

2.68 Enforcement and Penalties.

- (a) Demolition, relocation, significant alteration or removal of any improvement, site or natural feature subject to the provisions of this article without obtaining a certificate of appropriateness is a misdemeanor and is further hereby expressly declared to be a nuisance.
- (b) Obligations and Consequences upon Alterations made without first obtaining approval from the Cultural Heritage Commission:
- 1) The Planning and Building Director or his /her designee shall give notice to the owner of record by certified or registered mail of specific alterations that were made without first obtaining a Certificate of Appropriateness. The owner or person in charge of the structure shall have thirty (30) days to apply for a Certificate of Appropriateness to legalize the unpermitted work.
 - 2) In reviewing the unpermitted Alterations, the Commission shall either:
 - a. Approve the Certificate of Appropriateness pursuant to SPMC Section 2.64, or
 - b. Deny the Certificate of Appropriateness and require that the inappropriate alteration(s) be abated pursuant to Subsection “e” herein.
 - 3) If the property owner fails to apply for a Certificate of Appropriateness or abatement of the Public Nuisance pursuant to paragraph “e” of this section is not possible, the matter shall be referred to the City Prosecutor for further action.
- (c) Obligations and Consequences upon failure to comply with a Certificate of Appropriateness:
- 1) The Planning and Building Director or his /her designee shall give notice by certified or registered mail of specific instances of failure to comply with a Certificate of Appropriateness. The owner or person in charge of the structure shall have thirty (30) days to remedy such violation(s) by taking corrective action(s) specified in the notice or apply for a Certificate of Appropriateness to legalize the unpermitted work.
 - 2) In reviewing the unpermitted Alterations, the Commission shall either:
 - a. Approve a Certificate of Appropriateness for the changes that deviated from the approved plans, or
 - b. Deny the Certificate of Appropriateness and require that the unauthorized changes be abated pursuant to Subsection “e” herein.

- 3) If the property owner fails to apply for a Certificate of Appropriateness or abatement of the Public nuisance pursuant to subsection (e) herein is not possible, the matter shall be referred to the City Prosecutor for further action.

(d) Obligations and Consequences upon Demolition, relocation, or Removal of any Improvement, Site, or Natural Feature on property listed on the Inventory of Cultural Resources or South Pasadena Register of Cultural Resources without the approval of a Certificate of Appropriateness:

- 1) The Planning and Building Director or his /her designee shall give notice to the owner of record by certified or registered mail of the unlawful work that was done without first obtaining a Certificate of Appropriateness. The owner or person in charge of the structure shall have thirty (30) days to apply for a Certificate of Appropriateness to legalize the demolition.
- 2) In reviewing the unpermitted Demolition, the Commission shall either:
 - a. Approve the Certificate of Appropriateness pursuant to the criteria specified in SPMC Section 2.64 (Demolition and Alteration),
 - b. Deny the Certificate of Appropriateness and require that the nuisance be abated pursuant to Subsection “e” herein.

(e) Abatement of Nuisance

- 1) Nuisance shall be abated by reconstructing or restoring the property to its original condition prior to the performance of work in violation of this article in the following manner.
 - a) Covenant to Reconstruct Within One Year. Within thirty days (30) days of the effective date of the Commission’s denial of a Certificate of Appropriateness, the owner of the property shall execute and record a covenant in favor of the city to do such reconstruction or restoration within one year of the effective date of the Commission’s decision to deny a Certificate of Appropriateness. The form of the covenant shall be subject to approval by the city attorney, and shall run with the land.
 - b) Time Extension on Covenant. Upon application to the commission, the time may be extended on a Covenant to reconstruct if the owner shows the work cannot reasonably be performed within one year.
 - c) City Action. If the owner refuses to execute and record such covenant, then the city may cause such reconstruction or restoration to be done, and the owner shall reimburse the city for all costs incurred in doing the work. The

cost of the work performed by the city shall constitute a lien against the property on which the work is performed. Restoration or reconstruction may only be required when plans or other evidence is available to effect the reconstruction or restoration to the satisfaction of the director of planning.

(f) Additional Penalties

- 1) Penalty for Demolition of Properties in Violation of This Article Which are Listed on Inventory of Cultural Resources. With respect to a violation of this article on a building or structure listed on the Inventory of Cultural Resources, no building permits or other construction-related permits shall be issued for a period of three (3) years following the date of demolition or complete reconstruction pursuant to Subsection “e” herein, whichever occurs last, for property on which demolition has been done in violation of this article. No permits or use of the property as a parking area shall be allowed during the three years if plans or other evidence for reconstruction or restoration of a demolished structure do not exist, or if the reconstruction or restoration is not completed for any reason. Permits which are necessary for public safety or welfare in the opinion of the director of planning may be issued.
- 2) Penalty for Demolition of Properties in Violation of This Article Which have been Designated a Landmark or are Within a Historic District. With respect to a violation of this article on a landmark or an improvement within a historic district, no building or construction-related permits shall be issued for a period of five (5) years following the date of demolition or complete reconstruction pursuant to Subsection “e” herein, whichever occurs last, for property on which demolition has been done in violation of this article. No permits or use of the property as a parking area shall be allowed during the five years if plans or other evidence for reconstruction or restoration of a demolished structure do not exist, or if the reconstruction or restoration is not completed for any reason. Permits which are necessary for public safety or welfare in the opinion of the Planning and Building Director may be issued.
- 3) For purposes of this section, the date of demolition shall be presumed to have occurred on the date the city has actual knowledge of the demolition, and the owner shall have the burden of proving an earlier date, if entitlement to an earlier date is claimed.
- 4) For purposes of this section, the date of complete reconstruction shall be the date that a certificate of occupancy is issued by the City.

(g) Failure to Maintain

- 1) Notice. The director of planning shall cause notice of the applicability of this section to be made by certified mail to the person shown as the owner on the rolls of the tax assessor, and on any other person known to have an interest in the property, as soon as practicable after having knowledge that the provisions of this section are applicable to the property. The date the city first had actual knowledge of the demolition shall be stated in the notice.

- 2) Consequences for a Failure to Maintain. The owner, lessee, or other person in actual charge of a landmark, building, structure or improvement within a historic district, or structure listed on the Inventory of Historic Resources shall comply with all applicable codes, laws and regulations governing the maintenance of property. It is the intent of this subsection to preserve from deliberate or inadvertent neglect the exterior features of buildings, and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects including, but not limited to:
 - a. Facades which may fall and injure members of the public or property.
 - b. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
 - c. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
 - d. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
 - e. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
 - f. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.
 - g. Electrical and plumbing systems.
 - h. Prevention of infestation.

If the owner refuses upon thirty days' written notice by city to correct or undertake the maintenance of a landmark, building, structure or improvement within a historic district, or a property listed on the Inventory of Cultural Resources, then the city may cause such repair or work to be done, and the owner shall reimburse the city for all costs incurred in doing such work. The cost of the work performed by the city shall

constitute a special assessment lien against the property on which the work is performed.

3) Appeal of Decision. The decision of the director of planning that this section is applicable to property may be appealed by the affected owner to the Cultural Heritage Commission which shall hold a hearing on such appeal within sixty (60) days of its filing with the City Clerk's Office, and which shall render a decision on the appeal within thirty days of the close of the hearing on the appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for appeal of a denial of a certificate of appropriateness.

(h) Remedies Cumulative. The remedies available to the city are cumulative. The city's exercise of civil remedies shall be in addition and not in lieu of any criminal prosecution and penalty.