful with approximately 300 citizens attending each movie.

The new Activity Guide was released a couple weeks ago and has many exciting events and activities to take advantage of for all ages. Two new events to look for are a Scary Movie Night (Saturday, 10/27) and the Fall Frolic 5k (Sunday, 10/28) at the Stein Boozier Barn.

Remember reading is to the mind what exercise is to the body and both activities are forms of recreation----Take Part and Enjoy!!



(note- this is not the director)

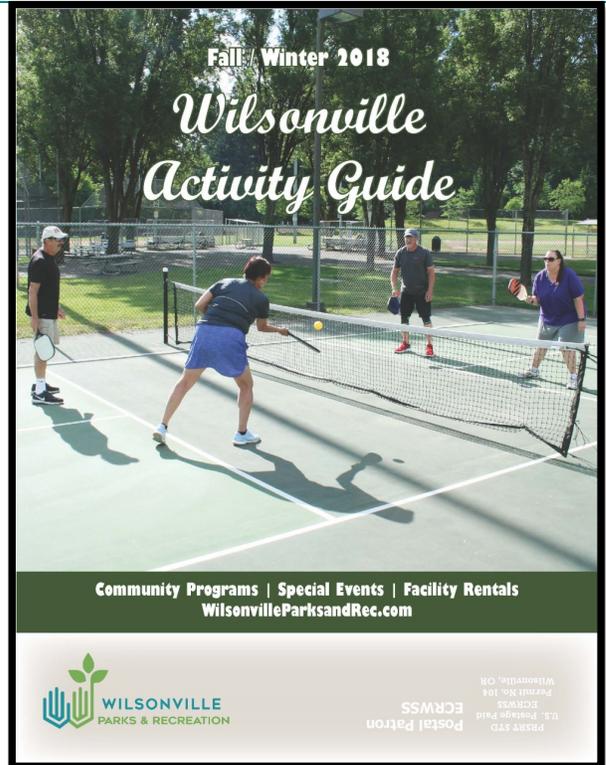
— Mike McCarty

Recreation Updates:

New Activity Guide

The new Fall/Winter 2018 Wilsonville Activity Guide was mailed on August 18th. Online registration opened up the following Monday, August 20th. Two weeks into registration, programs like Scary Movie night at the Stein Boozier Barn and Indoor Walk and Fit are seeing excellent registration numbers.

New program offerings this season include a Fall Frolic 5k in Memorial Park (in lieu of the Reindeer Romp) , and Scary Movie Night in the barn. Traditional events like the Harvest Festival on Saturday, October 27th, will see new added activities such as a photo booth station, snapchat filter, and face painting.



Visit from Kitakata Delegation

Wilsonville received a special visit from several sister city delegates from Kitakata Japan. The Parks and Recreation department organized several of events for the Kitakata Delegation including the 50th Sister City anniversary dinner at McMenamins, a tree planting ceremony at City Hall, and gift exchange at the City Council meeting. The department worked closely with the Wilsonville Sister City Association to coordinate a three day itinerary for the delegates to enjoy the sights, sounds and culture of the Pacific Northwest.

(it's all business with these ones —>)



Recreation Updates:

Community Block Party

The 2nd annual Community Block Party was combined with the 50th Birthday Party of the City of Wilsonville and celebrated Wednesday August 22. Logistically, the event ran as smooth as could be. Each city department organized an activity to share with the community, and music was provided by Nate Botsford and band.

Staff are already planning next year's Block Party with many new ideas.



Painted Rocks are still making an impression- and around the country!

The rock pictured below, painted by Wilsonville City Staff, has made it around the country! According to a recent Facebook post, it looks like it was picked up on Mt. Hood Oregon, and found again in Mills River, North Carolina!



Jarred Moffitt ▸ Wilsonville Parks and ...
Rec

September 2 · 🌐

Found in mills river North Carolina. To whoever painted this it is beautiful and brightened my night at work when I found it.

👍 2
💬 1 Comment

👍 Love
💬 Comment
↻ Share
💬 Message
🌱

Oldest ▾

Sharon Kantorski Gerds Beautiful Brewery ! I was visiting Asheville. And brought the rock along : I found it on Mt Hood: Timberline Lodge , Oregon. ❤️🌹

❤️

👍 Love · Reply · 1d
👍❤️ 2



Parks Maintenance Updates:

- Slit-seeded athletic fields
- Demoed weed steamer
- Staff attended OSU Turfgrass Research Field Days
- Demoed Ventrac sickle mower arm
- Reeder/Blankenship attended Turfgrass Water Conservation Alliance (TWCA) Field Day
- Began mature ivy abatement in Memorial Park natural areas
- Cleared vegetation away from all bridges
- Cleaned out debris from retention pond at 3-Bay
- Cleared trail vegetation back 2'
- Continued intelligent plant management of athletic fields
- Began Japanese Knotweed abatement at the site of Tivoli Park
- Continue to make repairs and adjustments to irrigation system(s)
- Cleaned up graffiti at Boones Ferry Trail
- Removed branch over Coffee Lake Drive
- Continued pruning landscape at Murase Plaza
- Repaired Field 5 dugout cover
- Teamed up with Facilities to provide tree planting for Kitakata Event
- Replaced burnt garbage can at dock
- Pressure washed Grove Shelter
- Prepared for and hosted Community Block Party
- Removed Italian arum from Boones Ferry Park and Murase Plaza
- Repaired parking damage from WUFC Jamboree
- Prepared for and hosted Annual Employee Summer Picnic



Slit-seeding athletic fields



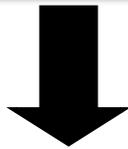
The team gets shown how the weed steamer works

Parks Maintenance Updates:



Removal of Mature Ivy

These pictures show the abatement of mature ivy that has been growing around the trunk of a tree for quite some time. By cutting back the thick wrapped vines of the ivy, the tree has a better chance at survival because it is no longer being suffocated or weighed down.



Sakura Tree for 30th Anniversary Between Wilsonville and Kitakata, Japan (shown right)

The council meeting on the evening of Monday August 20th, was a celebration of the 30th year of friendship between sister cities Wilsonville and Kitakata. The tree was planted to symbolize the ever growing relationship and strong roots represented by the friendship. The tree is planted by City Hall along Town Center Loop East.



MONTHLY NEWS City of Wilsonville Police

VOLUME 1 | ISSUE 4 | PUBLISHED SEPTEMBER 12, 2018 | **August 2018**



Highlights

- 1) Sgt. Eric Lee and Chief Rob Wurpes were just two from Patrol attending neighborhood events during this year's National Night Out.
- 2) Along with TVF&R, Wilsonville Police responded to a truck on fire at SW Parkway Ave near SW Boeckman Rd. Thankfully, no one was injured.
- 3) Chief Wurpes (left) and Matt Dale with Canby Fire (right) had the honor of meeting the Supreme Governor of the Moose Lodge International, Harry Johnston (middle).
- 4) Chief Wurpes and Sgt. Jason Ritter bicycled to each of the schools and visited staff on day two of this new school year, Aug-28-2018.
- 5) Wilsonville's Motor Unit helped at the 2018 Hood to Coast, Aug-25.
- 6) We said goodbye and farewell to Deputy Michael Samerdyke, who had been an Officer in Wilsonville since 2017. He and his wife recently started a family and have moved away from Oregon.
- 7) On August 17 we detained a stabbing suspect from a domestic incident.
- 8) The City celebrated its 50th birthday August 22, CSO Julie Fanger manned a prize wheel and (9) Deputies Jeff Smith and Christopher Thomas rolled through on bicycles to talk with partygoers.
- 10) Even the toughest of deputies can't resist a puppy! Deputy Ashley Walker, in training with us, visited Critter Cabana on National Dog Day August 16.



Wilsonville August 2018



City of Wilsonville Police Department

30000 SW Town Center Loop E
Wilsonville, OR 97070

In Partnership with

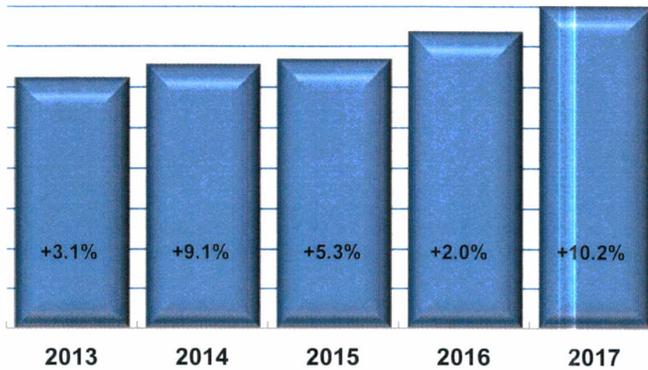


Monthly Summary

During August 2018, the Clackamas County Sheriff's Office provided law enforcement service to the City of Wilsonville on a 24 hour a day basis. During this time deputies assigned to Wilsonville responded to 471 calls for service, which was an average of 23.2 calls a day.

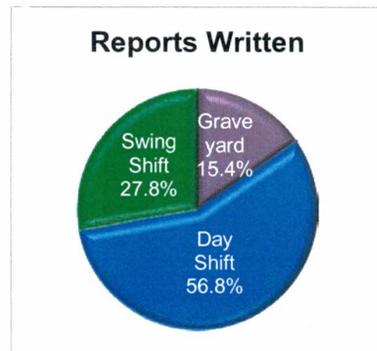
Below is a chart showing the number of calls for service in the City during the last 5 years.

<u>Year</u>	<u>Number of Calls</u>	<u>Monthly Average</u>	<u>Daily Average</u>
2013	6,230	519.2	17.1
2014	6,558	546.5	18.0
2015	6,689	557.4	18.3
2016	7,369	614.1	20.2
2017	8,021	668.4	22.0



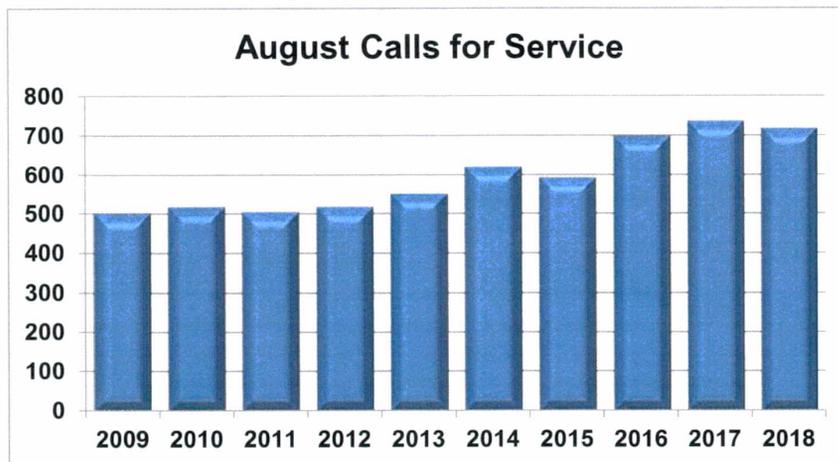
An overall look at the shift activity shows the following percentages of calls taken, traffic stops made and reports written for August.

	<u>Percentage of Calls Taken</u>	<u>Percentage of Traffic Stops</u>	<u>Percentage of Reports Written</u>
Graveyard	20.3%	23.7%	15.4%
Day Shift	36.3%	26.6%	56.8%
Swing Shift	43.4%	49.7%	27.8%



Calls for Service

Number of Calls Per Shift	August 2018	August 2017	Monthly Average 2017
Graveyard (2100-0700)	146	161	131.4
Day Shift (0700-1700)	261	327	320.3
Swing Shift (1100-0300)	312	249	216.7
Monthly Total	719	737	668.4
Daily Average	23.2	23.8	22.0



Types of Calls

This chart shows the types of calls for service during the month. These calls do not reflect actual criminal activity. In some cases the call was dispatched as a particular type of incident, but it was later determined to be of a different nature.

Type of Call	August 2018	August 2017	2017 Monthly Avg.
Alarm	73	82	66.8
Parking Complaint	63	58	51.6
Suspicious Person	47	40	33.2
Disturbance	44	22	34.5
Welfare Check	40	26	27.9
Traffic Complaint	38	31	35.0
Assist Public	37	26	42.8
Theft	36	41	42.0
Unwanted / Trespass	31	29	20.5
Assist Agency	30	43	30.5
Threat / Harassment	30	26	20.0
Traffic Crash	26	30	27.8
Juvenile Problem	22	22	17.0
Suspicious Vehicle	22	19	16.2
Suspicious Circumstances	21	12	13.8
Property Investigation	20	11	16.2
Mental	17	7	6.1
Fire Services	16	5	9.7
Other	15	16	11.2
Animal Complaint	10	24	12.4
Noise Complaint	10	9	7.7
Assault	8	11	5.3
Hazard	8	11	10.3
Suicide Attempt / Threat	8	8	8.2
Fraud	7	20	18.6
Stolen Vehicle	7	6	5.7
Missing Person	6	6	3.9
Criminal Mischief	4	12	12.1
Open Door / Window	4	1	1.2
Unknown / Incomplete	4	7	9.0
Promiscuous Shooting	3		1.1
Vice Complaint	3	12	8.7
Viol. Restraining Order	3	5	2.3
Abandoned Vehicle	2	11	3.5
Burglary	1	13	5.0
Death Investigation	1	2	1.8
Minor in Possession	1		1.9
Recovered Stolen Vehicle	1	1	1.9
Extra Patrol Request			2.1
Provide Information		28	13.5
Prowler			0.5
Robbery			0.8
Runaway		3	5.3
Sex Crimes		1	2.7
Shooting			0.1
Total Calls:	719	737	668.4

Other / Self-Initiated Activity

Type of Call	August 2018	August 2017	2017 Monthly Avg.
Traffic Stop	308	424	339.8
Follow-Up Contact	71	88	92.3
Suspicious Veh. Stop	46	78	53.4
Subject Stop	22	29	28.2
Premise Check	12	13	8.8
Warrant Service	11		7.7
Suspect Contact	1	4	4.6
Court		6	4.8
Detail		32	32.7
Foot Patrol		3	4.2
Meeting		9	10.6
Training		11	15.5
Total Calls:	471	697	602.6

Reports Written

During August, 162 reports were written. 15.4% were written by the graveyard shift, 56.8% by the dayshift units and 27.8% were written by the swing shift units.

Type of Report	August 2018	August 2017	2017 Monthly Avg.
Theft	33	37	31.1
Traffic Crash	13	13	10.9
Criminal Mischief	11	8	9.0
Burglary	6	8	3.2
Stolen Vehicle	4		3.6
Drug Crimes	4	8	6.3
Identity Theft	3	2	2.5
Assault	1	6	4.9
Other Reports	87	96	114.4
Total Calls:	162	178	185.9

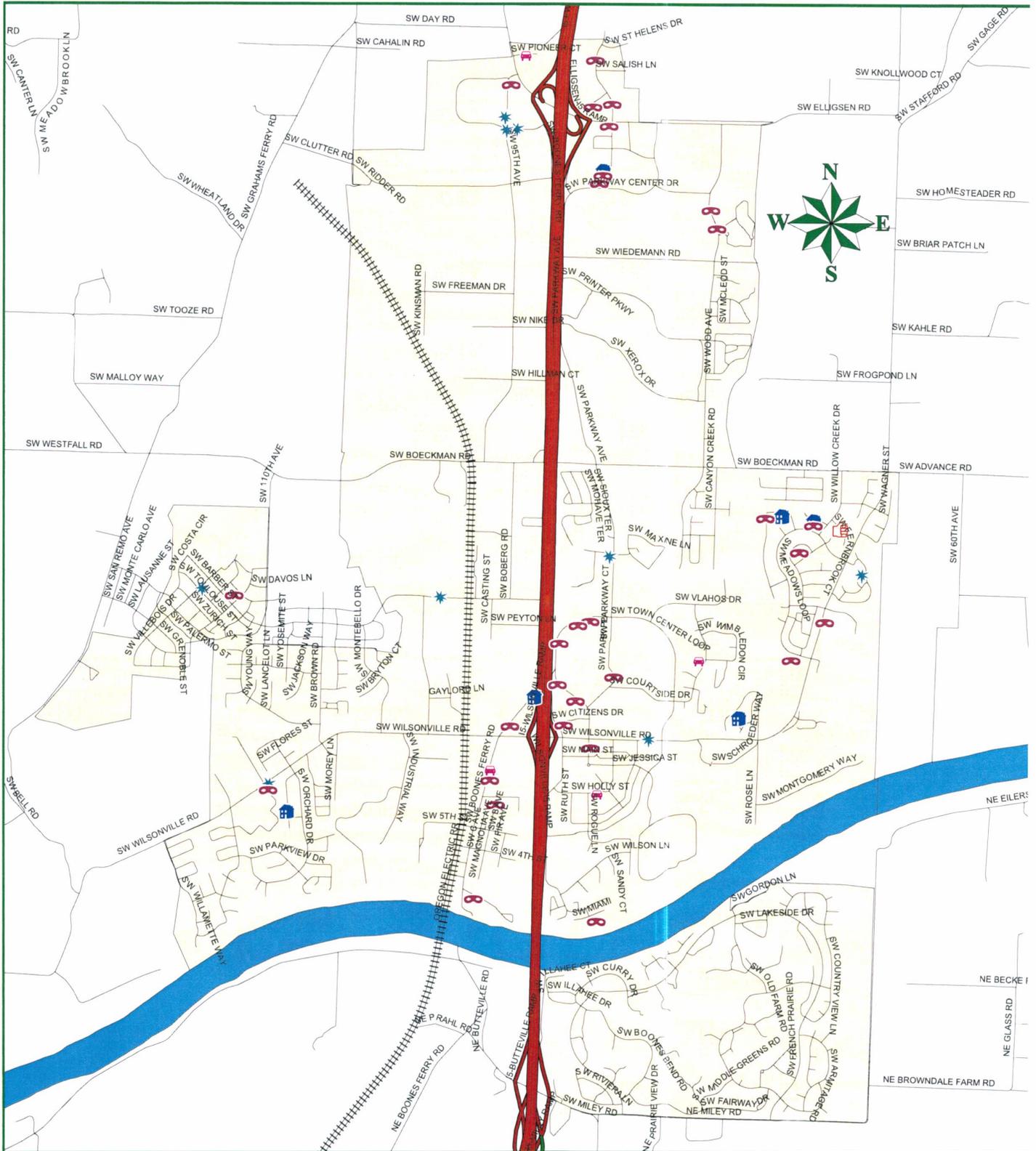
Shift Totals	August 2018	August 2017	2017 Monthly Avg.
Graveyard	25	39	38.2
Day Shift	92	83	86.0
Swing Shift	45	56	61.7



Wilsonville August 2018



- Assault
- Burglary
- Criminal Mischief
- Stolen Vehicle
- Theft

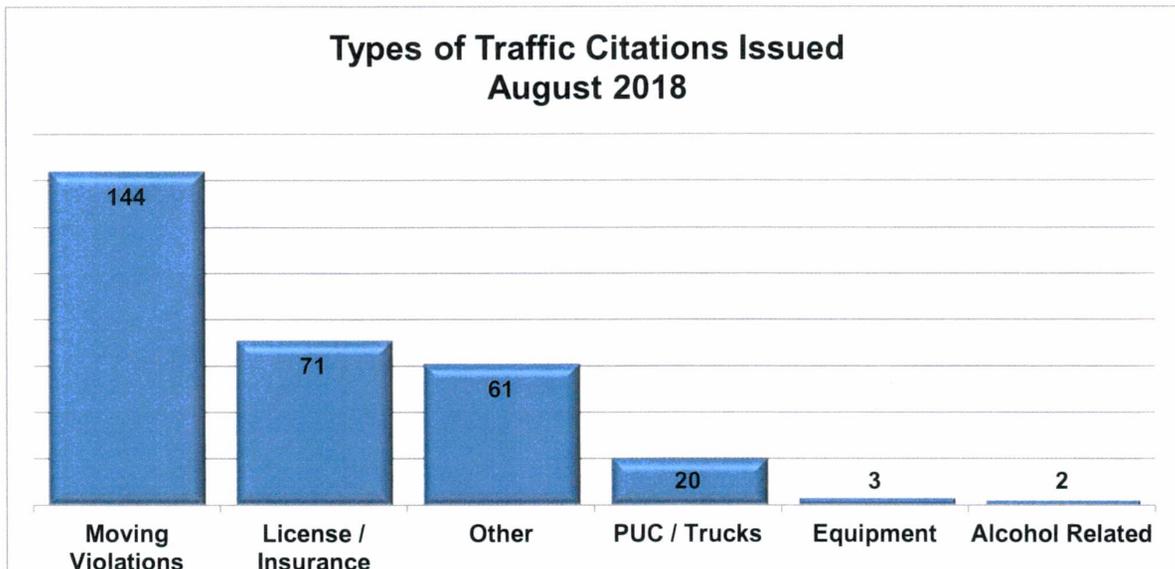
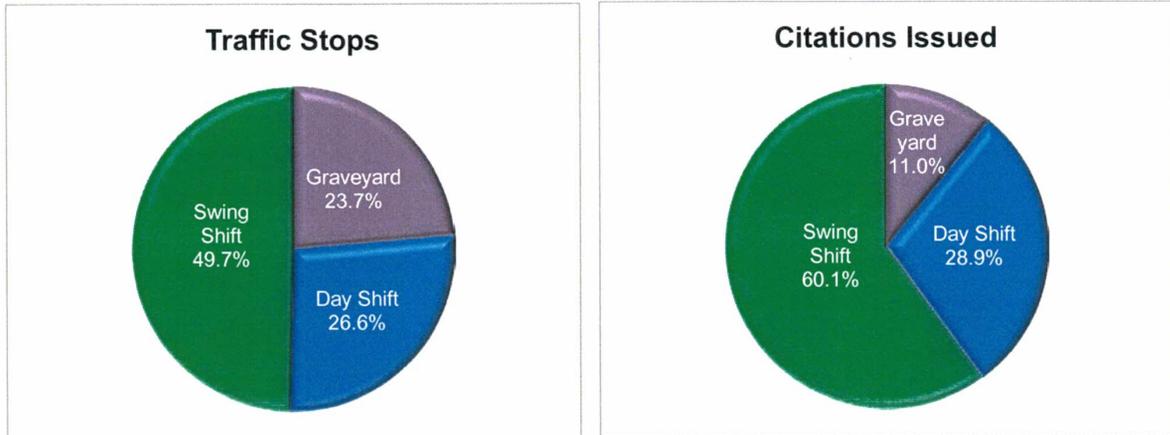


Traffic

During August 2018, 308 traffic stops were made in the City and 301 traffic citations were issued. Included in these totals are 163 traffic stops (52.9%) and 242 (80.4%) citations issued by the traffic deputies.

There were 7 arrests for Driving Under the Influence of Intoxicants (DUII).

Shift	Traffic Stops	Citations Issued
Graveyard	73	33
Day Shift	82	87
Swing Shift	153	181
Total:	308	301



PUBLIC WORKS

AUGUST

September 2018

UTILITIES

Meter Replacements in Charbonneau

The Utilities Crew was busy last month replacing residential water meters in Charbonneau. Water Distribution Technicians Chris Reece and Jerry Anderson team up on replacing a 5/8 inch meter along Lake Drive. The crew replaces approximately 250 residential meters each year in accordance with Wilsonville's Water Management and Conservation Plan.



FACILITIES ~

TRANSIT CENTER / WES BREAK ROOM

Facility Technician's Ivan Crumrine, and Javid Yamin worked with Great Western Railroad, and the painting contractor to facilitate giving the SMART break room a facelift. This project was particularly involved, as it required railroad flaggers to provide a safe workspace for the contractor's while setting up a workstation on the railroad tracks. The additional detail accent color on the trim really dressed up the break room.



FACILITIES ~

ART TECH / KIVA SCHOOL

The Facilities Division of Public Works worked for months to prepare, schedule, and oversee the completion of tear-off and install of the roofing systems, as well as major siding repair and re-painting both of the facilities. This project embodies the definition of a group effort, not only within the Facilities Division, but other key contributors from City Hall as well.



The City's Assistant City Attorney Amanda Guille-Hinman was foundational in preparing the contract forms that allowed this project to get off the ground. The combination of BOLI wage laws and usage agreements made for a healthy amount of work for the Legal Department.

The general contractor did a quality job finishing the work within the timeframe. Members of the unofficial "design team" assisted in selecting the paint colors that were not only aesthetically pleasing, but created the campus feel by bringing Art Tech, Kiva School, the Community Center, and Public Works all into the same exterior color scheme.



ROADS & STORM WATER ~

OUTFALL MAINTENANCE & REPAIR

Last month the Roads and Storm Water Divisions of Public Works teamed up to fix some outfalls and drainage ditches that had either, erosion damage or sediment build-up.



During the repairs staff was able to make some upgrades that will help the storm system better handle the flow while trapping more of the debris upstream were the debris could more easily be removed at a later date.

By performing such work in-house we were able to save the city thousands of dollars. I am excited to see where we will be in the future as our department grows in knowledge and manpower.



SMART

SOUTH METRO AREA REGIONAL TRANSIT

Director's Report
Dwight Brashear
Transit Director

August Report
September 5, 2018

R-E-S-P-E-C-T

Whether served up with the forceful vibrato of "The Great" Otis Redding, whispered with sultriness by the Supremes and Temptations, or masterfully transformed into an anthem for all womankind by "The Queen of Soul," Aretha Franklin, the word respect holds the same meaning. The dictionary defines it as "a feeling of deep admiration for someone or something elicited by their abilities, qualities or achievements."

In our youth, most of us were educated in the art of respecting others. We learned that respect is not an abstract concept, but instead it is quite real. Our parents made clear that respecting our elders is an absolute. I suspect in an effort to create balance, some wise individual, countered with one the most important tenets in the philosophy surrounding respect; respect is not an entitlement...respect must be earned.



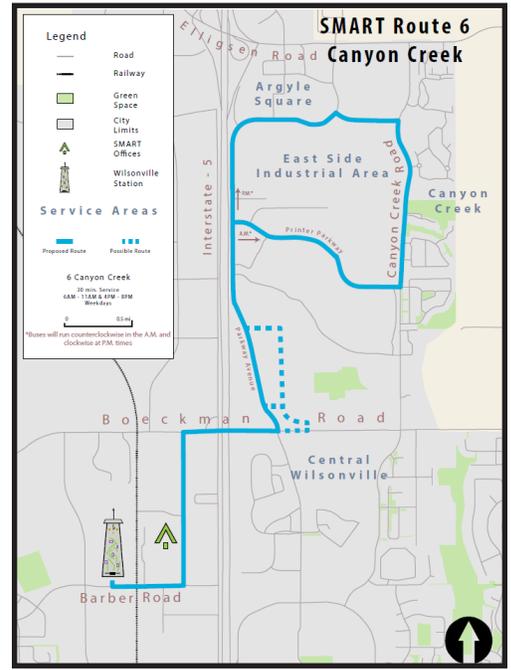
SMART is a proud department of the City of Wilsonville. We are committed to the respect of our employees, customers, and to all those we may contact in the fulfilment of our charge. We embrace our mission of providing safe, reliable and cost effective public transit. I am convinced that through the ongoing chorus of this sacred obligation, then and only then will we be able to sing R-E-S-P-E-C-T with the same truth and meaning voiced by The Queen herself.

ROUTE 6 REVISED. SAFETY.

Operations - Eric Loomis Operations Manager

SMART will be making minor revisions to Route 6 in September, as designated in the Transit Master Plan. The change provides customers a smoother connection to the WES train during commute hours by removing low-use bus stops while continuing to serve businesses and customers in the same areas.

In August, transit supervisors conducted safety training related to Driver-Vehicle Inspection Reports (DVIR). DVIRs help prevent vehicle downtime and loss of revenue service due to mechanical failures. Every day, drivers inspect mechanical and safety components before operating a vehicle. The DVIR also serves as a key communication device between drivers and mechanics. When a shift is completed, the DVIR is reviewed by the Fleet Department for any necessary repairs.



Ridership by Route

Route	1X Salem	2X Barbur	2X Sat Barbur	3X Canby	4 Wilsonville	4 Sat Wilsonville	5 95th Commerce	6 Argyle Square	C Charb Shuttle	7 Villebois	Villebois Shuttle	Total
August 2017	3592	6032	837	8165	401	1212	1756	155	N/A	155	1678	24057
August 2018	3475	6368	179	745	7967	413	1245	1900	194	255	1913	24654
% Change	-3.26%	+5.57%	-21.83%	-10.99%	-2.42%	+2.99%	2.72%	+8.2%	N/A	+64.52	+14%	+2.48%

FLEET HIRING & MORE

Fleet - Scott Simonton Fleet Manager

Fleet will soon be taking over the cleaning and basic maintenance of SMART's bus stops and shelters. We are currently recruiting for a service worker to perform these tasks. We hope to have someone hired and trained by early October.

We are currently reviewing bids for the purchase of three compressed natural gas (CNG) powered buses. These vehicles will replace aging diesel and gasoline powered buses. This delivery, coupled with our upcoming battery electric buses, will result in a fleet makeup of 40% alternative fueled buses by the end of 2019. By percentage, this puts SMART as the clear leader among transit agencies in Oregon.



Events and Marketing Michelle Marston Marketing and Outreach Coordinator

Events attended during the month of August included a wide variety. SMART was on hand at the weekly Farmers Market, Annual New Resident Welcome in Charbonneau, Fun in the Park, Bridging Cultures in Canby, and the annual City Community Block Party. SMART also hosted an information booth at the transit center in conjunction with Rider Appreciation

Days. This was done during one morning commute and one evening commute. Riders were treated to some snackables as well as some SMART swag that was well received.



Grants & Procurement - Elli Work Grants and Programs Manager

Grants awarded in August include:

- Grant #OR-2018-017: Section 5307 federal funding for \$295,435 for preventive maintenance, staff vehicles, technology, and REI upgrades. The match at 20% is \$73,859 for a total project amount of \$369,294.
- Grant #OR-2018-027: STP federal funding for \$147,031 for the Options Program to, "Promote transportation options other than single occupancy vehicles including public transportation, walking, biking, and vanpooling to reduce traffic and air pollution." The match at 10.27% is \$16,840 for a total project amount of \$163,973.

Planning - Nicole Hendrix Transit Management Analyst

Metro awarded SMART a Regional Travel Options sponsorship in the amount of \$2,109 for the printing of the 2018 Wilsonville Bike and Walk map. The maps will be available beginning in September at outreach events and in public spaces throughout Wilsonville. SMART staff presented to Wilsonville City Council and Planning Commission in early August to further develop the Programs Enhancement Strategy. This strategy will be part of the Transit Master Plan and allow SMART to expend new state funding to enhance services.