

## Chapter 1.10

### CODE ENFORCEMENT

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#### **1.10.010 Purpose**

The City Council finds that the enforcement of the Municipal Code and applicable State and Federal codes throughout the City is an important public service. Code Enforcement is vital to the protection of the public's health, safety and quality of life. The Council recognizes that enforcement starts with the drafting of precise regulations that can be effectively applied in administrative enforcement hearings and judicial proceedings. The Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative

remedies is critical to gain compliance with code regulations. Failure to comply with an administrative code enforcement action may require the City Attorney to file a judicial action to gain compliance. It is the intent of the City Council, in adopting this Chapter, to provide for the maximum flexibility and discretion on the part of City agents and employees in obtaining code compliance. (Ord. 598 §1, 1999)

#### **1.10.020 Definitions**

For purposes of this Chapter, the following definitions shall apply:

**A. "Administrative Officer"** means that person appointed by the City Council as the City Administrator pursuant to the provisions of Chapter 2.08 of the Ripon Municipal Code.

**B. "Chief Code Compliance Officer"** means the person designated pursuant to Section 1.10.070 of this Chapter.

**C. "Director"** means all the City Department heads (i.e. the Director of Planning and Building, the City Engineer, and the Chief of Police) the Chief of the Ripon Consolidated Fire District and any of their designated agents or representatives within their jurisdictions.

**D. "Enforcement Officer"** means persons authorized to act upon violations of the Ripon Municipal Code within their jurisdictions, including the Chief Code Compliance Officer and his/her designee.

**E. "Hearing Officer"** means any person appointed by the Administrative Officer to preside over the administrative hearings provided for in Chapter 1.12.

**F. "Person"** means any natural person, firm, association, business, trust, organization, corporation, partnership, trust, company, or any other entity which is recognized by law as the subject of rights or duties. (Ord. 598 §1, 1999)

#### **1.10.030 General Enforcement Authority**

The City Administrator, the Chief Code Compliance Officer, or any of their designated Enforcement Officials have the authority and powers necessary to gain compliance with the

provisions of the Municipal Code and applicable state codes. These powers include the power to issue Notices of Violation and administrative citations, inspect public and private property, obtain civil injunctions, revoke land use and business license permits, recover abatement costs and to use such other judicial and administrative remedies as are available under the Municipal Code or applicable state law. The Chief Code Compliance Officer, acting under the authority of the City Administrator and the direction of the Director of Building and Planning, shall be empowered to obtain code enforcement by any method set forth in this Code, or any applicable law or regulation of the State of California. (Ord. 598 §1, 1999)

#### **1.10.040 Violations and Enforcement Remedies**

**A.** It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Code shall constitute a misdemeanor; except that notwithstanding any other provision of this Code, any such violation constituting a misdemeanor under this Code may, in the discretion of the City Attorney, be charged and prosecuted as an infraction; and, with the further exception that any violation of the provisions relating to parking, operation of bicycles, operation of motor vehicles, and use of freeways, highways and streets by animals, bicycles, motor vehicles or pedestrians shall constitute an infraction. The Neighborhood Code Compliance Division may also seek injunctive relief and civil penalties in the Superior Court under the provisions of this Chapter.

**B.** It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move improve, remove, convert or demolish, equip, use occupy or main any building or structure, or cause the same to be done in violation of any provision of this Code or contrary to any order or permit issued by the City.

**C.** Violations of this Chapter shall be treated as strict liability offenses regardless of intent. (Ord. 598 §1, 1999)

#### **1.10.050 Authority to Inspect**

The Chief Code Compliance Officer and any designated Enforcement Official are authorized to enter upon any property or premises to ascertain whether the provisions of the Municipal Code or applicable state codes are being obeyed, and to make any examinations and surveys as may be necessary in the performance of their enforcement duties. These may include the taking of photographs, samples or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner. If an owner, occupant or agent refuses permission to enter or inspect, the Enforcement Official may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Section 1822.50 through 1822.59. (Ord. 598 §1, 1999)

#### **1.10.060 Power to Arrest**

A Director or any designated Enforcement Official is authorized to arrest without a warrant any person whenever the Enforcement Official has reasonable cause to believe that the person has committed a violation of Ripon Municipal Code or applicable state codes in his or her presence. Pursuant to Penal Code Section 836.5 the Enforcement Official can only arrest a person by issuing a misdemeanor field citation. (Ord. 598 §1, 1999)

#### **1.10.070 Neighborhood Code Compliance Division Established**

The Neighborhood Code Compliance Division is created as a part of the Departments of Building and Planning to administer the City's comprehensive code enforcement system specified in this Chapter. The City Building Official is designated as the Chief Code Compliance Officer and shall be under the

jurisdiction of the Director of Building and Planning and the City Administrator. (Ord. 598 § 1, 1999)

### **1.10.080 Organization of Enforcement**

#### **Agency**

**A.** The Neighborhood Code Compliance Division, as established in Municipal Code Section 1.10.070, shall have primary responsibility for the enforcement of Chapters 5.04 (Business Licenses); 10.40 (Stopping, Standing and Parking) [Sections 10.40.050, 10.40.060, 10.40.070, 10.40.080, 10.40.090, 10.40.120, 10.40.160]; 10.48 (Abandoned Vehicles); 12.04 (Street Names and Numbers); 12.08 (Street and Sidewalk Obstructions); 12.24 (Advertising Displays Adjacent to Freeways); 15.04 (Building Code); 15.08 (Housing Code); 15.12 (Mechanical Code); 15.16 (Plumbing Code); 15.20 (Electrical Code); 15.24 (Solar Energy Code); 15.28 (Fire Code); 15.32; and Title 16 (Development Code ) of the Municipal Code.

**B.** The City Building Official is designated as the Chief Code Compliance Officer, and together with the Director of Building and Planning, shall coordinate and develop programs and policies for the consistent and uniform enforcement of these codes. In addition, the Chief Code Compliance Officer shall coordinate and direct the activities of the Neighborhood Code Compliance Division.

**C.** The Neighborhood Code Compliance Division shall meet from time to time, at such date and times as determined by the Chief Code Compliance Officer. The Neighborhood Code Compliance Division shall review such code enforcement matters as are brought forward by the Chief Code Compliance Officer, and shall provide guidance and recommendations as to appropriate strategies and remedies to obtain compliance. The Neighborhood Code Compliance Division's recommendations shall be deemed advisory, and shall not be binding on the Chief Code Compliance Officer. (Ord. 598 § 1, 1999)

### **1.10.090 Enforcement Powers and Duties-General**

All Directors and Enforcement Officers, as defined in Section 1.10.020 of this Code are authorized to exercise any of the enforcement powers set forth in the Ripon Municipal Code. (Ord. 598 §1, 1999)

### **1.10.100 Chief Code Compliance Officer**

In addition to powers and duties specified herein, the Chief Code Compliance Officer has the primary responsibility for the enforcement of the Building, Electrical, Plumbing and Mechanical Codes as they apply to all existing buildings and structures within the City of Ripon.

**A.** Interpretation and Administrative Rules. The Chief Code Compliance Officer shall have the power, which shall not be delegated to render interpretations of the Building, Electrical, Plumbing and Mechanical Codes.

**B.** In addition to the general authority to inspect private property provided in Section 1.10.050 of this Code, the Chief Code Compliance Officer has the authority to:

1. Enter a building, structure or premises to determine: a) whether a building is unsafe, substandard, dangerous as defined in this Code; and b) whether a building is of unreinforced masonry bearing wall construction.
2. Report relevant violations of this Code to the State Contractors License Board or other appropriate licensing or regulatory agency;
3. Issue a stop work notice where appropriate; and
4. Order, in addition to any other remedies set forth in this Chapter, the reasonable restoration of a building, premises and any adjacent and affected site to it lawful condition or require reasonable mitigation. These requirements can be attached as conditions to applicable permits or enforcement actions and orders as appropriate.
  - a) Any restoration or mitigation imposed by the Chief Code Compliance Officer shall be at the sole cost of the Responsible Person.

- b) Mitigation may be appropriate where it is determined that restoration of the building, premises or adjacent site to its lawful condition is not feasible or that irreparable damage has been done to a structure, environmentally sensitive area or habitat or historical structure.
- c) Mitigation may include the purchase or exchange of like-kind real property and structures of a similar or greater quality and value.
- d) The Chief Code Compliance Officer may require a combination of restoration and mitigation of the building, premises or site depending upon the circumstances.
- e) The Chief Code Compliance Officer may promulgate additional administrative guidelines and regulations to implement and clarify the authority to require restoration and mitigation. (Ord. 598 § 1, 1999)

#### **1.10.110 Administrative Enforcement- Notice of Violation**

Whenever a Director determines that a violation of the Ripon Municipal Code or applicable state codes exists, the Chief Code Compliance Officer may issue a Notice of Violation to a responsible person. The Notice of Violation shall include the following information:

- A.** The name of the property's record owner;
- B.** Street address;
- C.** The code sections in violation;
- D.** A description of the property's condition which violated the applicable codes;
- E.** A list of necessary corrections to bring the property into compliance;
- F.** A deadline or specific date to correct the violations listed in the Notice of Violation;
- G.** Reference to the potential consequences should the property remain in violation after the expiration of the compliance deadline including, but not limited to: criminal prosecution, civil injunction, administrative abatement, civil penalties, code enforcement liens, revocation of permits, recordation of the Notice of Violation and withholding of future municipal permits. (Ord. 598 §1, 1999)

#### **1.10.120 Criminal Violations- Misdemeanors and Infractions**

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Code shall constitute a misdemeanor; except that notwithstanding any other provision of this Code, any such violation constituting a misdemeanor under this Code may, in the discretion of the City Attorney, be charged and prosecuted as an infraction; and, with the further exception that any violation of the provisions relating to parking, operation of bicycles, operation of motor vehicles, and use of freeways, highways and streets by animals, bicycles, motor vehicles or pedestrians shall constitute an infraction. Any person convicted of a misdemeanor under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County Jail for a period of not more than six (6) months or by both fine and imprisonment. A person convicted of an infraction under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by fine only as follows: Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250) and for a second conviction or any subsequent conviction within period of one year, by a fine of not exceeding five hundred dollars (\$500).

Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly. (Ord. 598 §1, 1999)

#### **1.10.130 Civil Violations-Injunctions and Civil Penalties**

- A.** In addition to any other remedy provided by this Code, any provision of this Code may be

enforced by injunction issued by the Superior Court upon a suit brought by the City of Ripon.

**B.** As a part of a civil action filed to enforce provisions of this Code, a court may assess a maximum civil penalty of one thousand dollars (\$1,000) per violation of the Municipal Code for each day during which any person commits, continues, allows or maintains a violation of any provision of this Code. (Ord. 598 §1, 1999)

#### **1.10.140 Code Enforcement Performance Bond**

As part of any court action, the city has the authority to require a Responsible Person to post a performance bond to ensure compliance with the Municipal Code, applicable state codes or any judicial action. (Ord. 598 §1, 1999)

#### **1.10.150 Judicial Abatement**

Any violation of the Ripon Municipal Code Sections set forth in this Chapter are hereby declared to be a nuisance per se, and may be abated under any or all provisions of this Chapter. Pursuant to California Government Code Section 38773, the City has the authority to judicially abate public nuisances by filing claims for injunctive relief, unfair business practices, nuisance complaints, and other available judicial remedies. The City also has the authority to make the expense of abatement of the nuisance a special assessment, or a lien against the property on which it is maintained and a personal obligation against the property owner, in accordance with California Government Code Section 38773.1 or 38773.5. (Ord. 598 §1, 1999)

#### **1.10.160 Treble Damages for Subsequent Abatement Judgments**

Pursuant to California Government Code Section 38773.7, upon the entry of a second or subsequent civil or criminal judgment within a two-year period that finds an owner of property responsible for a condition that may be abated in accordance with California Government Code Section 38773.5, a court may order the owner to pay treble the costs of the abatement. These costs shall not include conditions abated pursuant to

Section 17980 or the California Health and Safety Code. (Ord. 598 §1, 1999)

#### **1.10.170 Recovery of Code Enforcement Costs—Allocation of Award**

To the maximum extent allowable by law, the costs of obtaining compliance with the provisions of the Ripon Municipal Code shall be charged to the responsible property owner(s) or parties in possession. Recoverable costs may include, but not be limited to, administrative costs and staff time, inspection fees, attorneys fees, and remediation costs, and other costs as may be permitted by a court of competent jurisdiction. To the extent such costs are recovered, the City shall remit a proportionate share of such costs to the Ripon Consolidated Fire District to cover its inspection and related costs. (Ord. 598 §1, 1999)