

December 4, 2002

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

**Regular Meeting of
December 10, 2002**

SUBJECT: PROPOSED CITATION PROGRAM
COMMUNITY DEVELOPMENT DEPARTMENT CODE ENFORCEMENT

Recommendation:

That the City Council:

1. Approve the code enforcement citation program; and
2. Direct staff to work with the City Attorney to amend the penalty provisions of the Municipal Code.

Background:

On August 13, 2002 the City Council reviewed the status of the Community Development Department Code Enforcement program and a proposed citation program. The Council directed staff to prepare a list of code enforcement actions that will be subject to citation. The citation program will be used to supplement the on-going code enforcement program which is largely pursued on a complaint basis or when code violations are observed by the code enforcement officer or building inspectors.¹ These cases include construction without a permit, construction of illegal units and violations of the sign ordinance. 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 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.

Analysis:

Proposed Code Enforcement Citation Program for Infractions

Under the proposed program, a citation will be issued after two warnings have been provided to a violator. The City may collect fines (payable to the court similar to a parking citation). The following repeated violations are suggested for citation:

- Temporary Signs (sign infractions for banners, sidewalk signs)
- Non-Permitted Uses (illegal outdoor storage and junk and debris in front yards visible from the street)
- Dumping and storm water discharge.
- Violations of discretionary permits (repeated noise violations audible from the street)

Generally, 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. A violator will typically 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.

Sol Blumenfeld, Director
Community Development Department

Concur:

Stephen R. Burrell,
City Manager

Notes:

1. Code Enforcement Procedure:

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.

Coderpt3