

ORDINANCE NO. 2583

AN ORDINANCE amending Chapter 18.55 of the Camas Municipal Code by adopting additional procedural requirements for appeals and Civil Regulatory Orders.

The Council of the City of Camas do ordain as follows:

Section I

Section 18.55.200 of the Camas Municipal Code is amended to provide as follows:

18.55.200 Appeals.

A. The following decisions may be appealed to the City Council: (1) Type II decisions; (2) Shoreline Master Program Permits; (3) SEPA decisions; (4) Civil Regulatory Orders, and (5) Civil fines. For all other decisions under this Chapter, there is no appeal to any other decision maker within the City.

B. All appeals are initiated by filing a Notice of Appeal with the Director within fourteen days of issuance of the decision being appealed.

C. The Notice of Appeal shall be in writing and contain the following information:

- (1) Appellant's name, address and phone number;
- (2) Appellant's statement describing his or other standing to appeal;
- (3) Identification of the application which is the subject of the appeal;
- (4) Appellant's statement of grounds for the appeal and the facts upon which the appeal is based;
- (5) The relief sought, including the specific nature and extent;
- (6) A statement that the appellant has read the Notice of Appeal and believes the content to be true, followed by the appellant's signature.

D. The Notice of Appeal shall be accompanied by an appeal fee as set forth in a fee schedule adopted by resolution.

E. Appeals of Civil Regulatory Orders and civil fines shall be heard de novo by the City Council. All other appeals shall be closed record hearings before the City Council.

F. Notice of any appeal shall be given to those entitled to notice of the decision or determination being appealed.

Section II

Section 18.55.210 of the Camas Municipal Code is hereby repealed.

Section III

Section 18.55.235 of the Camas Municipal Code is hereby amended to include a subsection D to provide as follows:

Section 18.55.235(D) -

The hearings examiner shall issue a decision on a request for reconsideration within forty-five days of the filing of the request for reconsideration. When a request for reconsideration has been timely filed, any appeal to Clark County Superior Court under the Land Use Petition Act

shall be filed within twenty-one days after a hearings examiner issues its decision on the request for reconsideration.

Section IV

Section 18.55.400 of the Camas Municipal Code is amended to provide as follows:

Section 18.55.400 Enforcing authority.

A. The public works director, community development director, engineering manager, fire marshal, and building official shall be responsible for enforcing Titles 14 through 18 of this code, and may adopt administrative rules to meet that responsibility. Enforcement responsibility may be delegated to an appropriate designee, for example, a code enforcement officer.

B. The enforcement provisions of this chapter shall be applicable to any violation of the provisions of Titles 14 through 18 of this code, and to any failure to comply with the terms and conditions of any permits or approvals issued pursuant to the provisions of those titles.

Section V

Section 18.55.410 of the Camas Municipal Code is amended to provide as follows:

Section 18.55.410 General penalty.

Compliance with the requirements of Titles 14 through 18 of this code shall be mandatory. The general penalties and remedies established in Chapter 1.24 of this code for such violations shall apply to any violation of those titles. The enforcement actions authorized under this chapter shall be supplemental to those general penalties and remedies.

Section VI

Section 18.55.420 of the Camas Municipal Code is amended to provide as follows:

Section 18.55.420 Application.

Actions under this chapter may be taken in any order deemed necessary or desirable by the director to achieve the purpose of Titles 14 through 18 of this code. Proof of a violation of a development permit or approval shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An enforcement action under this chapter shall not relieve or prevent enforcement against any other responsible person.

Section VII

Section 18.55.430(E) of the Camas Municipal Code is amended to provide as follows:

Section 18.55.430(E) Appeal.

A civil regulatory order may be appealed to the City Council as provided by CMC 18.55.200.

Section VIII

Section 18.55.440(F) of the Camas Municipal Code is amended to provide as follows:

Section 18.55.440(F) Appeal.

A civil fine may be appealed to the City Council as provided by CMC 18.55.200. If an application for remission of a fine was timely submitted, then the appeal must be filed within fourteen days of the date the director issues the decision on the application for remission.

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 5th day of April, 2010.

SIGNED: Paul De
Mayor

ATTEST: John M. Auger
Clerk

APPROVED as to form:
[Signature]
City Attorney