

Community Development Department

# CODE ENFORCEMENT Case Prioritization and Process Guide



A guide describing the roles, policies, responsibilities and expectations for code enforcement in the City of Carlsbad



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# WELCOME TO THE City of Carlsbad

## Working together to maintain the city's quality of life.

The City of Carlsbad creates and enforces local and certain state laws that regulate people and property in the city. Some of these laws govern land use and quality of life issues, including public nuisances, safety and welfare. The purpose of these laws is to help maintain safe and healthy living and working conditions for the members of the community.

The Code Enforcement Division of the Community Development Department is committed to the important and sometimes sensitive task of protecting and promoting the high quality of life enjoyed by those who live, work and play in the City of Carlsbad. The Division works on issues that range from construction without a permit, unsafe buildings, junk and debris on private properties, recreational and inoperative vehicles parked in front yards, sign standards, property maintenance and noise.

The Division and its partner enforcement agencies, the City of Carlsbad Police and Fire departments, strive to maintain a balance between cooperation and communication between neighbors and effective enforcement of the city's municipal codes. We often find that most people are unaware of the land use and quality of life laws that must be followed and are often willing to comply once they know what the requirements are and the steps to achieve compliance.

Many projects or uses of private property require approval of a city-issued permit like a discretionary or building permit. We understand that this process can seem daunting. Staff are readily available to guide applicants through this process as expeditiously as possible. For those persons facing an enforcement action, Code Enforcement staff are also available to discuss case details, compliance measures and strategies to minimize penalties and further enforcement action.

The goal of our Division is to ensure compliance with established regulations to protect public health, safety and general welfare and maintain the unique quality of life we enjoy in the City of Carlsbad. We hope that you will do your part to help us achieve this goal together.

### **Jeff Murphy**

Director

Community Development Department



*J*

JAYDEN PRESLEIGH

SALON & SPA

*Aranelle*  
JEWELRY

Olde Ivy Antiques  
an eclectic mix of old and new

Jewelry Source

BUNDLE UP FOR WEEKEND  
with a Pandora gift set  
includes a charm  
bracelet

PANDORA  
UNFORGETTABLE MOMENTS

Give a gift  
By a... all can  
RECEIVE YOU FOR YOUR  
get go  
gift

NO PARKING  
MONDAY TO FRIDAY  
8:00 AM TO 5:00 PM

# CODE ENFORCEMENT AND PROPERTY OWNER Roles and Responsibilities

## Mission, Vision and Community Values

The City of Carlsbad worked closely with community stakeholders to develop a citywide [mission and vision statement](#) as well as a set of [community and organizational values](#). The Division adheres to these and reinforces them daily. Code Enforcement staff work in partnership with the people of the City of Carlsbad to help promote and maintain a safe and desirable living and working environment, to improve the quality of the city's neighborhoods through education, enforcement, and abatement, and to respond to community concerns consistent with City Council directives and policies.

## Timely Resolution

Priority is placed on resolving code violations in a quick and expeditious manner. Staff is required by local ordinance to provide clear direction, or corrective action(s), explaining how to resolve identified violations and develop a compliance schedule for the responsible party. The assigned Code Enforcement team member will be the primary point of contact, and will respond to phone calls and emails within one business day. It is the responsibility of the responsible party (in most cases the property owner) to timely implement the direction given and ask questions if the direction is unclear, or there is uncertainty in how to proceed.



Recreational boats, vehicles and trailers — before (top) and after

## Enforcement through Education

Many code violation cases result from property and business owners who unknowingly violate established ordinances and regulations. Educating the community about the rules and standards is one of the best ways that the city and community can prevent violations from occurring (or reoccurring). The Code Enforcement Division seeks opportunities to implement ideas and concepts that educate the public on common code violations, such as use of public information bulletins and alerts through social media. Education is often considered the first step in prevention, and it will often garner more favorable results.

Educating the community about the rules and standards is one of the best ways that the city and community can prevent violations.

## Solving Problems Together

Any discrepancy between a Code Enforcement officer's interpretation of the applicable code and that of an affected community member should be elevated to Code Enforcement management and/or the City Attorney's office as soon as it becomes apparent that a problem cannot be resolved or may escalate. As a service, the city offers [Guaranteed Second Opinion](#). Customers are free at any time to ask the supervisor for a meeting to discuss any disagreement with staff interpretations of regulations or complaints regarding level of customer service. If further resolution is needed, the Division offers [Project Issue Resolution](#) to obtain a determination on the issue with the department director. Based



Unpermitted sign — before (top) and after

on experience, a meeting is often much more productive than a series of emails or comment letters; we therefore strongly urge resolution of staff/community member disputes through these means. Ultimately, if an agreement cannot be reached with staff, a formal [appeal](#) can be filed to request an administrative hearing with an independent hearing officer.

## Private Disputes and Civil Matters

Some issues that arise between neighbors are not necessarily a violation of a city ordinance or other law enforceable by the city. If unable to connect the concern to an adopted code requirement, the matter may be considered a civil matter that must be resolved by the private parties involved. As such, community members are encouraged to establish good relationships with their neighbors and work together to resolve disputes before conflicts arise. In these instances where discussions between neighbors are not mutually beneficial, residents may utilize the city's mediation services. Further information about this service can be found in [Section 8](#).

### ISSUES NOT ENFORCED

Typical examples of private disputes are:

- Covenants, Conditions, & Restrictions (CC&Rs)
- Property line disputes
- Blocked private views
- Inoperable vehicles in the street (handled by PD)
- Neighbors' tree roots/branches/leaves encroaching/damaging private property
- Irrigation/drainage between private properties



# CODE ENFORCEMENT Programs

The city receives and processes complaints covering a variety of violations. Given the complexities, impacts and/or occurrences of certain violations, the city has developed and implemented tailored programs to help improve overall awareness of a code requirement and a process to quickly resolve any violations. Some of the more notable city programs are highlighted in this section.

## Short-Term Vacation Rentals

Given the proximity to the beach and Carlsbad's vibrant downtown, the city has many property owners who rent their private homes for short-term rental use, often for weekend or weeklong stays. In some cases, vacationers renting these homes can be disruptive to neighboring residents with disorderly conduct, excessive noise, illegal parking, and overcrowding. To help alleviate some of these impacts, the City Council adopted an ordinance regulating short-term vacation rentals (stays of less than 30 days), including restrictions on operating outside the Coastal Zone. To operate a short-term vacation rental, applicants must obtain a [business license](#) and [permit](#) and provide an [Impact Response Plan](#) and a [Declaration of Notification](#). They must also acknowledge and agree to follow the city's [Good Neighbor Guidelines](#).

Neighboring residents who wish to report a problem with a short-term vacation rental are encouraged to call the Code Enforcement hotline during business hours at 442-339-5978 or the Carlsbad Police Department's non-emergency hotline at 760-931-2197. Complaints may also be submitted online to [stvr@carlsbadca.gov](mailto:stvr@carlsbadca.gov).

The city has developed and implemented tailored programs to help improve overall awareness of a code requirement and a process to quickly resolve any violations.

## Signs

Commercial signs, including real estate signs, in the right-of-way will be picked up by city staff. Signs can be retrieved by scheduling an appointment with the Code Enforcement Division at 442-339-2703 or [codeenforcement@carlsbadca.gov](mailto:codeenforcement@carlsbadca.gov). Appointments are available on the first and third Wednesday of the month, between 9 a.m. and 10 a.m. at The Faraday Center, 1635 Faraday Ave., Carlsbad. You may schedule your appointment no later than 12 p.m. the day prior to pick up. Please bring a form of identification, such as a business card or driver's license, when picking up your signs.

As of Sept. 1, 2023, a fee of \$25 for the first sign removed, and fee of \$5 for any subsequent sign(s) removed, will be assessed each day that a sign is removed from the public right-of-way. Signs must be picked up within 30 days of removal or they will be disposed.

## Sidewalk Café Dining

Outdoor, sidewalk café dining provides a pedestrian-oriented activity that encourages a dynamic street life and is an important benefit to the city. As such, there is a need to balance use of the sidewalk in the public right-of-way between

There is a need to balance use of the sidewalk in the public right-of-way between pedestrians and sidewalk dining

pedestrians and sidewalk dining. Appropriate accessibility on sidewalks and other right-of-ways is crucial to ensure that everyone can enjoy the



amenities provided and ensure compliance with the Americans with Disabilities Act. In response, the city developed a sidewalk dining policy as part of the 2019 updated Carlsbad [Village and Barrio Master Plan](#), which requires the approval of a [Right-of-Way Use Permit](#). Code Enforcement staff enforces this policy by responding to complaints, conducting periodic inspections and enforcing through the administrative processes set forth in this guide (see [Section 4](#)).

## Sober Living Homes

Sober living homes are recovery focused living environments for individuals attempting to abstain from an addiction, typically drugs and alcohol. Often found in single-family homes in existing and established neighborhoods, sober living homes can be the subject of concern from neighborhood residents who claim to experience inappropriate and nuisance related behaviors from home occupants. However, pursuant to state and federal law, local jurisdictions are greatly limited in their ability to regulate these homes, as well as many other types of recovery-based group homes. On May 12, 2020, staff presented a Recovery-Based Group Homes white paper for the City Council that provides more detail on the subject ([Agenda Item #3](#)).

While the city cannot impose unique restrictions on most recovery-based group homes including sober living homes, the city will investigate all complaints to determine whether any local enforcement action can be taken. The Code Enforcement Division has also developed a working relationship with the California Department of Social Services, Community Care Licensing Division and the California Department of Health Care Services, which are charged with licensing certain group homes. As complaints are received by the city, they are routed to the appropriate state agency within one business day of receipt. Staff will follow up with the complaining party informing them of any state action taken.

While the city cannot impose unique restrictions on most recovery-based group homes including sober living homes, the city will investigate all complaints to determine whether any local enforcement action can be taken.



# CODE ENFORCEMENT

## Processing Steps

This process is intended to inform and guide the public on the steps taken by Code Enforcement staff to resolve code violations. The process includes five basic steps, as reflected below:



In most cases, Code Enforcement Division staff will be the primary point of contact throughout the process. However, should the violation require the approval of a discretionary or building permit, a project planner or building technician will also be assigned the case, but Code staff will remain engaged until the permit is finalized by a Building Department inspector.

### **STEP 1** Complaint Filed

Virtually all code cases processed by the Code Enforcement Division originate as a complaint filed by a resident or a business person. A complaint can be filed by calling 442-339-2703, submitted in an email to [codeenforcement@carlsbadca.gov](mailto:codeenforcement@carlsbadca.gov). The following information must be provided at a minimum before Code Enforcement staff will initiate Step 2 of the process.

- Address of the alleged violation
- Detailed description of the observed violation
- Photos of the violation, if possible
- Complainant's name and contact information



## Violation Confirmation

When a complaint is filed, staff must first confirm the validity of the violation. This often requires research, fact-checking and an on-site inspection conducted by Code Enforcement staff. Some of the actions and research that are conducted by staff during this initial confirmation stage is listed below.

- Open/assign a case
- Get clarification from complainant
- Review prior permit approvals
- Review county assessor, recorder and tax collector records
- Review historic aerial imagery
- Coordinate with other city divisions, departments and outside agencies
- Site inspection

When a complaint is filed, staff must first confirm the validity of the violation.

Receiving a notice of violation from the city can be stressful. As such, it is important that city staff spend the necessary time and effort conducting the appropriate level of research to confirm that a violation has occurred before enforcing such violation.



## Notice of Violation

Once a violation has been confirmed, staff will typically issue a notice of violation (written administrative warning). There is no financial penalty associated with a notice of violation. This notice accomplishes two important objectives: 1) Alerts the responsible party that a violation (often unknown to them) exists on property which the individual owns, controls or occupies; and, 2) guides the responsible party in navigating the city's processes to resolve the code case.

The notice details the following:

- Code section(s) in violation;
- Actions and steps necessary to bring the violation into compliance;
- Timeframe to complete the requested correction(s);
- Name and number of the Code Enforcement staff person who will be the primary contact throughout the process;
- If the notice contains a public nuisance charge, it is immediately appealable and will provide appeal rights information.



## Enforcement Action

As previously noted, the focus of the Code Enforcement Division is to obtain compliance. As such, the responsible party will be given reasonable compliance dates to accomplish required actions. Maintaining the compliance schedule is important. However, the Division understands that on occasion, issues arise that are beyond the control of the responsible party, which cause unexpected and unintended delays in meeting set deadlines. The administrative enforcement procedure is designed to provide the responsible party with more than enough time to respond to requirements; especially during the initial stages of enforcement. Should more time be needed, it is important for the responsible party to notify Code Enforcement staff as soon as possible. If the Division determines that the delay is legitimate and reasonable, the Division will typically grant a time extension.

Unfortunately, in some cases, stronger enforcement remedies are necessary to maintain progress. Failure to timely resolve the violation within the time frame specified in the notice of violation may result in the issuance of administrative citations, the assessment of administrative costs, and/or the imposition of civil penalties or criminal penalties. For violations that are severe and adversely impact public health and safety, a Stop Work Order may be issued requiring that all activities immediately stop, or the city may abate any violations deemed a public nuisance. Responsible parties have the right to appeal administrative citations and most other administrative determinations, and can challenge civil and criminal actions in a court of law. Refer to [Section 8](#) for more information.



## Case Closure

When Code Enforcement staff confirms that a violation has been resolved, an explanation of the investigation and resolution is communicated to the complaining party, if requested. For certain cases, communication is also sent to the responsible party (in cases of a verified violation) confirming that the matter was adequately resolved, and the case has been closed. These communications promote transparency and help “close the loop” with impacted citizens.



# CODE ENFORCEMENT

## Processing Policies

The city has limited resources in both staffing and funding to respond and treat all complaints and violations as a high priority. As such, the Code Enforcement Division must choose how best to use its resources and prioritize cases based on the nature of the violation and its impact on public health, safety and general welfare. To ensure equitable enforcement and a transparent process, the department has developed and adheres to the following policies, which contribute and support the prioritization and timeline standards discussed in [Sections 6](#) and [7](#).

### Complaint-Based Enforcement

The majority of cases pursued by staff are complaint-based and originate from a resident or business person. Given current resource levels and the number of complaints that the Division receives each month (close to 200), the Division generally does not conduct proactive areawide sweeps. There are exceptions to this policy where staff will conduct proactive enforcement. Those limited violation types are listed below. Also, any additional violations readily witnessed during staff's site investigation could be considered and made part of the open enforcement case.

The majority of cases pursued by staff are complaint-based and originate from a resident or business person.



Nuisance – junk — before (left) and after

Additionally, violations of a similar nature found on the property adjacent to the original complaint location (e.g., next door neighbor) may be pursued to obtain an overall effective outcome.

Violations that may be pursued proactively:

- Public Health & Safety Code violations
- Active construction without a permit
- Stormwater runoff
- Unauthorized slope excavation
- Unpermitted signs
- Graffiti

## Privacy of the Complainant

For staff to initiate and process a case on an alleged violation, the complainant must provide the Division with their name and contact information; *the city does not accept anonymous complaints*. That said, the city will protect the anonymity of the complainant by not disclosing or providing personal identifying information to the public unless the complaining party provides consent to do so or unless required by a court order.

The city does not accept anonymous complaints.

## Communication

A lack of awareness of existing regulations is what often leads to code violations. Additionally, complaining witnesses may feel helpless or frustrated if not provided with regular status updates on a code case. As such, it is critical that staff clearly communicate to all parties involved. Staff must plainly and concisely communicate their directions, expectations and justifications to the person responsible for resolving the code violation. When enforcement resolution will require time to complete, staff needs to provide the complainant with periodic updates and expected date(s) for final resolution. These communications promote transparency and minimize confusion and further frustration.

## Progressive Citation Protocols

When there is reason to believe that a violation has or is occurring, the following notification protocols are applied.

- **Verbal Warning.** This involves a polite conversation with the responsible party who agrees to stop the activity or correct the minor violation within 24 hours. Violations that qualify for a verbal warning are minor in scale and include things like basketball hoops in the right-of-way or an inoperable vehicle in the driveway.

- **Notice of Violation.** If a responsible party fails to comply with a verbal or courtesy warning, the observed violation cannot be addressed within 24 hours, or the violation is more serious, staff will issue an notice of violation. The notice will include the following minimum information:

- Description of the violation
- Deadline for compliance
- Code section describing violation
- City staff name & contact information
- Corrective actions required
- Consequences for noncompliance
- Appeal rights (if a public nuisance violation)



Inoperable vehicles — before (top) and after



Recreational vehicles, boats and trailers — before (left) and after

- **Administrative Citation.** The responsible party who fails to timely comply with the notice of violation will be issued an administrative citation. In most cases, up to three administrative citations may be issued before the City Attorney is consulted to discuss abatement and other alternative remedies. The administrative citation will include the same components as the notice of violation with a progressive penalty.
  - 1st Administrative Citation — \$100
  - 2nd Administrative Citation — \$200
  - 3rd Administrative Citation — \$500

Note: Some violations may be cited at a higher penalty rate.

- **Immediate Enforcement.** Certain types of violations constitute an imminent public safety and health hazard (i.e., unpermitted and active construction), which may require immediate action by the city and typically includes issuance of a “Stop Work Order” or “Unsafe Structure Notice,” or an abatement order. These notices require strict compliance to ensure public safety and health, and as such they may be enforced with strict remedies and higher penalties.

## Repeat and Recurring Violations

Repeat or recurring violations exist when the responsible party has demonstrated an inability or unwillingness to cease the unpermitted or unlawful activity after being noticed of the violation. In these circumstances, staff may deviate from the tiered notification process described above and immediately issue administrative citations and penalties and/or consult with the City Attorney's Office to determine the best course of action.

## Compliance Schedule

Some violations require approval of a permit. Depending upon the permit type, the process could take anywhere from three to six months or longer to complete. As such, it is important that violations requiring a permit are processed in an expeditious and timely manner. As part of permit processing, Code Enforcement staff may, in collaboration with the building technician or project planner, develop a code compliance schedule with specified key milestones and deadlines. The responsible person and city staff will review and discuss the schedule to ensure clarity and set expectations for compliance. Refer to the Community Development Department Permit and Service Delivery Guide for more information on the permit process.

## Activities Pending Permit Approval

The city has the discretion to not take further enforcement action if diligent and measurable progress is being made to resolve a code violation pending permit approval. The city may allow the use to temporarily continue under the following conditions:

- The violation does not cause serious or immediate health/safety risks;
- The violation does not create a public nuisance;
- All specified processing timelines are consistently being met;
- No new violations occur during the processing of the permit; and,
- The responsible party(ies) implement and maintain temporary mitigation measures to minimize adverse impacts of violation(s) while the permit is being processed.

## Extension of Time

The city may, in its sole discretion, authorize an extension of time for bringing a violation(s) into compliance. Code Enforcement staff shall consider several factors when determining whether to authorize an extension. Any extension requests shall be set forth in writing with appropriate performance milestones and deadlines. The extension shall be acknowledged and agreed upon by the responsible party and staff. Considering factors for an extension:

- No public health or safety issues
- Reasonable need for more time
- Nature of violation
- Measurable progress
- Ongoing and open communication with city staff

## Owner Versus Owner

On occasion, one property owner files a complaint against another, which results in a retaliatory complaint being filed. This sometimes escalates into multiple complaints being filed by the two parties where the enforcement process is used to antagonize and harass the two parties. The Division may exercise its discretion in handling owner versus owner complaints. If it is found that complaints are being used to harass or retaliate against a neighbor, and staff's investigation reveals limited, credible evidence to support a code violation, staff may choose to limit or refrain from enforcement action and refer the owners to voluntary mediation or to consult with private legal counsel.

## Agency and Department Coordination

Not all code violations are handled by the Code Enforcement Division; sometimes an enforcement matter is handled by a non-city agency or requires coordination from another city department. If a complaint is filed on a violation that falls outside the Division's authority, Code Enforcement staff will provide the complainant with the appropriate name and contact number of the agency/department responsible for follow-up. To ensure collaboration and consistency, Code Enforcement staff will be the point of contact in cases where a violation requires comment and coordination with multiple agencies or departments.

# CODE ENFORCEMENT

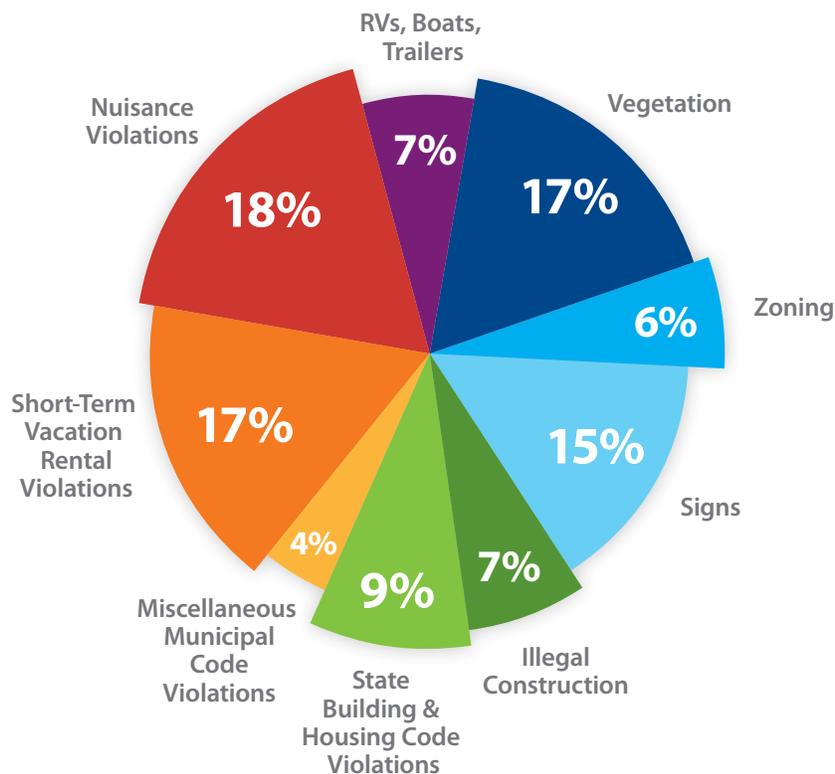
## Prioritization and Timelines

The city receives upwards of 2,000 formal code enforcement complaints per year, with an average of 150 cases being actively processed at any given time. As such, it is important to prioritize and respond to enforcement cases based upon level and magnitude of the potential impacts to public health and safety, with consideration given to the availability of staff resources.

To help with the prioritization process, cases are categorized into one of four main classifications according to the severity of the violation.

It is important to prioritize and respond to enforcement cases based upon level and magnitude of the potential impacts to public health and safety.

### Typical Violations by Type



VIOLATION CATEGORY	DESCRIPTION OF CONDITIONS	TYPES OF VIOLATIONS	CITY'S INITIAL RESPONSE	CITY'S TARGET RESOLUTION
<b>Category 1</b>	Immediate threat, unsafe and hazardous conditions <sup>1</sup>	Severely damaged/falling structures and signs, unsecured/abandoned structures, active and unpermitted construction (including grading), unfenced pools and other related public health/safety issues	Within 1 business day of complaint	Within 3 business days of complaint for a temporary resolution; permanent resolution varies based on circumstances
<b>Category 2</b>	Nuisance and blight-causing conditions <sup>2</sup>	Inoperable/abandoned vehicles, outdoor storage, trash/debris, noise, hoarding, graffiti <sup>3</sup> and animals	Within 3 business days of complaint	Within 30 business days of complaint
<b>Category 3</b>	Miscellaneous violation conditions	Vegetation/yard maintenance, lighting, signs, zoning violations that do not require a permit, violation of use permit conditions, other violations typically not requiring a permit	Within 5 business days of complaint	Within 50 business days of complaint
<b>Category 4</b>	Permit-requiring conditions <sup>1, 2, 4</sup>	Includes permanent right-of-way encroachments, business licenses, short-term vacation rentals, construction, grading and uses requiring discretionary approval	Within 10 business days of complaint	Within 90 to 180 business days of complaint

<sup>1</sup> Category 1 violations require the responsible party to stop all work and secure the property until required permits are obtained. Once work has been stopped/site secured, the violation is processed as a Category 4 violation, if appropriate.

<sup>2</sup> In some cases, a nuisance-related condition (i.e., sign) may require a permit. In those cases, the violation will be processed as a Category 4 violation.

<sup>3</sup> For the removal of graffiti, the city's targeted resolution date is 7 business days from receipt of the complaint.

<sup>4</sup> Target resolution date includes time required to hire professionals to prepare plans and application, city to review and issue permit, and applicant to secure contractor to complete the improvements. Refer to the Community Development Department Permit Service Delivery Guide for additional detail on permit processes.

## CODE ENFORCEMENT

# Standard Processing Procedures

Code enforcement case review processes have been standardized with defined tasks and associated timelines in order to obtain a targeted resolution date. These procedures help staff efficiently and effectively navigate the responsible party through the steps necessary to remedy a code violation. Additionally, established procedures provide citizens transparency and predictability of the process and status of a code case. Code cases can vary in type and complexity, and therefore may need to deviate from the procedures described below.

Established procedures provide citizens transparency and predictability of the process and status of a code case.

## Procedures

These procedures are for guidance to staff only and should be used in addition to professional judgment to provide and maintain high level quality customer service. Should an issue arise that causes delay in our response, the responsible party and the complainant will be notified as soon as possible.

### Violation Category

1

Unsafe &amp; Hazardous Conditions

Target Response

&lt; 1 Business Day

Target Resolution

&lt; 3 Business Days

Approximately

7%

of Complaints

### Within 1 Business Day of Initial Receipt of the Complaint

- **Case Development.** Create a case file, enter complaint/property information, create task assignments in EnerGov (city tracking system) and assign case responsibility to appropriate staff.

- **Conduct Site Inspection.** Staff visits and, if necessary, takes photos of the site/violation and attempts to make personal contact.
- **Issuance of Notice of Violation/Stop Work Order.** Once the violation is confirmed, a notice of violation (no financial penalty) is issued to the responsible party, giving 24 hours to comply with most corrective action(s). In instances involving active construction/grading without a valid permit, staff will issue a Stop Work Order. This order mandates that the site be secured and all construction requiring a permit be halted immediately.

#### Within 2 Business Days of Initial Receipt of the Complaint

- **Compliance Confirmation.** Staff confirms that the responsible party complied with the corrective action(s) specified in the notice. Photos are taken. If compliance has not been achieved, an administrative citation is issued, giving another 24 hours to comply. A personal contact attempt is made.

#### Within 3 Business Days and Until Violation is Resolved

- **Update.** Staff will call or email the complainant to advise them of the current status of the case.
- **Continued Enforcement.** Staff will inspect and issue citations until the immediate life/safety/health hazard is corrected. Administrative citation penalties for most violations are \$100 for a first violation, \$200 for a second violation, and \$500 for a third or subsequent violation. They can accumulate at a rate of \$500 per day, per violation, if the hazard/violation is not corrected. Administrative costs may also be assessed. In addition to or as an alternative to administrative citations and cost assessment, staff may also seek authority to pursue summary abatement proceedings.

Once the immediate hazard/violation has been corrected, most cases in Category 1 will require the issuance of a discretionary permit or building permit to fully address the violation. Once the violations are corrected to eliminate immediate life/safety/health violations, the code case will be closed and reopened as a Category 4, subject to the specified processing standards. The case will be closed once all violations have been fully corrected. The case will be closed once all violations have been fully corrected.

## Violation Category

2

## Nuisance &amp; Blight-Causing Conditions

**Target Response** < 3 Business Days

**Target Resolution** < 30 Business Days

Approximately  
**27%**  
of Complaints

### Within 3 Business Days of Initial Receipt of the Complaint

- **Case Development.** Create a case file, enter complaint/property information, create task assignments in EnerGov (city tracking system) and assign case responsibility to appropriate staff.
- **Conduct Site Inspection.** Staff visits and, if necessary, takes photos of the site/violation and attempts to make personal contact.

### Within 10 Business Days of Initial Receipt of the Complaint

- **Issuance of Notice of Violation.** Once the violation is confirmed, a notice of violation (no financial penalty) is issued to the responsible party, setting forth corrective action(s) and requiring compliance within 10 business days in most cases.

### Within 30 Business Days of Initial Receipt of the Complaint

- **Follow Up Contact/Site Inspection.** Staff conducts a second site visit to confirm that the required corrective actions have been addressed. As appropriate, staff may call or email the complainant to advise of the current status of the case and next steps.
- **Issuance of Final Notice of Violation.** If compliance has not been achieved within 10 business days from the issuance of the notice of violation, the code officer will issue a final notice of violation (no financial penalty) restating the corrective action(s) and requiring compliance within 5 business days.
- **Follow Up Contact/Site Inspection.** Staff conducts a third site visit to confirm that corrective action(s) have been addressed. As appropriate, staff may call or email the complainant to advise of the current status of the case and next steps.

- **Issuance of Administrative Citation.** Staff confirms that the responsible party complied with the corrective action(s) specified in the notice. If compliance has not been achieved an administrative citation is issued.
- **Continued Enforcement.** Staff will inspect and issue citations until the violation is corrected. Most administrative citation penalties are \$100 for a first violation, \$200 for a second violation, and \$500 for a third or subsequent violation. They can accumulate at a rate of \$500 per day, per violation, if the violation is not corrected. Administrative costs may also be assessed. In addition to or as an alternative to administrative citations, staff may also seek authority to pursue summary abatement or abatement.



Nuisance – junk — before (top) and after

## Violation Category

3

## Miscellaneous Conditions

Target Response

&lt; 5 Business Days

Target Resolution

&lt; 50 Business Days

Approximately

51%  
of Complaints**Within 5 Business Days of Initial Receipt of the Complaint**

- **Case Development.** Create a case file, enter complaint/property information, create task assignments in EnerGov (city tracking system) and assign case responsibility to appropriate staff.
- **Conduct Site Inspection.** Staff visits and, if necessary, takes photos of the site/violation and attempts to make personal contact.

**Within 25 Business Days of Initial Receipt of the Complaint**

- **Issuance of Notice of Violation.** Once the violation is confirmed, a notice of violation (no financial penalty) is issued to the responsible party, setting forth the required corrective action(s) and requiring compliance within 10 business days.
- **Follow Up Contact/Site Inspection.** Staff conducts a second site visit to confirm that the required corrective actions have been addressed. As appropriate, staff may call or email the complainant to advise of the current status of the case and next steps.
- **Issuance of Final Notice of Violation.** If compliance has not been achieved within 10 business days from the issuance of the notice of violation, the code officer will issue a final notice of violation (no financial penalty) restating the corrective action(s) and requiring compliance within 5 business days.
- **Follow Up Contact/Site Inspection.** Staff conducts a third site visit to confirm that corrective action(s) have been addressed. As appropriate, staff may call or email the complainant to advise of the current status of the case and next steps.

**Within 50 Business Days of Initial Receipt of the Complaint**

- **Issuance of Administrative Citation.** Staff confirms that the responsible party complied with the corrective action(s) specified in the notice. If compliance has not been achieved an administrative citation is issued.
- **Continued Enforcement.** Staff will inspect and issue citations until the violation is corrected. Most administrative citation penalties are \$100 for a first violation, \$200 for a second violation, and \$500 for a third or subsequent violation. They can accumulate at a rate of \$500 per day, per violation, if the violation is not corrected. Administrative costs may also be assessed. In addition to or as an alternative to administrative citations, staff may also seek authority to pursue summary abatement or abatement.

Note: In rare cases, a Category 3 violation may be remedied with a permit. Under these circumstances, the code case will be processed under the procedures for Category 4 until permits are approved by the Community Development Department and a certificate of occupancy is issued.

**Violation Category**

4

**Permit Requiring Conditions**

<b>Target Response</b>	<b>&lt; 10 Business Days</b>	<div style="font-size: 24px; font-weight: bold; color: #0070C0;">15%</div> <div style="font-size: 12px; font-weight: bold; color: #0070C0;">Approximately of Complaints</div>
<b>Target Resolution</b>	<b>&lt; 90–180 Business Days</b>	

**Within 5 Business Days of Initial Receipt of the Complaint**

- **Case Development.** Create a case file, enter complaint/property information, create task assignments in EnerGov (city tracking system) and assign case responsibility to appropriate staff.
- **Research.** Staff conducts research to confirm that a violation exists, including the review of records of prior permit approvals, county tax records, historic aerial imagery and coordination with other divisions, departments and outside agencies.

- **Conduct Inspection.** Staff visits and, if necessary, takes photos of the site/ violation and attempts to make personal contact.

#### Within 10 Business Days of Initial Receipt of the Complaint

- **Issuance of Notice of Violation.** Once the violation is confirmed, a notice of violation (no financial penalty) is issued to the responsible party, setting forth the required corrective action(s) and requiring compliance within 10 business days.

#### Within 25 Business Days of Initial Receipt of the Complaint

- **Follow up Contact.** Staff contacts responsible party to confirm that corrective actions have been satisfied. As appropriate, staff may call or email the complainant to advise of the current status of the case and next steps.
- **Issuance of Final Notice of Violation.** If compliance has not been achieved within 10 business days from the date of issuance of the notice of violation, the code officer will issue a final notice of violation (no financial penalty) restating the required corrective action(s) and requiring compliance within 5 business days.

#### Within 35 Business Days of Initial Receipt of the Complaint

- **Follow up Contact.** Staff contacts responsible party to confirm that corrective actions have been satisfied. As appropriate, staff may call or email the complainant to advise of the current status of the case and next steps.
- **Issuance of Administrative Citation.** Staff confirms that the responsible party complied with the corrective action(s) specified in the notice. If compliance has not been achieved an administrative citation is issued.
- **Continued Enforcement.** Staff will inspect and issue citations until the violation is corrected. Most administrative citation penalties are \$100 for a first violation, \$200 for a second violation, and \$500 for a third or subsequent violation. They can accumulate at a rate of \$500 per day, per violation, if the violation is not addressed. Administrative costs may also be assessed. In addition to or as an alternative to administrative citations and costs, staff may also seek authority to pursue summary abatement or abatement.

### Following 90 Business Days of Initial Receipt of the Complaint

- **Compliance.** For violations requiring the approval of a discretionary permit or significant structural improvements requiring a building permit (i.e., room addition), the responsible party is generally given 90 days to develop plans and submit a complete application to the city for processing. Staff will not close the case until the Community Development Department has finalized the permit. For violations requiring simpler permit review (i.e., water heaters, electrical, plumbing improvements, etc.), a shorter compliance date will be given. If a permit is determined not to be needed, then the case will be closed by Code Enforcement staff. If the use/structure cannot be permitted, the city will determine a reasonable period of time for the responsible party to correct the violation.



Unsafe and hazardous conditions — trees overhanging the right-of-way

## CODE ENFORCEMENT

# Penalties, Appeals and Mediation

## Administrative Citation Penalties

In those instances when an administrative citation penalty is issued by the Code Enforcement Division, the responsible party has thirty (30) days from the date of issuance to pay the corresponding penalty(ies). Additionally, the responsible party must take one of the following actions to avoid additional penalties:

- **Correct the Violation.** The responsible party(ies) corrects the violation by the compliance date specified in the administrative citation and contacts the city to request a re-inspection AND pays the corresponding penalty(ies) within the 30-day payment period or late fees may accrue. In the case of a public nuisance notice of violation, correct the violation by the compliance date specified in the notice of violation and contact the city to request re-inspection; OR
- **Request a Hearing.** The responsible party(ies) may request a hearing to appeal the administrative citation within thirty (30) days from the date of issuance of the administrative citation, together with an advance deposit of the corresponding penalty(ies). Administrative appeals will not be processed or scheduled unless the completed appeal paperwork is properly filed along with payment of the advance deposit. In the case of a public nuisance notice of violation, an appeal must be filed within 10 days of issuance of the notice of violation (no advance deposit required since there is no penalty associated with such violations).

Any person issued an administrative citation penalty or public nuisance notice of violation may contest the notice by filing an appeal.

## How to Appeal an Administrative Citation

Any person issued an administrative citation penalty or public nuisance notice of violation may contest the notice by filing an appeal with the city to have the matter heard before an independent administrative hearing officer. Verbal warnings or notices of violation for non-public nuisance violations are not subject to the appeal process; however, individuals may have their disagreements heard through the [Guaranteed Second Opinion/Project Issue Resolution](#) process.

A responsible party or property owner may file an appeal by completing and signing an [Appeal & Request for Administrative Citation Hearing](#) form, which is available on the city website or upon request from the Code Enforcement Division by contacting 442-339-2703. The appeal form must be completed in entirety and include the full payment of the penalty amount. The form must be mailed to the Code Enforcement Division and received within thirty (30) calendar days of the issuance of the administrative citation. The following is important information to note when submitting appeals:

- Each violation being appealed must have the reason/explanation as to why an appeal is being requested for that specific violation.
- Deposit of the penalty amount may only be made by personal check, cashier's check or money orders made payable to "City of Carlsbad". Cash will not be accepted.
- Completed appeal forms may be mailed to:  
City of Carlsbad  
Code Enforcement Division  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008
- If applicable, Advance Deposit Hardship Waiver requests must be made on a separate form within ten (10) days of the date of issuance of the administrative citation (see section below on "Advance Deposit Hardship Waivers").
- A notice of violation for a public nuisance may be appealed within ten (10) days of issuance of the notice of violation. No other violation types may be appealed at the notice of violation phase.
- Once reviewed by the city, if the appeal application is timely and complete, a hearing date will be set for no less than fifteen (15) days and no more than sixty (60) days from the date the appeal is filed with the city.
- If the administrative citation or public nuisance notice of violation is dismissed at the appeal hearing, a refund of the penalty amount paid shall be issued.

## Hearing Procedures

All hearings are held before an independent impartial administrative hearing officer. At the hearing, the parties present their evidence, findings, arguments and both parties may bring witnesses, which can be cross-examined. Any relevant evidence can be admitted into record and oral evidence is taken under oath or affirmation. The hearings are recorded and do not need to be conducted in accordance with the formal rules of evidence.

## Hearing Officer's Decision

If the Hearing Officer determines that the violation should be upheld, the penalty amount will be retained by the city. If the hearing officer determines that the evidence presented does not support the violation, any administrative citation penalties shall be deemed null and void and the city will refund the penalty amount within four to six weeks. The written decision of the hearing officer is the city's final administrative decision. An appellant may obtain judicial review of a final administrative decision by filing an appeal with the San Diego County Superior Court according to applicable court rules.

## Advance Deposit Hardship Waivers

The city realizes administrative citations have a financial impact on responsible parties and offers to qualifying individuals the opportunity to waive the advance deposit prerequisite for properly filing and scheduling an appeal of an administrative citation. NOTE: The [Advance Deposit Hardship Waiver](#) is separate from the administrative appeal form. The waiver must be completed in its entirety, signed and submitted within 10 days of the date of receipt of an administrative citation in order to be considered by the city. Incomplete applications will not be processed by the city.



Illegal fence height — before (top) and after



## Mediation Services

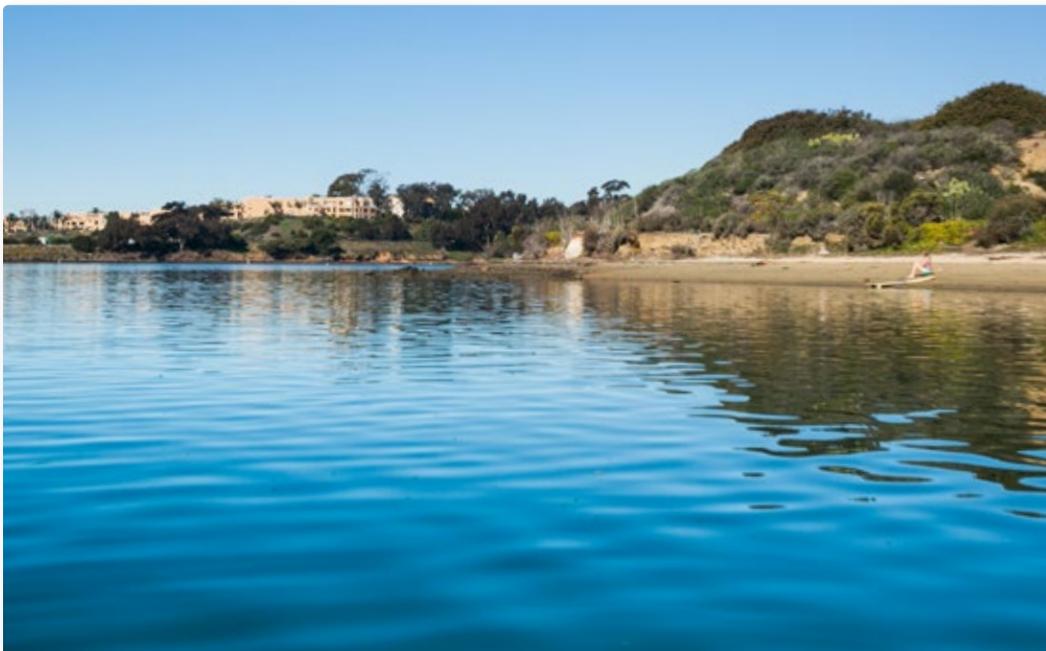
For a civil dispute that is not a violation of a code enforceable by the city, why not consider mediation? Mediation is a confidential meeting between people who have a disagreement and a trained, neutral mediator who guides a discussion of issues toward a mutually acceptable agreement. Community Mediation services are available to all Carlsbad residents through the County of San Diego Alternative Dispute Resolution (ADR) Program and the National Conflict Resolution Center. Cases may be self-referred by any city resident who is involved in the dispute by calling 619-398-0494. Some of the types of cases eligible for mediation involve neighbor-to-neighbor issues, animal nuisances and property maintenance disputes. There are many benefits mediation offers to residents, such as:

- It's effective — most cases reach an agreement
- It's free — exclusive to Carlsbad residents
- It's fast — mediation can be scheduled quickly
- It's convenient — mediation services are at the city's buildings in Carlsbad
- It's confidential — solutions are private and within your control
- It's professional — mediators are highly trained and qualified

Often the first step in initiating mediation is to consider whether it is a viable option for residents. Some points when determining if mediation is an option:

- The dispute has been ongoing
- You want to preserve a relationship being affected by conflict
- The dispute is upsetting and affecting your daily life
- You cannot afford the time and cost involved with litigation
- You are thinking about taking your dispute to court
- You would like to speak to the other party, so they may hear your concerns
- You would like to resolve the dispute without a third-party judgment
- Most importantly, both parties must voluntarily agree to participate in the mediation session

Mediation is governed by California Evidence Code sections 1115-1128, which provides that statements made during mediation are confidential and inadmissible against another party in any subsequent non-criminal proceeding. Further the mediators do not report back to any courts on the content of the mediation, nor are they available to testify as to what was said during mediation. Confidentiality allows people to express themselves without fear that their words will be used against them later.



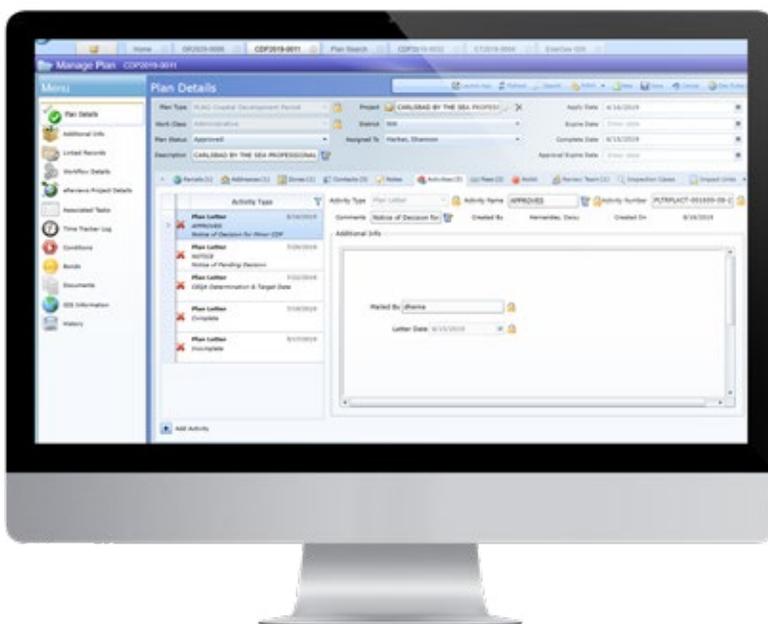


# EnerGov

The department uses EnerGov, a project management and open government software application. This application allows staff to manage project caseloads, task assignments, workflows, and timelines in accordance with the performance standards, processes and procedures described in this document. EnerGov can generate a variety of reports that allow staff, supervisors and managers to monitor and track productivity and to ensure timely delivery of work products.

Supervisors in the department provide training and support to staff in their respective workgroup/division to ensure effective and consistent use of EnerGov and to encourage feedback for periodic enhancements. Staff are responsible for keeping information current and accurate in EnerGov for the projects they manage and task assignments that they are given, per the procedures described in [Section 7](#) and supplemented in the [Appendix](#) of this guide. Staff must keep tasks up-to-date to ensure efficient and effective operations. EnerGov is also used as the main repository for all project related correspondence.

EnerGov can generate a variety of reports that allow staff, supervisors and managers to monitor and track productivity and to ensure timely delivery of work products.



## Appendix EnerGov Case Processing Tasks

TASK NAME	DESCRIPTION	TASK CATEGORY	ASSIGNER	ASSIGNEE
<b>Admin</b>				
Admin: Case assignment	Staff assigns the case to the appropriate Code Enforcement officer	Admin	Admin Staff	Code Enforcement Officer
Admin: Close case	Close the case when violation resolved	Admin	Code Enforcement Officer	Code Enforcement Officer
Admin: Referral response	Track status of responses/compliance dates from city	Admin	Admin Staff	Admin Staff
Admin: Check Status	Track compliance status of case	Admin	Code Enforcement Officer	Code Enforcement Officer
<b>Meetings</b>				
Meeting: Property owner	Meet with responsible party to discuss status/next steps	Meeting	Code Enforcement Officer	Code Enforcement Officer
Meeting: Supervisor	Meet with the supervisor to discuss case and review notice of violation or citation	Meeting	Code Enforcement Officer	Code Enforcement Officer
Meeting	Meet with Community Development to discuss violation and possible solutions	Meeting	Code Enforcement Officer	Code Enforcement Officer
Meeting: Outside agency	Task to meet with outside agencies to discuss violation and possible solutions	Meeting	Code Enforcement Officer	Code Enforcement Officer
Meeting: Project Issue Resolution	Schedule a Project Issue Resolution Meeting	Meeting	Code Enforcement Officer	Code Enforcement Officer
Meeting: City Attorney	Consult the City Attorney on legal issues	Meeting	Code Enforcement Officer	Code Enforcement Officer
<b>Investigations</b>				
Investigation: Site inspection	Site visit to visually inspect the alleged violation	Investigation	Code Enforcement Officer	Code Enforcement Officer
Investigation: Follow up	Research and confirm compliance with corrective action followed	Investigation	Code Enforcement Officer	Code Enforcement Officer
Investigation: Research	Review past records and approvals	Investigation	Code Enforcement Officer	Code Enforcement Officer

TASK NAME	DESCRIPTION	TASK CATEGORY	ASSIGNER	ASSIGNEE
<b>Notices</b>				
Notice: Site Inspection Request	Issue a site inspection request form	Enforcement Action	Code Enforcement Officer	Code Enforcement Officer
Notice: Courtesy Notice	Issue a letter to the responsible party asking for voluntary compliance per the template	Enforcement Action	Code Enforcement Officer	Code Enforcement Officer
Notice: Stop Work Order	Issue a Stop Work Order	Enforcement Action	Code Enforcement Officer	Building Inspector
Notice: Notice of Violation	Issue a notice of violation	Enforcement Action	Code Enforcement Officer	Code Enforcement Officer
Notice: First Admin Citation	Issue an administrative citation when responsible party fails to timely make required correction action(s)	Enforcement Action	Code Enforcement Officer	Code Enforcement Officer
Notice: Second Admin Citation	Issue an administrative citation when responsible party continues to fail to comply with corrective action(s) in first administrative citation	Enforcement Action	Code Enforcement Officer	Code Enforcement Officer
Notice: Third Admin Citation	Issue an administrative citation when responsible party continues to fail to comply with the corrective action(s)	Enforcement Action	Code Enforcement Officer	Code Enforcement Officer
Notice: Closure Letter	Prepare a letter to appropriate parties closing the case	Enforcement Action	Code Enforcement Officer	Admin Staff
<b>Hearings</b>				
Hearing: Administrative	Confirm administrative hearing date with admin staff	Hearing	Admin Staff	Admin Staff
Hearing: Planning Commission	Confirm Planning Commission hearing date with admin staff	Hearing	Code Enforcement Officer	Code Enforcement Officer
Hearing: City Council Appeal	Confirm City Council hearing date with admin staff	Hearing	Code Enforcement Officer	Code Enforcement Officer



**Community Development Department**

1635 Faraday Ave. | Carlsbad, CA 92008 | [www.carlsbadca.gov](http://www.carlsbadca.gov)

