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Article XVIII. Enforcement and Review.  
Ord. No. 427-AC

Section

118.00 Enforcement

118.01 Complaints regarding violations

118.02 Persons liable

118.03 Penalty

118.04 Permit revocation

118.05 Judicial review

Sec. 118.00. Enforcement. (a) It shall be the duty of the planning department to enforce the ordinance codified in this part. All departments, officials and public employees of the city, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this part and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this part; and any such permit or licenses issued in conflict with the provisions of this part shall be null and void.

(b) The provisions of this part shall be interpreted and administered by the planning commission whose inspectors or authorized representatives shall have the right to enter upon any premises affected by this part for purposes of inspection.

(c) Any building or structure erected or maintained, or any use of property, contrary to the provisions of this part shall be, and the same is declared to be, unlawful and a public nuisance and the city attorney shall immediately commence actions and proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take such other steps, and shall apply to any court as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person, firm or corporation from erecting or maintaining such building or structure, or using any property contrary to the provisions of this part. Ord. 427-AC

Sec. 118.01. Complaints regarding violations. Whenever the city planner receives a written, signed complaint alleging a violation of this part, he/she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken in accordance with section 118.00(c). (Ord. 427-AC)

Sec. 118.02 Persons liable. The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this part may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided. (Ord.427-AC)

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Sec. 118.03. Penalty. Any person, firm or corporation, whether as principal, agent, employees or otherwise, violating any provision of this part shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by fines and/or imprisonment in accordance with the San Bernardino County bail schedule. Each day that violation of this part continues shall be considered a separate offense. Ord. 427-AC

Sec. 118.04. Permit revocation. (a) A zoning, sign, special use, or conditional use permit may be revoked by the permit-issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this part, or any additional requirements lawfully imposed by the permit-issuing board.

(b) Before a conditional use or special use permit may be revoked, all of the notice and hearing and other requirements of article V shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

(1) The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in subsection (a) of this section shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

(2) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

(c) Before a zoning or sign permit may be revoked, the city planner shall give the permit recipient ten (10) days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the city planner shall provide to the permittee a written statement of the decision and the reasons thereof.

(d) No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, special use or conditional use permit after such permit has been revoked in accordance with this section. Ord. 427-AC)

Sec. 118.05. Judicial review. (a) Every decision of the city council granting or denying a conditional use permit and every final decision of the planning commission shall be subject to review by the Superior Court of San Bernardino County by proceedings in certiorari.

(b) The petition for writ of certiorari must be filed with the San Bernardino County clerk of court within thirty (30) days after the later of the following occurrences:

(1) A written copy of the commission or council's decision has been filed in the office of the city clerk; and

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(2) A written copy of the decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

(c) A copy of the writ of certiorari shall be served upon the city. Ord.427-AC