



Notice is hereby given that the City of Vancouver has issued the following:

### NOTICE OF CIVIL VIOLATION AND ORDER

Enter Permit or Case No

CITY OF VANCOUVER, WA

NO. C11-000000

P.O. Box 1995 Vancouver, Washington, 98668-1995

#### THE CITY OF VANCOUVER DIRECTS THIS ORDER TO:

Name (s)

Address(es)

**YOU HAVE VIOLATED the Vancouver Municipal Code (VMC), and YOU HAVE INCURRED MONETARY PENALTIES as specified in this ORDER.**

#### VIOLATION 1:

- A) Location of Violation: \_\_\_\_\_.
- B) Date of Violation: \_\_\_\_\_.
- C) Violated Section: **VMC Title 17, Section \_\_\_\_\_.**      **1st Violation**
- D) Description of Violation: \_\_\_\_\_

E) **YOU HAVE INCURRED AN INITIAL MONETARY PENALTY OF:**      **\$0.00**

F) You must complete the following corrective action(s):

**CORRECTIVE ACTION MUST BE COMPLETED BY:** \_\_\_\_\_.

**TOTAL INITIAL MONETARY PENALTY ASSESSED PER THIS ORDER**  
**\$250.00**

**NOTICE OF ADDITIONAL CUMULATIVE MONETARY PENALTY FORNON-COMPLIANCE**  
**IN ADDITION TO THE INITIAL MONETARY PENALTY SET FORTH ABOVE, FAILURE TO COMPLY WITH THE CORRECTIVE ACTION(S) SET FORTH IN THIS ORDER, BY THE DATE SPECIFIED IN THIS ORDER, SHALL RESULT IN THE IMPOSITION OF DAILY MONETARY PENALTIES EQUAL TO THE INITIAL MONETARY PENALTY UNTIL THE SPECIFIED CORRECTIVE ACTION IS COMPLETED.**

Payment of monetary penalties associated with the violation(s) in this Order does not relieve the violator of the duty to correct the violation.

Monetary penalties are due and payable ten (10) calendar days after the City personally serves the cited person with a Notice of Civil Violation and Order. If not served personally, monetary penalties are due fifteen (15) calendar days after the City deposits the Order in the U.S. mail. If a violation is appealed, monetary penalties are due fifteen (15) calendar days after the date the City deposits a copy of the hearings examiner's Final Order in the U.S. mail. The City accepts checks, made payable to "City of Vancouver," at the following addresses:

(BY MAIL)  
City of Vancouver  
Customer Service  
P.O. Box 8995  
Vancouver, Washington 98668-8995

(IN PERSON)  
610 Esther Street  
Vancouver, WA

Monetary penalties assessed in this Order shall continue to accrue during the appeal period unless the appellant prevails on appeal. Accrued monetary penalties shall not exceed three (3) times the amount of the daily monetary

penalty set by VMC 22.02.040 (B) (3) for any single violation from the first date of the violation through the date the hearings examiner renders a final decision.

Failure to pay will result in the referral of the monetary penalty to the City's collection agency, and additional fees may be imposed.

**DATED April 11, 2011**

**BY:** \_\_\_\_\_  
**Tammi Neblock**  
**Code Compliance Officer**  
**360-487-7854**  
Community Development Department  
City of Vancouver

### **1) APPEAL OF THIS ORDER:**

The person cited in the Notice of Civil Violation and Order or any person having any record title or legal interest in the building, structure, premise, personal property, or land where the violation is alleged to exist may appeal a Notice of Civil Violation and Order as provided in VMC 22.03.020.

An appeal of a Notice of Civil Violation and Order shall be in writing, signed by the person appealing, and shall be filed with the City Clerk no more than ten (10) calendar days from the date the City personally serves the Notice of Civil Violation and Order on all cited parties or, if not served personally, no more than thirteen (13) calendar days after the City deposits the Notice of Civil Violation and Order in the U.S. mail as provided in VMC 22.02.060.

The written appeal shall state the name and address of the appellant and shall explain how the appellant is authorized by VMC 22.03.020(A) to file the appeal and shall list grounds for the appeal, including any alleged error of fact or law in the Notice of Civil Violation and Order.

Failure to appeal a Notice of Civil Violation and Order as provided in this subsection constitutes a waiver of all right to an administrative hearing and determination of the matter.

Appeals must be filed with the City Clerk at the following address:

CITY OF VANCOUVER FINANCIAL SERVICES  
610 ESTHER STREET  
PO BOX 1995  
VANCOUVER, WA 98668-1995

Upon motion of the City, the hearings examiner may assess the costs of an appeal hearing under this title, including, but not limited to, the hearings examiner's fees and reasonable costs of staff time, if the hearings examiner finds the appeal was frivolous. Any appellant who fails to appear at his or her appeal hearing, unless for good cause shown, shall be responsible for the hearings examiner's costs.

### **2) CRIMINAL PENALTIES:**

In the event of non-compliance with the requirements of this Order, the City may prosecute the violation(s) listed above as either a misdemeanor or gross misdemeanor, depending upon the violation's classification. Misdemeanors are punishable by up to a \$1,000.00 fine or up (90) ninety days in jail or both. Gross misdemeanors are punishable by up to a \$5,000.00 fine or up to (365) three hundred sixty-five days in jail or both. Each day a violation is allowed to exist constitutes a separate offense.

### **3) FURTHER ENFORCEMENT ACTION:**

Non-compliance with the required corrective action in this Order by the person responsible for the violation constitutes a second or subsequent violation and may result in the issuance of an additional Notice of Civil Violation and Order. Subsequent Orders shall include an initial monetary penalty and may immediately include a daily monetary penalty.

If any required action, repair, demolition or maintenance work is not commenced or work stopped within the time specified, the City Official will cause further enforcement action to be taken as provided by applicable ordinances, laws or statutes. Further enforcement action may include abatement whereby the City may proceed to cause the work to be done and use all legal means to recover necessary and reasonable costs of abatement from the persons responsible for the violation(s).

**4) METHOD OF SERVICE:**

SENT VIA CERTIFIED MAIL  REGULAR MAIL   
CERTIFIED MAIL # \_\_\_\_\_

PERSONALLY SERVED

RECIPIENT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**DECLARATION OF SERVICE**

I hereby declare that I sent a copy of the document on which this declaration appears to

\_\_\_\_\_ with proper postage and address, via regular mail. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed in Vancouver, Washington on April 11, 2011.

Date

By \_\_\_\_\_

Signature

Enclosure: Petition To Appeal

Sample



CITY OF VANCOUVER  
P.O. Box 1995 Vancouver, Washington, 98668-1995

PETITION TO APPEAL

All petitions MUST be detailed on this form.

Date \_\_\_\_\_ Appellant's Phone Number \_\_\_\_\_

Appellant's Name \_\_\_\_\_ Appellant's Address \_\_\_\_\_

Appellant's Relationship to Project \_\_\_\_\_

Explanation of authority to appeal as provided for in VMC 22.03.020:

\_\_\_\_\_  
\_\_\_\_\_

Grounds for appeal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature (s) of Appellant (s) filing appeal:

\_\_\_\_\_  
\_\_\_\_\_

All sections of the appeal form must be filled out and the form filed with the City of Vancouver as provided for in VMC 22.03.020 below:

VMC 22.03.020 (A)

Standing to appeal: The person cited in the notice of civil violation and order or order to revoke permit or any person having any record title or legal interest in the building, structure, premise, personal property, or land where the violation is alleged to exist may appeal a notice of civil violation and order or order to revoke permit as provided in VMC 22.03.020.

VMC 22.03.020 (B)

Filing an appeal: An appeal of a notice of civil violation and order or order to revoke permit shall be in writing and shall be filed with the City Clerk no more than ten (10) calendar days from the date the city personally serves the notice of civil violation and order or order to revoke permit on all cited parties or, if not served personally, no more than thirteen (13) calendar days after the city deposits the notice of civil violation and order or order to revoke permit in the U.S. Mail as provided in VMC 22.02.060.

VMC 22.03.020 (C)

Administrative denial of untimely appeals: The city official may administratively deny an appeal as untimely if the appellant fails to conform to the time requirements contained in VMC 22.03.020(B). The administrative denial shall be in writing and served in compliance with VMC 22.02.060. An appellant may appeal the city's official administrative denial by filing an appropriate action in a court of competent jurisdiction within thirty (30) days of the denial.

VMC 22.03.020 (D)

Content of an appeal: The written appeal shall state the name and address of the appellant and shall explain how the appellant is authorized by VMC 22.03.020(A) to file the appeal and shall list grounds for the appeal, including any alleged error of fact or law in the notice of civil violation and order or order to revoke permit. Failure to comply with this section constitutes a "frivolous appeal" as defined under VMC 22.01.050, and subject the appellant to costs and fees.

VMC 20.03.020 (E)

Failure to appeal: Failure to appeal a notice of civil violation and order or order to revoke permit as provided in this subsection constitutes a waiver of all right to an administrative hearing and determination of the matter.

This appeal shall be filed with the City Clerk located at:  
CITY OF VANCOUVER FINANCIAL SERVICES  
610 ESTHER STREET; PO BOX 1995; VANCOUVER, WA 98668-1995

Complete appeal procedures are located in VMC 22.03.020 and may be obtained at [www.cityofvancouver.us](http://www.cityofvancouver.us)

Citation Number: C11-

Case Number:

Sample