

Standard Operating Procedure

City of Pacific Grove Code Compliance Program

SUBJECT: Code Compliance Case Processing		SOP # 22 23
Date: 11/26/12 Last update on: 11/30/12 <u>09/07/16</u>	PREPARED BY: Terri C. Schaeffer <u>REVISED BY:</u> <u>Ben Harvey</u>	APPROVED BY:

Procedure:

This Standard Operating Policy provides an interpretative guide to PGMC Chapter 1.19, but it shall not be construed to supersede any provision of the Municipal Code.

- A. In general, An administrative code compliance case is initiated ~~comes to the office~~ in one of 4 ways:
- A ~~citizen~~ complaint is made (including e.g. a complaints generated via the City's established Short-Term Vacation Rental hotline);
 - A previously established ~~new~~ compliance file, if not previously closed out, is reviewed by the Code Compliance Officer (CCO);
 - City staff ~~City Council or City Manager~~ requests review of a potential code violation;
 - ~~Any other City Department requests a review of a potential code violation.~~ Code Compliance Officer observes a code violation.

B. Determine priority of case.¹

¹ Determination of general priority case:

Tier 1 (listed in order of priority):

- a. Life safety-related code violation;
 - b. Attractive nuisance, or property condition that could lead to illness or injury;
 - c. Property maintenance and/or blight issues that may impact the quality and/or character of the neighborhood;
 - d. Zoning Code violations
 - e. Complaints/concerns related to and/or generated by the City's Short-Term Vacation Rental Program;
 - f. ~~Property maintenance and/or blight issues that may impact the quality and/or character of the neighborhood;~~
 - g. ~~Zoning Code violations~~
 - h. Illegal housing units and/or rental properties;
 - i. Illegal parking in residential zones;
- ~~b-j.~~
e-k. Any complaint brought to the attention of CCO by City ~~staff~~ Manager's office or the Community Development Department Director for clarification of existence of violation; or
- l. Any violation whereby a citation may be issued.

~~d-m.~~

Tier 2:

- a. Public complaints, non-Tier 1;
- b. ~~Other City Department requests to compel compliance to PG MC; or~~
- c. ~~All other complaints, inquiries determined on a case by case basis.~~

- C. Initial review of complaint and alleged violation; see Steps 1-3 of [Flow chart](#).
- D. If case priority is determined as Tier 2, [ordinarily](#) stop at Step 2 & 3A. of the Flow chart until resources are available to pursue Tier 2 Cases. [\(Exceptions may apply as noted in footnote 1.\)](#)
- E. If a Tier 1 case, [attempt to](#) schedule an ~~initial~~ meeting with the property owner [or tenant in occupancy, as case circumstances may allow](#), and follow Step 5A. to 6.
- F. If property in compliance, case is closed. (See 5C. & 8A.)
- G. If an owner does not contact the CCO [within the allotted time](#)~~after 30 days~~, or after direction from a Building Official or Manager, the CCO may issue a Compliance Order or an Administrative Citation, see Step 7.
- H. If case proceeds to Administrative Hearing, see Steps 9-17 of Flowchart.
- I. The primary goal of the program is to resolve each case through voluntary compliance.
- J. Depending on caseload and resources, if case is not deemed a priority (Tier 2), it is placed on hold as an open but inactive case.
- [K.](#) If there is a violation of state law, CCO may seek assistance from the State Attorney General's Office.
- [L.](#) [If there is a criminal, animal code, or parking code violation, CCO shall seek assistance from the Police Department.](#)
- ~~K.M.~~ [The Code Compliance process shall not impair the independent prerogative of the City Attorney to enforce any provision of law, in accord with the City Charter.](#)

[It is important to note that priorities listed above provide general enforcement guidance, but the list is not exhaustive. This list shall not limit the reasonable exercise of management or prosecutorial discretion which, from time to time, may warrant enforcement of a lower priority occurrence due to relevant facts or circumstances.](#)