

August 6, 2002

**Honorable Mayor and Members of the  
Hermosa Beach City Council**

**Regular Meeting of  
August 13, 2002**

**SUBJECT: COMMUNITY DEVELOPMENT DEPARTMENT CODE ENFORCEMENT  
ACTIVITY SUMMARY – MARCH 2001 – JULY 2002**

**Recommendation:**

That the City Council

1. Receive and file this report.
2. Direct staff to initiate a Code Enforcement Citation Program

**Background:**

Pursuant to City Council direction, in 2001 the City contracted for City Prosecutor services for building and zoning code enforcement and in 2002 a full time code enforcement staff person was hired. Previously code enforcement had been handled on a part-time basis with building inspection and planning staff or with part-time contract staff. Code enforcement is largely pursued on a complaint basis or when code violations are observed by the code enforcement officer or building inspectors. Over the past year 508 cases have been investigated. These cases include construction without a permit, construction of illegal units and violations of the sign ordinance. In addition, Conditional Use Permit violations are referred to the Planning Commission for permit consistency or pursued as code enforcement actions.

**Analysis:**

**Code Enforcement Process**

Generally, upon receipt of a complaint, the code enforcement officer follows a three-step process for enforcing codes. Initially, the complaint is logged into a computer file and field inspections are conducted. The complaint is discussed with the complainant and the specific code violations are identified and documented with field notes and photos. A letter is drafted to the code violator, outlining the details of the violations relative to the Building Code or Municipal Code and the need to schedule an interior inspection if necessary. This letter includes the requirement to contact the City's code enforcement officer by a certain date (generally two weeks from issuance of the initial letter). If there is no response, a second letter is drafted reiterating the facts of the case and providing a date certain to correct the conditions. This letter will typically note that continued violation may result referral of the matter to the City Prosecutor. The more serious Building Code violations may require submittal of architectural plans and issuance of building permits. The third step typically, involves referral of a non-responsive party to the City Prosecutor. The case may be prosecuted or there may be further negotiation on the timing to correct the condition. In some instances code enforcement is simply handled by discussing the matter with the violator or by removing illegally posted signs or advertising on public property. Each week the complaint log is reviewed and updated to reflect case disposition.

## Current Case Load

There are currently 508 reported code enforcement cases as summarized below:

Category	Complaints	No Violation	Received Permit	Resolved	Pending	Prosecuted
SWO	147	10	88	15	30	4
Added Unit	82	39	0	21	22	0
Signs	127	4	40	78	3	2
CUP	41	4	1	17	17	2
Misc.	111	13	7	74	17	0
<b>Totals</b>	<b>508</b>	<b>72</b>	<b>136</b>	<b>180</b>	<b>89</b>	<b>8</b>

### **LEGEND**

**SWO** = Stop Work Order issued working without a permit and includes expired permits.

**Added Unit** = Investigations of illegally added units.

**Signs** = Permanent signs, banners, and sidewalk signs.

**CUP's** = Investigations into complaints about businesses, except for signs.

**Misc.** = Nuisance conditions related to yards, abandoned vehicles, noise, over height landscaping.

**Violations** = Cases opened after investigation revealed a violation(s).

**No Violation** = Investigation showed that no code violation existed.

**Rec'd Permit** = Obtained permits or otherwise documented compliance.

**Removed/Resolved** = Condition corrected or abated.

**Pending** = Investigation/prosecution is on going.

**Prosecuted** = Cases which actually went to court. All prosecutions have been successful.

This does not include cases referred to the prosecutor for evaluation. Total cases reviewed by the prosecutor = 22.

### **Proposed Code Enforcement Citation Program for Infractions**

The majority of code enforcement cases are handled with voluntary compliance and without formal legal proceedings. When the City Prosecutor is involved, code enforcement requires costly and time consuming misdemeanor filings at the Torrance Superior Court. The City Prosecutor has suggested that the most efficient and expeditious way to handle the majority of infraction type cases is to use a citation program and to use the City Prosecutor to handle code enforcement related to the Building Code and illegal units. Under the proposed program, a citation will be issued after one or two warnings have been provided to a violator. The kinds of code enforcement that lends itself to citations are sign infractions, illegal dumping, storm water discharge, advertising and violations of discretionary permits. The code enforcement officer may collect fines (payable to the Finance Department similar to a parking citation).

Infraction level charges can carry a penalty of \$100 for the first violation, \$200 for the second violation of the same law within one year. In addition, each day the violation continues is considered a new and separate offense fined at \$100 for each day the offense continues. A costly fine can add up if the matter is not corrected quickly. The infraction citation may be appealed to court, however, there is no right to court appointed counsel for infraction level charges which may be heard by court commissioners rather than judges. Generally, a violator will choose to pay a fine for the types of offenses listed above rather than appeal the matter to the court. More serious code violations such as illegal units and violations of the Building Code will still require assistance from the City Prosecutor. Following issuance of a citation, the City Prosecutor will be notified of the citation and copied with correspondence sent to the violator. The Prosecutor's support staff will then file the original citation with the court. If the fine has been paid, no court appearance will be necessary and the matter will be closed if the condition has been corrected. If

the violator appeals the matter and pleads not guilty, then the Code Enforcement Officer will request that the matter be scheduled for the next available court date and the City Prosecutor will handle all future court appearances. This procedure will allow the City to obtain quicker compliance for minor violations while utilizing the City Prosecutor for the more serious cases.

To date, the City has successfully prosecuted eight cases through the court system ranging from nuisance conditions on commercial property to unsafe building conditions and illegal units. Sometimes the cases are closed when the Prosecutor determines there is insufficient evidence to proceed.

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Sol Blumenfeld, Director  
Community Development Department

Concur:

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Stephen R. Burrell,  
City Manager

Attachment:

1. Code Enforcement Activity Log

codenfrpt