



Council Business Meeting

July 18, 2023

Agenda Item	Second Reading of Ordinance 3223 Creating AMC 14.10 – Stormwater Discharge and Quality Control	
From	Scott Fleury PE	Public Works Director
Contact	Scott.fleury@ashland.or.us	
Item Type	Requested by Council <input type="checkbox"/> Update <input type="checkbox"/> Request for Direction <input checked="" type="checkbox"/> Presentation <input type="checkbox"/>	

SUMMARY

Before the Council the second reading of a newly created section of the Ashland Municipal Code (AMC) for stormwater drainage quality control. The newly created code, section 14.10 “Stormwater Discharge and Quality Control” was developed by staff with assistance from the Department of Environmental Quality (DEQ) to meet the current MS4* National Pollution Discharge Elimination System (NPDES) permit requirements.

**MS4: A municipal separate storm sewer system, commonly called an MS4, is a conveyance or system of conveyances, such as roads with drainage systems, municipal streets, catch basins, curbs, gutters, constructed channels or storm drains, owned or operated by a governmental entity that discharges to waters of the state.*

POLICIES, PLANS & GOALS SUPPORTED

City Council Goals:

Essential Services

- Stormwater

Community Values:

- Environmental resilience, including addressing climate change and ecosystem conservation

Bear Creek Total Maximum Daily Load (TMDL)

- Designated Management Area (Ashland) – Reduce Non-Point Source Pollutants

Department Goals:

- Maintain existing infrastructure to meet regulatory requirements and minimize life cycle costs.
- Deliver timely life cycle capital improvement projects.
- Maintain and improve infrastructure that enhances the economic vitality of the community.
- Evaluate all city infrastructure regarding planning management and financial resources.

PREVIOUS COUNCIL ACTION

Staff provided an update to Council on the Stormwater Drainage Master Plan and associated storm drainage background at the March 1, 2021 Study Session ([Staff Report](#)). This included background associated with MS4 requirements. The Council adopted the Stormwater and Drainage Master Plan at the October 4, 2022 Business Meeting ([Staff Report](#), [Minutes](#)). The first reading of the ordinance occurred at the June 20th, 2023 Business Meeting ([Staff Report](#)).





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The Council has also previously approved Intergovernmental Agreements (IGAs) with the Rogue Valley Council of Governments for assistance in meeting the Bear Creek TMDL requirements (non-point source pollutant reduction).

BACKGROUND AND ADDITIONAL INFORMATION

The City of Ashland is a Phase II Community and has a National Pollution Discharge Elimination System (NPDES) MS4 permit issued by DEQ for the storm drain system. NPDES MS4 permits are issued on five-year cycles with the City receiving the last updated permit in 2019. The MS4 permit requires the City to have numerous measures and activities in place to ensure compliance with the permit. Staff has previously developed the required Stormwater Management Program document, the Illicit Discharge Detection and Elimination document. The last formal requirement is to develop an ordinance that provides for legal authority to manage and enforce non-stormwater discharges into receiving water bodies with escalating enforcement capabilities**.

***The permit registrant must prohibit non-stormwater discharges into the MS4 (except those conditionally allowed by Schedule A.1.d) through enforcement of an ordinance or other regulatory mechanism, to the extent allowable under state law. The permit registrant must implement appropriate enforcement procedures and actions to ensure compliance.*

Permit Requirements:

1. Pursuant to 40 CFR §122.34(a), the permit registrant must at a minimum develop, implement and enforce a Stormwater Management Program (SWMP) designed to reduce pollutants from the MS4 to the maximum extent practicable, to protect water quality and to satisfy the appropriate water quality requirement of the Clean Water Act. This permit identifies the management practices, control techniques and system, and design and engineering methods necessary to meet this standard. **COMPLETED**
2. The permit registrant must adopt, update, and maintain adequate legal authority through ordinance(s), code(s), interagency agreement(s), contract(s), and/or other mechanisms to control pollutant discharges into and discharges from its MS4 and to implement and enforce the conditions of this permit, to the extent allowable pursuant to the respective authority granted under state law.

If existing ordinances or regulatory mechanisms are insufficient to meet the criteria required by this permit, the permit registrant must adopt new ordinances. If the permit registrant does not have the authority to adopt ordinances, the permit registrant must utilize all relevant regulatory mechanisms available to it as allowed pursuant to applicable state law. **IN PROCESS**

DEQ has determined the City's existing ordinances are insufficient to meet the requirements of the MS4 permit and thus has required the City to develop and updated ordinance. DEQ has reviewed the ordinance developed by staff and supports its approval.

The Stormwater Discharge Quality Control Ordinance developed aligns with the MS4 permit requirements to control pollutant discharges and provide for adequate enforcement capabilities for non-stormwater discharges. It also aligns with the Rogue Valley Sewer Services Stormwater Design Manual for Low Impact Development and stormwater feature maintenance requirements. The ordinance also supports the existing Bear Creek TMDL for non-point source pollutant reduction.





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The City is required to monitor and report on all permit requirements of the stormwater system yearly. Many of the activities that are required to be reported on are coordinated with the Rogue Valley Council of Governments through an Intergovernmental Agreement, specifically the education and outreach requirements (coordinated with the TMDL reporting). The rest of the requirements are managed by existing staff, (Engineering, Street, Wastewater Collections).

Existing Ordinance and Stormwater Drainage Background:

The Storm Drainage Ordinance was originally established in 1994 under Ordinance 2740 and amended in 1996 with Ordinance 2788. The function of this ordinance was to establish the storm drain utility and provide for a mechanism to collect the storm drainage fee for associated management of the system.

FISCAL IMPACTS

The fiscal impacts are contained within the storm drain fund budget for each biennium. These impacts include staffing levels necessary to ensure compliance, equipment purchases, infrastructure maintenance improvements, capital projects, and professional services.

STAFF RECOMMENDATION

Staff recommends approval of the second reading of ordinance 3223.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I Move to approve second reading of Ordinance 3223, titled "Stormwater Discharge Quality Control" creating section 14.10 – Stormwater Discharge Quality Control of the Ashland Municipal Code.

REFERENCES & ATTACHMENTS

Attachment 1: Ordinance 3223, An Ordinance Creating Section 14.10 of the Ashland Municipal Code: Stormwater Discharge Quality Control

1 **ORDINANCE NO. 3223**
2 **AN ORDINANCE CREATING SECTION 14.10 OF THE ASHLAND**
3 **MUNICIPAL CODE: STORMWATER DISCHARGE QUALITY**
4 **CONTROL**

5 Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are
6 **~~lined through~~** and additions are **underlined**.

7
8
9 **WHEREAS**, Article 2. Section 1 of the Ashland City Charter provides:

10 Powers of the City. The City shall have all powers which the constitutions, statutes, and
11 common law of the United States and of this State expressly or impliedly grant or allow
12 municipalities, as fully as though this Charter specifically enumerated each of those
13 powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto,
14 shall possess all powers hereinafter specifically granted. All the authority thereof shall
15 have perpetual succession.

16
17 **WHEREAS**, the City desires to create section 14.10 of the Ashland Municipal Code:
18 **STORMWATER DISCHARGE QUALITY CONTROL**

19
20 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

21
22 **SECTION 1.** Chapter 14.10 is hereby created to read as follows:

23 **14.10.010 Title.**

24 This chapter shall be known as the stormwater discharge quality control ordinance of the City of
25 Ashland.

26 **14.10.020 Purpose.**

27 The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens
28 of Ashland through the regulation of nonstormwater discharges to the storm drainage system to
29 the maximum extend practicable as required by federal and state law. This chapter establishes
30 methods for controlling the introduction of pollutants into the municipal separate storm sewer

1 system (MS4) in order to comply with requirements of the National Pollution Discharge
2 Elimination System (NPDES) permit process. Objectives of this chapter are to:

- 3 A. Regulate the contribution of pollutants in stormwater discharges and to prohibit non-
4 stormwater discharges to the public stormwater drainage, groundwater and surface water
5 systems, underground injection control or waterways.
- 6 B. Prohibit illicit connections and discharges to the MS4
- 7 C. Establish legal authority to carry out all inspections, surveillance, monitoring, and
8 enforcement procedures necessary to ensure compliance with this chapter.

9 **14.10.030 Definitions.**

10 For the purposes of this chapter, the following words shall have the following meanings:

11 “Agricultural activities” means those activities over which the Oregon Department of
12 Agriculture has enforcement authority.

13
14 “Bank” means that portion of a waterway that is exposed from the ordinary high water mark
15 (OHWM) and extends upland.

16 “BMP” means best management practices.

17
18 “City” means city of Ashland

19 “Construction activities” means activities that require a National Pollution Discharge Elimination
20 System construction permit. These activities include but are not limited to clearing and grubbing,
21 grading, excavating, and demolition.

22 “Director” means the Director of Public Works or the Director’s designee.

23
24 “Hazardous materials” mean any material, including any substance, waste, or combination
25 thereof, that because of its quantity, concentration, or physical, chemical, or infectious
26 characteristics may cause, or contribute to, a substantial present or potential hazard to human
27 health, safety, property, or the environment when improperly treated, stored, transported,
28 disposed of, or otherwise mismanaged.

29 “Illicit connection” means either of the following:

- 30 1. Any drain or conveyance, whether on the surface or subsurface, that allows an illicit
discharge to enter the public storm drainage and surface water system including but not

1 limited to any conveyances that allow any non-stormwater discharge including sewage,
2 process wastewater, and wash water to enter the public storm drainage and surface water
3 system and any connections to the public storm drainage and surface water system from
4 indoor drains and sinks, regardless of whether the drain or connection had been previously
5 allowed, permitted, or approved by a government agency; or

6 2. Any drain or conveyance connected from a commercial or industrial land use to the
7 public storm drainage and surface water system that has not been documented in plans,
8 maps, or equivalent records and approved by the City.

9 “Illicit discharge” means any direct or indirect non-stormwater discharge to the public storm
10 drainage and surface water system, except as exempted in Section 14.10.070. “Illicit discharge”
11 as used in this chapter shall have the same meaning as the term “illegal dumping” as used by the
12 Department of Environmental Quality.

13 “Industrial activity” means activities which require an NPDES industrial permit.

14 “National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit”
15 means general, group, and individual stormwater discharge permits that regulate facilities
16 defined in federal NPDES regulations and regulated through the Oregon Department of
17 Environmental Quality.

18 “Non-stormwater discharge” means any discharge to the public storm drainage, groundwater and
19 surface water systems that is not composed entirely of stormwater.

20 “Municipal separate storm sewer system (MS4)”

21 “Ordinary high water mark” (OHWM) means the line on the bank or shore to which the high
22 water ordinarily rises in the average runoff year. The OHWM excludes exceptionally high water
23 levels caused by large flood events such as the five-year or 100-year events.

24 “Owner” means a person who is the sole fee simple owner of the real property, all joint owners
25 whose interests add up to a fee simple interest in the property, or the owner of an equitable
26 interest in the property pursuant to a land sales contract.

27 “Person responsible” or “responsible person” means the equitable or legal owner of the subject
28 property, a lessee, tenant or person in possession of the property, or the person or persons
29 directly or indirectly responsible for an act.
30

1 “Pollutant” means anything that causes or contributes to pollution. Pollutants may include, but
2 are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous
3 liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or
4 abandoned objects, articles, and accumulations, that may cause or contribute to pollution;
5 floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal
6 coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues
7 that result from constructing a building or structure (including but not limited to sediments,
8 slurries, and concrete rinsates); and noxious or offensive matter of any kind.

9 “Pollution” means contamination or other alteration of the physical, chemical, or biological
10 properties of any waters of the state, including change in temperature, taste, color, turbidity, silt,
11 or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other
12 substance into any water of the state that either by itself or in connection with any other
13 substance present can reasonably be expected to create a public nuisance or render such waters
14 harmful, detrimental, or injurious to public health, safety, or welfare; to domestic, commercial,
15 industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wildlife,
16 fish, other aquatic life or the habitat thereof.

17 “Premises” means any building, lot, parcel of land, or portion of land whether improved or
18 unimproved including adjacent sidewalks and parking strips.

19 “Public storm drainage and surface water system” means publicly owned facilities by which
20 stormwater is collected and/or conveyed, including but not limited to any roads with drainage
21 systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention
22 and detention basins, natural and human-made or altered drainage channels, reservoirs and other
23 drainage structures.

24 “Stormwater” means snow melt runoff, and surface runoff and drainage, and is defined in 40
25 CFR §122.26(b)(13). “Stormwater” means that portion of precipitation that does not naturally
26 percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes
27 into a defined surface water channel or a constructed infiltration facility.

28 “Stormwater management area” means an area designated as a stormwater management area by
29 the Oregon Department of Environmental Quality.
30

1 “UIC” means underground injection control. A UIC structure is a subsurface distribution system
2 for stormwater; usually an assemblage of perforated pipes, drain tiles or other mechanisms
3 intended to distribute stormwater below the surface of the ground.

4 “Waters of the state” means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers,
5 streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits
6 of the state of Oregon, and all other bodies of surface or underground waters, natural or artificial,
7 inland or coastal, fresh or salt, public or private (except those private waters that do not combine
8 or effect a junction with natural surface or underground waters) that are located wholly or
9 partially within or bordering the state or within its jurisdiction.

10 “Waterway” means a body of water (whether natural or manmade) that periodically or
11 continuously contains waters of the state and has a definite bed and banks that serve to confine
12 the water.

13 **14.10.040 Applicability.**

14 This chapter applies to all water entering the public storm drainage and surface water system
15 generated on any developed and undeveloped lands inside the City of Ashland’s stormwater
16 management area.

17 **14.10.050 Ultimate responsibility of property owner.**

18 The standards set forth in this chapter are minimum standards. This chapter does not mean or
19 imply that compliance with this chapter by any person will ensure that there will be no
20 contamination, pollution, or unauthorized discharge of pollutants into waters of the state by a
21 responsible person. The property owner is ultimately responsible for all conditions on or created
22 by the owner’s property. This chapter shall not create liability on the part of the City of Ashland,
23 or any agent or employee of the City of Ashland, for any damages that result from a responsible
24 person’s or property owner’s reliance on this chapter or any administrative decision lawfully
25 made under this chapter.

26 **14.10.060 Prohibition of illicit discharges.**

27 A. No person shall discharge or cause to be discharged into the public stormwater drainage,
28 groundwater and surface water system, UICs, or waterways any materials, including but not
29 limited to pollutants or waters containing any pollutants that cause or contribute to a violation of
30 DEQ and/or other applicable water quality standards, other than stormwater. Pollutants include,
but are not limited to:

- 1 1. Septic, sewage, and dumping or disposal of liquids or materials other than stormwater
2 into the MS4;
- 3 2. Discharges of washwater resulting from the hosing or cleaning of gas stations, auto
4 repair garages, or other types of automotive services facilities;
- 5 3. Discharges resulting from the cleaning, repair, or maintenance of any type of equipment,
6 machinery, or facility, including motor vehicles, cement-related equipment, and port-a-
7 potty servicing, etc.;
- 8 4. Discharges of washwater from mobile operations, such as mobile automobile or truck
9 washing, steam cleaning, power washing, and carpet cleaning, etc.;
- 10 5. Discharges of washwater from the cleaning or hosing of impervious surfaces in
11 municipal, industrial, commercial, or residential areas (including parking lots, streets,
12 sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc.)
13 where detergents are used and spills or leaks of toxic or hazardous materials have occurred
(unless all spilled material has been removed);
- 14 6. Discharges of runoff from material storage areas, which contain chemicals, fuels, grease,
15 oil, or other hazardous materials from material storage areas;
- 16 7. Discharges of pool or fountain water containing chlorine, biocides, filter backwash water
17 or other chemicals;
- 18 8. Discharges of sediment, unhardened concrete, pet waste, vegetation clippings, or other
19 landscape or construction-related wastes;
- 20 9. Discharges of trash, paints, stains, resins, or other household hazardous wastes;
- 21 10. Discharges of food-related wastes (grease, restaurant kitchen material and trash bin
22 washwater, etc.).

23
24 B. Discharges from the following activities will not be considered a source of pollutants to the
25 storm drain system and to waters of the state when properly managed to ensure that no potential
26 pollutants are present, and therefore they shall not be considered illicit discharges under the
27 Clean Water Act, Oregon Revised Statutes, Oregon Administrative Rules or this chapter:

- 28 1. Uncontaminated water line flushing.
- 29 2. Landscape irrigation. For permit registrant owned or operated areas landscape irrigation
30 will be considered allowable only if pesticides and fertilizers are applied in accordance
with manufacturer's instructions.
3. Diverted stream flows.

- 1 4. Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)) to
2 separate storm sewers.
- 3 5. Rising groundwaters.
- 4 6. Uncontaminated pumped ground water.
- 5 7. Potable water sources (including potable groundwater monitoring wells and draining and
6 flushing of municipal potable water storage reservoirs).
- 7 8. Start up flushing of groundwater wells.
- 8 9. Foundation, footing and crawlspace drains (where flows are not contaminated [i.e.,
9 process materials or other pollutant]).
- 10 10. Uncontaminated air conditioning or compressor condensate.
- 11 11. Irrigation water.
- 12 12. Springs.
- 13 13. Lawn watering.
- 14 14. Individual residential car washing.
- 15 15. Charity car washing (provided that chemicals, soaps, detergents, steam or heated water
16 are not used. Washing is restricted to the outside of the vehicle, no engines, transmissions
17 or undercarriages).
- 18 16. Flows from riparian habitats and wetlands.
- 19 17. Dechlorinated swimming pool discharges including hot tubs (heated water must be
20 cooled for at least 12 hours prior to discharge).
- 21 18. Fire hydrant flushing.
- 22 19. Street and pavement washwaters (provided that chemicals, soaps, detergents, steam or
23 heated water are not used).
- 24 20. Routine external building wash-down (provided that chemicals, soaps, detergents, steam
25 or heated water are not used).
- 26 21. Water associated with dye testing activity.
- 27 22. Discharges of treated water from investigation, removal and remedial actions selected or
28 approved by DEQ pursuant to Oregon Revised Statute (ORS) Chapter 465.
- 29
30

1 C. The prohibition set forth in subsection (A) of this section shall not apply to any non-
2 stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued
3 to the discharger and administered by the Oregon Department of Environmental Quality under
4 the authority of the Federal Environmental Protection Agency; provided, that the discharger is in
5 full compliance with all requirements of the permit, waiver, or order and other applicable laws
6 and regulations; and provided, that the City of Ashland has granted written approval for any
7 discharge to the public storm drainage and surface water system.

8 **14.10.070 Prohibition of illicit connections.**

9 The construction, use, maintenance or continued existence of illicit connections to the public
10 storm drainage and surface water system is prohibited. This prohibition expressly includes,
11 without limitation, illicit connections made in the past, regardless of whether the connection was
12 permissible under law or practices applicable or prevailing at the time of connection.

13 **14.10.080 Waste disposal prohibitions.**

14 No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or
15 maintained, in or upon any public or private property, driveway, parking area, street, alley,
16 sidewalk, component of the storm drainage and surface water system, UICs, or waters of the
17 state, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and
18 accumulations, so that the same may cause or contribute to pollution. Wastes deposited in proper
19 waste receptacles for the purposes of collection are exempt from this prohibition.

20 **14.10.090 Discharges in violation of industrial or construction activity NPDES stormwater
21 discharge permit.**

22 Any person subject to an industrial or construction activity NPDES stormwater discharge permit
23 shall comply with all provisions of the permit. Failure to comply with all provisions shall
24 constitute a violation of this chapter. Proof of compliance with the permit may be required in a
25 form acceptable to the director prior to or as a condition of a subdivision map, site plan, building
26 permit, or development or improvement plan; upon inspection of the facility; during any
27 enforcement proceeding or action; or for any other reasonable cause.

28 **14.10.100 Waterway protection.**

29 Every person responsible for property through which a waterway passes shall maintain and
30 stabilize that portion of the waterway that is within the responsible person's property lines in
order to protect against erosion and degradation of the waterway originating from the property.
"Maintain" and "stabilize" as used in this section means keeping that portion of the waterway
that is within the property lines free of trash, debris, excessive vegetation, and other obstacles

1 that would pollute, contaminate, or retard the flow of water through the waterway. “Maintain”
2 also includes the maintenance of existing privately owned structures within or adjacent to a
3 waterway, so that the structures will not become a hazard to the use, function, or physical
4 integrity of the waterway. “Erosion” as used in this section includes the removal of bank
5 vegetation that will result in bare slopes subject to erosion. This chapter shall not be interpreted
6 to restrict a person responsible for property from enhancing or establishing the planting of
7 riparian buffers or to perform maintenance within those areas.

8 **14.10.110 Requirement to monitor and analyze.**

9 The director may require by written notice to the property owner that any person engaged in any
10 activity and/or owning or operating any facility which may cause or contribute to stormwater
11 pollution, illicit discharges, and/or non-stormwater discharges to the public stormwater drainage,
12 groundwater and surface water systems, UICs, or waters of the state, to undertake at the owner’s
13 expense any monitoring and analyses and furnish any reports to the director as deemed necessary
14 to determine compliance with this chapter.

15 **14.10.120 Illicit discharge procedure.**

16 Notwithstanding any other requirements of law, as soon as any person responsible for a facility
17 or operation, or responsible for emergency response for a facility or operation, has information of
18 any known or suspected release of materials which are resulting or may result in illicit discharges
19 or pollutants discharging into the public stormwater drainage, groundwater and surface water
20 systems, or waters of the state from the facility, the person shall take all necessary steps to ensure
21 the discovery, containment, and cleanup of the release. Upon discovery of any illicit discharge,
22 the responsible person shall immediately notify the director.

23 **14.10.130 Authority to inspect.**

24 When the director determines it is necessary to make an inspection to enforce any provision of
25 this chapter, the director shall provide a written request to enter and inspect the premises by
26 delivering the request to a responsible person or by posting the request at a conspicuous location
27 on the premises. If a responsible person refuses entry or fails to respond to the request, the
28 director may seek warrant or other assistance from any court of competent jurisdiction in
29 obtaining entry.

30 **14.10.140 Authority to sample, establish sampling devices, and test.**

During any inspection pursuant to this chapter, the director may take any samples and perform
any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

1 **14.10.150 Low Impact Development**

2
3 A. Low Impact Development (LID) is a term used to describe a land planning and engineering
4 design approach to manage stormwater runoff as part of green infrastructure. LID emphasizes
5 conservation and use of on-site natural features to protect water quality.

6 B. Post-Construction Stormwater Development/Management Guidelines. Refer to most current
7 version of the “Rogue Valley Stormwater Quality Design Manual.”

8 C. Maintenance Agreement. Stormwater treatment practices shall have an enforceable operations
9 and maintenance agreement to ensure the system functions as designed. This agreement will
10 include:

11 1. Access to the stormwater treatment facilities at the site by the city for purpose of
12 inspection and repair.

13 2. A legally binding document specifying the parties responsible for the proper
14 maintenance of the stormwater treatment facilities. The agreement will be recorded and
15 run with the land.

16 3. For stormwater controls that include vegetation and/or soil permeability, the operation
17 and maintenance manual must include the maintenance of these elements to maintain the
18 functionality of the feature.

19 4. Person(s) responsible for the operation and maintenance of the stormwater facility
20 shall have the operation and maintenance manual on site and available at all times.

21 Records of the maintenance and repairs shall be retained and available for the last five
22 years and available for inspection by the city.
23

24 **14.10.160 Notice of violation and Abatement**

25 A. Whenever the director finds that a person has violated a provision of this chapter, the director
26 may order compliance by written notice of violation to the property owner pursuant to Ashland
27 Municipal Code Section 2.31 Uniform Violation Abatement Process.

28 **14.10.170 Hearing request.**

29 A property owner who is served with a notice of violation as described in Section 14.10.190 may
30 request an appeal of the directors decision using the uniform administrative appeals process
outlined in Ashland Municipal Code chapter 2.30.

1 **14.10.180 Penalties.**

2 A. In addition to any other remedies set forth in Ashland Municipal Code, any person who
3 violates any provision of this Chapter is subject to Section 1.08.020 of the Ashland Municipal
4 Code. Any violation of this section is a Class 1 violation. (Ord. 3137, amended, 2017) Any
5 person who is cited for a violation of this chapter shall be subject to a fine of not more than
6 \$500.00 for a noncontinuing violation and a fine of not more than \$1,000 for a continuing
7 violation.

8 B. Each day that this chapter is violated shall constitute a separate violation.

9 **14.10.190 Enforcement.**

10 The provisions of this chapter are enforceable pursuant to Chapter 1.08 General Penalties.

11 **14.10.200 Other remedies.**

12 The provisions of this chapter are in addition to and not in lieu of any other procedures and
13 remedies provided by law including equitable relief and damages.

14 **SECTION 2. Severability.** The sections, subsections, paragraphs and clauses of this ordinance
15 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
16 validity of the remaining sections, subsections, paragraphs and clauses.

17
18 **SECTION 3. Codification.** Provisions of this Ordinance shall be incorporated in the City Code,
19 and the word “ordinance” may be changed to “code”, “article”, “section”, or another word, and
20 the sections of this Ordinance may be renumbered or re-lettered, provided however, that any
21 Whereas clauses and boilerplate provisions (*i.e.*, Sections [No(s.)] need not be codified, and the
22 City Recorder is authorized to correct any cross-references and any typographical errors.
23

24
25 The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C)
26 of the City Charter on the ____ day of _____, 2023, and duly PASSED and
27 ADOPTED this ____ day of _____, 2023.

28
29 _____
30 Melissa Huhtala, City Recorder

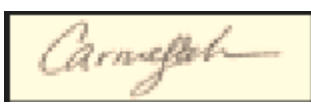
SIGNED and APPROVED this ____ day of _____, 2023.

ORDINANCE NO. __

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Tonya Graham, Mayor

Reviewed as to form:



Carmel Zahran, Assistant City Attorney