

Chapter 18.23

ENFORCEMENT

Sections:

- 18.23.010 Permit, certificates and licenses.**
- 18.23.020 Duties of the community development director and building official.**
- 18.23.030 Violations—Penalties.**
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18.23.010 Permit, certificates and licenses.

A. All officials, departments and employees of the city vested with the authority or duty to issue permits, certificates or licenses, shall comply with the provisions of this title and shall issue no permit, certificate or license which conflicts with the provisions of this title. Any permits, certificates or licenses issued in conflict with the provisions of this title shall be void.

B. Before issuing a business license for any new business or for a new location for any existing business activity, the city clerk or other authorized licensing official shall obtain the approval of the community development director respecting compliance with the provisions of this title. (Ord. 437 § 1 (part), 1989)

18.23.020 Duties of the community development director and building official.

The community development director and building official shall be the officials responsible for the enforcement of this title. In the discharge of their duty, these officials shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection; provided, that the right of entry shall be exercised only at reasonable hours and that in no case shall any structure be entered in the absence of the owner or tenant without the written order of a court of competent jurisdiction. These officials may serve notice requiring the removal of any structure or use in violation of this

title to the owner or his authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation. These officials may call upon the city attorney to institute necessary legal proceedings to enforce the provisions of this title, and the city attorney is hereby authorized to institute appropriate actions to that end. These officials may call upon the chief of police and his authorized agents to assist in the enforcement of this title. (Ord. 437 § 1 (part), 1989)

18.23.030 Violations—Penalties.

A. Any person, firm, corporation or organization violating any provision of this title shall be guilty of an infraction. A person, firm or corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this title is committed, continued or permitted by the person, firm, corporation or organization.

B. Any structure erected, moved, altered, enlarged or maintained and any use of site contrary to the provisions of this title shall be and is declared to be unlawful and a public nuisance, and the city attorney shall immediately institute necessary legal proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of this title.

C. All remedies provided for herein shall be cumulative and not exclusive. (Ord. 437 § 1 (part), 1989)

18.23.040 Property maintenance.

A. It is declared to be a public nuisance for any person owning, leasing, occupying or having charge or possession of any property within the

city to maintain such premises in such manner than any of the following conditions are found to exist thereon:

1. Buildings or structures which violate the city's building code by creating a fire hazard, danger to human life or hazards to public health, safety and general welfare, including dilapidation, broken equipment, hazardous pools excavations, neglected machinery, indiscriminate outdoor storage of household goods or equipment, the keeping and outdoor storage of vehicles incapable of moving under their own power, and other similar attractive nuisances.

2. Premises unmaintained so as to constitute a fire hazard by reason of weeds, grasses, rank overgrowth or accumulation of debris, or which could harbor rats or other vermin, create unsightly appearance or create conditions which are detrimental to neighboring properties.

3. Broken windows or other structural defects which create hazardous conditions and invite trespassing and malicious mischief, including unsafe structural supports, boarded doorways and windows, dry rot, termites and similar hazards.

4. Clothes lines within front yard areas.

5. Garbage cans and garbage receptacles permanently stored within front yards which are visible from the public street and neighboring property owners.

6. Failure to maintain any wall, fence or hedge as to constitute a hazard to persons or property or to cause depreciation in the value of adjacent property.

B. Whenever the director or building official determines that any building or premises is in violation of the provisions of this section, he shall give written notice thereof to the owner of record as shown on the last equalized assessment roll, and shall post said written notice on the premises.

C. If the owner, duly noticed under subsection B of this section, fails to comply with directives requiring abatement of violations of this section, the appropriate city official shall file the official complaint with the city council, with a copy of said

complaint being sent to the affected property owner by certified mail. Said complaint, or notice of complaint, shall be made the subject of a public hearing before the city council in the manner prescribed for the conduct of public hearings provided in Section 18.17.040 of this code.

D. The city council shall hear the matter, review all pertinent testimony and information, and determine whether a public nuisance does in fact exist, and further determine the method by which abatement of the nuisance shall be accomplished by the affected property owner. A copy of the city council's decision shall be served by certified mail upon the affected property owner.

E. Failure on the part of an affected property owner to abate public nuisance determined by the city council to exist under the provisions of this section shall constitute an infraction, and shall be abated under the proceedings prescribed under Section 18.24.030. (Ord. 437 § 1 (part), 1989)