

Article 74. Enforcement, Penalty for Violations

Sec. 8-5.7401. General Requirements.

Any building or structure constructed, erected, altered, enlarged, converted, moved, maintained, used or operated, or any use of property, contrary to the provisions of this chapter or any conditions attached to the granting of a variance, conditional use permit, site plan, or any other permit issued pursuant to this chapter is unlawful.

Sec. 8-5.7402. Responsibility.

All City officers, departments, and employees vested with the duty or authority to issue permits, licenses, or other entitlements shall do so subject to the requirements of this chapter. No permit, license, or other entitlement shall be issued or approved for any purpose or in any manner which conflicts with the provisions of this chapter. Any permit, license, or other entitlement issued in conflict with any provision of this chapter is null and void as of the date of issuance or approval.

Sec. 8-5.7403. Enforcement.

A. Authority.

The Planning Director (or designee) is the enforcing officer for the provisions of this chapter.

B. Fines.

Violations of the provisions of this chapter shall be an infraction. Upon a conviction there shall be a mandatory fine imposed pursuant to Sec. 1-2.02 of the Municipal Code.

C. Continued violations.

Notwithstanding any other provisions of this chapter, each and every day any violation of this chapter or any other ordinance of the City shall be caused or allowed to continue shall constitute a separate violation.

D. Enforcement procedure.

City staff may use administrative processes, such as notices of noncompliance, warning letters, stop orders, or cease and desist orders, in lieu of or prior to enforcing any provision of this chapter, if it is determined that the process may result in compliance with this chapter at less expense to the City.

E. Right of entry.

When it is necessary to make an inspection to enforce the provisions of this chapter, or when planning agency personnel have reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this chapter which makes the building or premises unsafe, dangerous or hazardous, planning agency personnel may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, planning agency personnel shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, planning agency personnel shall have recourse to the remedies provided by law to secure entry.

F. Enforcement costs.

Whenever a judicial action or proceeding is brought to abate or enjoin any violation of this chapter, the City may recover in that action or proceeding all costs and expenses incurred in detecting, investigating, abating, and prosecuting the violation.

The actual cost of Code Enforcement may be applied to those violations which result in any land use permit. Those fees shall be collected pursuant to the most current Resolution of the City Council in effect at the time of permit application.

Sec. 8-5.7404. Issuance of an Entitlement to a Property in Violation.

No application for a land use permit, construction permit (if the issuance of the construction permit will become a party to or intensify the violation) or land division shall be approved where an existing land use, building or parcel is being maintained in violation of any applicable provision of the Subdivision Map Act, this chapter or any condition of approval of a land use permit, except where the application incorporates measures proposed by the applicant to correct the violation, and correction will occur before establishment of the new use, or recordation of a final or parcel map in the case of a subdivision.