

Ordinance No. _____

AN ORDINANCE of the City of Olympia, Washington relating to Uniform Civil Enforcement; specifically ...; and amending Chapter 4.44 and Section 4.50.060 of the Olympia Municipal Code.

WHEREAS,

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

Section 1. Amendment of OMC Chapter 4.44. Chapter 4.44 of the Olympia Municipal Code 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 citizens 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 or criminal 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 his or her designee, the Director of Community Planning and Development or his or her designee, the Director of Public Works or his or her designee, the City's Building Official or his or her designee and the Fire Marshal or his or her 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 who has a confirmed violation history, including any violation of OMC Titles 8, 13, 16, 17, or 18; or violation of a Notice of Violation occurring on the same site or on a different tax parcel, but caused by the same Owner, three 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. Our citizens expect us to do everything we can in this regard.

An INSPECTION was conducted at your property located at

_____ (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 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. 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. In the alternative, the notice of violation may be served by mailing the Notice of Violation to the owner and the person in possession of the premises 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.

4.44.040 Compliance Agreement

Whenever a Notice of Violation is issued pursuant to Section 4.44.030, 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"/> 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 as described above on or before _____, 20__.

The undersigned agrees to allow the City to inspect the premises as necessary to determine compliance with this Agreement. This means that you waive your right to require the City to obtain a search warrant from a judge.

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 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 he/she has read this Agreement, understands it, and has 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 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 to abate a nuisance.

Section 2. Amendment of OMC 4.50.060. Section 4.50.060 of the Olympia Municipal Code is hereby amended to read as follows:

4.50.060 Monetary penalties - Restitution

A. Class of civil infractions. Unless otherwise provided, a person found to have committed a civil infraction shall be assessed a monetary penalty as follows:

1. The maximum penalty and default amount for a first offense, which is a Class 3 civil infraction shall be Fifty Dollars (\$50), not including statutory assessments.
2. The maximum penalty and default amount for a second offense arising out of same facts as a first offense, which is a Class 2 civil infraction shall be One Hundred Twenty-Five Dollars (\$125), not including statutory assessments.
3. The maximum penalty and default amount for a third offense and additional offenses arising out of same facts as first and second offenses, which is a Class 1 civil infraction, shall be Two Hundred Fifty Dollars (\$250), not including statutory assessments.
4. Notwithstanding the provisions above, a repeat offender, as defined in Section 4.44.020, that commits another violation of Titles 8, 13, 16, 17 or 18, shall be subject to a Class 1 civil infraction, which is a penalty of Two Hundred Fifty Dollars (\$250), not including statutory assessments.

B. Whenever a monetary penalty is imposed by the court under this Chapter, it is immediately payable. The court may not impose a penalty in excess of the monetary penalty provided for by ordinance. If the person is unable to pay at that time, the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the City Attorney of the failure to pay.

C. Payment of a monetary penalty or performance of the required community service shall not relieve a person of the duty to correct the violation.

D. The court may also order a person found to have committed a civil infraction to make restitution.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances, shall be unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: