



Civil Infractions - Administrative Fee Determination Procedure

Administrative Rule No. 01.16.640 - 01 - 01
TMC # Rule # Version #

Effective Date: August 1, 2012

1. Description

Pursuant to TMC 1.16.640.A.2 staff will determine the amount of any administrative fee to be imposed for a Class I Civil Infraction using the following procedure with reference to the Administrative Fee Calculation Schedule shown as Exhibit 1 attached. The numbered steps below correspond to the numbered steps on the schedule.

This is not a fee for services as described in 3.32.010, nor a fee for the dedication and vacation of streets and other public areas, and Council has not declared this fee to be subject to the provisions of TMC Chapter 3.32.

2. Sections

A. Evaluate the respondent's role in causing and curing the violation in terms of:

- (1) Step 1. Effort,
- (2) Step 2. Promptness of response,
- (3) Step 3. Degree of cooperation,
- (4) Step 4. Cause of the violation,
- (5) Step 5. Knowledge or awareness, and
- (6) Step 6. Severity of the violation.

B. Enter those evaluations in the Administrative Fee Calculation Schedule using the 1, 2, or 3 ratings shown in the schedule. This may be done using the Excel version of the schedule or manually, using a hard copy. Excel will automatically perform the mathematical calculations marked with an asterisk (*) below. For any ratings other than 1 enter explanatory notes on page two of the schedule.

- (1) Step 7. Add the six evaluation ratings.*

C. Determine the Full Base Penalty.

- (1) Step 8. Multiply by twenty-five dollars (\$25.00) to determine the Full Base Penalty.*

D. Discount Penalty for Timely Compliance.

- (1) Step 9. Enter 1 if compliance was achieved within the timeline given in the second Letter of Compliance, 0 if not within the second letter timeline.

- (2) Step 10. Discount the Full Base Penalty (#8) by 50% for compliance within the second letter timeline.*
- (3) Step 11. Enter 1 if compliance was achieved within the timeline given in the first Letter of Compliance, 0 if not within the first letter timeline.
- (4) Step 12. Reduce penalty to zero for compliance within the first letter timeline.*

E. Determine Late Compliance Penalty.

- (1) Step 13. Enter the number of months in violation after the second Letter of Compliance with 0 for less than one month.
- (2) Step 14. Multiply the number of months times the Full Base Penalty (#8) to determine the Late Compliance Penalty.*

F. Determine Total First Violation Penalty

- (1) Step 15. If #9 + #11 is greater than zero, enter zero, otherwise add #8 + #14 to determine Total First Violation Penalty.*

G. Modify Penalty for Compassionate Adjustment.

- (1) Step 16. Enter a percentage for a Compassionate Adjustment, if appropriate, e.g., if respondent is elderly, incapacitated, or otherwise impaired from coming into prompt compliance. Choose 0, 25, 50, or 100%.
- (2) Step 17. Multiply #15 by #16 to determine Adjusted First Violation Penalty.*

H. Increase Penalty for Repeat Violations.

- (1) Step 18. Enter 1 if this is the second such violation within 24 months, otherwise enter 0.
- (2) Step 19. Multiply #18 by \$250.00 to determine Second Repeater Penalty.*
- (3) Step 20. Enter 1 if this is the third such violation within 24 months, otherwise enter 0.
- (4) Step 21. Multiply #20 by \$250.00 to determine Third Repeater Penalty.*

I. Determine Total Penalty.

- (1) Step 22. Determine Total Penalty This Violation by:
 - a. If #16 is greater than zero, add #17 + #19 + #21,* otherwise
 - b. If #9 + #11 = zero, add #15 + #19 + #21,* otherwise
 - c. Let #22 = #15.*

Approved by:

/s/Martha Wine
Martha Wine, City Manager

July 18, 2012
Date

City of Tigard Nuisance Code Enforcement -- Administrative Fee Schedule

Instructions: Enter your rating for 1-6 (required), and 8, 10, 12, 15, 17, 19 as appropriate.

1.	EFFORT	1	1 = Active attempt to correct violation. 2 = Minor attempt to correct violation. 3 = Little or no effort to correct violation.
2.	PROMPTNESS OF RESPONSE	1	1= Very prompt response. 2= Delayed response. 3 = Dilatory response.
3.	DEGREE OF COOPERATION	1	1= Highly cooperative. 2 = Reluctant but voluntary. 3 = Uncooperative.
4.	CAUSE OF THE VIOLATION	1	1 = Unintentional or caused by others. 2 = Negligence. 3 = Intentional or Reckless Disregard.
5.	KNOWLEDGE/AWARENESS	1	1 = Unaware action constituted a violation. 2 = Reasonably should have known. 3 = Aware from previous enforcement, permits, etc.
6.	SEVERITY OF THE VIOLATION	1	1 = No fire, life safety, injury, or property damage hazard. 2 = No fire, life safety, or injury hazard; some damage to property or environment. 3 = Fire, life safety, or injury hazard; significant damage. to property or environment.
7.	SUM OF 1 - 6	6	
		X \$25.00	
8.	<u>FULL BASE PENALTY</u>	\$150.00	(Sum of 1 -6) x \$25.00
<u>TIMELY COMPLIANCE</u>			
9.	2ND LETTER COMPLIANCE	0	1 = Yes, if complied within 2nd letter timeline. 0 = Not within 2nd letter timeline.
10.	DISCOUNTED BASE PENALTY	0	Base Penalty Discounted 50% for compliance within 2nd letter timeline.
11.	1ST LETTER COMPLIANCE	0	1 = Yes, if complied within 1st letter timeline. 0 = Not within 1st letter timeline.
12.	REDUCED BASE PENALTY	0	Base Penalty Reduced to zero for compliance within 1st letter timeline.
<u>LATE COMPLIANCE</u>			
13.	MONTHS IN VIOLATION	0	Months in violation after second notice. 0 = <1; 1 = >1; 2 = >2; 3 = >3.
14.	LATE COMPLIANCE PENALTY	\$0.00	Number of months times base penalty.
15.	<u>TOTAL FIRST VIOLATION PENALTY</u>	\$150.00	<u>TOTAL PENALTY FOR FIRST VIOLATION</u>
16.	COMPASSIONATE ADJUSTMENT	0%	Enter 0, 25, 50, OR 100 (leave off the percent sign)
17.	<u>ADJUSTED FIRST VIOL. PENALTY</u>	\$150.00	<u>TOTAL ADJUSTED PENALTY FOR FIRST VIOLATION</u>
<u>REPETITION OF THE SAME VIOLATION WITHIN 24 MONTHS:</u>			
18.	2ND REPEAT VIOLATION	0	1 = Yes, 0 = No for second same violation withing 24 months.
19.	2ND REPEATER PENALTY	0	\$250.00
20.	3RD REPEAT VIOLATION	0	1 = Yes, 0 = No for third same violation withing 24 months.
21.	3RD REPEATER PENALTY	0	\$250.00
22.	<u>TOTAL PENALTY</u>	\$150.00	<u>TOTAL PENALTY THIS VIOLATION</u>

Please complete memoranda on othe side.

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City of Tigard Nuisance Code Enforcement -- Administrative Fee Memoranda

INSTRUCTIONS: Enter notes as to the basis for the entries on page 1.

1. EFFORT

2. PROMPTNESS OF RESPONSE

3. DEGREE OF COOPERATION

4. CAUSE OF THE VIOLATION

5. KNOWLEDGE/AWARENESS

6. SEVERITY OF THE VIOLATION

9. 2ND LETTER TIMELINE COMPLIANCE
OR
11. 1ST LETTER TIMELINE COMPLIANCE

16. COMPASSIONATE ADJUSTMENT