

(0-92-43)

ORDINANCE NUMBER O- 17696 (NEW SERIES)

ADOPTED ON OCT 07 1991

AN ORDINANCE AMENDING CHAPTER I, ARTICLE 3, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 13.0202 RELATING TO THE IMPOSITION OF CIVIL PENALTIES IMPOSED BY JUDICIAL ACTIONS.

WHEREAS, the City Attorney made a report to the Committee on Transportation and Land Use on April 8, 1991 regarding the imposition of civil penalties by judicial actions; and

WHEREAS, the City Attorney concluded that legal authority does exist for a charter city to enact an ordinance authorizing a court to impose civil penalties for code violations; and

WHEREAS, the imposition of civil penalties would complement the City's code enforcement efforts by removing the profits and financial incentives to violate provisions of this Code; and

WHEREAS, the Committee on Transportation and Land Use approved this proposal on April 8, 1991 and referred it to the City Council for adoption; NOW THEREFORE,

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

Section 1. That Chapter I, Article 3, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending section 13.0202, to read as follows:

SEC. 13.0202 VIOLATIONS--INJUNCTIONS AND CIVIL PENALTIES

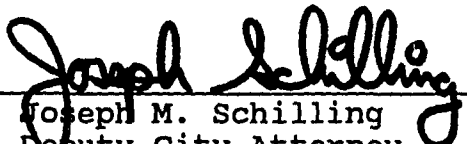
(a) In addition to any other remedy provided by this Code, any provision of this Code may be enforced by

injunction issued by the Superior Court upon a suit brought by The City of San Diego.

(b) As part of a civil action filed to enforce provisions of this Code, a court may assess a maximum civil penalty of two thousand five hundred dollars (\$2,500) per violation of the Municipal Code for each day during which any person commits, continues, allows or maintains a violation of any provision of this Code.

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 
Joseph M. Schilling
Deputy City Attorney

JMS:lmk
08/30/91
Or.Dept:CEU
O-92-43
Form=o+t

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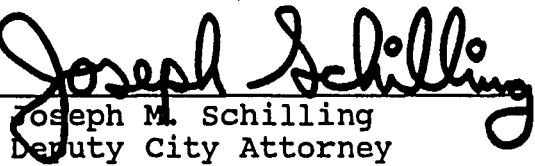
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By


Joseph M. Schilling
Deputy City Attorney

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08/30/91
Or.Dept:CEU
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Form=o+t

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Passed and adopted by the Council of The City of San Diego on.....
by the following vote: OCT 07 1991

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *Raynell Z. Pontecorvo*, 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

SEP 16 1991

OCT 07 1991

....., and on

~~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 *Raynell Z. Pontecorvo*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17696** Adopted **OCT 07 1991**

911 13 11 1919
S. A. 111111

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

91 OCT 23 AM 10:29

SAN DIEGO, CALIF.

P.

CITY CLERK'S OFFICE
CITY ADMIN. BLDG.
202 C ST.
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 3,
DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 13. 0202 RELATING TO...

ORDINANCE NUMBER O-17696
AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 3, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 13.0202 RELATING TO THE IMPOSITION OF CIVIL PENALTIES IMPOSED BY JUDICIAL ACTIONS.
San Diego Municipal Code section 13.0202 authorizes the City Attorney to file civil complaints in Superior Court to obtain injunctive relief to compel compliance with the Municipal Code. San Diego Municipal Code section 13.0202(b) will permit the Court to impose civil penalties as part of the underlying civil suit seeking injunctive relief. This two step enforcement approach is similar to that found in the California Business and Professions Code regarding Unfair Business Practices. This amendment will permit a maximum civil penalty of two thousand five hundred dollars (\$2,500) per violation for each and every day the violation continues. The judge will have the final decision on the total amount of civil penalties to be assessed in each particular case.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.
INTRODUCED ON SEPTEMBER 16, 1991
Passed and Adopted by the Council of The City of San Diego on OCTOBER 7, 1991
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By MAYDELL L. PONTECORVO, Deputy.
Pub. Oct. 21 234066

I, Thomas D. Kelleher, 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

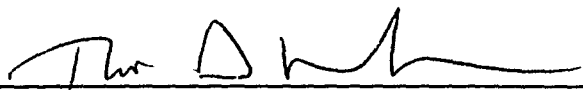
ORDINANCE NUMBER O-17696

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:

OCTOBER 21

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

Dated at San Diego, California this 21ST day of OCT., 1991.


(Signature)

2 3/4" x 2 = 72.60