

(b) *Council declared agency.* The five (5) members of the city council are hereby declared to be the members of the redevelopment agency and are empowered to exercise all the rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in an agency.

(c) *Term of agency members.* Membership shall be for the period each councilmember serves in office, and shall automatically terminate at the time any councilmember no longer holds the office of councilmember. Any vacancy existing on the redevelopment agency shall be filled only by a duly elected sworn and acting city councilmember. (Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-10. Planning commission.

(a) *Commission created.* Pursuant to the provisions of Section 65101 of the Planning and Zoning Law of the State Government Code, there is hereby created a planning commission which shall consist of five (5) members.

(b) *Appointment of commissioner.* Each council member will appoint a commissioner who will have a concurrent term with that council member. Each commissioner will serve at the pleasure of the appointing council member subject to the city council's authority by a four-fifths ($\frac{4}{5}$) vote to reject appointments and removals. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.

(c) *Ex-officio member of commission.* The city engineer and city attorney or his/her designee shall attend the meetings of the planning commission and assist the commission in an advisory capacity as needed.

(d) *Absence from commission meetings without cause.* If a planning commission member is absent from three (3) consecutive regular meetings of the commission, without cause, the office of the member shall be deemed to be vacant and the term of such member terminated. The secretary of the planning commission shall immediately inform the city council of such termination.

(e) *Absence from commission meetings for cause.* An absence due to illness or an unavoidable absence from the city and written notice thereof given to the secretary of the planning commission on or before the day of any regular meeting of the commission shall be deemed absence for cause.

(f) *Councilmember ineligibility.* No legislative body member of the city shall be eligible for membership on the planning commission.

(g) *Authority of the planning commission.*

(1) The planning commission shall have the power, except as otherwise provided by

law, to act on plans for the regulation of the future growth, development and beautification of the city, in respect to:

- a. Public and private buildings and works, streets, parks, grounds and vacant lots.
- b. The future growth and development of the city in order to secure sanitation, proper service of all public utilities, shipping and transportation facilities.
- c. The location of any proposed buildings, structures, or works.

(2) The planning commission is authorized to act upon the following discretionary actions:

- a. Recommend to the city council approval, conditional approval or denial of general plan amendments, specific plans, rezones, zoning code amendments, development agreements, density bonuses with public financial incentives, preliminary and final master plans, and any other action specified in this zoning code.
- b. Recommend to the redevelopment agency approval, conditional approval or denial of redevelopment actions, or adoption and/or amendments to a redevelopment plan.
- c. Approve, conditionally approve or deny applications for conditional use permits, variances, tentative tract and parcel maps, density bonuses without public financial incentives, and any other action specified in this zoning code.
- d. Perform other duties necessary to carry out the provisions reserved to the planning commission in Title 10 of the Municipal Code, the provisions of this zoning code and the provisions of the Planning, Zoning and Development Law of the State Government Code.

(h) *Commission bylaws authorized.* The planning commission shall have the power, except as otherwise provided by law, to adopt such bylaws as it may deem necessary to provide for:

- (1) The time and place of meeting.
- (2) The time and method of electing officers.
- (3) Such other matters relative to the organization of the planning commission and methods of administration of its duties which are not otherwise provided for by statute or ordinance.

(i) *Regular meeting of commission defined.* A regular meeting as provided by law or by rule of the planning commission or any regularly advertised public hearing shall be deemed a regular meeting.
(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-12, § 1, 3-5-01; Ord. No. 02-4, § 1a, 3-18-02; Ord. No. 03-2, § 3, 3-3-03)

Sec. 13-11. Zoning administrator.

(a) The development services director or his/her designee is authorized to act as the zoning administrator according to procedures set forth in the State Government Code.

(b) The zoning administrator is authorized to approve, conditionally approve, or deny the following discretionary planning applications. The zoning administrator may forward any action to the planning commission for review.

- (1) Administrative adjustment;
- (2) Minor conditional use permit;
- (3) Lot line adjustment; and
- (4) Any action specified in this zoning code.
(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-12. Planning division.

The development services director or his/her designees constitute the planning division. The planning division is authorized to act on and grant approvals of development reviews and minor modifications as described in Chapter III, Planning Applications, and other duties as designated by the development services director, planning commission, city council and this zoning code.
(Ord. No. 97-11, § 2, 5-5-97)

ARTICLE 4. ENFORCEMENT

Sec. 13-13. Purpose.

The purpose of this article is to establish the parameters for the enforcement of this zoning code.
(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-14. Enforcement officer designated.

The development services director or his duly authorized representative is hereby empowered and it shall be his/her duty to enforce all provisions of this zoning code.
(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-15. Duties.

All departments, officials and public employees of the city invested with the duty or authority to issue permits or licenses shall conform to the provisions of this zoning code and shall issue no

permit or license for uses, buildings or purposes in conflict with the provisions of this code; and any such permit or licenses issued in conflict with the provisions of this zoning code shall be null and void. It shall be the duty of the development services director to enforce the provisions of this zoning code pertaining to the creation, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.
(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-16. Enforcement.

(a) *Criminal prosecution.* Any person, whether as principal, agent, or employee, violating the terms of this zoning code may be prosecuted as provided in section 1-33 of this Municipal Code.

(b) *Criminal citation.* For the purposes of this zoning code, a violation of the terms of this zoning code may be cited as either an infraction or misdemeanor pursuant to State Government Code Sections 36900 and 36901 and as provided in section 1-33 of this Municipal Code.

(c) *Civil action.* As an alternative to prosecution or citation, or as an additional action, the city attorney may, at the request of the development services director, institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the condition(s) or activity(ies) found to be in violation of the provisions of this zoning code.
(Ord. No. 97-11, § 2, 5-5-97)