

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

NOTICE OF HEARING

August 7, 2024

Willamette Narrows LLC 502 7th St. #208 Oregon City, OR 97045

RE:: County of Clackamas v. Willamette Narrows LLC

File: V0016622

Hearing Date: September 10, 2024

Time: This item will not begin before 11:30am however it may begin later

depending on the length of preceding items.

Location: Hearing will be held by virtual Zoom meeting. Please see attached information regarding the process for the Zoom meeting.

Enclosed you will find the following:

- 1. Notice of Rights
- 2. Copy of Complaint and Request for Hearing

You **must** appear at the time set forth in this Notice of Hearing or the relief requested in the **Complaint** may be **granted against you by default.**

You can access the complete hearing packet at https://www.clackamas.us/codeenforcement/hearings

You may contact Andrea Hall, Senior Code Compliance Specialist for Clackamas County at (503) 742-4467, should you have any questions about the violation(s) in the **Complaint.** Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

- 1. Prior to the Hearing. You have the right to make the following requests:
 - (A) You can request the opportunity to review public records and to talk to County staff about the violations or request a subpoena for that purpose if the County does not allow you to do so.
 - (B) You can request that the Hearings Officer postpone the hearing for good cause by writing the Hearings Officer at least 7 calendar days prior to the scheduled hearing date.
 - (C) You can request that the Hearings Officer decide the matter based exclusively on written materials from the parties or conduct the hearing by phone.
- 2. Procedure. The hearing will be governed by general rules of procedure designed to allow you to hear and confront the evidence against you, and for you to present evidence favorable to you. You are not required to present any evidence, the burden is on the County to establish by a preponderance of the evidence that a violation exists, or existed. Either party may, at their own expense, obtain an attorney to represent them at the hearing. If you wish to be represented by an attorney they need only notify the County and the Hearings Officer in writing of their intent to appear on your behalf. The County will present evidence first, and then you may question that evidence. You may then present your own evidence, if you wish, and the County may question your evidence. Testimony by witnesses is evidence. The Hearings Officer may inquire into any facts that are relevant to the hearing and may question the parties or witnesses about the case. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.
- 3. Record of Proceedings. An audio record will be made of the proceedings when a hearing is conducted. The audio record is available through the Clackamas County Code Enforcement Section and is available to you upon request.
- 4. Hearings Officer. The Hearings Officer is an independent contractor paid by the County to conduct hearings and render decisions. He/she is not a County employee. His/her function is to preside over the hearing, make a record of proceedings, consider admissible evidence, and interpret and apply the law. After the hearing is closed the Hearings Officer will enter written findings of fact, conclusions of law, and any Order deemed proper. If a violation is proven, then the Order may include civil penalties, fines, administrative fees, or may require the respondent to take certain actions, or refrain from certain actions. An Order issued by the Hearings Officer may be a Final Order or Continuing Order. The Hearings Officers Order is the final decision of the County, and may be appealed pursuant to Oregon law. The Hearings Officer for Clackamas County is:

Carl Cox Attorney at Law 14725 NE 20th Street, #D-5 Bellevue, WA 98007

- 5. Right to Recess. If, during the course of the hearing, Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceeding be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.
- 6. <u>Right to Appeal</u>. The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearings Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, appellant is responsible for all costs of appeal including preparation of transcript.



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You must have access to the internet or to a telephone line to use the Zoom platform, a copy of the link is provided below.

If you would like to present evidence at the Hearing please email or mail your evidence to Andrea Hall at 150 Beavercreek Rd, Oregon City, Oregon 97045, no later than 4 working days prior to the hearing. Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

If you are unable to participate in a hearing through the Zoom platform please contact Andrea Hall at 503-742-4467 within 3 calendar days of receipt of the Notice of Hearing.

If you do not know how to use Zoom, please Google "how to use Zoom" and there are many interactive guides on the internet.

If you experience difficulties connecting to the Zoom hearing <u>before</u> your scheduled start time, please call 503-830-9960 for assistance.

Zoom invite

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

https://clackamascounty.zoom.us/j/85369780998?pwd=4C46bWKMCrQvDHFhE7OGWinaPT8bgw.1

Passcode: 832146

Or One tap mobile:

- +13462487799,,85369780998# US (Houston)
- +14086380968,,85369780998# US (San Jose)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 408 638 0968 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799

Webinar ID: 853 6978 0998

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to nondiscrimination. For more information go to:

www.clackamas.us/transportation/nondiscrimination, email <u>JKauppi@clackamas.us</u> or call (503) 742-4452.

ILE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

добро пожаловать! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Manderin)

交通和发展部致力于实现非歧视。如需了解更多信息,请访问www.clackamas.us/transportation/nondiscrimination, 发送电子邮件至JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỬNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

<u>www.clackamas.us/transportation/nondiscrimination</u>, gửi email đến <u>JKauppi@clackamas.us</u> hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 <u>www.clackamas.us/transportation/nondiscrimination</u>을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.

BEFORE THE COMPLIANCE HEARINGS OFFICER for the CLACKAMAS COUNTY BOARD OF COMMISSIONERS

COUNTY OF CLACKAM	1AS
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Petitioner,

File No:

V0016622

v.

WILLAMETTE NARROWS LLC,

Respondent(s).

COMPLAINT AND REQUEST FOR HEARING

I, Andrea Hall, Senior Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent Willamette Narrows mailing address is: 502 7th St. #208, Oregon City, OR 97045.

2.

The address or location of the violation(s) of law alleged in this Complaint is: 19100 S Hwy 99E, Oregon City, OR 97045, also known as T3S, R1E, Section 2, Tax Lot 2100, and is located in Clackamas County, Oregon.

3.

On or about the 21st day of April, 2022 and the 15th day of August 2022 the Respondent violated the following laws, in the following ways:

a. Chapter 9.02.040 as it pertains to the Application and Enforcement of the Clackamas
 County Building Code. This violation is a Priority 1 violation pursuant to the Clackamas
 County Violation Priorities.

Page 1 of 3 – COMPLAINT AND REQUEST FOR HEARING File No. $\,$ V0016622

4.

The Department initiating this procedure is the Code Enforcement Section of the Department of Transportation and Development.

5.

Notice of the violation was given to Respondent in the following manner: Violation notice and Citation and Complaint number 2200166. Copies of the notice documents are attached to this Complaint as Exhibits B & C, and incorporated by this reference.

6.

Based on these allegations, petitioner requests that a hearing be set in this matter.

Petitioner seeks an Order from the Hearings Officer granting the following relief:

- 1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondent from violating these laws in the future;
- 2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissioners. Said range Priority 1 violation being \$750.00 to \$1000.00 per occurrence as provided by Appendix B to the Clackamas County Code;
 - 3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code; and
 - 4. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to reimburse the County for any expense the County may incur in collection of any penalties, fines or fees that may be imposed:

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5. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED THIS 6th day of August, 2024.

Andrea Hall

Senior Code Enforcement Specialist

FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner, File No.: V0016622

v.

WILLAMETTE NARROWS LLC,

Respondent. STATEMENT OF PROOF

History of Events and Exhibits:

April 14, 20222 While inspecting an adjacent property also owned by the Respondent, Exhibit A

County staff discovered that a commercial building on the subject property was being re-roofed and new rain drains installed without the benefit of permits or inspections. Staff received management approval to open a

violation file.

April 21, 2022 A violation notice was mailed to the Respondent with a copy to the Exhibit B

registered agent with a deadline of May 31, 2022 to submit permit

application for the re-roof and rain drains.

August 15, 2022 A review of County records revealed that a plumbing permit for the rain Exhibit C

drains, P0098422, had been issued but did not have a final inspection. A permit for the re-roof of the commercial structure had not been submitted to the County. Citation number 2200166 was issued for \$500.00 for the building code violations, this citation was mailed first class mail to the Respondent and registered agent and not returned to the County. The

citation remains unpaid.

August 7, 2024 After a review of County records revealed that the plumbing permit for the

> rain drains had expired without an approved final inspection and a permit for the re-roof of the commercial building had never been submitted to the County, this matter was referred to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the Clackamas County Building Code exists on the subject property, the County would request a Continuing Order be issued requiring the Respondent to renew permit P0098422 and obtain an approved final inspection within forty-five (45) days of the date the permit is reissued. The County would recommend that the Respondent submit a technically complete building permit application for the re-roof of the commercial structure, respond to requests for additional information within ten days and obtain approved final inspections within forty-five (45) days of the date the permits are issued.

The County will submit a timely Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondent. The report may include the following recommendations:

- o Citation 2200166 no fine amount as per ORS 455.895(2).
- o The imposition of civil penalties of up to \$1000.00.
- O The administrative compliance fee to be imposed from April 21, 2022 of \$375.00*.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.

*The Administrative Compliance Fee calculated at \$75 per month from April 2022 totals \$2025.00. However, the County is requesting a reduced Administrative Compliance Fee of \$375.00 as a reasonable estimate of the cost of this enforcement matter.

COMPLAINT FORM

Code Enforcement Division

Date: _	4	14/20	ZZ man kondale	Taken By:
		policy, st		fer confidentiality to complainant nor was it
Compla	inant: _	And	vea Ho	Requested Confidentiality Yes No
Address	:	OK	per Mo	**(if yes, must complete reverse side)**
City/ST	/Zip:		. riscurson in a	with a legal order
Home P Work P	_	po tada i olin	anadni mile ba Hamahamo	Cell Phone No:E-Mail:
Address	of Pro	blem:	9100	S Huy 99E
				C 02 , Tax Lot 2100
Violatio		R - 8)	es, then asis, — Are you required by law to make this complaint
	_	lease pro	vide as much	detail as possible):
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Sarras.	atomore Marian Mr.	mago Ville	id Szoloziu orto www.sis.buww	netions, have obliged the county in good faith m
Flood Pi UGB: I Contract	In N	Yes □ N Out	7	CE District: CPO: Zoning: TBR Report to CCB:
	Lucia test	andre of	ASSI	GNMENT (staff only) Violation # V0016622
Vio Type	Sub Type	Priority Level	Enforcement Level	Description Description
Prior V	/iolat	ions:	V 60le	0015

S:\Code Enforcement\2018 ADMIN TEMPLATES\COMPLAINT FORM 6-2013 - FOR STAFF TO COMPLETE.doc

Clackamas County Code Enforcement Complaint Request for Confidentiality

Instructions:	Use this side of the form when taking a code violation complaint from a complainant who requests confidentiality.
Tell complainant:	Information submitted to the county is potentially subject to a public records request under Oregon law. If you meet the requirements for making a confidential complaint, the county will oblige itself in good faith to protect your name, contact information and other information that would clearly identify you as the source of the complaint. However, you must be making this complaint on the condition of confidentiality and you must not have a legal obligation to make this complaint.
	Please be aware that confidential information may be disclosed internally or to comply with a legal order.
Ask complainant:	Do you want your name, contact information, and other information that would clearly identify you as the source of the complaint kept confidential?
	☐ Yes ☐ No.
If yes, then ask:	Are you making this complaint on the condition that the county preserve your confidentiality?
	☐ Yes ☐ No
If yes, then ask:	Are you required by law to make this complaint?
	☐ Yes ☐ No
Staff Certification:	After reading the above statement to the complainant, I asked each of the above question and believe that the complainant answered them truthfully. Because the complaint meets the conditions required to preserve the complainant's confidentiality, I, through my actions, have obliged the county in good faith not to disclose that the complainants name contact information, and other information that would clearly identify them as the source of the complaint.
	Printed Name Signature Date

Confidential Submission

Upon certification of the above, the complainant's name, contact information, and other information that would clearly identify the source of the complaint are exempt from disclosure under pursuant to ORS 192.355(4).



150 Beavercreek Rd Oregon City, OR 97045 503-655-8671

Home

Help

Login

Logoff

<u>Property Search</u> > <u>Search Results</u> > Property Summary

Property Account Summary

4/18/2022

Account Number	00747623	Property Address	19100 S HWY 99E , OREGON CITY, OR 97045
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General Information

Alternate Property #	31E02 02100
Property Description	Township 3S Range 1E Section 02 TAX LOT 02100 WATERFRONT LOG DUMP FOUND AT PULP SITE
Last Sale Price	\$0.00
Last Sale Date	09/17/2020
Last Sale Excise Number	378454
Property Category	Land &/or Buildings
Status	Active, Host Other Property, Locally Assessed
Tax Code Area	062-031
Remarks	

Property Characteristics

Neighborhood	30032: Area 03 industrial Oregon City
Land Class Category	301: Industrial land improved
Building Class Category	488: Warehouse Distribution
Year Built	1993
Acreage	1.26
Change property ratio	CIC

Property Details

***************************************	Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths

Parties

Role	Percent	Name	Address
Taxpayer	100	WILLAMETTE NARROWS LLC	502 7TH ST STE 208, OREGON CITY, OR 97045
Owner	100	WILLAMETTE NARROWS LLC	502 7TH ST STE 208, OREGON CITY, OR 97045

Property Values

Value Type	Tax Year 2021	Tax Year 2020	Tax Year 2019	Tax Year 2018	Tax Year 2017
AVR Total	\$133,264	\$129,383	\$125,615	\$121,956	\$118,404
Exempt					
TVR Total	\$133,264	\$129,383	\$125,615	\$121,956	\$118,404

Kauppi, Jennifer

From:

Amend, Michelle

Sent:

Monday, April 18, 2022 11:39 AM

To:

Kauppi, Jennifer

Subject:

Check-in

Hi Jen,

Can you review V0084713, V0049814, and V0047315 and be ready to discuss the status and any updates at your checkin.

Thank you, Michelle



Aerial 2019



Aerial 2022



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

April 21, 2022

Willamette Narrows, LLC 502 7th St. #208 Oregon City, OR 97045

Ryan Smith
502 7th St. #208

Oregon City, OR 97045

Subject: Violation of the Clackamas County Code V0016622

Site Address: 19100 S Hwy 99E, Oregon City, OR 97045

Legal Description: T3S, R1E, Section 2, Tax Lot 2100

It has come to the attention of the Clackamas County Code Enforcement Section that a commercial building on the above referenced property has been re-roof and new rain drains installed without the benefit of permits or inspections. This constitutes a violation of Chapter 9.02.040(A)(C) of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate the violation, please submit the building and plumbing permit applications, technically complete plans and appropriate fees to the Clackamas County Building Codes Division no later than **May 31, 2022.** Permits are accepted online only, for more information on this process please refer to the County's website at https://www.clackamas.us/building. The permits must have the fees paid in full within ten days of being notified the permits are ready. Please schedule all inspections so that final inspections may be obtained no later than 45 days of the date of the permit being issued.

If you have any questions concerning these permit requirements or the online submittal process, please contact the Building Codes Division at 503-742-4240, via email at bldservice@clackamas.us or, you may stop by our offices at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Friday 8:00 a.m. to 3:00 p.m.

P. 503.742.4400 F. 503.742.4272 WWW.CLACKAMAS.US Exhibit B 1 of 3

Please feel free to contact me if you have any questions. My direct telephone number is 503-742-4467 or email andreahal@clackamas.us.

Thank you for your prompt attention to this matter.

Andrea Hall

Clackamas County

Code Enforcement Section

Important Notices

- Administrative Compliance Fees. It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.
- 2. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
- 3. Request for a Hearing: If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beavercreek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
- 4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
- 5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
- 6. Non-Compliance may result in a lien upon your property: Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
- 7. Final Order may be enforced in Circuit Court: Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
- 8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.



Citation No. 2200166

Case No. V0016622

ADMINISTRATIVE CITATION

Date Issued: August 15, 2022

Name and Address of Person(s) Cited:

Name: Willamette Narrows LLC

Name:

Mailing Address: 502 7th St. Ste. 208 City, State, Zip: Oregon City, OR 97045

Date Violation(s) Confirmed: On the 15th day of August, 2022, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 19100 S Hwy 99E, Oregon City, OR 97045

Legal Description: T3S, R1E Section 2, Tax Lot(s) 2100

Law(s) Violated:

Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A)(C)

Description of the violation(s):

1) Owner cited failed to obtain a building permit for the re-roof of a commercial building and an approved final inspection for rain drains on the building.

Maximum Civil Penalty \$1000.00 Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$500.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

I hereby certify under penalties provided by ORS 153.990 that I have reasonable grounds to and do believe that the above person(s) committed or allowed to be committed the violation(s) described on this form.

Citation issued by: Andrea Hall Date: August 15, 2022

Telephone No.: 503-742-4467 Department Initiating Enforcement Action: Code Enforcement

V0016622

PLEASE READ CAREFULLY!

You have been cited for the violations(s) of law stated on the front of this form. You MUST exercise ONE of the following options within fifteen calendar days of the date of this citation.

If you fail to exercise one of these options within fifteen calendar days of the citation date, the County may request a hearing before the Code Enforcement Hearings Officer following which you may be ordered to pay the maximum civil penalty and abate the violation.

Options:

1. Abate the violation and pay the fine. Sign the statement of Understanding below and deliver or mail this form, together with a check or money order payable to Clackamas County in the amount of the fine to:

Clackamas County Code Enforcement Section

150 Beavercreek Rd.

Oregon City, OR 97045

2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us.

A request for hearing must contain all of the following information:

- a. Your name and address;
- b. A copy of the citation or the Citation No. and Case No.; and,
- c. The description of the relief you are requesting.

At the hearing, an administrative fee may be assessed by the Hearings Officer in addition to civil penalty(ies) if the Hearings Officer concludes you are responsible for the violation. If a civil penalty is imposed the amount will likely exceed the fine amount on this citation.

STATEMENT OF UNDERSTANDING

I, the undersigned, do hereby acknowledge that I understand the following:

- 1. By paying the fine I admit the existence of the violation(s) alleged on this citation and my responsibility for it.
- 2. Paying the fine does not relieve me of my responsibility to correct the violation and to comply with all applicable laws
- 3. Additional citations may be issued to me if I fail to correct the violation or violate other applicable laws.

Signature:	Date:	
Address:		
	City, State, Zip	
Contact Number:	Email:	