

ENFORCEMENT ORDER/NOTICE AND ASSESSMENT OF CIVIL PENALTY

CITY OF SALEM) COUNTY OF Marion) STATE OF OREGON)	PENALTY NO. 2017-1013 INVOICE NO.
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CITY OF SALEM
Public Works Department
 Code Compliance
 555 LIBERTY STREET SE, ROOM 325
 SALEM, OR 97301-3513
 TELEPHONE: (503) 588-6211 FAX: (503) 588-6025

THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:		
NAME:	TELEPHONE NUMBER:	
STREET ADDRESS:		
CITY:	STATE:	ZIP:
AT THE FOLLOWING PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:		
ON OR ABOUT:	AT OR NEAR LOCATION:	
DID THEN AND THERE:		
1. Violate SRC 86.030(a) (Maximum Civil Penalty: \$2000 per violation)	Description of Violation: It is unlawful for any person to destroy a city tree without a permit.	Amount of Civil Penalty:
2. Violate SRC 86.120(c) (Maximum Civil Penalty: \$2000 per violation)	Description of Violation: Any person who undertakes an activity regulated by this chapter without first obtaining a permit shall be subject to a civil penalty	Amount of Civil Penalty:
3. Violate SRC 86.105(c) (Maximum Civil Penalty: \$2000 per violation)	Description of Violation: Restoration. Persons responsible for violations of this chapter shall be responsible for restoring damaged areas.	Amount of Civil Penalty: To be determined in Restoration Plan with Urban Foresters

Total amount of civil penalties assessed by this Order / Notice and Assessment of Civil Penalty:

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IN ADDITION TO THE CIVIL PENALTY RESTORATION IS REQUIRED PURSUANT TO SRC CHAPTER 86.105(C), WHICH STATES, "PERSONS VIOLATING THIS CHAPTER, OR A PERMIT ISSUED HEREUNDER, SHALL BE RESPONSIBLE FOR RESTORING DAMAGED AREAS IN CONFORMANCE WITH A PLAN APPROVED BY THE DIRECTOR THAT PROVIDES FOR REPAIR OF ANY ENVIRONMENTAL OR PROPERTY DAMAGE AND RESTORATION OF THE SITE. COSTS OF RESTORATION SHALL BE NOT LESS THAN THOSE DETERMINED EQUAL TO THE MONETARY VALUE OF THE REGULATED TREES REMOVED IN VIOLATION OF THIS CHAPTER, OR PERMIT ISSUED HEREUNDER, AS SET FORTH IN AN APPRAISAL ACCEPTABLE TO THE DIRECTOR AND BASED UPON APPLICABLE ADMISTRATIVE RULES."

I SWEAR/AFFIRM UNDER APPLICABLE LAW AND UNDER PENALTIES FOR FALSE SWEARING THAT I HAVE SUFFICIENT GROUNDS TO AND DO BELIEVE THAT THE ABOVE-MENTIONED PERSON COMMITTED THE ABOVE VIOLATION(S), AND I HAVE SERVED THE PERSON WITH THIS ENFORCEMENT ORDER / NOTICE AND ASSESSMENT OF CIVIL PENALTY.

DATE ISSUED

CULLEN ARMSTRONG
COMPLIANCE SPECIALIST, CITY OF SALEM PUBLIC WORKS

YOU HAVE THE RIGHT TO APPEAL THIS ENFORCEMENT ORDER / NOTICE OF CIVIL PENALTY TO THE CITY'S HEARINGS OFFICER

PAYMENT PROCEDURE / RIGHT TO APPEAL

1. PAYMENT: PAYMENT IS DUE WITHIN FIFTEEN (15) BUSINESS DAYS.

Payment in full of the total amount of all civil penalties assessed must be made by delivering payment, within 15 business days of the date this enforcement order/notice and assessment of civil penalties was issued, to the following address:

**CITY OF SALEM
FINANCE DEPARTMENT
CITY HALL/RM 230
SALEM, OR 97301-3503**

2. APPEAL RIGHTS AND PROCEDURE:

You have the right to appeal this Enforcement Order / Notice of Civil Penalty to the City of Salem's Hearings Officer. A notice of appeal must be filed with the City Recorder **within fifteen (15) business days** after receiving this Order/Notice. The notice of appeal shall contain:

- (1) The name, address and telephone number of the appellant;
- (2) A copy of this Enforcement Order/Notice of Civil Penalty; and
- (3) The basis for the appeal, stating with specificity:
 - (A) Why the imposition of the civil penalty is in error due to the fact the violation was not intentional or knowing, was not a repeat or similar violation, or was not objectively impossible to correct; or
 - (B) Why the amount of the civil penalty is not supported by a factual basis based on the criteria set forth in SRC 20J.150.

The notice of appeal SHALL be accompanied by an appeal fee, as established by resolution of the Salem City Council. The appeal fee is not refundable unless the Hearings Officer finds that this Enforcement Order/Notice of Civil Penalty was not well founded in law or fact, in which case the appeal fee shall be refunded in full.

ANY NOTICE OF APPEAL FILED AFTER THE TIME PERIOD SET FORTH ABOVE SHALL BE DISMISSED BY THE HEARINGS OFFICER AS UNTIMELY. FAILURE TO FILE A NOTICE OF APPEAL SHALL BE A WAIVER OF ALL RIGHTS TO REVIEW THE ENFORCEMENT ORDER AND THE IMPOSITION OR AMOUNT OF THE CIVIL PENALTY.

3. HEARING ON APPEAL:

Upon the filing of a notice of appeal, the Hearings Officer shall set a time, date, and place for a hearing. The date shall be set not less than twenty (20) business days nor more than sixty(60) business days after the dated the notice of appeal is filed, unless continued with the consent of all parties or upon the motion of any party for good cause shown.

4. FINALITY OF PENALTY:

This notice and assessment of civil penalty shall become final upon expiration of the time for filing an appeal. If a notice of appeal is timely filed, the civil penalty shall become final upon issuance of the hearing officer's decision affirming the appeal.

5. QUESTIONS:

If you have any questions about this Enforcement Order / Notice and Assessment of Civil Penalty, you may contact the Public Works Department at the address or telephone number shown on page 1.