

ADMINISTRATIVE CODE ENFORCEMENT GUIDELINES FOR UNAUTHORIZED ENCROACHMENTS  
WITHIN PARKLANDS AND PUBLIC PATHWAYS

INTRODUCTION

The City of Palos Verdes Estates owns 849 acres of parklands for the benefit of the public for park or recreation use. Deed restrictions protect the parklands and restrict the ability for residents to construct or maintain private encroachments within the parklands without the City's authorization. There are additional areas utilized as public pathways that are designated as public rights-of-way. Combined these parklands and public pathways provide for valuable open space.

The existing *Policy for the Removal of Unauthorized Encroachments in the City's Parklands* (Resolution R05-32) was approved in 2005 to address the Torrance Boundary Trail. In March 2017, the City Council determined for all other and subsequent enforcement actions be corrected immediately through Code Enforcement action.

In 2012, the City Council adopted Resolution R12-05 *Policy for the Private Landscaping of Parklands* as a means of guiding and limiting private landscaping in the parklands. The guidelines allow residents to seek approval from the Parklands Committee for private landscape that is deemed to be consistent with the use of the parklands.

The City of Palos Verdes Estates has identified the following areas of priority for code enforcement action:

- Life, health and safety violations
- Violations of building permit and approval conditions
- Nuisance and dangerous conditions
- Non-permitted activity
- Properties with uncorrected violations

INTERPRETATION

The purpose of this administrative guideline is to provide guidance to the City's Code Enforcement staff.

1. City staff is expected to act consistently with these policies, compliance or noncompliance with these guidelines.
2. These guidelines may not to be used as a defense in an enforcement action or civil infraction proceedings.
3. Available City resources will be utilized to address Code Enforcement violations. Resources may vary and affect the City's response, and the specific facts of a situation may make a different approach appropriate.
4. City Code Enforcement staff are authorized to use discretion in enforcement or in refraining from enforcement, so long as they do so in a nondiscriminatory, fair, and unbiased manner.

## CODE ENFORCEMENT

Code enforcement will provide a strict timeline resolution that is flexible, when necessary, to allow enforcement that fits the type and circumstance of the code violation(s).

A. Enforcement Mechanisms. Enforcement mechanisms available to the City include:

1. Obtaining voluntary compliance;
2. Mediated settlement of code violation complaints;
3. Notice of Violation ("NOV");
4. Administrative citation;
5. Prosecution;
6. Permit revocation;
7. Nuisance abatement;
8. Dangerous building or condition abatement;
9. Restricting issuance of permits on property with uncorrected code violations;
10. Any other remedy under existing law.

B. Enforcement Mechanism Options. The enforcement mechanisms are not mutually exclusive, and may be used alone, in sequence or in combination with other mechanisms. In most cases, the City will use the lowest level of enforcement to assure compliance, but may use any and multiple enforcement mechanism.

## DEED RESTRICTIONS FOR PARKLANDS

Deed restrictions for the City's parklands restrict buildings, structures or concessions from being erected, maintained or permitted upon the parklands, except such as are properly incidental to the convenient and/or proper use of said realty for park and or recreation purposes.

The deed restrictions allow, under certain circumstances, the opportunity for residents to construct and/or maintain paths, steps and/or landscape improvements, as a means of egress from and ingress to private property or for the improvement of views, in such a manner and for such length of time and under such rules and regulations as will not impair or interfere with the use and maintenance of the parklands for park and/or recreation purposes.

## ENCROACHMENTS WITHIN PARKLANDS AND PUBLIC PATHWAYS

"Encroachment" means privately owned improvements, facilities or structures, including without limitation any post, sign, pole, fence, deck, building, tree (unless permitted pursuant to PVEMC 12.16.030), pipe, cable, drainage facility, septic system, or recreational facility, in the public right-of-way or on parklands, constructed and maintained by the property owner (PVEMC: 12.04.010 (B)).

Residents are not permitted to encroach onto City parklands or public pathways (right-of-way) with any type of improvement without a permit (PVEMC – 12.04.020). Certain improvements within public

rights-of-way (e.g. parkways and pathways), such as standard driveways, walkways, drainage or curb and gutter may be approved by the Public Works Department. All other non-standard encroachments will require Planning Commission and City Council approval as well as a Public Works Encroachment permit. Private landscape improvements, paths and access steps will require Parklands Committee and City Council approval as well as a Public Works Encroachment permit.

There are significant limitations on the types of improvements that may be approved. In most cases, fences, walls and any above ground structures will not be permitted.

Code enforcement staff will seek to identify encroachments within the parklands and public pathways (right-of-way) to ensure approvals have been obtained. Failure to obtain all necessary approvals and permits will result in code enforcement actions and possible removal of unauthorized encroachments.

#### INITIATION OF CODE ENFORCEMENT

Code enforcement may be initiated by citizen complaint, anonymous complaint, observation by staff or as a condition of a permit. To the extent feasible, code enforcement review will occur during the preparation of a Real Properties Records Report which is requested to identify current permits and records at the time a property is being sold or transferred.

It is the City's intent to encourage voluntary code compliance by providing code violators and other responsible persons with the opportunity during code enforcement to comply with the codes with little or no penalty. Voluntary compliance generally is less expensive for all parties and of a more satisfactory and lasting nature than involuntary compliance. In some cases, allowing code violators the opportunity to voluntarily comply may result in abuse of this opportunity in order to delay compliance. Therefore, a time frame for compliance will be part of any voluntary compliance.

Voluntary compliance without penalty or cost recovery will not be allowed where the alleged violation is a repeat offense either on the subject property or by the code violator, or where the original violation was not corrected following prior code enforcement action.