

March 11, 2008

# City of Hawaiian Gardens Code Enforcement Manual



City of Hawaiian Gardens  
Community Development Department

21815 Pioneer Boulevard  
Hawaiian Gardens, Ca 90716-1237

Tel: 562.420.2641  
Fax: 562.420.8521



# Table of Contents

Purpose of This Manual .....	1
Code Enforcement Program Goal .....	1
How the Process Works .....	2
Receipt and Confidentiality of Complaints .....	6
Enforcement Priorities .....	6
Field Inspections .....	7
Initial Inspection .....	7
Re-inspection .....	7
Procedure for Inspection Warrants .....	8
Notices and Citations .....	9
Official Warning Notice .....	9
Administration Citation .....	10
Stop Work Notice .....	11
Civil or Criminal Action .....	12
Code Enforcement Personnel .....	13
Code of Ethics for Code Enforcement Officers .....	14
General Procedures and Field Investigation and Reporting .....	15
Release of Information .....	19
Attachments .....	20
Attachment 1: Complaint and Investigation Report Form .....	21
Attachment 2: Official Warning Notice .....	22
Attachment 3: Administration Citation .....	23
Attachment 4: Inspection Notice/Stop Work Notice .....	24

## Figures

1. Overview of Code Enforcement Process .....	3
2. Examples of Code Violations .....	4

# Purpose of this Manual

The Code Enforcement Manual is intended for use by Hawaiian Gardens residents, business owners, and City staff to help all understand the code enforcement process in the City. This manual describes the procedures and methods carried out by City staff to enforce the Municipal Code.

Code enforcement tends to be a surprise to people living and working in Hawaiian Gardens because they do not realize that some of their activities may violate Code provisions. For example, a resident may be unaware that placing a vehicle canopy in the front driveway is not allowed, or a business owner may not realize that the Code prohibits flashing or animated advertising signs. Obviously, the best method of enforcement is to inform the public about the standards that govern Hawaiian Gardens' neighborhoods, as well as the process to correct any violation. People generally understand the need for safety, health, and welfare regulations. More difficult to understand, however, is how Code regulations work to enhance private property investments, reduce visual clutter, and create successful neighborhoods and business districts.

With this in mind, this guide is designed to provide public education and to help with questions about a citation received or to define how people can address concerns about conditions in their neighborhood. This manual does not summarize all of the laws and regulations included in the Municipal Code. If you have specific questions, you are encouraged to call City staff or to consult the on-line version of the Municipal Code via the City's website (<http://www.hgcity.org>, then click on Municipal Code on the left-hand bar) or directly at <http://qcode.us/codes/hawaiiangardens/>.

## Code Enforcement Program Goal

The goal of the Hawaiian Gardens Code Enforcement Program is to obtain voluntary compliance with the regulatory provisions of the Municipal Code. Complying with the Municipal Code assists in maintaining and enhancing the health, safety, and welfare of the community. Code enforcement activities are intended to be carried out fairly, with sensitivity, and in a timely manner.

It is the City's policy to encourage voluntary Municipal Code compliance by providing residents, business operators, property owners, and tenants the opportunity, with sufficient notice and information, to comply with the Hawaiian Gardens Municipal Code and other applicable laws and requirements. The City believes that voluntary compliance is the preferred method in initiating compliance. With cooperation of residents, business operators, property owners and tenants, this endeavor results in a respectful and satisfactory relationship between the City and the community.

Regardless of this policy, the City acknowledges that by allowing code violators sufficient time and opportunity to correct violations, occasional abuses of time extensions or failures to correct conditions as ordered may occur. In such cases, the City may find it necessary to impose corrections through involuntary means, such as legal action by the City Attorney or Prosecutor's office.

# How the Process Works

The Hawaiian Gardens Municipal Code identifies the property conditions and nuisances that will result in a code violation. These include, but are not limited to, abandoned vehicles, bulky items on the front lawn, illegal canopies, trash and debris, overgrown landscaping, prohibited signs, and building additions or electrical work without appropriate permits (see Figure 2). The following describes a typical code enforcement process (see Figure 1).

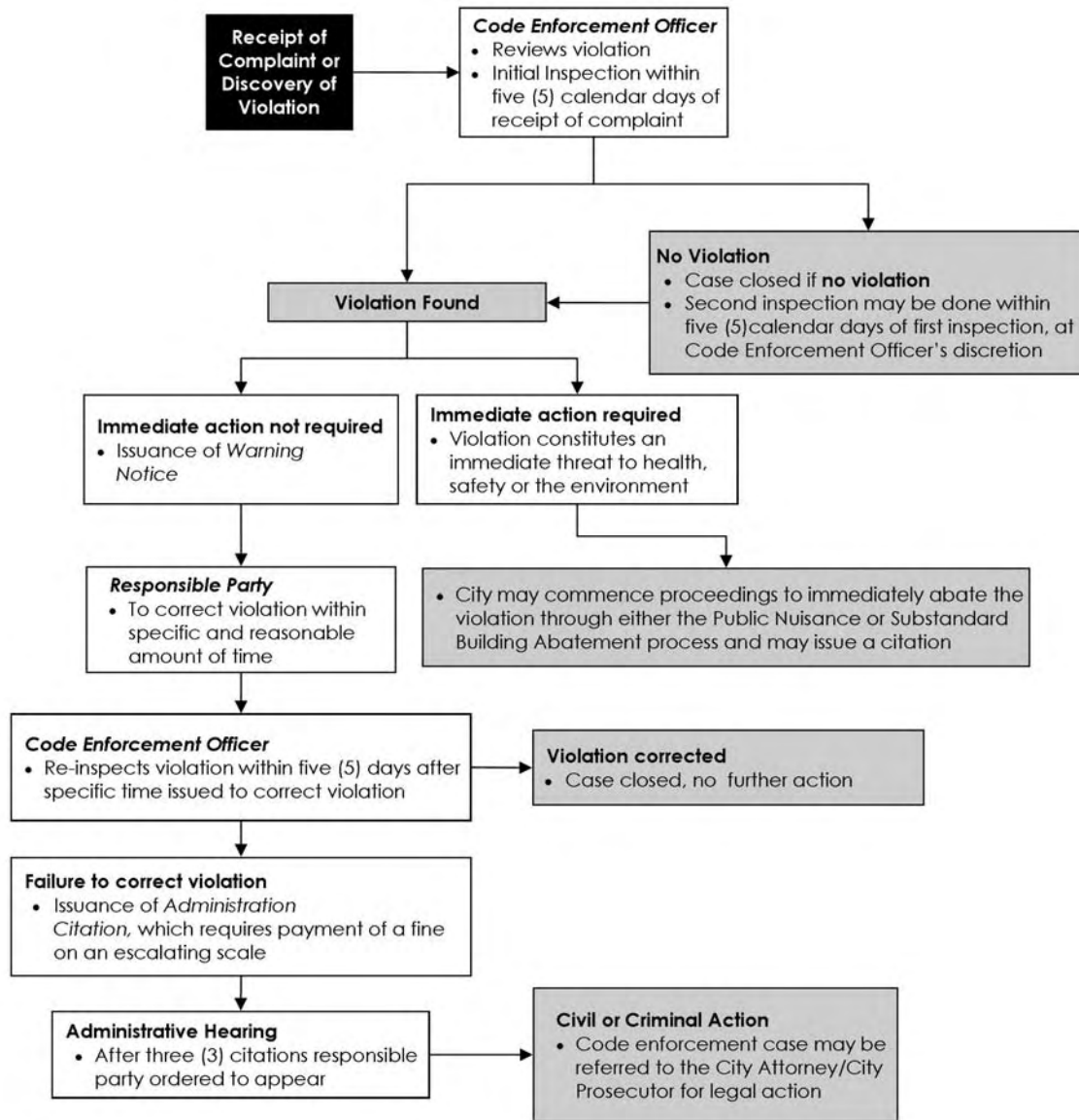
Upon receipt of a complaint or discovering a violation firsthand, the Code Enforcement Officer reviews the violation, conducts the necessary field inspections, and contacts the responsible party for corrective action once the violation is verified. (The responsible party is the person in charge and control of the premises involved, or the holder of any mortgage, deed, lien of record, or other title for the premises on which violation is located.)

If the violation is considered to be an imminent danger to the public health and safety or the environment, the Code Enforcement Officer, Building Inspector, or other appropriate public official(s) may commence proceedings to immediately abate the violation through either the Public Nuisance or Substandard Building Abatement process and may issue a citation.

If immediate action is not required, the Code Enforcement Officer or Building Inspector will issue an Official Warning Notice to the responsible party. The responsible party will be given a specific and reasonable amount of time to correct the violation. Upon re-inspection, if the violation has not been corrected the Code Enforcement Officer has the discretion to either warn the responsible party or issue an Administrative Citation, which requires the payment of a fine on an escalating scale. The Code Enforcement Officer or Building Inspector should make every attempt to make actual contact with the responsible party when initiating enforcement activities.

The Community Development Director has overall responsibilities for enforcement of the Municipal Code and Building Codes. The Director also has the authority to delegate the enforcement of codes to City staff based on workload, staff experience, and other factors such as resources available to the Director.

Figure 1: Overview of Code



**Figure 2: Examples of Code Violations** (This is not a comprehensive list of code violations)

- Structures not completed and left unfinished
- Unoccupied buildings which have been left unsecured from intrusion by persons, animals, or the elements
- Fences or walls which are in a hazardous condition
- Broken windows left in a hazardous condition
- Abandoned or unoccupied buildings causing unsightliness
- Dead, diseased, or hazardous trees
- Weeds and vegetation likely to harbor vermin or nuisances
- Inoperative or disabled vehicles, trailers, or other mobile equipment
- Clothes lines visible from the public right-of-way
- Hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations, or stagnant water
- Debris or trash not stored in trash receptacles
- Sofas, chairs, and other household furniture left outside
- Use of tarps for areas used for storage visible from public streets
- Trash and recycling receptacles stored in front or side yards and visible from public streets
- Deteriorated parking lots containing uneven surfaces
- Outdoor ornaments and Christmas lighting displayed between February and October
- All activities objectionable by reason of noise, odor, dust, mud, smoke, and/or vibration
- Uses not permitted or conditionally permitted by the zoning regulations, including garage conversions
- Electrical, plumbing, or mechanical work without permits
- Residential structural work without permits (e.g., addition to a house, construction of a new garage, fences, demolition of a house, etc.)
- Grading and/or fill work without permits
- Prohibited signs (e.g., rotating, flashing or animated signs, roof-mounted signs)
- Keeping of animals that are prohibited (chickens, roosters, or any poisonous or dangerous animals).
- Exceeding the allowable number of pets

**Example of Code Violations:**



**Debris scattered across property**



**Illegal trash dumping along sidewalk and**



Overgrown vegetation



Weeds and vegetation likely to harbor vermin or nuisances



Illegal canopy



Overgrown vegetation



Debris and trash



Household furniture left outside, washing machine



# Receipt and Confidentiality of Complaints

Any resident, neighbor, business, City staff member, or City Council member can file a complaint alleging a violation of the Hawaiian Gardens Municipal Code. The names of all persons making a complaint are maintained in confidence by the City and are not released except during litigation or a Public Records Act request, unless there is a compelling reason to not disclose the complainant's identity.

Complaints of Code violations may be received in any form, such as written, telephone, electronic email, or other discernable form, including the Complaint and Investigation Report form available at the Community Development Department at City Hall (see Attachment 1). Any complaining or reporting party may choose to remain anonymous, and City staff will accept anonymous complaints of Code violations.

City staff may initiate code enforcement actions based on complaints initiated through official channels. Additionally, City staff may proactively initiate code enforcement actions based on observations or reports from the community.

## Enforcement Priorities

The enforcement priorities of all violations will be determined by the Community Development Director and will vary based on the severity of the violation. Violations involving a health, safety, or environmental issue that require immediate attention will take precedence over routine complaints.

Violations that constitute an immediate or readily apparent threat to health, safety, or the environment (e.g., prohibited discharges) shall be classified as **High Priority**. High priority violations shall be attended to immediately or as soon as feasibly possible. High priority violations that cannot be attended to by the Code Enforcement Officer should immediately be referred to an appropriate agency with authority to handle such violations.

Violations that do not constitute an immediate or readily apparent threat to health, safety, or the environment, but have the potential to do so if left uncorrected (e.g., unlawful encroachments) shall be classified as **Medium Priority**. Medium priority violations normally require action by the Code Enforcement Officer within three days of receipt of complaint.

All other violations shall be considered **Low Priority** (e.g., signs). Low priority violations require action by the Code Enforcement Officer within five days of receipt of the complaint.

The Community Development Director, at his or her discretion, may adjust the priority of any particular type of violation based on various factors, such as limited staff resources, staff availability, staff experience, and workload distribution necessities. It is the policy of the City to maintain a zero tolerance to violations of federal and state environmental laws, including unlawful dumping of

hazardous materials within the City limits. All such violations will result in immediate enforcement action by City staff.

# Field Inspections

## Initial Inspection

Once a complaint has been received by the City, the Code Enforcement Officer shall conduct an initial inspection on the property, in accordance with the Enforcement Priorities, to identify the existence of any violation(s). If no violation is found to exist, a second inspection may be done within five calendar days of the first inspection. At the discretion of the assigned Code Enforcement Officer or Building Inspector, circumstances may dictate a second or follow-up inspection, or the inspector may simply close the investigation following the original inspection.

The Code Enforcement Officer shall not enter upon private property to inspect, physically search, or abate a nuisance except as follows:

- A. In accordance with the consent of the owner or person in lawful possession of the subject property; or
- B. In accordance with a search warrant, inspection warrant, or warrant to abate issued by the Court. Inspection warrant procedures are outlined in Section 10, Procedures for Inspection Warrants.
- C. Inspections that do not require an inspection warrant, such as consensual inspections, violations in plain view, unenclosed residential yards, and business subject to a use permit or other regulation allowing inspection.

## Re-inspection

Within five working days of the correction date specified by the Code Enforcement Officer, the Officer shall re-inspect the property for compliance. If the violation has been corrected, the file is closed.

If the responsible party is making a good faith effort to comply and substantial progress has been made to correct the violation, the Code Enforcement Officer may grant a reasonable extension of the compliance date. Any such extension of time granted may be made verbally, but shall be reported in the file. More than one extension of time may be granted if the Code Enforcement Officer determines that such extensions are warranted based on the responsible party's effort to correct the violation(s). Any extension of time over 30 days sought to correct code violations must be approved by the Community Development Director.

If the responsible party has not corrected the violation(s) and the Code Enforcement Officer has determined that the responsible party is not making a good faith effort to correct the violation, the Officer shall undertake the next enforcement action most appropriate, which may include issuance of an administrative citation, obtaining an abatement order, or seeking civil or criminal enforcement

action by the City Attorney or Prosecutor.

# Procedure for Inspection Warrants

- A. An inspection warrant is appropriate when:
1. The facts and circumstances provide reasonable cause to believe that a violation exists in a particular residence or building or reasonable legislative/administrative standards exist for a routine area inspection; and
  2. The occupant of that building has refused to permit a search by the inspector; or
  3. There has been a prolonged, good faith attempt to contact the owner or occupant for the purpose of inspection. A period of two to four weeks is generally considered a sufficient period of time for such attempts.

This is not intended to be an exhaustive list of requirements for an investigation, but is offered only to provide a starting point to seek an Inspection warrant during a field investigation. Always consult with the City Attorney or City Prosecutor for advice and assistance when a specific case may require an inspection warrant.

- B. See Code of Civil Procedure Section 1822.50 et seq. for guidance, in addition to consulting with the City Attorney or City Prosecutor.
- C. Reasonable cause exists when the facts and circumstances within the investigator's personal knowledge and of which he/she has reasonable, trustworthy information, warrants the belief that a code violation exists at the particular building. Sufficient reasonable cause for the issuance of an inspection warrant can be developed by the following:
1. Complaint by a neighbor/citizen.
  2. Visual inspection of the building from the outside.
- D. If the Code Enforcement Officer believes an inspection warrant is necessary and appropriate, the Community Development Director or his/her designee may request the City Attorney or City Prosecutor to obtain one. The City Attorney or City Prosecutor may request a chronology of the contacts with the responsible party, why access is necessary, copies of all letters sent to the responsible party, notes of any telephone calls to responsible party, photographs, or other evidence of violations, etc.
- E. Once an inspection warrant is obtained by the City Attorney or City Prosecutor's office, an inspection date and time will be established, and the attorney will notify the responsible party of such scheduled inspection. The inspection must be conducted within 14 days from the date of the Inspection Warrant.
- F. A Police Officer should escort the Code Enforcement Officer during the inspection to reduce the possibility of a hostile encounter when enforcing the inspection warrant.

# Notices and Citations

In many instances, the person responsible for causing the violation may not be aware of the City regulations, and once the existence of a violation has been brought to his/her attention, he/she will generally make a good-faith voluntary effort to correct the violation.

The way in which a person is initially approached, informed of the possible violation, and notified that corrective action is required is of critical importance. It frequently will determine how the person elects to respond in regards to compliance. Good judgment, tact, and objectivity in performing the enforcement duties are essential.

Based on the circumstances, the Code Enforcement Officer has the discretion to issue either an Official Warning Notice or an Administrative Citation. The Code Enforcement Officer should also make available any information (City regulations) and provide clarification, when necessary.

## Official Warning Notice

In most cases, the Code Enforcement Officer shall give the responsible party an Official Warning Notice to comply with the applicable regulation or requirement (Attachment 2). The Code Enforcement Officer will inform the responsible party that the City's goal is voluntary compliance. The Code Enforcement Officer shall make it clear to the responsible party that this is his/her opportunity to correct the violation and avoid the need for further City action. In lieu of an Official Warning Notice, City staff may elect to send a letter notifying the person responsible about the violation.

The Official Warning Notice will notify the responsible party the violation type and the time frame in which to correct the violation. The time provided to correct the violation will depend on the nature and extent of work required, the nature and circumstances of the violation, and the danger posed to the public. The period is set on a case-by-case basis, but will be reasonable under the circumstances. Anytime granted over 30 days must be approved by the Community Development Director.

If the responsible party is not the property owner/property manager, copies of correspondence and notices shall be provided to the property owner/property manager. This gives the property owner/property manager sufficient notice that a violation exists on his/her property. A copy of Official Warning Notice shall also be placed in the case file.



Trash and recycling receptacles stored in front



Illegal electrical work, no permit

# Administrative Citation

If the responsible party fails to achieve compliance after issuance of an Official Warning Notice, the Code Enforcement Officer may issue an Administrative Citation (see Attachment 3).

Subsequent violations of the same code section in which an Administrative Citation has been issued are eligible for issuance of subsequent citations, with increased fine amounts as directed by City ordinance.

Per Municipal Code, Section 1.13, Code Enforcement Officers have the authority and discretion to issue Administrative Citations when they determine that a violation outlined below has occurred. The issuance of an Administrative Citation shall normally occur after an Official Warning Notice has been issued, and the violation has not been corrected within a reasonable period of time, usually within 15 days, depending on the circumstances. However, if the violation is particularly egregious or threatens the health and safety of the public, an Administrative Citation may be issued immediately. The issuance of such an Administrative Citation may be in addition to any other civil or criminal action or other legal remedy authorized by law.

Administrative Citations may be issued for violations of the Hawaiian Gardens Municipal Code, Uniform Codes adopted by the City, state laws, City regulations, permits issued for various uses, conditions of environmental review, or any plan, permit or encroachment authorized, issued or required by the Municipal Code.

When an Administrative Citation is to be issued to the responsible person, as defined within the Municipal Code, it shall contain the information outlined below:

1. The name of the responsible party, with all identifying information, including an address, physical description and other pertinent information available;
2. The date of the violation;
3. The name, when applicable, and the address of the location of the occurrence of the violation;
4. The specific section of the Municipal Code, law, permit or other regulation violated, along with a full description of the violation;
5. The amount of the fine for the violation along with the amount of any applicable late charges if the fine is not paid by a specific date;
6. A full description of the fine process, including the time within which and the place to which the fine shall be paid;
7. A full description of the administrative citation appeal process, including all time constraints and a location where the form to file an appeal may be obtained; and
8. The name, badge number if applicable and signature of the Code Enforcement Officer, and the signature of the responsible person if that person is present.

A Code Enforcement Officer issuing an Administrative Citation may serve that citation to a responsible party by: 1) personal service on the responsible person or a representative of the entity if appropriate; 2) mailed service if the Responsible Party is not within the jurisdiction of the City or cannot be located; or 3) posted service on the property in which the responsible party is known to have a legal and possessory interest. The date of such service shall constitute the date of issuance of the citation.

The person receiving an Administrative Citation may file an appeal with the City challenging the validity of the alleged violation cited. Such an appeal must be filed on the proper City form within 15 days from the date the citation was issued.

The appeal of an Administrative Citation shall be conducted at an administrative hearing chaired by a hearing officer designated by the City Administrator. The administrative hearing shall be set no sooner than 15 days and no later than 60 days from the date the request for hearing was filed with the City. The cited person shall be notified of the date, time and place of the administrative hearing at least 10 days prior to the hearing. The cited person must attend the administrative hearing; failure to attend will result in a forfeiture of the deposit and be considered a nonappearance and failure to exhaust administrative remedies in any future legal proceedings.

## Stop Work Notice

When the responsible party commences construction work on a property without first obtaining a building permit to so do, or when current construction work is inconsistent with the underlying building permit or zoning approval, the Code Enforcement Officer or Building Inspector may issue a Stop Work Notice, ordering the construction work to cease immediately (see Attachment 4).



Illegal electrical work, no permit



Illegal addition, no permit



Illegal block wall, no permit



Illegal plumbing, no permits

# Civil or Criminal Action

A code enforcement case may be referred to the City Attorney or City Prosecutor for legal action if the Code Enforcement Officer has determined that the violation has not been corrected after numerous efforts by City staff have failed.

The civil or criminal process should be used when: 1) a continuing violation has been identified, 2) the person is refusing to correct the violation, 3) other forms of enforcement have not been effective, or 4) the violation is egregious. Civil or criminal action would be handled through the City Attorney or City Prosecutor's Office after being referred by the Code Enforcement Officer. The City Attorney or City Prosecutor shall consult with the City Administrator, or his/her designee, to determine if civil or criminal action is required.

Enforcement through the civil system involves the preparation and filing of a civil complaint, which asks the Court to issue an injunction directing the responsible party to remedy the violation and thereafter comply with the law.

If the City obtains an injunction and the responsible party violates the injunction issued by the Court, the responsible party is in contempt of court and may be fined or placed in jail by the Court. The Court's injunction may authorize the City to take specified steps to remedy the violation.

Enforcement through the criminal system involves the preparation and filing of a criminal complaint asking the Court to impose fines and/or jail. If the Court orders informal probation and the responsible party violates the terms of probation, the responsible party may be ordered to pay additional fines and/or serve jail time.

The City Attorney or City Prosecutor shall make the determination whether to file a civil or criminal action based on the specific facts, as well as the individual nature of each code enforcement matter submitted for review. Litigation is viewed as a last resort in gaining compliance with the Municipal Code and correcting the confirmed violations. Litigation will be undertaken with on-going coordination and information provided to the City Administrator, Community Development Director, and City Council.



Vendor with no business license



Trash and debris



# Code Enforcement Personnel

- A. The City Administrator may designate, in writing, one or more Code Enforcement Officers.
- B. The City Administrator may designate, in writing, a Code Enforcement Supervisor.
- C. Only those City officials and employees who are designated as Code Enforcement Officers or Code Enforcement Supervisors (other than sworn police officers) may enforce the provisions of the Municipal Code as outlined in Section 1.12.
- D. Identification cards and badges for the Code Enforcement Officers shall be issued by the City Administrator, or his/her designee.
- E. The City Administrator may delegate to any qualified City official or employee the duties assigned herein, in accordance to Section 1.12. The delegation shall be in writing.
- F. It is highly advisable that Code Enforcement personnel wear a uniform shirt with official City insignia while on duty and performing official duties in the field. The Code Enforcement Officer represents the enforcement branch of the City, and the uniform-type of shirt will ensure the public know that the individual with whom they are dealing is an official representative of the City of Hawaiian Gardens.
- G. It is highly advisable that Code Enforcement personnel drive a vehicle with an official city sign or logo and possibly other identifying insignia or enforcement-related equipment (e.g.: amber light bars) while on official City business.



**Code enforcement officer with uniform shirt with official City insignia**



**Vehicle with official city logo and identification**

# Code of Ethics for Code Enforcement Officers

"As a Code Enforcement Officer, it is our fundamental duty to serve the general public and the citizens of Hawaiian Gardens in particular by striving to achieve the highest level of quality in all aspects of our work. We will work in partnership with the citizens of our community and do our best, within the law, to solve community problems that affect the welfare and safety of our business and residential communities.

We have been given the honor and privilege of enforcing the law. We must always exercise integrity in the use of the authority that has been given to us by the people we serve. Our personal and professional behavior should be a model for all to follow. We will obey and support the letter and the spirit of the Law.

A Code Enforcement Officer's enforcement efforts should be in full adherence to the legal rights of a suspected violator, and the Officer must scrupulously avoid any conduct which would make him a violator of the law or bring discredit upon himself or his agency and the City. By demonstrating professional and absolutely impartial service to the community we serve, we will enhance our partnership with the public we serve in the business and residential communities. We believe in treating all people with respect and dignity, and by demonstrating respect for others, we will earn respect for our agency and City.

A Code Enforcement Officer should never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence decisions. We will enforce the laws courteously and appropriately without malice or ill will towards anyone. Ever mindful of the rights of all citizens to justice and equality, we will be exemplary in obeying the laws of the land and the regulations of our department and the City. Whatever you see or hear of a confidential nature or that is confided to you in your official capacity will be kept confidential unless revelation is necessary in the performance of your duties.

As most code and law enforcement work is necessarily performed without close supervision, the responsibility for the proper performance of an officer's duties lies primarily with the officers themselves. An officer discharges that responsibility by the faithful and diligent performance of his or her assigned duties. Anything less violates the trust placed in us by the people, and nothing less qualifies as professional conduct.

The public demands that the integrity of its law enforcement officers be above reproach, and the dishonesty of a single officer may impair public confidence and cast suspicion upon the entire City Department. An officer must scrupulously avoid any conduct which might compromise the integrity of himself, his/her fellow law enforcement officers, or their Department."

# General Procedures and Field Investigation and Reporting for Code Enforcement Officers

Code Enforcement Officers will be assigned to conduct investigations of City code violations by the Community Development Director or his/her designee. The Director may assign the investigations and complaints to Officers or staff according to the nature of the complaint or other related factors. It will be incumbent on the Code Enforcement Officer or investigator assigned each complaint to contact the person responsible for the alleged code violation during the investigation within the time parameters established by the Director.

A Code Enforcement Officer, while conducting the initial inspection pursuant to a complaint or report of alleged Municipal Code violations, shall record the results of the inspection in the Address Folder, including the date of the inspection. Each subsequent inspection shall also be reported, including the names of any persons contacted at the location. Any documents, records, or other information collected during the investigation should be retained in the Address Folder. If any photographs of violations, or the lack thereof, are taken, copies of those photographs should be retained in the Address Folder along with information as to dates such photographs were taken by the Officer. It is recommended that an officer always take photographs of conditions that are the source of the investigation or complaint, even if photos have been taken on previous occasions.

When a Code Enforcement Officer interviews a witness or alleged violator pursuant to a complaint, the information should be reported and documented in the Address Folder, including the date and location of the interview. The Officer should make special note of any "admissions" by a potential violator as to the existence or knowledge of a code violation on their property. If a Code Enforcement Officer experiences a hostile demeanor or a non-cooperative owner or user of property that has been reported in a complaint, such information should be included with the case information. Such information could be determinative of the course of action taken in the future should the violations not cease or be remedied voluntarily.

**Note:** *Should a Code Enforcement Officer decide to tape record a community contact, he or she shall follow the Tape Recording Procedures outlined herein.*

## Complaint Investigation Procedures and Maintenance for Code Enforcement Officers

A Code Enforcement Officer shall open a file in the Address Folder for each complaint and/or investigation assigned. Data should also be inputted into the computer, where it will be assign a case number. The Address Folder shall consist of at least the following items, when appropriate:

1. Original or copy of the citizen's complaint form and related information.
2. A chronological case log/progress form. The Officer conducting the investigation shall cause an entry to be made for each activity and/or contact undertaken during the course of the investigation.
3. A Case Status Report form. This form is used to document significant events, including the date

of said event.

4. Copies of all related reports and documents developed or created during the investigation.
5. Originals or copies of all correspondence with alleged violators of City codes.
6. Originals or copies of all correspondence with public agencies, when appropriate.
7. Statements of any form from alleged violators of City codes, pertinent witnesses, and other parties contacted during the investigation.
8. Storage section for all photographs taken during the investigation. Photographs should always have date stamps with the full date noted.
9. Storage section for any tape recordings of statements, either by the alleged violator or pertinent witnesses. All tape recordings shall be retained and maintained by the Code Enforcement Officer making the recording for a minimum of two years.

A Code Enforcement Officer may include and store additional information and items of evidentiary value obtained during an investigation as needed.

## Procedures for Photographic Evidence for Code Enforcement Officers

A Code Enforcement Officer investigating a citizen's complaint about a violation of the municipal code shall cause photographs to be taken depicting the condition(s) constituting a violation whenever practicable. If the Code Enforcement Officer maintains an on-going investigation resulting in a series of investigations of the condition(s), it is always advisable to take additional photographs of the site, even if it is a repeat of the prior photographs taken. This would tend to show the lack of remedial action by a violator and/or provide a pictorial history of an on-going violation or condition.

The fact that photographs were taken at the site of an alleged code violation shall be noted in the investigative notes portion of the case file, including the date of the photograph and the identity of the person taking the pictures.

Copies of any photographs taken during an investigation shall be stored in the Case File for potential use in any future administrative or criminal actions taken by the City or any other official agency.

## Recording Procedures for Code Enforcement Officers

A Code Enforcement Officer, while conducting an investigation or engaged in a citizen contact, may use a personal recorder device to record in-person community contacts, at the Officer's option. When an Officer chooses to record community contacts, the procedures outlined in this section shall be followed.

***Note:** Recordings of person's statements and recordings made during field inspections of potential code violations shall be made in accordance with existing law and procedures for these types of recordings.*

### **Code Enforcement Officer's Responsibility**

Officers wishing to use personal recorders to record community contacts shall submit a request to their supervisor. Personal recorders shall not be used without the approval of the concerned supervisor of the Code Enforcement Officer, and such approval shall be in effect until the approval is revoked.

A Code Enforcement Officer who obtains approval to use a personal or City-provided recorder to record community contacts and subsequently elects to discontinue the practice shall notify his/her supervisor via an employee memorandum.

Officers who use personal or City-provided recorders to record community contacts are responsible for maintaining the recorders in proper working order, storing tapes, disks, or other recording media, and maintaining personal records to ensure recordings of incidents are retrievable if needed. Whenever recording a contact, Officers shall ensure the below listed procedures are followed:

1. Use only new, blank tapes digital disks, or other recording media. New tapes, disks, or other recording media may be used until they are full. Once full tapes, disks, or other recording media may not be erased or reused, except as specified herein.
2. When recording, either during or following the contact, identify themselves, the date and time, and the name of the person or persons being recorded.
3. Activate the recorder as soon as possible, consistent with prudent field procedures and tactics. Once activated, the recorder should remain on for the remainder of the contact. If the contact is interrupted for some reason and there will be no contact with the person involved for several minutes, the recorder may be stopped and restarted upon continuing the conversation.
4. Make recorded contacts available in a timely manner for audit and administrative review at the request of a supervisor.

Authorization to use personal or City-provided recorders to record community contacts may be revoked by the City if an officer fails to comply with the provisions of these procedures. Officers shall not record telephone conversations.

### **Retention of Tapes or Disks**

All tape or disk recordings shall be retained and maintained by the Officer making the recording for a minimum of two years or as required by state law.

### **Recordings of Contacts Resulting in Arrest or Crime Reports, Personnel Complaints, and Civil Lawsuits**

Whenever an incident is recorded and:

1. An administrative or criminal action is contemplated, or
2. The recording involves a personnel complaint alleging misconduct, or
3. The recording involves a civil suit or similar action against the City, or the Officer,

The fact that a recording was made shall be documented in any related reports in the administrative or criminal action or in discovery questionnaires in any civil action.

**Supervisor’s Responsibility**

Supervisors may conduct random audits of tape, disk, or other recording media records and recordings made by officers to ensure compliance with these procedures.

**Maintenance of Recordings**

All tapes, disks, and other recording media shall be retained by the Code Enforcement Officer in the address folder, with a notation in the chronological log as to the date, time, subject, and other pertinent information to that specific investigation.



**Illegal house addition, no permit**



**Deteriorating parking lots containing uneven surfaces**



**Fences which are in a hazardous condition**



**Inoperable vehicles**

# Release of Information

In order to preserve the effectiveness of the Code Enforcement Process and not jeopardize investigative activities, and in order to protect the right of privacy of the City's residents and business owners, the following procedures will apply once a case file is created:

- A. Unless prior written approval by the Community Development Director or his/her designee is provided, or as required by law, the City shall not disclose to the public or the violator the following information:
  - 1. That a complaint about a particular circumstance has been filed;
  - 2. The fact that a case is pending; or
  - 3. That a particular complaint is under investigation.
- B. The Code Enforcement Officer may advise a private complaining party that the complaint has been received and is under investigation.
- C. Upon request, in accordance with the Public Records Act, the City shall disclose:
  - 1. The date on which a case has been set for court trial; and
  - 2. The fact that a civil or criminal action has been filed and served.
- D. Upon the closing of a case initiated by a private party's complaint, the complainant will be advised of the result.
- E. Any information developed during the investigation shall be released only to City personnel actively and directly involved in the enforcement action in accordance with this Manual.
- F. The name of the person making a citizen's complaint shall be kept confidential, unless otherwise instructed by the City Attorney or City Prosecutor.
- G. Media Policy for code enforcement matters.

It will be the policy of the City of Hawaiian Gardens, in all code enforcement matters, that any contacts with the news media or requests for information by the press or media shall be referred to the Community Development Director, or his designee. Any release of information to the news media shall be subject to approval by the Director.

# Attachments

The following attachments are examples of appropriate documents and/or procedures to be utilized by the Code Enforcement Officer. Modifications to these documents and/or procedures or the introduction of additional procedures may be undertaken only with approval from the City Administrator, the Community Development Director, or their designee.

Attachments:

1. Complaint and Investigation Report Form
2. Office Warning Notice
3. Administrative Citation
4. Inspection Notice/Stop Work Notice



Commercial signs not maintained




Prohibited fencing materials



# Attachment 1: Complaint and Investigation Report

Form

	<b>CITY OF HAWAIIAN GARDENS</b> COMMUNITY DEVELOPMENT DEPARTMENT COMPLAINT AND INVESTIGATION REPORT 21815 Pioneer Blvd. Hawaiian Gardens, CA 90716	Date _____	
		Taken By _____	
		Assigned To _____	
<b>PERSON MAKING COMPLAINT</b>			
Name: _____			
Address: _____ Phone No. _____			
<b>INFORMATION OF PROPERTY IN VIOLATION</b>			
Owner's Name: _____ Phone No. _____			
Owner's Address: _____			
Occupant's Name: _____ Phone No. _____			
Address of Violation: _____ APN: _____			
<b>NATURE OF COMPLAINT</b>			
<b>DISPOSITION</b>			
<b>CODE ENFORCEMENT INSTRUCTIONS</b>			
	<b>Actions Taken</b>	<b>Yes</b>	<b>No</b>
	Take Pictures	<input type="checkbox"/>	<input type="checkbox"/>
	Inspect Property	<input type="checkbox"/>	<input type="checkbox"/>
	Letter to Owner	<input type="checkbox"/>	<input type="checkbox"/>
	District Attorney	<input type="checkbox"/>	<input type="checkbox"/>
	City Prosecutor	<input type="checkbox"/>	<input type="checkbox"/>
	Priority	<input type="checkbox"/>	<input type="checkbox"/>
	Report Back	<input type="checkbox"/>	<input type="checkbox"/>
	File	<input type="checkbox"/>	<input type="checkbox"/>

White - Log Book Copy      Yellow - File Copy      Pink - Supervisor Copy

# Attachment 2: Official Warning Notice

**CITY OF HAWAIIAN GARDENS**  
 Community Development Department  
 Code Enforcement Division  
 21815 Pioneer Boulevard - Hawaiian Gardens, Ca 90716  
 (562) 420-2641

**OFFICIAL WARNING NOTICE**

YOU ARE IN VIOLATION OF THE  
 HAWAIIAN GARDENS MUNICIPAL CODE AS FOLLOWS:

Violation Type	Section
<input type="checkbox"/> Business License Required	HGMC 5.04.010
<input type="checkbox"/> Peddler/Vendor Permit Required	HGMC 5.30.030
<input type="checkbox"/> Illegal Dumping/Littering	HGMC 6.12.010
<input type="checkbox"/> Unlawful Graffiti/Nuisance	HGMC 6.36.070
<input type="checkbox"/> Prohibited Noises	HGMC 9.29.120
<input type="checkbox"/> Abandoned/Inoperative Vehicles	HGMC 10.24.010
<input type="checkbox"/> No Parking - Front/Street Side Yard	HGMC 18.50.060 (A)
<input type="checkbox"/> Fences, Walls, Gates, Hedges	HGMC 18.50.040
<input type="checkbox"/> Prohibited Signs	HGMC 18.90.070
<input type="checkbox"/> Prohibited Yard Encroachment	HGMC 18.50.080
<input type="checkbox"/> Residential Property Maintenance	HGMC 18.50.090
<input type="checkbox"/> Commercial Property Maintenance	HGMC 18.70.080
<input type="checkbox"/> Keeping of Animals Prohibited	HGMC 18.90.040
<input type="checkbox"/> Building Without a Permit	LACC 106.1 (Title 26)
<input type="checkbox"/> Illegal Garage Conversion	HGMC 18.20.030

DESCRIPTION/OTHER:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Property  
 Address : \_\_\_\_\_  
 Responsible  
 Person: \_\_\_\_\_

License  
 CDL# \_\_\_\_\_ Plate # \_\_\_\_\_

By signing below I promise to contact/correct the above-mentioned violation(s) within the time prescribed below.

Signature: \_\_\_\_\_

This is a corrective warning notice that your property is in violation of the Hawaiian Gardens Municipal Code, as indicated above.

You must contact the Code Enforcement Officer at Extension  
 221  224  227 within \_\_\_\_\_ days.

Correct the above identified items(s) within \_\_\_\_\_ days.

Failure to comply by the due date will result in a citation being issued in the amount of (1)\$100.00 (2)\$200.00 (3)\$500.00 (4)\$1,000.00

Officer's \_\_\_\_\_ Date \_\_\_\_\_  
 Name: \_\_\_\_\_ Issued: \_\_\_\_\_

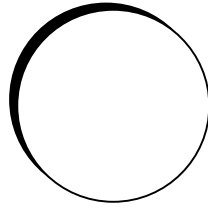
SECOND NOTICE No. 05501

WHITE - VIOLATOR COPY / YELLOW - OFFICE COPY / PINK - SUPERVISOR COPY

# Attachment 3: Administrative Citation

<b>ADMINISTRATIVE CITATION</b>					
<b>City of Hawaiian Gardens Municipal Code Violation</b>					
Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm	Day of the Week		Prior Citation	
Name (First)		Middle	Last		
Residence Address					
City		State	Zip Code		
Driver License Number		State	Age	Birth Date	
Sex	Hair	Eyes	Height	Weight	Race
Address Of Violation					
City		State	Zip Code		
Violation HGMC Sec.			Violation HGMC Sec.		
Fine: \$			Fine: \$		
OFFICER'S OBSERVATIONS: On the date specified herein, the undersigned officer observed at the specified address, the following conditions:					
<b>VIOLATION NOTICE BY:</b>					
<input type="checkbox"/> Personal Service					
<input type="checkbox"/> Mail					
<input type="checkbox"/> Property Posted					
<input type="checkbox"/> Person Cited Refused To Sign Receipt For Citation					
<input type="checkbox"/> Violation(s) not committed in my presence, certified on information and belief					
I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON DATE SHOWN ABOVE.					
X _____					
VIOLATOR: Without admitting guilt, I acknowledge having received the citation.					
Issuing Officer		ID Number	Department		
THE LAW REQUIRES THAT YOU COMPLY WITH THIS CITATION OR CONTEST THE VIOLATION.					
(1) TO COMPLY with this citation, correct the violation immediately, and pay the fine within 15 days (see reverse side). (2) TO CONTEST this citation, you must pay the fine, and request a hearing within 15 days (follow procedure on reverse side).					
If you have followed the procedure to contest this citation, your Administrative Hearing will be held at the City of Hawaiian Gardens, 21815 Pioneer Boulevard, City of Hawaiian Gardens, CA 90716.					
2624-30 White - Violator: Canary - Office: Pink - Officer					
00056					

# Attachment 4: Inspection Notice/Stop Work Notice



**CITY OF HAWAIIAN GARDENS**  
21815 Pioneer Blvd.  
Hawaiian Gardens, CA 90716  
(562) 420-2641 ext. 217

## **INSPECTION NOTICE**

Building & Safety Department

DATE \_\_\_\_\_ TIME \_\_\_\_\_ A.M.  
P.M.

1. Work for which an inspection was requested is not complete. Please call when job is ready.
2. Please complete corrections requested on notice dated \_\_\_\_\_ and call for reinspection.
3. Please provide access for inspection.
4. Please arrange to have dog restrained and recall inspection.
5. Please arrange to have approved plans on job and recall inspection.
6. A final inspection is necessary on work for which Permit# \_\_\_\_\_ was issued. Please arrange for an inspection.
7. Please pay a \$140.79/\$251.03 re-inspection fee before recalling.
8. **STOP WORK NOTICE** grading / construction being done w/o permit.

THANK YOU

Inspector \_\_\_\_\_

Phone \_\_\_\_\_ Hours: \_\_\_\_\_ to \_\_\_\_\_  
Form 107. Rev. 5/07