

## Chapter 17.41

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### 17.41.010 Purpose

The purpose of these provisions is to assure that all provisions of this Title are properly administered and complied with.

### 17.41.020 Enforcement

The Director, the Chief Building Official, the Sheriff, or their designated agent(s), may enforce the provisions of this Title.

### 17.41.030 Conformity of Permits and Licenses

Every department and every employee of the County authorized to issue permits or licenses affecting the use or occupancy of land or of a building or structure shall comply with the provisions of this Title and shall not issue any permits, certificates, or licenses that do not conform to it. Where an application for a permit, certificate, or license must be referred to the Director for review of its compliance with this Title, no permit, certificate, or license involved shall be issued unless and until such compliance has been ascertained and the time within which any further appeal could have been taken has expired. The issuing of a permit which is in conflict with the applicable Zoning Code shall not constitute a waiver of the provisions of that applicable Zoning Code.

### 17.41.040 Inspection and Right of Entry

A. Permit Application. Whenever an application is made for a discretionary approval under this title is made, the officials responsible for enforcement or administration of the zoning regulations or their duly authorized representatives may enter on any building site, or building or structure thereon, for the purpose of investigation, provided they do so in a lawful manner. Advance notice shall not be required before an inspection is made. The property shall not be entered without the consent of the owner or occupant thereof, nor shall the owner or occupant, after reasonable notice and opportunity to comply, refuse to permit such entry. If the owner and or occupant nonetheless refuses to grant the officials permission to enter the premises, such refusal shall constitute a valid reason for denial of the permit applied for.

B. Suspected Violations. Whenever the County shall have cause to suspect a violation of any provision of the zoning regulations or permit conditions under any of the procedures described in this Title, the officials responsible for enforcement or administration of the zoning regulations or their duly authorized representatives may enter on any building site, or building or structure thereon, for the purpose of investigation, provided they do so in a lawful manner. Advance notice shall not be required before an inspection is made. The property shall not be entered without the consent of the owner or occupant thereof, nor shall the owner or occupant, after reasonable notice and opportunity to comply, refuse to permit such entry. If the owner and or occupant nonetheless refuses to grant the officials permission to enter the premises, a search warrant or inspection warrant may be obtained to allow for lawful entry.

#### **17.41.050        Nuisance Declared**

Any building or structure erected, constructed, moved, altered or maintained and/or any use of property contrary to the provisions of the Zoning Code shall be and the same is hereby declared to be unlawful and a public nuisance; and any failure, refusal, or neglect to obtain a permit as required by the terms of the Zoning Code shall be prima facie evidence of the fact that a public nuisance has been committed.

#### **17.41.060        Infraction; Fines and Penalties**

A.        All violations of this Title committed by any person, whether as agent, employee, officer, principal or otherwise, shall be an infraction subject to the administrative enforcement and civil penalties described herein.

B.        Every person or entity who fails to stop work when so ordered by the Director or their delegee because of an apparent violation of this Title shall be guilty of an infraction subject to the administrative enforcement and civil penalties described herein.

C.        Whenever any County enforcement official determines that a violation of this Title exists within the unincorporated county, he or she is authorized to utilize the enforcement, abatement, cost recovery, and administrative hearing provisions described in Chapter 8.06 of the county code, including, as necessary, the summary abatement provisions of that chapter. The county shall also have the right to utilize any injunction, enforcement, cost recovery, abatement or other administrative, criminal or civil remedy available to the county under applicable laws, including but not limited to all available civil, criminal and administrative remedies. These remedies are deemed to be cumulative and in addition to all other remedies under this Title and state and federal law.

D.        In any enforcement action brought to enforce the provisions of this chapter, each parcel owner, permittee, and/or occupant who causes, permits, authorizes, or maintains activities in violation of this Chapter shall be jointly and severally liable for all resulting administrative fines and for any and all actual costs of enforcement incurred by the county, including all allowable attorneys' fees, in the event the county brings and prevails in any administrative proceeding, civil suit, or any other action to enforce the provisions of this chapter.

#### **17.41.070        Permit Issuance and Unresolved Violations of County Code**

A.        No discretionary permit shall be accepted for processing or issued under this title on a parcel of land where the Director is aware of an unresolved noticed violation of the County Code or state or federal law related to land use, building, construction, or property development, unless the Director, in consultation with the County department that sent notice of the violation, first makes all of the following findings:

1.        Approving the permit despite the unresolved violations will not increase or worsen the existing violation(s) or negatively impact the health, safety, or welfare impacts on the property or the surrounding properties.

2. The property owner has provided written acknowledgment of the existence of all outstanding violations affecting the property for which a permit is being sought.

3. The application, if approved, will provide for full abatement of all violations affecting the property for which the permit approval is being sought.

4. All outstanding administrative fees and costs, civil penalties, and enforcement costs incurred by the enforcing department have been paid; or, alternatively, the enforcing department, at their sole discretion, has approved a payment plan that is within the scope of their authority to approve.

B. A refusal to process or issue a permit pursuant to this Section may be timely appealed to the Planning Commission pursuant to 17.26.140(A)(1).

#### **17.40.080 Revocation**

A. The Planning Director may revoke any permit issued under this Title pursuant to Section 17.26.130, Revocation of Permits, at any time that there has been noncompliance with one or more of the provisions of this chapter, conditions of the permit, or if any law or ordinance is violated in connection therewith. The County's written determinations shall be served by mail to the last permittee address provided by the permittee, with a statement of factual and/or legal reasons for the determination. If the owner of the property on which the building or structure at issue exists is not the applicant, a copy of this determination shall also be sent to the owner of the property.

B. Nothing shall require that revocation and enforcement be mutually exclusive remedies, and nothing shall prohibit the County from pursuing both either sequentially or concurrently.