

**Article 2: Code Enforcement
Judicial and Administrative Remedies**
(“General Procedures” added 1–8–1990 by O–17408 N.S.)
(Retitled to “Code Enforcement—Judicial and
Administrative Remedies” on 8–10–1993 by O–17956 N.S.)

Division 1: Enforcement Authority and Powers
(“Notice” added 1–8–1990 by O–17408 N.S.)
(Retitled to “Enforcement Authority
and Powers” on 8–10–1993 by O–17956 N.S.)

§12.0101 Declaration of Purpose

The Council finds that the enforcement of the Municipal Code and applicable state codes throughout the City is an important public service. Code Enforcement is vital to 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.

(“Declaration of Purpose” added 8–10–1993 by O–17956 N.S.)

§12.0102 General Enforcement Authority

The City Manager, the City Clerk 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 field citations, inspect public and private property and use whatever judicial and administrative remedies are available under the Municipal Code or applicable state codes.

(“General Enforcement Authority” added 8–10–1993 by O–17956 N.S.)

§12.0103 Notice of Violation

Whenever a Director determines that a violation of the Municipal Code or applicable state codes exists, the Director or Enforcement Official 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 violates 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, revocation of permits, recordation of the Notice of Violation and withholding of future municipal permits.

(“Notice of Violation” added (portions previously contained in former Sec. 44.0122) 8–10–1993 by O–17956 N.S.)

§12.0104 Authority to Inspect

A Director 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.

(“Authority to Inspect” added 8–10–1993 by O–17956 N.S.)

§12.0105 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 the 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.

(“*Power to Arrest*” added 8-10-1993 by O-17956 N.S.)

§12.0106 Administrative Subpoena Authority

- (a) The City Manager shall have the power to issue administrative subpoenas for the production of documents and other evidence necessary to determine whether violations of the Municipal Code exist.
- (b) Any administrative subpoena issued pursuant to section 12.0106 shall not require the production of documents and other evidence sooner than 30 days from the date of service of the subpoena. The parties may agree in writing to an extension of the date for the production. A person served with an administrative subpoena may seek judicial review of the subpoena within 30 days of service.

(“*Administrative Subpoena Authority*” added 4-14-2021 by O-21305 N.S.; effective 5-29-2021.)