
Chapter 20.82 – Enforcement

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20.82.010 – Purpose

This Chapter establishes provisions which are intended to ensure compliance with the requirements of this Zoning Code and any conditions of a planning permit or approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

20.82.020 – Permits and Approvals

- A. Compliance with Zoning Code.** All departments, officials, and public employees of the City who are assigned the authority or duty to issue approvals or permits shall only do so in compliance with the provisions of this Zoning Code.
- B. Permits deemed void.** An approval or permit issued in conflict with the provisions of this Zoning Code shall be deemed void.

20.82.030 – Inspections

- A. Pre-approval inspections.**
 - 1. Every applicant seeking a permit or any other action in compliance with this Zoning Code shall allow the City officials handling the application access to any premises or property which is the subject of the application.
 - 2. Denial of access may be grounds for denial.
- B. Post-approval inspections.**
 - 1. If the permit or other action is approved in compliance with this Zoning Code, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.
 - 2. Denial of access may be grounds for revocation.

20.82.040 – Initial Enforcement Action

This Section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Zoning Code.

- A. Objective of procedures.** It is the objective of these procedures to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.
- B. Procedures are not exclusive.** These procedures are not exclusive, and other enforcement procedures may be employed by the Director after or instead of these procedures where the Director determines that this Section would be ineffective in securing the correction of the violation(s) within a reasonable time.
- C. Notice of Violation.** The Director shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:
 - 1. A description of each violation and citations of applicable Zoning Code provisions being violated;
 - 2. A time limit for correcting the violation;
 - 3. A statement that the City may charge the property owner for all administrative costs associated with the abatement of the violations; and
 - 4. A statement that the property owner may request and be provided a meeting with the Director to discuss possible methods and time limits for the correction of the violations.

20.82.050 – Legal Remedies

- A. Municipal Code Title 1.** The City may choose to undertake any one or all of the following actions to correct and/or abate any nuisances or violations of this Zoning Code or as provided in the enforcement provisions specified in Municipal Code Title 1 (General Provisions).
- B. Revocations or changes.** Permits or Variances found to be violating any of the provisions of the approved permit or Variance may be revoked or changed in compliance with this Subsection.
 - 1. Revocations.** The City's action to revoke a permit or Variance shall have the effect of terminating the permit or Variance and disapproving the privileges granted by the original approval.
 - 2. Changes.** The City's action to change a permit or Variance instead of revoking it may include any aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be necessary to ensure

that the permit or Variance is operated or implemented in a manner consistent with the original findings for approval.

3. Hearings and notice.

- a. The original review authority for a permit or Variance shall hold a public hearing to revoke or change the permit or Variance.
- b. Ten days before the public hearing, notice shall be mailed or delivered in writing to the applicant for the permit or Variance being considered for revocation or change, and owner of the property for which the permit or Variance was granted. The only exception to the 10-day notice provision shall be for Limited Term Permits that, because of their short-term nature, shall only require a 24-hour notice.

4. Review authority's action. A permit or Variance may be revoked or changed by the original review authority, if the review authority first makes any one of the following findings:

- a. The permit or approval was issued in error or circumstances under which the permit or approval was granted have been changed to an extent that one or more of the findings that justified the original approval can no longer be made and the public health, safety, and welfare require the revocation;
- b. The permit or approval was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
- c. One or more of the conditions of the permit or approval have not been substantially fulfilled or have been violated;
- d. An improvement authorized in compliance with the permit or approval is in violation of any applicable code, law, ordinance, regulation, or statute; or
- e. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.

20.82.060 – Recovery of Costs

This Section establishes procedures for the recovery of administrative costs, including staff and City Attorney time expended on the enforcement of the provisions of this Zoning Code, or any permit or approval issued in compliance with this Zoning Code, in cases where no permit is required in order to correct a violation.

A. Record of costs.

1. The Department shall maintain records of all administrative costs incurred by responsible City departments, associated with the investigation of violations and

enforcement of this Zoning Code, and shall recover the costs from the property owner in compliance with this Section.

2. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Council.

B. Notice. Upon a determination that recovery of costs is warranted for a violation of any of the provisions of this Zoning Code, the Director shall notify the record owner or any person having possession or control of the property by mail, of the existence of the violation(s), the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the City Attorney.

20.82.070 – Additional Permit Fees

A person who establishes a land use, or alters, constructs, demolishes, enlarges, erects, maintains, or moves any structure without first obtaining a permit or approval required by this Zoning Code, shall pay the additional permit fees established by the City's Master Fee Schedule for the correction of the violations, before being granted a permit or approval for a use or structure on the site.

20.82.080 – Reinspection Fees

A. Amount and applicability of reinspection fee.

1. A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of this Zoning Code or the Municipal Code, adopted Building Code, or State law.
 - a. The fee amount shall be established by the City's Master Fee Schedule.
 - b. The fee may be assessed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.
2. The fee shall not apply to the original inspection to document the violations and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, whether or not the correction has been made.

B. Continuation of the original case.

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Zoning Code, the Municipal Code, or any permit or approval issued in compliance with this Zoning Code for less than 180 consecutive days, the violation shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.
2. This fee is intended to compensate for administrative costs for unnecessary City inspections, and is not a penalty for violating this Zoning Code or the Municipal Code.

3. The reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Zoning Code in compliance with Municipal Code Sections 1.04.010 (Violations, Penalties and Enforcement) and 1.05.020 (Authority and Fines), or costs incurred by the City for the abatement of a public nuisance.