

Article 1: General Information on Required Reviews and Enforcement

Division 2: Enforcement Authorities For the Land Development Code

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0201 Purpose of Enforcement Authorities for the Land Development Code

The purpose of this division is to ensure the protection of the public health, safety, and welfare by providing enforcement authority and remedies.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0202 General Enforcement Authority Regarding the Land Development Code

- (a) In addition to the enforcement authority provided in Municipal Code Section 12.0102, the City Manager or designated Code Enforcement Official shall have the authority to promulgate policies and regulations reasonably necessary to implement the intent and provisions of the Land Development Code including all provisions of the Building, Electrical, Plumbing, Mechanical, Residential Building, and Green Building Regulations. The City Manager or designated Code Enforcement Official shall coordinate and develop programs and policies for the consistent and uniform enforcement of the Land Development Code.
- (b) Violations of the Land Development Code may also be enforced by using any of the enforcement remedies referred to in Municipal Code Chapter 1, Article 2, Division 1 and in this division. This division and any other applicable sections of the Municipal Code shall be read together in any administrative or judicial proceeding to form the basis of a Land Development Code violation. General enforcement definitions that may govern the application of this article are in Municipal Code Chapter 1, Article 1, Division 2.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§121.0203 Authority to Inspect Private Property

- (a) Pursuant to the general authority to inspect private property provided in Municipal Code Section 12.0104, the City Manager or designated Code Enforcement Official has the authority to enter a *structure* or *premises* to determine the following:
 - (1) Whether a building is unsafe, substandard, or dangerous as defined in Chapter 12, Article 1, Division 4 (Procedures for Abatement of Unsafe, Dangerous, or Substandard Structures);
 - (2) Whether a building is of unreinforced masonry bearing wall construction; or
 - (3) Whether Municipal Code or applicable state code violations exist.
- (b) In addition to the powers set forth in Section 121.0203(a), the City Manager or designated Code Enforcement Official has the authority to enter any *structure*, during reasonable hours or at any time that extreme danger exists, in the discharge of official duties to do the following:
 - (1) Inspect, reinspect, or test the installation of electrical wiring, devices, appliances, and equipment;
 - (2) Disconnect or cut any wire if necessary to protect public safety or property or if the wire may interfere with the work of the Fire Department;
 - (3) Disconnect or order the discontinuance of electrical service to any electrical wiring, device, appliance, or equipment found to be dangerous to the public safety or property because it is defective or defectively installed or maintained;
 - (4) Disconnect or remove any appliance, installation, fixture, or meter associated with a plumbing, heating, mechanical, hydraulic, ventilating, air conditioning, electrical, or refrigeration system or any related technology or application when necessary for the protection of public health and safety; or
 - (5) Inspect any *sign* for compliance with Chapter 14, Article 2, Division 12 (Sign Regulations).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000; amended 6-19-2000 by O-18814 N.S.)

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§121.0204 Authority to Report Violations

The City Manager or designated Code Enforcement Official may report violations of the Land Development Code to the State Contractors License Board or other appropriate state licensing or regulatory agency.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0205 Authority to Issue Stop Orders

The City Manager or designated Code Enforcement Official may issue a Stop Work Order or a Stop Use Order in accordance with Sections 121.0309 or 121.0310.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0206 Liability

- (a) The City Manager or designated Code Enforcement Official charged with the enforcement of the Land Development Code, acting in good faith and without malice in the discharge of the duties required by the Land Development Code or other applicable law or ordinance, shall not be held personally liable for damages to persons or property as a result of an act, or by reason of an act, or omission in the discharge of these duties. A suit brought against the City Manager or designated Code Enforcement Official because of any act or omission by the City Manager or employee in the enforcement of any provision of the Land Development Code or other applicable laws or ordinances implemented through the enforcement of the Land Development Code, or enforced by the code enforcement agency, shall be defended by the City until termination of the proceedings, and the City shall assume responsibility for any resulting judgment.
- (b) The Land Development Code shall not be construed to relieve from, or lessen the responsibility of, any person who owns, operates, or controls any *structure* for any damages to person or property caused by defects. The City Manager, the code enforcement agency, or the City shall not be held liable by reason of the inspections authorized by the Land Development Code or any permits or certificates issued under the Land Development Code.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)