

ORDINANCE NO. 12664  
(New Series)

MAY 29 1979

AN ORDINANCE AMENDING CHAPTER I, ARTICLE 1,  
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING  
SECTION 11.12, RELATING TO VIOLATIONS--  
MISDEMEANORS AND INFRACTIONS.

BE IT ORDAINED, by the Council of The City of San Diego,  
as follows:

Section 1. That Chapter I, Article 1, of the San Diego  
Municipal Code be and the same is hereby amended by amending  
Section 11.12 to read as follows:

SEC. 11.12 VIOLATIONS--MISDEMEANORS AND INFRACTIONS

It shall be unlawful for any person to violate any  
provision or to fail to comply with any of the require-  
ments of this Code. A violation of any of the provisions  
or failing to comply with any of the mandatory require-  
ments of this Code shall constitute a misdemeanor; except  
that notwithstanding any other provision of this code,  
any such violation constituting a misdemeanor under this  
Code may, in the discretion of the City Attorney, be  
charged and prosecuted as an infraction; and, with the  
further exception that any violation of the provisions  
relating to parking, operation of bicycles, operation of  
motor vehicles, and use of freeways, highways and streets  
by animals, bicycles, motor vehicles or pedestrians shall  
constitute an infraction. Any person convicted of a  
misdemeanor under the provisions of this Code, unless  
provision is otherwise herein made, shall be punishable

by a fine of not more than five hundred dollars (\$500) or by imprisonment in the City Jail for a period of not more than six months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by fine only as follows: Upon a first conviction by a fine of not exceeding two hundred fifty dollars (\$250) and for a second conviction or any subsequent conviction within a period of one year by a fine of not exceeding five hundred dollars (\$500).

Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall, upon conviction, be punishable accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by this City, summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz  
Jack Katz  
Chief Deputy City Attorney

12664

JK:rc:522

4/9/79

Or. Dept.: Council

Passed and adopted by the Council of The City of San Diego on MAY 29 1979,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

**PETE WILSON**

Mayor of The City of San Diego, California.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By *Pete Anderson*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 15 1979

, and on

MAY 29 1979

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By *Pete Anderson*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance  
Number

12664

Adopted

MAY 29 1979

KTTONXGXXS

City of San Diego  
12th floor, City Admin. Bldg.  
202 C St.  
San Diego, Ca 92101

Attn: Rita Andrews

CERTIFICATE OF PUBLICATION

No. \_\_\_\_\_

IN THE MATTER OF

VIOLATIONS--MISDEMEANORS AND INFRACTIONS.

**ORDINANCE NO. 12664**

(New Series)

**AN ORDINANCE AMENDING CHAPTER I, ARTICLE I,  
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING  
SECTION 11.12, RELATING TO VIOLATIONS--MISDE-  
MEANORS AND INFRACTIONS.**

Under existing ordinance, any violation of provisions of the Municipal Code, with the exception of certain specified activities, constitutes a misdemeanor. As an example, any person cited for possession of a glass container on the beach or for smoking in certain designated public areas shall be charged with a misdemeanor. The Municipal Court has expressed concern over the cost of such level of prosecution in that any person charged with a misdemeanor, by law, is entitled to a jury trial upon demand and an appointed attorney if indigent. It has been recommended that the Code be amended to allow some discretion in charging and prosecuting violations of the provisions of the Municipal Code.

This amendment would permit the City Attorney to review and evaluate violations of the Municipal Code, heretofore mandatorily constituting misdemeanors, for the purpose of exercising discretion in charging such violations as misdemeanors or infractions, as may be warranted. Most first time, nonaggravated offenses would foreseeable be charged as infractions with trial before a judge only. This would result in significant savings in the judicial and prosecutorial systems since jury trials and appointed attorneys would no longer be required.

A complete copy of this ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on May 15, 1979

Passed and adopted by the Council of The City of San Diego on May 20, 1979.

AUTHENTICATED BY:

PETE WILSON,  
Mayor of The City of San Diego, California.  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.

ORAL

By RITA ANDREWS, Deputy.  
Published June 12, 1979

00-0186

I Patricia M. Spaulding, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 12664  
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is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

June 12, 1979

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 13<sup>th</sup> day of June, 1979.

*Patricia M. Spaulding*  
\_\_\_\_\_  
(Signature)

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