

RESOLUTION NO. 2000-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON
ADOPTING A CODE ENFORCEMENT POLICY FOR ABATING NUISANCES AND
ENSURING CONFORMANCE WITH THE MUNICIPAL CODE, ZONING CODE,
AND CONDITIONS OF APPROVAL**

WHEREAS, in order to ensure fair and equitable application of the Code Enforcement procedures, the City Council discussed the various options at its meeting of April 6, 2000; and

WHEREAS, after discussion, the City Council provided its Staff with guidelines for responding to complaints regarding alleged violations of the Municipal Code, Zoning Code, and Conditions of Approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following "Code Enforcement Policy of the City of American Canyon" and directs the Planning Department to follow its provisions:

"CODE ENFORCEMENT POLICY OF THE CITY OF AMERICAN CANYON"

The Planning Department is responsible for the enforcement of all Municipal, Zoning, and Building Codes and Conditions of Approval. The Building Inspector typically determines compliance with all Building Codes as a part of the permitting and inspection process for construction. The City Code Enforcement Officer is responsible for investigating alleged violations of the Zoning Code, Municipal Code, and Conditions of Approval imposed upon discretionary permits. For purposes of defining the City's policies for Code Enforcement, the Planning Director, Building Inspectors, Assistant Planner, and Code Enforcement Officer are all designated as Code Enforcement Officers.

In the Residential Districts, Code Enforcement typically involves abandoned, wrecked, or inoperative vehicles in the front yards, property maintenance issues such as overgrown weeds or unsafe or unsanitary living conditions, accumulated trash and debris, and similar nuisances. In the Commercial and Industrial Districts, Code Enforcement activities typically involve violations of Conditions of Approval imposed upon Use Permits and Design Permits, Business License violations, property maintenance, vehicle abatement, and nuisance abatement.

Code Enforcement Procedures in Residential Districts:

Unless a violation effecting the health and safety of the community or construction without benefit of a building permit is visible from a public street, all Code Enforcement investigations in the Residential Districts are initiated only after receiving a complaint. When the City Code Enforcement Officer identifies an immediate threat to the public health and safety, the property owner, tenant, or person responsible for the construction

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shall be notified and all activity shall cease until the threat to the health and safety of the public is resolved.

When a complaint is lodged with the Planning Department alleging a violation of the Municipal Code, Zoning Code, or a Condition of Approval, the Code Enforcement Officer will drive by the site. If the alleged violation is substantiated, an attempt to make personal contact with the resident, property owner, or business owner shall be made. In those cases where no one is at the site or the personal contact does not resolve the issue, a certified letter and a First Class letter shall be sent to the property owner and/or occupant. If the violation is not resolved within a minimum of five days, an Administrative Citation may be issued. Prior to issuing an Administrative Citation, the property owner and/or resident may appeal to the Planning Director if there is some question or dispute as to the validity of the allegation. In the event an Administrative Citation is issued, the appeal is to the Planning Commission.

Code Enforcement Procedures in Commercial and Industrial Districts:

In the Commercial and Industrial Districts, Code Enforcement actions may be initiated by the Code Enforcement Officer without receiving a formal complaint, so long as the alleged violation is visible from public property or the employee was invited onto an adjacent property by the owner or tenant to view the alleged violation. Code Enforcement actions may be initiated where a clear violation effecting the health and safety of the community or construction without benefit of a permit is discovered, or where a violation of the Municipal Code, Zoning Code, or a Condition of Approval is apparent. In addition, the Code Enforcement Officer will work with the Finance department to ensure that all businesses comply with the City Business License Ordinances.

When a complaint is lodged with the Planning Department alleging a violation of the Municipal Code, Zoning Code, or a Condition of Approval, or a violation is identified in the field, the Code Enforcement Officer will drive by the site. If the alleged violation is substantiated, an attempt to make personal contact with the tenant, property owner, or business owner shall be made. In those cases where no one is at the site or the personal contact does not resolve the issue, a certified letter and a First Class letter shall be sent to the tenant, property owner, or business owner. If the violation is not resolved within a minimum of five days, an Administrative Citation may be issued. Prior to issuing an Administrative Citation, the property owner and/or resident may appeal to the Planning Director if there is some question or dispute as to the validity of the allegation. In the event an Administrative Citation is issued, the appeal is to the Planning Commission.

Potential violations in the vicinity of a property subject to a complaint.

If a complaint is filed, or if the Code Enforcement Officer, in addition to the action described above, observes a violation, the Code Enforcement Officer shall determine if a similar situation exists within close proximity. For example, if a complaint is filed regarding a derelict automobile in a front yard, and if the Code Enforcement Officer sees a similar situation in the same block, concurrent action may be initiated. This concept includes all potential violations in plain view within the vicinity of a complaint, not just those similar to the initial complaint.

Responsibilities of the Napa County Sheriff.

The Napa County Sheriff's Department is responsible for violations on public streets or property, particularly 72-hour parking violations and nuisances such as barking dogs and loud music."


PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on June 1, 2000, by the following vote:

AYES:	Maples, Colcleaser, Anderson, Canziani
NOES:	Shaver
ABSTAIN:	None
ABSENT:	None




Lori L. Maples, Mayor

ATTEST:



Mark Joseph
City Clerk

APPROVED AS TO FORM:



William D. Ross
City Attorney