



P.O. Box 1995 • Vancouver, WA 98668-1995
www.cityofvancouver.us

NOTICE OF CIVIL VIOLATION AND ORDER

ORDER TO VACATE, SECURE, REPAIR AND/OR DEMOLISH

SUBJECT: enter site address
enter 1st line legal
Tax Assessor's Number enter parcel number

TO: enter name(s)
enter mailing address(s)
enter city, state, zip

DATE: current date

Sample

I, **Tammi Neblock**, a Code Official for the City of Vancouver, WA, find the enter description of building located at enter site address, to be a **Sub-standard Building** based on information obtained during an inspection and the violation report of date and/or the Minimum Maintenance Standards set forth in Vancouver Municipal Code Chapter 17.14.

1st Violation

Repeat Violation

The enter description of building located at enter site address is Sub-standard due to the following conditions:

1. describe condition code reference
2. describe condition code reference
3. describe condition code reference
4. describe condition code reference

Based on these observations and the Minimum Maintenance Standards, I, as a Code Official, have determined that enter description of building located at enter site address is a Sub-standard Building under Vancouver Municipal Code 17.14 and that the enter description of building is in such a condition as to make it dangerous to the life, health, property and/or safety of the public.

CORRECTIVE ACTION(S) REQUIRED AND DATE(S) CORRECTIVE ACTION(S) TO BE COMPLETED:

YOU ARE HEREBY ORDERED TO DO THE FOLLOWING:

- 1.
- 2.
- 3.
- 4.

NOTICE TO VACATE AND SECURE

The enter description of building at enter site address, Vancouver, WA must be vacated and secured from entry within ten (10) days of service of this Notice of Civil Violation and Order.

Except for demolition activities under an approved permit, it is a misdemeanor to occupy the enter description of building at enter site address, Vancouver, WA after ten days of the date of service of this Notice of Civil Violation and Order, or to remove or deface any Notice to Vacate signs posted on the enter description of building – until demolition has been completed. This Notice to Vacate is issued by authority of the Building Official of the City of Vancouver.

FAILURE TO COMPLY WITH THIS NOTICE OF CIVIL VIOLATION AND ORDER

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).

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 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 (c) (3) for any single violation from the first date of the violation through the date the hearings examiner renders a final decision.

CIVIL PENALTY—CUMULATIVE

Pursuant to VMC 22.02.040 (c) (2), there shall in addition to all other costs and penalties set forth herein, be a cumulative civil penalty assessed of **\$250.00** per day, per violation from the date set for correction herein until the violation is corrected, plus court costs and attorney fees associated with collection.

APPEAL

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.

The date of service is the date the **Notice of Civil Violation and Order** is mailed by Certified Mail, return receipt requested. Failure to appeal constitutes a waiver of all rights to an administrative hearing and determination of the matter. If you have any questions, please

contact me at 360-487-7854, 8:00 AM to 5:00 PM, Monday through Friday. A message may be left at any time.

Respectfully,

Tammi Neblock
City of Vancouver Code Compliance

Cc: Philip Gigler, Vancouver City Attorney's Office
Heidi Scarpelli, Vancouver Fire Department
Complaint File **CDE**:

Enclosure: Petition to Appeal

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 _____ .
Date

By _____
Signature



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

Citation Number:

C10-000000

Case Number: