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Ordinance 943

An ordinance amending Clallam County Code Chapter 20.12, Voluntary Compliance Agreements

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section 20.12.010, Authority and effect is amended to read as follows:

(1) Whenever the Director determines that a code violation has occurred or is occurring, the Director may enter into a voluntary compliance agreement with a person responsible for code compliance as provided for in this chapter.

(2) A voluntary compliance agreement may be entered into at any time ~~after~~ ~~before~~ issuance of a ~~warning, citation, a~~ notice and order, or stop work order and before an administrative ~~appeal is decided hearing~~ pursuant to ~~the provisions of this title~~ Chapter 20.33 occurs.

(3) A landowner's submission of a request to be considered for assistance under a voluntary compliance agreement does not in any way toll, suspend, or otherwise affect any deadlines, periods of appeal, accrual of daily penalties, and the like.

(4) The voluntary compliance agreement is a commitment by the person responsible for code compliance to perform specific corrective actions, which may consist of a combination of remediation of the site and mitigating the impacts of the violation.

(5) By entering into a voluntary compliance agreement, the person responsible for code compliance admits that the conditions described in the voluntary compliance agreement exist and constitute a civil code violation, and acknowledges that, if the Director determines that the terms of the voluntary compliance agreement have not been met, (s)he may be liable for any remedy authorized by this title.

(6) The Director may record a copy of the executed voluntary compliance agreement with the Clallam County Auditor's Office. In that case, the Director shall record a certificate of correction with the Clallam County Auditor's Office when all violations specified in the voluntary compliance agreement have been corrected as required by the voluntary compliance agreement.

(7) The Director may grant in writing an extension of the time limit for compliance or agree to a modification of the required corrective action if the person responsible for code compliance makes a request therefor in writing, which describes in detail the circumstances that render full or timely compliance under the original conditions unattainable, and shows due diligence or substantial progress in correcting the violation.

(8) The voluntary compliance agreement is not a settlement agreement.

Section 2. Section 20.12.020, Contents to read as follows:

In addition to identifying the name and address of the person entering into the voluntary compliance agreement ("responsible person"), a voluntary compliance agreement shall contain the following:

(1) The address, legal description, and/or Clallam County tax parcel number of the subject property;

(2) A summary of the information that forms the basis of the determination that a violation has occurred or is occurring on the subject property;

(3) A reference to the specific provisions of the ordinance, permit condition, notice and order provision, or stop work order that was or is being violated;

(4) An acknowledgement by the responsible person that the conditions described in the voluntary compliance agreement exist and constitute a civil code violation, and that (s)he is the person responsible for code compliance as to that violation;

(5) A description of the corrective actions to be taken by the responsible person, including any permits and associated mitigation plans and/or special reports that must be obtained, the due date by which the corrective action must be completed, and an acknowledgement by the responsible party that these actions are necessary to correct the violation;

(6) Authorization for the Director to enter and remain upon the subject property, during normal Clallam County business hours, to determine whether the terms of the voluntary compliance agreement are being met, in the form of written permission of the occupant or, if not occupied, the landowner;

(7) An acknowledgement by the responsible person that (s)he is responsible for notifying the Director in writing of the corrective actions taken to meet the terms of the voluntary compliance agreement;

(8) An acknowledgement by the responsible person that the violation is not considered corrected unless and until the Director issues a written certificate of correction;

(9) Acknowledgement by the responsible person that (s)he is responsible for the stated amount of penalties and costs being assessed and accruing pursuant to the provisions of this title, and that any waiver of penalties according to the schedule provided for in this title shall only apply if the responsible person meets all the terms of the voluntary compliance agreement;

(10) Acknowledgement by the responsible party that penalties and costs are due 30 calendar days after they are imposed, and that if any penalties or costs remain unpaid 90 calendar days after they are imposed, interest will begin to accrue at six percent per annum, a lien will be recorded against the subject property (if owned by the responsible person), and/or the amounts due will be forwarded to a collection agency for collection;

(11) An acknowledgement that failure to meet the terms of the voluntary compliance agreement may subject the responsible person to any remedy authorized by this title, including but not limited to assessment of additional penalties, costs, suspension, revocation, or denial of a development permit, and/or abatement;

(12) An acknowledgement by the responsible party that (s)he knowingly, voluntarily, and intelligently waives the right to appeal the existence of the violation, the determination of responsibility, the agreed upon corrective action, and the imposed penalties and costs;

(13) An acknowledgement that the voluntary compliance agreement will be recorded against the subject property in the Clallam County Auditor's Office.

ADOPTED this 10 day of July 2018

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias
Mark Ozias, Chair

Randy Johnson
Randy Johnson

Bill Peach
Bill Peach

ATTEST:

Loni Gores
Loni Gores, Clerk of the Board