

ORDINANCE NO. 1108

AN ORDINANCE AMENDING TITLE 15 OF THE CANBY MUNICIPAL CODE.

WHEREAS, protection of natural resources is both a benefit and a goal for the City of Canby as embodied in the Comprehensive Plan and the Storm Water Master Plan; and

WHEREAS, poorly managed erosion puts soil and pollutants to be deposited into surface waer systems and ultimately into the Willamette River, and can result in deposits on local streets and storm water systems resulting in greater costs to the City and its citizens; and

WHEREAS, Federal and State regulations require increased monitoring of materials going into the river systems; and

WHEREAS, the Planning Commission found that the erosion control code language and the manual would benefit the City as a whole, and has recommended approval to the City Council after making certain modifications; and

WHEREAS, the City Council, after reviewing the record of the Canby Planning Commission regarding the subject amendments, concluded that the Planning Commission's recommendation and the amendment itself are appropriate.

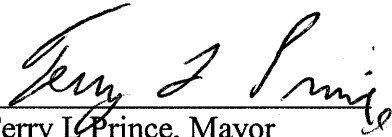
NOW, THEREFORE, THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:

Chapter 15.20: Erosion Control is hereby added to Title 15: Building and Construction, as detailed in Exhibit A.

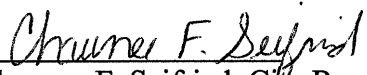
SUBMITTED to the Council and read the first time at a regular meeting thereof on December 18, 2002 ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on January 8, 2003, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City Hall in Canby, Oregon.

ENACTED on the second and final reading by the Canby City Council at a regular meeting thereof on January 8, 2003 by the following vote:

YEAS 6 NAYS 0


Terry L. Prince, Mayor

ATTEST:


Chauncey F. Seifried, City Recorder

Chapter 15.20
EROSION CONTROL

- 15.20.010 Purpose**
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15.20.10 Purpose

This Chapter provides requirements for development and construction related activities in order to control the creation of sediment and to prevent the occurrence of erosion at the source during construction and development. The Erosion and Sediment Control Regulations seek to:

A. Reduce the sediment and pollutants contained in erosion caused by construction and development;

B. Reduce the amount of sediment and pollutants entering storm drainage systems and surface waters from all ground disturbing activity;

C. Reduce the amount of erosion placing dirt and mud on the public right-of-way and surrounding properties during construction and development; and,

D. Reduce the amount of soil and dust placed into the air during ground disturbing activity.

15.20.020 Authority

This chapter shall be administered and enforced by the Community Development and Planning Director and the Public Works Supervisor for all ground disturbing activities that require a building permit. For non-permitted ground disturbing activity, this chapter shall be administered and enforced by the Department of Public Works on a complaint based response basis.

A. The Directors, as specified above may implement procedures, forms, and written policies for administering the provisions of this Chapter.

B. The Directors, as specified in Subsection A above, may issue interpretations on the meaning and intent of the Erosion and Sediment Control Regulations. Such interpretations shall conform to the purposes of this Chapter.

C. Prior to the adoption of a permanent rule or a modification of the adopted Erosion Control Manual, the Director shall:

1. Publish a notice in a newspaper of general circulation in the City. The notice shall be published not less than thirty days before the hearing. The notice shall identify the place, time and purpose for the hearing; a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments and the location where copies of the full set of the proposed rules may be obtained.

2. The Planning Commission shall hear testimony and receive written comments at the hearing regarding the proposed rules.

3. The hearing body shall either adopt, modify or reject the proposed rule.

4. A list of interested citizens will be maintained by the City Planning Department. When the manual or rules are updated, the changes will be mailed to all citizens on the list.

D. All fees for all permits, plan reviews and inspections under this chapter shall be established by City Council resolution. Fees shall be set at levels sufficient to cover all administrative costs associated with processing applications, reviewing plans, inspections and enforcement. Fees under this Chapter are in addition to any other fees required by the City Code. Fees under this chapter are also not part of any required bond, letter of credit or other form of guarantee.

15.20.030 Compliance with Other Laws

The requirements of this chapter are minimum requirements. Compliance with this chapter does not in any way imply, either directly or indirectly, compliance with any other law. Where the provisions of this chapter are more restrictive than those set

forth in other regulations under the City Code or ordinance, the provisions of this chapter shall control. Where a State or Federal natural resource agency permit requirements address erosion prevention and sediment control, the State or Federal natural resource protection requirements shall control.

15.20.040 Definitions

A. Applicant means the person who applies for a permit.

B. Approval or Approved means a determination by the Director that the provisions of this chapter have been met.

C. Bedrock means in-place solid rock.

D. Best Management Practice or BMP means a physical, chemical, structural or managerial practice that prevents, reduces, or treats the contamination of water, or which prevents or reduces soil erosion.

E. Certified Professional in Erosion and Sediment Control or CPESC means a person who has been so determined by the Soil and Water Conservation Society and the International Erosion Control Association.

F. Denuded means land that has had the natural vegetative cover or other cover removed leaving the soil exposed to the elements.

G. Development means any human induced change to improved or unimproved real estate, whether public or private, including but not limited to construction, installation, or expansion of a building or other structure, land division, street construction, drilling, and site alteration such as that due to dredging, grading, paving, parking or storage improvements, excavating, filling or clearing.

H. Director means those persons specified in Section 15.20.020, including the Public Works Supervisor, or those persons' designees.

I. Drainage Control means the collection, conveyance and discharge of storm water.

J. Erosion means the wearing away of the ground surface as a result of the effects of gravity, wind, water or ice.

K. Erosion Control Manual means the collection of administrative rules adopted by the City to implement the purpose and intent of this chapter.

L. Final Grade means the finished grade of the site which conforms to the approved plan.

M. Grade means the vertical location of the ground surface.

N. Ground Disturbing Activity means any activity that exposes soil through the use of motorized equipment.

1. Permanent – ongoing areas of exposed soils or ground disturbance such as mining operations, farming gardening and sports fields.

2. Temporary – short duration ground disturbance that occurs over a very limited time frame (less than 6 months between disturbances) such as construction, fill placement, landscape installation, and other vegetation clearing activities.

O. Owner means the person whose name and address is listed as the owner of the property by the County Tax Assessor on the County Assessment and Taxation records.

P. Permit means an official document issued by the Director authorizing performance of a specified activity.

Q. Person means any individual, partnership, association or corporation.

R. Plan means a graphic or schematic representation, with accompanying notes, schedules, specifications and other related documents.

S. Responsible Party means:

1. The property owner or person legally authorized to act on the owner's behalf; or

2. Any person causing or contributing to a violation of this chapter.

T. Sediment means mineral or organic matter deposited as a result of erosion.

U. Site means any lot or parcel of land or contiguous combination where development occurs.

V. Slope means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

W. Soil means naturally occurring superficial deposits overlaying bedrock.

X. Special Site (See Section 15.20.080 of this chapter).

Y. Stabilization means the process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures. Stabilization shall reduce to the maximum extent practicable the erosion process and the resultant transport of sediment.

Z. Storm Drainage System means facilities by which storm water runoff is collected or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, culverts, pumping facilities, retention and detention basins, natural and constructed (or altered) drainage channels, reservoirs, and other drainage structures.

AA. Storm Event means a storm that produces one-half inch of rain or more during any 24 hour time period.

BB. Storm Water means water runoff, snowmelt runoff or surface runoff and drainage.

CC. Visible and Measurable means:

1. Deposits or tracking of mud, dirt, sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or into the storm or surface water system, either by direct deposit, dropping,

discharge or as a result of the action of erosion.

2. Evidence of concentrated flows of water over bare soils; turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.

3. Earth slides, mud flows, earth sloughing, or other earth movement which leaves the property.

DD. Water Body means rivers, streams, sloughs, and drainages including intermittent streams and seeps, ponds, lakes, aquifers, wetlands and coastal waters.

EE. Watercourse means a channel in which a flow of water occurs, either continuously or intermittently with some degree of regularity. Watercourses may be either natural or artificial.

FF. Wetland means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs and similar areas.

15.20.050 Referenced Regulations

All referenced regulations are available within the Erosion Control Manual which is maintained by the City of Canby Planning Department.

15.20.060 General Scope

A. This chapter applies to all ground disturbing activities that disturb more than 100 square feet of ground, whether or not a permit is required, unless such activities otherwise are exempted by Canby City Code. All non-permitted ground disturbing activities that are permanent or temporary in nature shall comply with this chapter unless otherwise noted.

B. Exemptions:

1. Installation of signs is exempt from this chapter.

2. Emergencies: Development which is subject to Subsection A. may commence without complying with the requirements of this chapter if the Director determines that there is a hazard posing imminent danger to life or property, such as substantial fire hazards, risk of flood or other emergency. However, upon a determination by the Director that such emergency has passed, the provisions of this Chapter shall apply.

15.20.070 Minimum Requirements

The following minimum requirements apply to all development and ground disturbing activities.

A. Purpose

1. No visible and measurable sediment, pollutant or construction debris shall exit the site, enter the public right-of-way or be deposited into any water body or storm drainage system.

2. Depositing or washing soil into a water body or the storm drainage system is prohibited.

B. Requirements and Standards. In order to meet the purpose set forth in Subsection A. above, the responsible party shall do all or any of the following:

1. Install measures intended to keep soil on site or out of water bodies, storm drainage systems or the public right-of-way as the first step in any development. These measures shall be made functional prior to any up slope development taking place.

2. Remove any soil that enters the public right-of-way.

3. Protect storm water inlets that are functioning during the course of the development by approved sediment control measures so that sediment-laden water cannot enter the inlets without first being filtered.

4. Apply permanent or temporary soil stabilization to denuded development site areas in conformance with the following schedule:

a. Between October 1 and April 30, all denuded sites shall immediately be provided with either temporary or permanent soil stabilization.

b. Between May 1 and September 30, temporary erosion and sediment control measures to reduce dust and sediment transport shall be applied as soon as practicable, but in no case more than seven days after ground disturbing activity occurs.

c. Ground cover shall be installed on any portion of a site that is denuded for more than six months. Sports fields or playgrounds surrounded by vegetative cover or permanently installed curbing are exempt from this requirement.

d. Temporary measures shall be maintained until permanent measures are established.

g. Permanent non-permitted ground disturbing activities may achieve compliance with the standards set out in subsections a-d above, with the installation and maintenance of approved permanent BMPs that meet the purpose of this Chapter.

5. Plant replacement vegetative cover.

6. Secure or protect soil stockpiles throughout the project with temporary or permanent soil stabilization measures. The responsible party is accountable for the protection of all stockpiles on the site, and those transported from the site. Depositions of soil may be subject to additional regulations requiring permit, review or erosion and sediment control.

7. Select BMPs from the Erosion Control Manual.

15.20.080 Special Site Requirements

When the Director determines that special site conditions may prevent compliance with Section 15.20.070, the Director may require additional erosion, sediment and pollutant control measures.

A. Special site conditions may include, but are not limited to, the following:

1. Slopes before development that are greater than 10 percent (1 Vertical:10 Horizontal).

2. Ground disturbance of a natural vegetative buffer within 50 feet of a wetland and or water body.

3. The development site or development phase will have ground disturbing activity at any one time of 1 acre or more. Single family dwellings and duplex dwellings are included.

4. The development includes a land division containing 10,000 square feet or more.

5. Project timing is such that ground disturbing activity will take place between October 1 and April 30.

B. Additional requirements imposed by the Public Works Supervisor to achieve compliance with Section 15.20.080 A. may include, but are not limited to, the following:

1. Requiring drainage control in compliance with City-approved design specs.

2. Requiring that a State of Oregon registered professional engineer, other professional certified by the State of Oregon with experience or qualifications in preparing erosion control plans, or a registered CPESC prepare or implement the erosion and sediment control plan.

3. Prohibiting ground disturbing activities between October 1 and April 30.

4. Limiting the amount of denuded soil at any given time

5. Requiring a bond, letter of credit or other guarantee.

15.20.090 Maintenance

A. The responsible party shall maintain all erosion, sediment and pollutant control measures, temporary and permanent, in proper functioning order.

B. The responsible party shall inspect, maintain, adjust, repair, and replace erosion, sediment and pollutant control measures within 24 hours following a storm event to ensure that the measures are functioning properly.

C. During active ground disturbing activity, the responsible party shall inspect erosion, sediment and pollutant control measures daily between October 1 and April 30.

D. All inspections conducted by a responsible party in Subsections B. and C. above shall be noted in an inspection log indicating the date and time of the inspection. The inspection log shall be made available to the Director upon request.

15.20.100 Plan Required

The responsible party shall submit an erosion, sediment and pollutant control plan for permitted development projects to the Director for review. The responsible party shall not commence any development before the Director has approved the proposed plan.

15.20.110 Permit and Plan Requirements

A. All permit applications or contract submittals shall be accompanied by erosion, sediment and pollutant control plans at the time of application or submittal. The number of erosion, sediment and pollutant control plans required shall be determined by the applicable permit or contract process. All erosion, sediment and pollutant control plans shall comply with the Minimum Erosion, Sediment and Pollutant Control Plan Standards in the Erosion Control Manual.

B. The Public Works Supervisor shall review all erosion, sediment and pollutant control plans. The Public Works Supervisor may waive items required under Subsection A above where the Public Works Supervisor determines that certain items are not applicable to a specific application or project.

C. The responsible party shall be accountable for any plan modifications needed due to conflicts, omissions or changed conditions that arise in the field. The responsible party shall bear all costs to comply with the Erosion Control Manual and the City Code.

15.20.120 Approval or Denial of Erosion, Sediment and Pollutant Control Plan

The erosion, sediment and pollutant control plan shall be reviewed by the Public Works Department. If the Public Works Department finds that the plan complies with this Chapter, it shall be approved. Such approval shall be indicated on the plan documents. The approved plan shall not be changed, modified, or altered without authorization from the Public Works Department. All development regulated by this Chapter shall be done in accordance with the approved plan. If the Public Works Department approves only a portion of the plan, development may commence on only that portion of the site for which a plan has been approved.

15.20.130 Alternative Methods Review Process

A. The Director may approve the use of alternate methods that provide protection that is greater than or equal to the protection provided by the methods prescribed in the Erosion Control Manual.

B. Burden of proof. The burden of proof for all alternate methods reviews falls upon the responsible party.

15.20.140 Issuance of Permit

A. No permit requiring an erosion, sediment and pollutant control plan shall be issued until the plan is approved.

B. As a condition of permit issuance, the responsible party shall agree to allow all inspections to be conducted.

C. Where a bond, letter of credit or other guarantee is required, the permit shall not be issued until the bond or guarantee has been obtained and approved.

15.20.150 Cancellation of Permit or Expiration of Permit

The Public Works Department may require that all denuded soil on the site be permanently stabilized before a permit is cancelled or expires.

15.20.160 Inspection General

A. The City may conduct inspections whenever it is necessary to enforce any provisions of this Chapter, to determine compliance with this Chapter or whenever the City has reasonable cause to believe there exists any violation of this Chapter.

B. Inspections shall occur from one of the following locations:

1. The adjacent right-of-way;
2. Adjacent public property;
3. Adjacent private property with approval of entry from the property owner; or
4. The property that is the subject of the complaint with approval for entry by the property owner.

15.20.170 Inspection Procedure

The Public Works Supervisor may conduct the following inspections on permitted development activities. It shall be the duty of the responsible party to call the inspection hotline at the appropriate inspection phase as set forth below. Inspections of erosion, sediment and pollutant control measures may occur with

other inspections being conducted on the development or construction project.

A. The Public Works Department may conduct inspections after initial, temporary erosion, sediment and pollutant control measures have been put in place and prior to any ground disturbance in addition to that necessary for the installation of the erosion, sediment and pollutant control measures. When the development is being conducted in phases, this inspection shall occur at the beginning of each phase.

B. The Public Works Department may conduct inspections after permanent controls are put in place. When the development is being conducted in phases, this inspection may occur after permanent measures have been installed for each phase.

C. An inspection may be conducted at project completion prior to final project approval. When the project is conducted in phases, an inspection may be made after all phases of the project have been completed.

D. An inspection may be conducted after construction completion to determine the effectiveness of permanent erosion and sediment control measures. This inspection may be conducted six months after construction completion or at other times determined by the City.

E. No person shall refuse entry or access to a permitted development project to any authorized representative of the City of Canby who provides proper credentials and requests entry for the purpose of conducting an inspection. In addition, no person shall obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.

15.20.180 Release of Bond or Other Guarantee

At the time of project approval, when the Director determines that all provisions of this Chapter have been met, the bond, letter

of credit or other guarantee that has been provided shall be released.

15.20.190 Revisions to Erosion, Sediment and Pollutant Control Plan

A. During development, the Planning Director, Public Works Supervisor or the responsible party may request revisions to the approved erosion, sediment or pollutant control plan. The Public Works Supervisor may approve or deny all revisions.

B. The Public Works Supervisor may require revisions to the approved erosion, sediment and pollutant control plan when:

1. It is determined that approved erosion, sediment and pollutant control measures do not meet the purposes set forth in Subsection 15.20.070.

2. An alternate method, measure or control fails to perform as claimed by the responsible party.

3. A change in project timing has occurred due to an adverse change in weather.

4. During development, relevant new information about soil, site, topography or water conditions is discovered.

5. Changes to the area or type of ground disturbing activity or equipment used are proposed or implemented.

6. The project schedule has changed which results in development being conducted at a different time of year than originally accepted or approved.

7. Additional or substitute construction or maintenance materials or chemicals will be used during development that require pollutant BMPs as set out in the Erosion Control Manual.

C. Revised plans shall show all actual and proposed changes made on the site, the new locations of the drainage patterns, and the affect that the revisions will have on the site. The new plans shall show how problems associated with the prior plan have

been corrected, and indicate all new erosion, sediment and pollutant control measures. The Director may require that the new plans be prepared by a State of Oregon registered engineer, a State of Oregon registered landscape architect, or a CPESC, and that the revisions be stamped as such.

D. The responsible party shall be solely responsible for the costs associated with any revisions, including but not limited to, any additional or alternate methods, measures, performance criteria or controls.

15.20.200 Violation of Chapter

A. The following actions shall constitute a violation of this Chapter:

1. Any failure, refusal or neglect to comply with any requirement of this Chapter.

2. Allowing or causing a condition that threatens to injure public health, the environment, or public or private property.

3. Failure to correct ineffective erosion, sediment and pollutant control measures after being required to do so by the Public Works Supervisor or their designee.

B. Each specific incident and each day of non-compliance shall be considered a separate violation of this Chapter.

15.20.210 Notice of Violation

A. Written Notice of Violation. When the Public Works Supervisor determines that a violation of this Chapter has occurred, the Supervisor shall notify the responsible party and the property owner in writing that a violation of this Chapter has occurred. The notice of violation shall either be delivered to the responsible party or posted at the property site of the violation, and mailed to all responsible parties. If the address of the responsible party is unknown, then the notice shall, in addition to being posted at the site, be published in a local newspaper

for one week. This publication shall serve as the mailed notice.

B. The written notice shall include the following information:

1. Date violation has occurred;
2. Permit number, where applicable;
3. Site address, legal description or project location;
4. Description of violation;
5. Disclosure that civil penalties, charges and liens may result from a failure to remedy the violations;
6. Deadline to correct violation prior to assessment of civil penalties is 5:00pm on the 14th day after notification. If there is a threat of injury to the public health, the environment, or public or private property, the Director may require correction of the violation within 24 hours.
7. The date that civil penalties, administrative enforcement fees, charges or liens will begin accumulating; and,
8. Information about the responsible party's ability to appeal.

C. Failure to respond to notice of violation may result in civil penalties, administrative enforcement fees and stop work orders.

15.20.220 Stop Work Orders

A. When it is necessary to obtain compliance with this Chapter, the Public Works Supervisor may issue a stop work order requiring that all work, except work directly related to the elimination of the violation, be immediately and completely stopped. If the Supervisor issues a stop work order, the responsible party shall not resume work until such time as the Supervisor gives specific approval in writing. A stop work order will apply to all City permits. The stop work order shall be in writing and shall include:

1. Date of order;
2. Permit number, where applicable;

3. Site address, legal description or project location of stop work order;

4. A description of all violations; and,

5. The conditions under which the work may resume.

B. The stop work order shall be in writing and posted at a conspicuous location at the site. In addition, a copy shall be sent to the responsible party by certified mail. For projects in the public right-of-way, the stop work order shall be delivered to the responsible party.

C. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.

D. A stop work order shall be effective upon posting.

E. When an emergency condition exists, the Director may issue a stop work order orally. The Supervisor shall then issue a written notice under Subsection A. above within 24 hours.

15.20.230 Erosion, Sediment and Pollutant Control Plan for Non-Permitted Activities

If non-permitted ground disturbing activities violate provisions of this Chapter, the responsible party may be required to submit an ESPC Plan to demonstrate what measures will be revised or added to comply with the requirements of this Chapter.

15.20.240 Voluntary Compliance Agreement

A. General. When a violation of this Chapter has occurred, as an enforcement option, the Public Works Supervisor may enter into a Voluntary Compliance Agreement with the responsible party.

B. Contents. A Voluntary Compliance Agreement shall set forth the actions to be taken by the responsible party to correct violations of this Chapter. It may also set forth the actions to mitigate the impacts of violations. The agreement shall set forth a

schedule for correction and completion of the mitigation.

C. Effect of Agreement.

1. A Voluntary Compliance Agreement is not enforceable by any third party. By entering into a Voluntary Compliance Agreement, the responsible party waives the right to an appeal under Section 15.20.020.

2. The Director may reduce or waive civil penalties if the responsible party performs all the terms of the Voluntary Compliance Agreement. The Director may not waive civil penalties in any case where the responsible party is a repeat violator. If the responsible party fails to perform according to the terms of the Voluntary Compliance Agreement, the Director shall assess civil penalties from the date the violation occurred for each violation addressed in the Agreement.

3. Subject to the approval of the Community Development Director, the responsible party may elect to substitute in-kind services for up to 90% of the amount of all assessed penalties. The Director shall determine the actions that can be deemed in-kind services.

15.20.250 Civil Penalties

Violations of this Chapter may result in any of the following penalties:

A. Civil Penalties.

1. For each violation, a civil penalty may be assessed by the City. Each day a violation exists shall be considered a separate violation.

2. The Public Works Supervisor shall consider the following criteria in determining the amount of any civil penalty to be assessed under this Section:

- a. The nature and extent of the person's involvement in the violation;
- b. The benefits, economic, financial or otherwise, accruing or likely to accrue as a result of the violation;

c. Whether the violation was isolated and temporary, or repeated and continuous;

d. The magnitude and seriousness of the violation;

e. The City's costs of investigation and remedying the violation;

f. Whether any criminal charges have been issued against the person; and

g. Any relevant, applicable evidence bearing on the nature and seriousness of the violation.

B. Administrative Enforcement Fees.

1. The City may charge a penalty in the form of a monthly enforcement fee for each project found in violation of this Chapter that meets the following conditions:

a. The project is subject to a notice of violation or stop work order as described in Sections 15.20.210 and 15.20.220;

b. A response period of 30 days has passed since the effective date of the notice of violation or stop work order; and

c. The project remains out of compliance with the initial notice of violation or stop work order or any subsequent notice of violation or stop work order.

2. If all violations are not corrected within six months from the date of the initial notice of violation, subsequent enforcement fees shall be twice the amount stated above.

3. Once the monthly enforcement fees begin, they shall continue until all violations listed in the first or any subsequent notice of violation have been corrected, inspected and approved.

4. Whenever the responsible party believes that all violations listed in the first or any subsequent notice of violation have been corrected, they shall notify the

Public Works Supervisor. Upon receipt of such notice, the Supervisor shall promptly schedule an inspection of the project and shall notify the responsible party if any violations remain uncorrected.

**15.20.260 Appeal of Notice of Violations
And Penalties**

Whenever the responsible party has been given a written notice or order pursuant to this chapter and has been directed to make any correction or to perform any act and the responsible party believes the finding of the notice or order was in error, the responsible party may have the notice or order reviewed by the Director. If a review is sought, the responsible party shall submit a written request to the Director within 10 days of the date of the notice or order. Such review shall be conducted by the Director. The responsible party requesting such review shall be given the opportunity to present evidence to the Director. Following a review, the Director shall issue a written determination. Nothing in this Section shall limit the authority of the Director to initiate a code enforcement proceeding.

**15.20.270 Summary Abatement
Authorized**

The Director may determine that the failure or non-existence of erosion, sediment and pollutant control measures as required by this Chapter constitute a nuisance

presenting an immediate threat of injury to the public health, the environment, or public or private property. Such nuisances shall be subject to the requirements of this Chapter. In cases where the Director determines it is necessary to take immediate action in order to meet the purposes of this Chapter, summary abatement of such nuisance is authorized.

**15.20.280 Notification Following
Summary Abatement**

A. When summary abatement is authorized by this Chapter, the decision regarding whether or not to use summary abatement shall be at the Director's discretion. In case of summary abatement, notice to the responsible party prior to abatement is not required. However, following summary abatement, the Director shall post upon the development site liable for the abatement a notice describing the action taken to abate the nuisance.

B. Upon posting of the notice described in Subsection A above, the Director shall cause a notice to be mailed to the owner at the owner's address as recorded in the county assessment and taxation records for the property. The mailed notice shall include the content described in Subsection 15.20.020C. An error in the name of the property owner or address listed in the county assessment and taxation records shall not render the notice void but in such case the posted notice shall be deemed sufficient.

RESOLUTION NO. 816

A RESOLUTION ADOPTING CERTAIN FEES FOR THE CITY OF CANBY EROSION CONTROL PERMITTING PROCESS.

WHEREAS, The City has adopted a new erosion control permitting and inspection process.

WHEREAS, it is the City's procedure to reclaim all permitting and inspection costs.

WHEREAS, the following fees are consistent with the results of the cost of service study.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

To adopt the following fee schedule for the erosion control permitting and inspection process:

**City Of Canby
Erosion Control Fee Schedule**

Single Family (Up to 1 acre)

Without ESPC Certification:

Base Rate, to 4 inspections	\$110
Each additional inspection	\$40

With ESPC Certification:

Base Rate, to 4 inspections	\$85
Each additional inspection	\$35

All Other Lots, including Single Family over 1 acre

Without ESPC Certification:

Base Rate, 1 acre	\$184
Each additional acre	\$80
Each inspection over 9	\$40

With ESPC Certification:

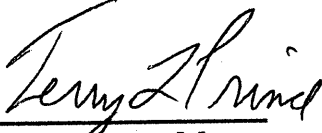
Base Rate, 1 acre	\$145
Each additional acre	\$42
Each inspection over 9	\$35

Plan Review


50% of Inspection Base Rate

Violations

100\$ per Violation per Day until problem is fixed


Terry L Prince - Mayor

ATTEST:


Chauncey Seifried
City Recorder, Pro-Tem