

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OMC CHAPTERS 4.44 AND 4.60 OF THE OLYMPIA MUNICIPAL CODE RELATING TO A UNIFORM CIVIL METHOD OF ENFORCING THE CITY OF OLYMPIA'S LICENSE AND TAX REQUIREMENTS FOR PEOPLE ENGAGING IN BUSINESS IN THE CITY OF OLYMPIA AS IT RELATES TO COMPLIANCE, FEES AND FINES

WHEREAS, in April 2024 the Olympia City Council approved creation of a Tax Compliance team focused on improving compliance with Olympia's license and tax requirements for people engaging in business in the City; and

WHEREAS, proposed amendments to Title 5 OMC looks to OMC Chapter 4.44 for procedures to address non-compliance with the City's licensing and tax requirements, however OMC Chapter 4.44 focuses on property, zoning, and nuisance related violations and requires amendments to include licensing and tax requirements; and

WHEREAS, Title 5 OMC disallows incomplete tax returns and requires business licenses to be renewed on or before their expiration date; and

WHEREAS, OMC Chapters 4.44 and 4.60 should be amended to permit procedures to address non-compliance with the City's licensing and tax requirements in addition to property, zoning, and nuisance related violations, and administrative fees related thereto;

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

Section 1. Amendment of OMC Chapter 4.44. Olympia Municipal Code Chapter 4.44, Uniform Civil Enforcement, is hereby amended to read as follows:

Chapter 4.44

UNIFORM CIVIL ENFORCEMENT

4.44.000 Chapter Contents

Sections:

4.44.010 Purpose
4.44.020 Definitions
4.44.030 Notice of Violation
4.44.040 Compliance Agreement
4.44.050 Violation of Compliance Agreement
4.44.060 Failure to Comply with Notice of Violation

4.44.010 Purpose

The purpose of this Chapter is to provide a uniform civil method of enforcing the City of Olympia's regulatory ordinances in a timely fashion. However, the City Council recognizes that not all situations can or should be covered by the provision of this Chapter, especially where situations are emergent or where violators have previously been provided with opportunity to cure the violation. Code Enforcement officials are not required to use the provisions of this Chapter. However, enforcement officials when seeking to

use civil enforcement means should provide people or people engaging in business in the City with written warnings of violations, sufficient time to cure those violations, and, if necessary, technical assistance to cure the violation. Failure to follow the procedures set forth in this Chapter shall in no way constitute a defense to any civil enforcement action.

This Chapter is not intended in any way to create a duty by the City of Olympia or its officers, agents, and employees to any person or entity or class of person or entity.

4.44.020 Definitions

"Code Enforcement Officials" shall mean any of the following officials or employees of the City of Olympia: the sworn police officers, the City Manager or the City Manager's designee, the Director of Community Planning and Development or the Director of Community Planning and Development's designee, the Director of Public Works or the Director of Public Works' designee, the City's Building Official or the City's Building Official's designee and the Fire Marshal or the Fire Marshal's designee, the Finance Director or the Finance Director's designee.

"Person" shall mean any natural person, or any firm, association, corporation, or other entity however constituted.

"Repeat Offender" shall mean a property owner, tenant, hired contractor or property manager, or person doing business in the City who has a confirmed history of violating OMC Titles 4, 8, 13, 16, 17, or 18 three or more times within a 24-month period.

4.44.030 Notice of Violation

A. Form. A Code Enforcement officer may issue a notice of violation which shall be in substantially the following form:

Dear Owner/Resident or Occupant:

The City of Olympia is committed to [maintaining quality neighborhoods and an excellent community environment] or [to ensure licensing and tax compliance for persons doing business in the City]. Our residents and persons doing business in the City expect us to do everything we can in this regard.

An INSPECTION was conducted at your property located at

_____[or an investigation of your licensing requirements and tax compliance has occurred.]

(address).

This investigation revealed violations of Olympia Municipal Code (OMC) Section(s)

(cite section(s)).

The attached sheet categorizes your violations and copies of the codes are provided for your review as an educational package to assist you in achieving compliance and preventing future violations.

Violations are usually required to be eliminated within twenty-four hours to fourteen days depending upon their nature. In this matter, you have () days to comply with the Olympia Municipal Code. By completing a "Compliance Agreement" an additional

two weeks may be granted depending on public health and safety. However, where immediate action is required, compliance agreements shall not be offered.

Here are your choices: 1) If you do nothing, a civil infraction or criminal citation complaint may be issued against you; 2) Comply with this notice within the time allowed; 3) You may sign and return the Compliance Agreement within three (3) days of receipt of this letter to get additional time to comply.

Please contact the investigation officer at (360) 753-8487 between 8:00 a.m. and 5:00 p.m. Monday through Thursday. Please leave a voice mail if the officer is not able to take your call. **Your address, a return phone number, the best date and time to contact you is necessary.**

Sincerely,

Code Enforcement Officer

(1) Olympia Municipal Code violation at (address):

OMC Section violated (text):

Facts constituting violation (describe):

What you need to do to comply with this notice (describe):

(2) Olympia Municipal Code violation at (address):

OMC Section violated (text):

Facts constituting violation (describe):

What you need to do to comply with this notice (describe):

(3) Olympia Municipal Code violation at (address):

OMC Section violated (text):

Facts constituting violation (describe):

What you need to do to comply with this notice (describe):

[Add additional violations as necessary.]

B. Form - Business. A Code Enforcement officer may issue a notice of violation to the person engaging in business in the City, which shall be in the form of a letter describing findings, necessary corrective actions and timeframe for coming into compliance.

C. Service of Notice of Violation. The Notice of Violation shall be served upon the owner and person in possession of the premises which is in violation or the person engaged in doing business in the City. In the alternative, the notice of violation may be served by mailing the Notice of Violation to the owner and/or the person in possession of the premises or engaging in business in the City and by posting it in a conspicuous place upon the premises. If the alternative is used, notice shall be deemed served three (3) days after completion of both posting and mailing, whichever shall occur last.

D. Service of Notice of Violation – Business. The Notice of Violation shall be served upon the person engaging in business in the City by ordinary mail, addressed to the address of the taxpayer or licensee

as shown by the records of the Director. The Notice of Violation may also be served directly to the business owner or person engaging in business in the City.

4.44.040 Compliance Agreement

Whenever a Notice of Violation is issued pursuant to Section 4.44.030 A., it shall be accompanied by a compliance agreement which shall be in substantially the following form:

City of Olympia, Washington

COMPLIANCE AGREEMENT

full name; first, middle, last	date of birth	residing address Street, City, State, Zip, Phone Number	property where violation exists Street, City, State, Zip, Phone Number
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condition requiring correction; check all that apply

- | | |
|---|---|
| <input type="checkbox"/> 8.16 Rat Control | <input type="checkbox"/> 16.04 Building |
| <input type="checkbox"/> 8.24 General Nuisances | <input type="checkbox"/> 16.06 Housing |
| <input type="checkbox"/> 8.40 Junk Vehicles | <input type="checkbox"/> 116.08 Mechanical |
| <input type="checkbox"/> 13.12 Garbage | <input type="checkbox"/> 6.10 Unfit/Unsafe Building |
| <input type="checkbox"/> 13.16 Stormwater | <input type="checkbox"/> 16.20 Plumbing |
| <input type="checkbox"/> 13.08 Sewer | <input type="checkbox"/> 16.32 Fire Code |
| <input type="checkbox"/> 13.04 Water | <input type="checkbox"/> 18 Zoning |
| <input type="checkbox"/> 13.24 Reclaimed Water | <input type="checkbox"/> Other |

what you need to do to comply with City Code:

8.16 Nuisances

☐ Secure Hazard

☐ Legal Disposal

☐ Demolish Structure
(obtain permit)

☐ Remove/Trim
Vegetation

☐ Exterminate
Rodents/Stinging
Insects

8.24 Vehicle- Junk/Storage

☐ License, Insure,
Operable

☐ Enclose in Building

☐ Remove from
Property

☐ Recreational
Vehicles Legally
Parked/Stored

8.40 Property Maintenance

☐ Legal
Disposal

☐ Enclose from
View
Public/Neighbors

8.52 Vegetation

☐ Remove/Dispose

☐ Trim/Dispose
Hazardous

18 Zoning

☐ Details with
Investigator

☐ Other

IT IS HEREBY MUTUALLY AGREED:

The above named agrees that the conditions set forth in this Agreement must be eliminated [or resolved] as described above on or before _____, 20__.

The undersigned agrees to allow the City to inspect the premises [or business records] as necessary to determine compliance with this Agreement.

This Agreement shall be interpreted in accordance with the laws of the State of Washington.

No amendment or modification of this Agreement shall be valid unless expressed in writing and executed by the parties hereto in the same manner as the execution of this Agreement.

Failure to comply with the agreement deadline may result in prosecution or civil enforcement for violations of the Olympia Municipal Code and enforcement of this Agreement by any civil and equitable means available to the City.

The undersigned person acknowledges that they have read this Agreement, understand it, and have had an opportunity to talk with their attorney.

Accepted by:

Date:

Signature (accepting responsibility for compliance)

Code Enforcement
Officer:

Signature

Date:

4.44.050 Violation of Compliance Agreement

It is a civil infraction to violate the terms or conditions of a compliance agreement entered into under the terms of Section 4.44.040. This civil infraction shall carry a penalty of Fifty Dollars (\$50) for the first day of violation, One Hundred Twenty-Five (\$125) for the second day of the same violation, and Two Hundred Fifty (\$250) thereafter for each day of violation. Each day of violation shall constitute a separate civil infraction.

4.44.060 Failure to Comply with Notice of Violation

After the time for compliance and a Notice of Violation has expired, the Code Enforcement officer shall reinspect the premises or, for a violation by a person engaging in business in the City, relevant business records, and determine if the violation has been abated as required in the Notice of Violation. In the event of no action or insufficient action to abate the violation, the Code Enforcement officer may take any and all means necessary to enforce the applicable code, including but not limited to issuance of civil infractions, issuance of criminal citations, commencement of civil, criminal, and equitable proceedings with the assistance of the City's Legal Department.

Section 2. Amendment of OMC Chapter 4.60. Olympia Municipal Code Chapter 4.60, Administrative Fees, is hereby amended to read as follows:

Chapter 4.60

ADMINISTRATIVE FEES

4.60.000 Chapter Contents

Sections:

- 4.60.010 Insufficient Funds.
- 4.60.020 Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties.
- 4.60.030 Tax return without payment.
- 4.60.040 Payment without tax return.
- 4.60.050 Delinquent License Renewal
- 4.60.060 Non-electronic Tax Filing

4.60.010 Insufficient Funds

There shall be assessed a fee of \$25.00 for checks or direct debits deposited by the City and returned or not honored by the bank on which the check or direct debit was drawn for reasons of insufficient funds, closed account, or stop payment.

4.60.020 Vehicle Immobilization and Impoundment Costs, Fees, and Civil Penalties.

The following fees are imposed as civil penalties upon the registered owners of vehicles included on the Parking Services Section's Scofflaw List prepared and maintained pursuant to OMC Section 10.16.280:

For vehicles added to the Scofflaw List: \$25.00

For vehicles immobilized under OMC Section 10.16.290: \$50.00

For vehicles impounded under OMC Section 10.16.300: \$100.00

The fees imposed herein are cumulative, i.e., for a vehicle that is added to the Scofflaw List, immobilized, then impounded, the total fees are \$175.00.

4.60.030 Tax Return Without Payment

There shall be assessed a fee of \$25.00 for a business tax form received without payment due.

4.60.040 Payment Without Tax Return

There shall be assessed a fee of \$25.00 for a business tax payment received without the required tax return.

4.60.050 Delinquent License Renewal

There shall be assessed a fee of \$25.00 for a failure to renew a business license on or before the expiration date established by the Business License Service.

4.60.060 Non-electronic Tax Filing

At such time as the City provides for electronic filing and payment of business taxes required under Title 5 OMC, there shall be assessed a fee of \$25.00 for non-electronic filing and payment.

Section 3. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This Ordinance shall take effect after passage and publication, as provided by law, on _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED