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**Enforcement**

**Sections**

**17.70.01 Purpose**

**17.70.02 General Requirements**

**17.70.03 Number of Parking Spaces Required**

**17.70.04 Parking Lot Design Standards and Location Criteria**

**17.70.05 Abatement**

**17.70.06 Penalties**

 **17.70.01 Purpose**

The purpose of this chapter is to provide a mechanism for enforcing the provisions of this Ordinance. Further, to ensure that Exeter’s planning efforts are achieved and that the public health, safety and welfare are protected.

**17.70.02 Administration**

All department heads, officials or other employees of the City that are vested with the authority to issue a permit, license or certificate shall comply with the provisions of this Ordinance and shall not issue any permits, licenses or certificates for uses, buildings or structures that are in conflict with this Ordinance. Any permit, license or certificate issued in conflict with this Ordinance, intentionally or otherwise, shall be null and void.

**17.70.03 Code Enforcement**

The Planning Director and Code Enforcement Officer, or other person authorized by the City Manager, shall be authorized to enforce provisions of this Ordinance and to issue citations and make arrests pursuant to Section 836.5 of the California Penal Code.

**17.70.03 Violation**

Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the provisions of this Ordinance, is hereby declared to be unlawful and a public nuisance and shall be subject to the remedies and penalties set forth in this chapter and/or revocation procedures contained in other chapters of this Ordinance.

**17.70.04 Right of Entry**

In the discharge of enforcement duties authorized persons shall have the right to enter any site, building or structure for the purpose of investigation and inspection. Such right of entry shall be exercised only at reasonable hours and only with the consent of the owner or tenant unless a written order from the Court has been issued.

**17.70.05 Abatement**

Any person violating any provisions of this Ordinance shall be guilty of an infraction pursuant to Section 19 (c) of the California Penal Code and upon conviction thereof shall be subject to the general penalty provisions of this chapter. A person shall be deemed guilty of a separate offense each day during any portion of which a violation of this Ordinance is committed, continued or permitted by the person and shall be punishable as herein provided.

Any structure erected, moved, altered, enlarged or maintained and any use of a site contrary to the provisions of this Ordinance is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal or enjoinment thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and retrain or enjoin the person from erecting, moving, altering, or enlarging the structure or using the site contrary to the provisions of this Ordinance. The remedies provided herein shall be cumulative and not exclusive.

**17.70.06 Penalties**

Any person, partnership, organization, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of this Ordinance or any condition imposed on an entitlement, permit or license, or violating or failing to comply with any order made hereunder, shall be guilty of an infraction or a misdemeanor as initially determined by the designated City official with the concurrence of the City Attorney. Upon conviction of an infraction the party shall be punished by (1) a fine not exceeding fifty dollars for the first violation; (2) a fine not exceeding one hundred dollars for each violation of the same provision of this Ordinance within one year; or (3) a fine not exceeding two hundred fifty dollars for each violation of the same provision of this Ordinance within one year. Upon conviction of a misdemeanor, a fine of not more than five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment shall punish the party. The phrase “violation of the same Ordinance” as used in this section means and refers to a violation of the same numbered section of the Exeter Zoning Ordinance. In addition, each day such violation continues shall be regarded as a new and separate offense.

The City may impose fees on applicants to cover the full costs incurred by the City for the monitoring and enforcement of the requirements of this Ordinance as well as those conditions and mitigation measures imposed on an approved permit or license.