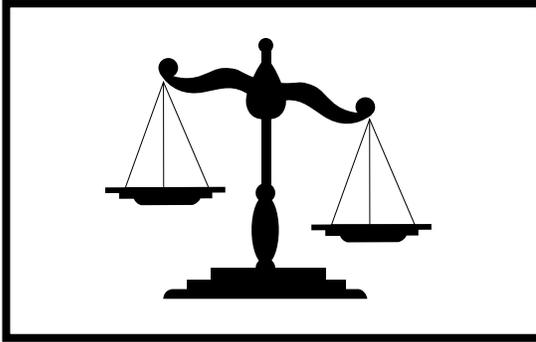


CHAPTER 63



Enforcement

Sections

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25-63.1 Purpose

The purpose of this chapter is to provide a mechanism for enforcing the provisions of this Ordinance. Further, to ensure that Firebaugh's planning efforts are achieved and that the public health, safety and welfare is protected.

25-63.2 Administration

All department heads, officials or other employees of the City that are vested with the authority to issue and permit, license or certificate shall enforce the provisions of this Ordinance and shall not issue any permits, licenses or certificates for uses, buildings or structures that are in conflict with this Ordinance. Any permit, license or certificate issued in conflict with this Ordinance, intentionally or otherwise, shall be null and void.

25-63.3 Code Enforcement

The Planning Director and Code Enforcement Officer, or other person authorized by the City Manager, shall be authorized to enforce provisions of this Ordinance and to issue citations and make arrests pursuant to Section 836.5 of the California Penal Code.

25-63.4 Violation

Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the provisions of this Ordinance, is hereby declared to be unlawful and a public nuisance and shall be subject to the remedies and penalties set forth in this chapter and/or revocation procedures contained in other chapters of this Ordinance.

25-63.5 Right of Entry

In the discharge of enforcement duties authorized persons shall have the right to enter any site, building or structure for the purpose of investigation and inspection. Such right of entry shall be exercised only at reasonable hours and only with the consent of the owner or tenant unless a written order from the Court has been issued.

25-63.6 Abatement

Any person violating any provisions of this Ordinance shall be guilty of an infraction pursuant to Section 19 (c) of the California Penal Code and upon conviction thereof shall be subject to the general penalty provisions of this chapter. A person shall be deemed guilty of a separate offense each day during any portion of which a violation of this Ordinance is committed, continued or permitted by the person, and shall be punishable as herein provided.

Any structure erected, moved, altered, enlarged or maintained and any use of a site contrary to the provisions of this Ordinance is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal or enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person from erecting, moving, altering, or enlarging the structure or using the site contrary to the provisions of this Ordinance. The remedies provided herein shall be cumulative and not exclusive.

25-63.7 Penalties

Any person, partnership, organization, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of this Ordinance or any condition imposed on an entitlement, permit or license, or violating or failing to comply with any order made hereunder, shall be guilty of an infraction of a misdemeanor and, upon conviction thereof, shall be punished by (1) a fine not exceeding fifty dollars for the first violation; (2) a fine not exceeding one hundred dollars for the second violation of the same provision of this Ordinance within one year; or (3) a fine not exceeding two hundred fifty dollars for each violation of the same provision of this Ordinance within one year. The phrase "violation of the same Ordinance" as used in this section means and refers to a violation of the same numbered section of the Firebaugh Zoning Ordinance. In addition, each day such violation continues shall be regarded as a new and separate offense.

The City may impose fees on applicants to cover the full costs incurred by the City for the monitoring and enforcement of the requirements of this Ordinance as well as those conditions and mitigation measures imposed on an approved permit or license.