

## ATTACHMENT 3 – WC CHAPTER 4 PROCESSES

| Chapter 4 Section | Individualized Processes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| Administration    | <ul style="list-style-type: none"> <li>• <b>Section 4.025. - Enforcement and Administration.</b></li> </ul> <p>(.01) It shall be the duty of the Planning Director, to administer and enforce the provisions of <a href="#">Chapter 4</a> of this Code in a manner to assure rapid and effective compliance.</p> <p>(.02) The records of zoning actions and all amendments shall be officially held within the office of the City Recorder. All amendments to text and/or Official Zoning Map shall be approved or rejected by the City Council and acknowledged by the Mayor and attested by the City Recorder. Each action that changes a zoning district boundary shall be included on a new Official Zoning Map and approved by the Mayor and attested by the City Recorder and filed in the office of the City Recorder and will be the correct and binding zoning in all cases.</p> <p>(.03) The Commission or Board by a majority vote may instruct the Planning Director to enforce any provision of this Ordinance.</p> <p>(.04) When it appears to the City Council that there is a failure or refusal by any person, firm or corporation to comply with a final decision of the Board or Planning Commission, or of the Council in cases of appeal, or that there is a continuing violation otherwise of this Ordinance, the City Council may authorize the City Attorney to institute an appropriate suit in equity in the Circuit Court in the name of the City and abate and temporarily and permanently enjoin such violation.</p> <ul style="list-style-type: none"> <li>• <b>Section 4.026. - Enforcement Procedures and Penalties.</b></li> </ul> <p>(.01) On new construction, and prior to occupancy, the Planning Director shall assure that the development has occurred in substantial conformance with the approved Site Development Plans. If substantial inconsistencies occur, the Director may withhold authorization for connection of domestic water service, or may authorize the disconnection of water service, if water service has already been established. The Director also has the authority to withhold temporary or permanent certificates of occupancy for all or part of a development until all applicable requirements are met.</p> <p>(.02) When a violation occurs, the Planning Director shall notify in writing the property owner and or known agent of the property owner of the violation. The notice shall set forth the nature of the violation and the necessary corrective action and shall specify the penalty for non-compliance and a reasonable date of compliance not to exceed 30 days from the date of notice. An error in the name of the owner or use of a name other than the</p> |

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|                                 | <p>true owner or agent of such property shall not render void such notice. In such case the posted notice shall be deemed sufficient.</p> <p>(.03) If the violation has not been corrected, or a reasonable effort made to correct the violation within the time set forth in the notice, the Planning Director may cause the domestic water service to the property to be shut off as set by the Water Rates Ordinance.</p> <p>(.04) A violation of any provision of this Chapter is punishable, upon a first conviction, as a violation pursuant to Section I.012 of the Wilsonville Code, and upon a subsequent conviction, as a Class C Misdemeanor pursuant to Section I.011. In the case of a continuing offense, each day of any violation constitutes a separate offense.</p> <p>(.05) The City Attorney, at the request of the City Council, shall institute any necessary legal proceedings to enforce the provisions of this Chapter.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| General Development Regulations | <p><b>Section 4.156.11. - Sign Enforcement.</b></p> <p>(.01) <i>General.</i> Any person who places a sign that requires a permit under this section, and who fails to obtain a permit before installing the sign, shall be subject to penalties and fines as established in Wilsonville Code <a href="#">4.025</a>.</p> <p>(.02) <i>Removal of Signs.</i> Any sign placed on public property in violation of the provisions of this Code shall be immediately removed by the City. As soon thereafter as reasonable, the City shall notify the owner or the owner's representative that the sign has been removed, and that if the sign is not claimed within ten days, the sign will be deemed abandoned and subject to disposal by the City. The City shall have no responsibility to contact the owner of the sign if the owner's name, address, and telephone number are not clearly indicated on the sign and shall dispose of the sign ten days after its removal by the City. The City Council may establish fees to be collected at the time of releasing impounded signs in order to cover the City's costs in collecting, storing, and returning these signs and administering the sign removal program.</p> <p>(.03) <i>Civil Enforcement.</i> Any sign which is intentionally placed in violation of the provisions of this Code after the owner of the sign has been notified of the initial sign removal and reason for its removal, shall subject the owner to a civil violation not to exceed \$100.00 as and for a civil fine for each day that a violation continues to exist.</p> <p>(.04) <i>Additional enforcement.</i> The remedies described herein are not exclusive and may be used in addition to those prescribed elsewhere in the Wilsonville Code, including Sections <a href="#">1.012</a> and <a href="#">1.013</a>, Violations, and <a href="#">6.200</a> through 6.620, Nuisances. The City Attorney may use any</p> |

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|                                   | <p>enforcement process available at law or equity, including but not limited to, seeking injunctive relief, equitable relief, damages, or fines for violations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Land Divisions                    | <ul style="list-style-type: none"> <li>• <b>Section 4.280. - Appeals.</b></li> </ul> <p>Appeals may be made as set forth in <a href="#">Section 4.022</a>.</p> <ul style="list-style-type: none"> <li>• <b>Section 4.290. - Penalties.</b></li> </ul> <p>Any person who violates or fails to comply with any provisions of this Code shall be subject to the provisions of <a href="#">Section 4.026</a> (Enforcement).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Tree Preservation and Protection: | <ul style="list-style-type: none"> <li>• <b>Section 4.630.00. - Appeal.</b></li> </ul> <p>(.01) The City shall not issue a Tree Removal Permit until approval has been granted by either the Planning Director or the DRB. Any applicant denied a Type A or B permit may appeal the decision as provided for in review of Class I Development Applications, or Class II Development Applications, whichever is applicable. Decisions by the Planning Director may be appealed to the DRB as provided in WC 4.022. Decisions by the DRB may be appealed to the City Council as provided in WC <a href="#">4.022</a>.</p> <p>(.02) The City shall not issue a Tree Removal Permit approved by the Development Review Board until 15 calendar days have passed following the approval. The grant or denial of a Tree Removal Permit may be appealed to the City Council in the same manner as provided for in WC <a href="#">4.022</a>. An appeal must be filed in writing, within the 15 calendar day period following the decision being appealed. The timely filing of an appeal shall have the effect of suspending the issuance of a permit pending the outcome of the appeal. The City Council, upon review, may affirm, reverse or modify the decision rendered by the Development Review Board based upon the same standards of review specified for the DRB in the Wilsonville Code.</p> <ul style="list-style-type: none"> <li>• <b>Section 4.630.10. - Display of Permit; Inspection.</b></li> </ul> <p>The Tree Removal Permit grantee shall conspicuously display the permit on-site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow City representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this subchapter.</p> <ul style="list-style-type: none"> <li>• <b>Section 4.630.20. - Variance for Hardship.</b></li> </ul> |

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|  | <p>Any person may apply for a variance of this subchapter as provided for in <a href="#">Section 4.196</a> of this Chapter.</p> <ul style="list-style-type: none"><li>• <b>Section 4.630.30. - Severability.</b></li></ul> <p>If any part of this ordinance is found by a court of competent jurisdiction to be invalid, that part shall be severable and the remainder of this ordinance shall not be affected.</p> <ul style="list-style-type: none"><li>• <b>Section 4.640.00. - Violation; Enforcement.</b></li></ul> <p>(.01) The cutting, damaging, or removal of any individual tree without a permit as required by this ordinance constitutes a violation punishable as a separate infraction under WC <a href="#">1.013</a>. In addition, each violation of a condition or a violation of any requirement of this Chapter shall constitute a separate infraction.</p> <p>(.02) <i>Retroactive Permit.</i> A person who removes a tree without obtaining a Type A or Type B permit may apply retroactively for a permit. In addition to all application requirements of this Chapter, the person must be able to demonstrate compliance with all requirements of this subchapter, in addition to paying a triple permit fee and a penalty per tree in an amount established by resolution of City Council. Mitigation requirements of this subchapter apply to all retroactive permits.</p> <p>(.03) <i>Nuisance Abatement.</i> Removal of a tree in violation of this Chapter is a nuisance and may be abated as provided in Sections <a href="#">6.230</a> to <a href="#">6.244</a>, <a href="#">6.250</a>, and <a href="#">6.260</a> of the Wilsonville Code.</p> <p>(.04) <i>Withholding Certificate of Occupancy.</i> The City Building Official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this Chapter, including any conditions attached to a Tree Removal Permit, have been fully met.</p> <p>(.05) <i>Fines.</i> Fines for a violation shall be imposed according to WC <a href="#">1.012</a>.</p> <p>(.06) <i>Mitigation.</i> The City shall require the property owner to replace illegally removed or damaged trees. The City may also require a combination of payment and tree replacement.</p> <p>A. The City shall notify the property owner in writing that a violation has occurred and mitigation is required. Within 30 days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the City. The plan shall provide for replacement of a tree of similar species and size taking into account the suitability of the site and nursery stock availability.</p> <p>B. Replacement will be on an inch-for-inch basis computed by adding the total diameter measured at d.b.h. in inches of the illegally removed or</p> |
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|  | <p>damaged trees. The City may use any reasonable means to estimate the tree loss if destruction of the illegally removed or damaged trees prevents exact measurement. All replaced trees must be a minimum two-inch caliper. If the mitigation requirements cannot be completed on the property, the City may require completion at another approved location. Alternatively, the City may require payment into the City Tree Fund of the value of the removed tree as established by the Planning Department.</p> <ul style="list-style-type: none"> <li>• <b>Section 4.640.10. - Alternative Enforcement.</b></li> </ul> <p>(.01) In the event that a person commits more than one violation of WC <a href="#">4.600.30</a> to WC <a href="#">4.630.00</a>, the following alternative sentence may be imposed:</p> <p>A. If a person has gained money or property through the commission of an offense under this section, then upon conviction thereof, the court, in lieu of imposing a fine, may sentence the person to pay an amount, fixed by the court, not to exceed double the amount of the gain from the commission of the offense.</p> <p>B. "Gain" is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the City. "Value" shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.</p> <p>C. Any fines collected by the City under this section shall accrue to the City Tree Fund.</p> <ul style="list-style-type: none"> <li>• <b>Section 4.640.20. - Responsibility for Enforcement.</b></li> </ul> <p>Compliance with this Chapter shall be enforced by the City Attorney, the City Attorney's designee, and Clackamas County or Washington County law enforcement officers.</p> |
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| Keyword           | Sections Referenced:                                                                                                                           |
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| Building Official | 4.640.00 Violation; Enforcement (Tree Preservation): Building Official has authority to issue stop-work order, withhold approval of final plat |
|                   | 4.156.11 – Sign Enforcement                                                                                                                    |

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| Community Development Director | 4.030: CDD shall serve as City's Flood Plain Administrator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Planning Director              | 4.026.02: Enforcement Procedure and Penalties: When a violation occurs, the Planning Director shall notify in writing the property owner and or known agent of the property owner of the violation. The notice shall set forth the nature of the violation and the necessary corrective action and shall specify the penalty for non-compliance and a reasonable date of compliance not to exceed 30 days from the date of notice.                                                                                                                                       |
|                                | 4.030 – Jurisdiction and Powers of Planning Director and Community Development Director: The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority -- In issuing the permits in subsection "B," above, the Planning Director may grant limited relief in cases of hardship. The Director shall follow the Class II—Administrative Approval procedures to determine whether administrative relief shall be granted. |
| City Attorney                  | 4.025: Enforcement & Administration: City Council may authorize City Attorney to institute appropriate suit in equity                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                | 4.640.20: Responsibility for Enforcement (Tree Preservation): Compliance with this Chapter shall be enforced by the City Attorney or City Attorney's designee                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                | 4.026 Enforcement Procedures & Penalties: City Attorney, at behest of City Council shall institute any necessary legal proceedings                                                                                                                                                                                                                                                                                                                                                                                                                                       |