

## Chapter 17.78

### ENFORCEMENT AND PENALTIES

#### Sections:

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- 17.78.01 PURPOSE & APPLICATION. The purpose of this Chapter is to establish provisions for enforcement of this Ordinance. The steps in the process are outlined as well as the penalties involved. This Section puts all persons on notice as to the proceedings and penalties involved if any provision of this Ordinance is violated.
- 17.78.02 COMPLAINTS REGARDING VIOLATION. Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint with the Planning Department stating fully the causes and basis thereof. In a timely manner the complaint shall be recorded, investigated, and such action thereon as provided by this Ordinance taken as deemed appropriate.
- 17.78.03 APPARENT VIOLATIONS. If any City Official believes there is a violation of this Ordinance, the official shall report such violation to the Code Enforcement Officer or Responsible Official.
- 17.78.04 REQUIREMENTS TO INVESTIGATE. If a complaint has been filed, a violation reported or observed, the Building Official or Planning Department may initiate an inspection.
- 17.78.05 INSPECTION. The Building Official, Code Enforcement Officer or Responsible Official may upon the presentation of proper credentials to the occupant or owner enter any premises, building, or structure at any reasonable time for the purpose of investigating and inspection said premises, building, or structure to determine if the same are being used in compliance with the provisions of this Ordinance. If admission or entry is refused, the Code Enforcement Officer, Building Official or Responsible Officer may apply to obtain an inspection warrant.



- 17.78.06 NOTICE OF VIOLATION. If, as a result of an inspection, the Code Enforcement Officer, Building Official, Planning Department or Responsible Official determine there is a violation of this Ordinance, the Responsible Official shall give a ten (10) day written notice to the party violating this Ordinance. The Notice of Violation may be served by certified mail, registered mail, or by any method approved for service process, as set forth and described by the Code of Civil Procedure for the service of process. The notice shall specify that the violation set forth shall be corrected within said period. The Responsible Official may for good cause extend the time for compliance if the cited party has submitted a plan for correcting the notice deficiencies.
- 17.78.07 MISDEMEANOR. Any person, firm, or corporation that fails to comply with the Notice of Violation described in Section 17.78.06 shall be guilty of a misdemeanor and upon conviction thereof be fined not more than five hundred dollars (\$500) or imprisoned for not more than six (6) months in the County Jail, or both. Each day the violation of this Chapter continues shall be considered a separate offense.
- The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- 17.78.08 INJUNCTIVE RELIEF. The City may seek injunctive relief in Superior Court to abate any violation of this Ordinance. Injunctive relief may be sought at any time, including prior to the issuance of compliance with the Notice of Violation if, in the opinion of the Responsible Official, an alleged violation of this Ordinance may be injurious to the public health or safety.
- 17.78.09 ABATEMENT PROCEEDING. Any building or structure, set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Ordinance or any use of land, building, or premises conducted, operated, or maintained contrary to the provisions of this Ordinance or contrary to a permit or variance or the terms and conditions imposed therein shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the District Attorney shall commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant relief as will abate and remove such buildings, structure or use and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building, structure, or vehicle or using any property contrary to the provisions of this Ordinance.
- 17.78.10 NONCOMPLIANCE WITH PERMIT CONDITIONS. Whenever a complaint has been received or any City official believes that the conditions of a permit, variance, or other entitlement granted under the provisions of this Ordinance have been violated, the Responsible Official shall investigate such allegations. If such a



violation, in the opinion of the Planning Department, has occurred, a Notice of Violation shall be given in accordance with Section 17.78.06 of this Chapter. If correction of the violation does not occur within the specified ten (10) day period, the Responsible Official shall notify the Planning Department. The Planning Department shall, upon receipt of such notice, initiate revocation proceedings in accordance with the provisions of Section 17.75.05 of this Ordinance.

- 17.78.11 VALIDITY AND ISSUANCE OF PERMITS. All Departments, officials, and public employees of the City of Huron and where applicable the County of Fresno, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this Ordinance; and any such permit or license issued in conflict with the provisions of this Ordinance shall be null and void. Further, no permit or license shall be issued for any use permitted by the provisions of this Ordinance, on a parcel of land, wherein it is known by the Departments, officials, or employees of the City of Huron that a violation of this Ordinance exists.