

Code Enforcement

An Overview of the Basics



Goal and Purpose

- Protect health, safety, and welfare
- Maintain and preserve community standards
- Provide for orderly growth and economic development (in land use code enforcement matters)
- Obtain compliance with state and local laws

General Phases to Code Enforcement

- Education and Outreach
- Administrative Action
- Judicial Intervention

Education & Outreach

- Make Contact
- Educate, inform, and advise
- Provide notice
- **Provide the opportunity to “cure” the violation**

Administrative Action

- Notices of Violations/Notice to Abate a Public Nuisance
 - Typically used for violations like unpermitted construction or violations involving structural elements (building, electrical, etc.) that require significant corrective efforts
- Administrative Citations
 - Typically for non-structural, behavior-related violations which are susceptible to immediate remediation, like placing a sandwich board sign in the public right-of-way
- Note: a local ordinance is a predicate for any administrative (local) action – without a local ordinance, there is no administrative tool
- Note: the “consequence” is financial, i.e. the punishment includes a monetary fine, but may also include the refusal to issue permits, and recording the violations on the property title with the County Recorder’s Office

Judicial Intervention (Civil)

- A Civil Action in Superior Court
 - File a Civil Complaint for violations of [fill in the blank]
 - If warranted, Request a Temporary Restraining Order (known as “injunctive relief”) requiring
 - Correction of the violation, and/or
 - Cessation of the activity
 - Penalties are typically financial, i.e. the imposition of fines which are often “suspended” or held in abeyance, pending compliance with the court’s orders on the requested injunctive relief (see “The Tuck Box” in Monterey County)
 - Violation of a Civil Court Orders are also punishable as “contempt of court,” which subjects a violator to jail time and additional fines

The Most Common Process

Education, Outreach, and Cure



Administrative Action



Judicial Intervention (Civil)

Code Enforcement & COVID-19 Urgency Ordinance

- Education, Outreach, and Opportunity to Cure
 - Code Enforcement staff make contact, share information and resources, encourage compliance, and allow correction of violation
 - Collaborate with state agencies
 - Formal notice
- Administrative Action
 - Individual Violations subject to administrative citation
 - 1st violation \$100, 2nd Violation \$250, 3rd and subsequent violations \$500
 - Commercial Violations subject to administrative citation
 - 1st violation \$1000, 2nd violation \$2500, third violation \$5000, 4th and subsequent violations \$10,000
- Last Resort – Judicial Intervention
 - Determined on a case-by-case basis, depending on a multitude of factors

Questions?