

## **Article 47 Enforcement (City-wide)**

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### **4701 Permits, Licenses, Certificates, and Approvals**

All persons empowered by the City Code to grant permits, licenses, certificates, or other approvals shall comply with the provisions of this ordinance and grant no permit, license, certificate, nor approval in conflict with said provisions. Any permit, license, certificate, or approval granted in conflict with any provision of this ordinance shall be void.

### **4702 Enforcement Responsibilities**

The City Planner and the Code Enforcement Office shall enforce all provisions of this ordinance related to discretionary permits and shall have responsibility for revocation of discretionary permits, as provided in Section 4704. The Building Official shall enforce the provisions of this ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. All other officers of the City shall enforce provisions related to their areas of responsibility.

### **4703 Voidable Conveyances**

Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this ordinance shall be voidable at the sole option of the grantee, buyer, or person contracting to purchase, or his heirs, personal representatives, or trustee in insolvency or bankruptcy, within one year after the date of execution of the deed of conveyance, sale, or contract to sell; but the deed of conveyance, sale, or contract to sell is binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase other than those above enumerated, and upon the grantor, vendor, or person contracting to sell or his assignee, heir, or devisee.

### **4704 Revocation or Modification of Discretionary Permits**

- A. Duties of City Planner. Upon determination by the City Planner that there are reasonable grounds for considering revocation or modification of a use permit, variance, development approval, or other discretionary approval authorized by this ordinance, a revocation hearing shall be set by the City Planner, the Planning Commission, the

Historical Preservation Advisory Commission, Community Development Commission, Harbor Board of Directors or the City Council, whichever took final previous action on the permit, except for appeals.

- B. Notice and Public Hearing. Notice shall be given in the same manner required for a public hearing to consider approval. If no notice is required for the permit, none shall be required for the revocation hearing, provided that notice shall be mailed to the owner of the use or structure for which the permit was granted at least 10 days prior to the hearing. Contents of any notice shall be as prescribed by Subsection 4104(E).
- C. Hearing. The person or body conducting the hearing shall hear testimony of City staff and the owner of the use or structure for which the permit was granted, if present. At a public hearing, the testimony of any other interested person shall also be heard. A public hearing may be continued without additional public notice.
- D. Required Findings. The person or body conducting the hearing shall revoke, modify, amend, delete or add conditions to the permit upon making one or more of the following findings:
1. That the permit was issued on the basis of erroneous or misleading information or misrepresentation;
  2. That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated;
  3. That there has been a discontinuance of the exercise of the entitlement granted by the permit for six consecutive months;
  4. That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.
  5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.
- E. Decision and Notice. Within 10 working days of the conclusion of the hearing, the person or body that conducted the hearing shall render a decision, and shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.
- F. Effective Date; Appeals. A decision to revoke a discretionary permit shall become final 10 days after the date of the decision, unless appealed.
- G. Right Cumulative. The City's right to revoke a discretionary permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

#### **4705 Prosecution of Violations**

Unless otherwise provided, any person, firm or corporation violating any provision of this ordinance pertaining to land-use regulations (Article 36 and Sections 1040, 1120, 1220, 1320, 1430, 1530, 1630, 2104, 2203, 2404, 2503, and 2603) shall be guilty of a misdemeanor, and each day or partition thereof that such violation is in effect shall be a new and separate offense. Any person violating any other provision of this ordinance, including any condition of approval, shall be guilty of an infraction, and each day or portion thereof that such violation is in existence shall be a new and separate offense. In these cases, the fourth and any additional violations within one year shall each constitute a misdemeanor. In addition, the City Attorney shall, upon order of the City Council, commence action or proceedings for the abatement, removal and enjoinder of any violation in the manner provided by law.

#### **4706 Penalties**

Any person who violates any provision of this ordinance and is convicted of an infraction shall be punished by fines as prescribed in Government Code Section 36900. Any person who violates any provision of this ordinance and who is convicted of a misdemeanor shall be punishable by fines as prescribed by Government Code 36900 or six months in jail, or both. Payment of any fine or penalty shall not relieve a person, firm or corporation from the responsibility of correcting the condition consisting of the violation.

#### **4707 Additional Remedies - Abatement**

In addition to the penalties provided by this ordinance, any condition caused, maintained, or permitted to exist in violation of any of the provisions of this code or of any permit, license, certificate, privilege or approval granted pursuant to this code, shall be deemed a public nuisance subject to summary abatement as such pursuant to those nuisance abatement proceedings set forth in the Oceanside City Code and each day that such condition continues shall be regarded as a new and separate offense.

#### **4708 Additional Remedies - Civil Action**

In addition to the penalty provisions and other remedies provided by this ordinance and pursuant to Government Code Section 36900, the City Council, or City Manager may authorize the City Attorney to commence a civil action to redress any condition deemed a public nuisance pursuant to Section 4707. The redress sought in such civil action may include equitable relief, forfeiture of any permit, license, certificate, approval, privilege or benefit of any nature granted by the City, as well as any other civil remedy allowed under the laws of the State of California and the United States.