

**CHAPTER 1.20
ADMINISTRATIVE ENFORCEMENT**

Sections:

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1.20.010 Purpose: The purpose of this chapter is to establish provisions pertaining to the administrative enforcement of the provisions of this code when so indicated. It is the intent of this chapter that all questions of interpretation and enforcement shall first be presented to the responsible official for resolution prior to seeking enforcement through litigation. (Ord. 2325, 5/22/07; Ord. 2295, 3/27/07)

1.20.020 Duties of Officials:

- A. The Code Enforcement Officer, Community Development Director, Community Service Officer, Finance Director, Municipal Services Director, Police Chief, Utility Account Technician or other designated city official, or that official's designee or any other person designated by the City Manager, orally or in writing, to engage in administrative enforcement is responsible for the administration, interpretation and enforcement of any provision so delegated to that position.
- B. General Duty: None of the provisions of this Title are intended to create a cause of action or provide the basis for a claim against the city, its officials, or employees for the performance or failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public. (Ord. 2325, 5/22/07; Ord. 2295, 3/27/07)

1.20.030 Right of Entry:

- A. Application Constitutes Permission for Entry: Application for any permit, license, permission, or approval constitutes permission for representatives of the city to enter on the property involved in order to make inspections necessary to permit review.
- B. Investigation of Potential Violations: The city personnel may enter upon private property to investigate potential violations enforced under Section 1.20.020 if they have a good faith belief that a violation exists on the property. Before entering upon private property, the city personnel shall present credentials to the owner or person in possession or charge of the property and request entry. If entry is refused, the city personnel may use any lawful means to obtain entry. (Ord. 2325, 5/22/07; Ord. 2295, 3/27/07)

1.20.040 Violations:

- A. It is unlawful for any person to do or cause any act to be done contrary to or in violation of the provisions enforced under Section 1.20.020, and for any property owner to permit any act to be done contrary to or in violation of those provisions. All violations of this code which are enforced by means of this administrative process are determined to be public nuisances and subject to abatement in the manner provided for herein as well as by any and all means provided by state law for the abatement of public nuisances.
- B. It is also unlawful for any applicant or permittee to fail to perform any activity or obligation required by the provisions enforced under Section 1.20.020. (Ord. 2440, 2/10/09; Ord. 2325, 5/22/07; Ord. 2295, 3/27/07)

1.20.050 Enforcement and Penalties: When the appropriate city official determines that a violation of any provisions they are charged with enforcement under Section 1.20.020 exists, he or she may proceed against that violation using the procedures provided in this chapter.

- A. Initiation of Review: A review under this subsection may be initiated by the city official; a motion of the City Council; or any aggrieved person believing that a violation or violations of

any of the provisions enforced under Section 1.20.020 is occurring by making a written complaint to the appropriate city official.

B. Review Procedure:

1. The city official shall, within sixty (60) days after the receipt of such written allegations or motion of the City Council, complete an investigation of the alleged violation(s) to determine the merits thereof.
2. Within fourteen (14) days after the city official has completed the investigation, he or she shall take the following action:
 - a. If the city official determines that no violation as alleged or otherwise is occurring, then notification of that decision shall be given to the complaining person or a spokesperson for the complaining person, or in a written report to the City Council.
 - b. If the city official determines that a violation is occurring or has occurred as alleged, a Notice of Violation and Order to Correct or Cease Activity shall be sent as specified in Section 1.20.050 C.
3. If the city official determines that the way to correct a violation is for the property owner or violator to cease the activity, or for the city to impose new or changed conditions on a permit or license that has been issued or approved, the city official shall refer the matter to the city agency which issued that permit or approval.
4. If the violation is of a condition which was imposed by staff and staff finds that the violation can be reasonably resolved by imposing new or changed conditions on the permit or plan, conditions may be changed by staff.
5. If the staff determines that the way to correct a violation is for the permittee to cease the violation and the permittee fails or refuses to cease the violation, the staff may revoke the permit or approval and may order activity allowed by the permit or approval to cease.

C. Notice of Violation and Order to Correct or Cease Activity:

1. General: If the appropriate city official determines that a violation of any provision they are charged with enforcement under Section 1.20.020 exists, he or she may issue a Notice of Violation and Order to Correct or Cease Activity. This Notice will specifically indicate the following:
 - a. The name and address of the person(s) charged with the violation.
 - b. What provision of this code is being violated.
 - c. The street address and a brief legal description of the site on which the violation has been determined to exist.
 - d. What is necessary to correct the violation.
 - e. The time by which the violation is to be corrected or activity ceased.
 - f. A statement that the civil penalties established in Section 1.20.050 E shall be assessed against the person(s) cited if the violation is not corrected within the specified time period.
2. Notice to Occupant and Owner:
 - a. The city official shall deliver or cause to be delivered the Notice of Violation and Order to Correct or Cease Activity by U.S. postal mail, or certified mail return receipt requested, or personal service to the occupant or person in charge of the property if the occupant or person in charge of the property is the violator, or the owner of the property if the owner of the property is the violator.

- b. A copy of the Notice of Violation and Order to Correct or Cease Activity shall be sent to the complaining person or a spokesperson for complaining person.

D. Appeals:

1. Any Notice of Violation and Order to Correct or Cease Activity issued by the city official shall be appealable to the Hearing Examiner under Chapter 20.03.
2. Any dispute as to whether or not a violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued has been resolved so as to comply with the underlying city standard shall be appealable to the Hearing Examiner under Chapter 20.03 so long as such appeal is filed before the penalty sum has reached five thousand dollars (\$5,000).

E. Penalties:

1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5,000), beginning on the day the correction was to be completed. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation.
 2. If a penalty has been assessed pursuant to Section 1.20.050 E, a court shall assess that penalty and any additional penalty the court considers appropriate plus court costs and attorney's fees.
- F. If the city official determines that the property owner or violator could reasonably correct the violation, but fails to do so within the time specified in the Notice of Violation and Order to Correct or Cease Activity, the city official may refer the matter to the City Attorney for civil enforcement by injunction or other appropriate action.
- G. Compromise, Settlement, and Disposition of Disputes or Litigation: The city official who issued the Notice of Violation and Order to Correct or Cease Activity and the City Attorney may negotiate a settlement or compromise, or otherwise dispose of a dispute or litigation when to do so would be in the best interests of the city. (Ord. 2440, 2/10/09; Ord. 2325, 5/22/07; Ord. 2295, 3/27/07)