

CHAPTER 19.46
ENFORCEMENT OF PROVISIONS

<u>Section</u>		<u>Page</u>
19.46.010	Purpose	IV-19.46-1
19.46.020	Responsibility	IV-19.46-1
19.46.030	Prohibitions	IV-19.46-1
19.46.040	Remedies	IV-19.46-2
19.46.050	Notice of Violation	IV-19.46-2
19.46.060	Penalties	IV-19.46-2
19.46.070	Enforcement Fees	IV-19.46-3

19.46.010 PURPOSE

Enforcement of the provisions of this Development Code and any entitlements and subdivision maps approved by the City shall be diligently pursued in order to provide for their effective administration, to ensure compliance with any conditions of approval, to promote the City's planning efforts and for the protection of the public health, safety, and welfare of the City.

19.46.020 RESPONSIBILITY

The Department shall be responsible for enforcing the conditions and standards imposed on all permits granted by the City and permitted under this Development Code. Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained, contrary to the provisions of this Development Code, is hereby declared to be unlawful and a public nuisance and shall be subject to the remedies and penalties set forth in Chapter 1.12 of the Municipal Code, and/or revocation procedures contained in the following chapters of this Development Code:

- Chapter 19.36 – Conditional Use Permits and Minor Use Permits
- Chapter 19.44 – Administrative and Development Permits
- Chapter 19.54 – Home Occupation Permits
- Chapter 19.70 – Temporary Use Permits
- Chapter 19.72 – Variances

Any permit, certificate, or license issued subsequent to the effective date of and in conflict with this Development Code shall be null and void.

19.46.030 PROHIBITIONS

No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing for which a final or parcel map is required by this Development Code, until the final or parcel map, in full compliance with Map Act Section 66410 *et seq.* and the Municipal Code, has been filed for recordation with the office of the County Recorder, pursuant to Map Act Section 66499.30.

19.46.040 REMEDIES

1. All remedies concerning this Development Code shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited structures, signs, or improvements, and shall not prevent the enforced correction or removal thereof.
2. Any construction in violation of this Development Code, or any condition(s) imposed on a permit or license shall be subject to the issuance of a "Stop Work Order."
3. Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of Map Act Section 66410 et seq. and the Municipal Code, is voidable at the sole option of the grantee or successors, pursuant to Map Act Section 66499.32.

This Section does not bar any legal, equitable or summary remedy to which the City, public agency or any person, firm or corporation may otherwise be entitled, pursuant to Map Act Section 66499.33.

4. The City shall not issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of Map Act Section 66410 et seq. and the Municipal Code, if it finds that the development of the real property is contrary to the public health or safety, pursuant to Map Act Section 66499.34.

19.46.050 NOTICE OF VIOLATION

Whenever the City has knowledge that real property has been divided in violation of the provisions of Map Act Section 66410 et seq. and the Municipal Code, it shall send, by certified mail to the then current owner(s) of record of the property, a notice of intention to record a notice of violation, describing the real property in detail, naming the owner(s) thereof, and stating that an opportunity will be given to the owner(s) to present evidence, pursuant to Map Act Section 66499.36.

19.46.060 PENALTIES

1. Any person, partnership, organization, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision(s) of this Development Code or any condition imposed on an entitlement, development permit, map or license, or violating or failing to comply with any order made hereunder, shall be guilty of an infraction or a misdemeanor and, upon conviction thereof, shall be punished as set forth in Section 1.12.010 of the Municipal Code, in addition to any other civil or administrative remedies provided by law.
2. Each violation of Map Act Section 66410 et seq. by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation shall be punishable by imprisonment in the County jail not exceeding one year, or in the state prison, by a fine not exceeding \$10,000, or by both that fine and imprisonment. Every violation of Map Act Section 66410 et seq. is a misdemeanor, pursuant to Map Act Section 66499.31.

19.46.070 ENFORCEMENT FEES

The City may impose fees on applicants to cover the full costs incurred by the City for the monitoring and enforcement of the requirements of this Development Code as well as those conditions and mitigation measures imposed on an approved permit or license.

Intentionally Blank