

B

(O-93-180)

ORDINANCE NUMBER O- 17957 (NEW SERIES)

ADOPTED ON AUG 10 1993

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 4, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 44.0115, 44.0116, 44.0120, 44.0122 AND 44.0124; AMENDING CHAPTER V, ARTICLE 4, DIVISION 2 BY RETITLING ARTICLE 4, DIVISION 2; RETITLING AND AMENDING SECTION 54.0201; AMENDING SECTION 54.0202; REPEALING SECTIONS 54.0203-54.0206; ADDING SECTIONS 54.0203-54.0207; RETITLING, AMENDING AND RENUMBERING SECTION 44.0119 TO SECTION 54.0208; AMENDING AND RENUMBERING SECTION 44.0117 TO 54.0209; AMENDING AND RENUMBERING SECTION 44.0118 TO 54.0210; AMENDING AND RENUMBERING SECTION 44.0121 TO 54.0211; ADDING SECTION 54.0212; AMENDING CHAPTER V, ARTICLE 4, DIVISION 3 BY RETITLING DIVISION 3; REPEALING SECTIONS 54.0301-54.0307; ADDING SECTIONS 54.0301-54.0313; ADDING NEW DIVISION 4; ADDING SECTIONS 54.0401-54.0411; AMENDING ARTICLE 5, DIVISION 1 BY ADDING SECTION 55.0102.0101; AMENDING SECTIONS 55.0102.0201; AMENDING DIVISION 3 BY AMENDING SECTION 55.0311.0601; ALL RELATING TO CODE ENFORCEMENT AUTHORITY, REMEDIES AND PROCEDURES THAT INVOLVE WEED, RUBBISH, AND WASTE ABATEMENT, VACANT STRUCTURES AND GRAFFITI ABATEMENT.

WHEREAS, the City Council adopted Council Policy No. 900-10, A Comprehensive Code Enforcement Program and Policy which recommended the consolidation of enforcement authority, remedies and procedures in Chapter I of the Municipal Code (City Manager's Report No. 91-387; and

WHEREAS, the City Manager and City Attorney presented a preliminary consolidation plan to the Committee on Transportation and Land Use on February 26, 1992 (City Manager's Report Nos.

92-74 and 92-66 of February 20, 1992 and City Attorney Report dated February 21, 1992); and

WHEREAS, the Committee on Transportation and Land Use on November 23, 1992 approved the City Attorney's plan to streamline and unify code enforcement authority, remedies and procedures in Chapters I, IV, V, VI, IX and X of the Municipal Code and also approved the City Manager's draft Administrative Regulations for administrative hearings; and

WHEREAS, the Committee on Transportation and Land Use approved the City Attorney's draft ordinances on April 21, 1993 and unanimously referred these amendments 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 IV, Article 4, Division 1 of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 44.0115, 44.0116, 44.0120, 44.0122, 44.0124.

Section 2. That Chapter V, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by retitling Article 4 and Division 2, to read as follows:

ARTICLE 4

Public Hazards and Public Nuisances

DIVISION 2

Weed, Rubbish and Waste Abatement

Section 3. That Chapter V, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by retitling and amending Section 54.0201, to read as follows:

SEC. 54.0201 Declaration of Purpose

The Council of the City of San Diego finds and declares that:

(a) The City has a history and reputation for well-kept properties, and that the property values and the general welfare of this community are founded, in part, upon the appearance and maintenance of properties. Every person has the duty to maintain real property which is under his or her control free from weeds, rubbish and other forms of waste.

(b) There continues to be a need for further emphasis on the maintenance of public and private property in a clean, waste free condition because numerous locations throughout the City have become sites for the collection of waste and illegal dumping.

(c) The existence of such conditions is injurious to the public health, safety and welfare. The increased presence of litter and other forms of waste requires expenditures to protect against hazards and diminution of property values, prevent crime and preserve the public health, safety and welfare.

(d) Unless corrective measures are taken to alleviate the existing conditions and particularly to avoid future problems in this regard, the public health, safety and general welfare and specifically the property values and social and economic standards of this community will be depreciated.

(e) The Council further declares that its purpose in enacting the provisions in this Division is to establish procedures as authorized in Government Code Sections 39501 and 39502 to administratively abate public nuisances caused by the accumulation of weeds or waste on real property and adjacent to sidewalks and public rights-of-way throughout the City of San Diego.

(f) The Council further declares that all weeds, waste or other obstructions found upon or in front of streets, sidewalks, and private property within the City of San Diego are public nuisances that adversely affect the public health, safety, and general welfare.

Section 4. That Chapter V, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Section 54.0202, to read as follows:

SEC. 54.0202 Definitions

The words and phrases used in this Division have the meanings set forth in this section:

"Liquid Waste" includes oil, other petroleum products, paint, chemicals and hazardous Waste or materials.

"Litter" means small quantities of Waste matter carried on or about the person including, but not limited to, beverage containers and closures, packaging wrappers, wastepaper, newspapers, magazines, or the contents of the containers, closures or wrappers.

"Littering" means the act of discarding, dropping, scattering, or disposing of Litter in a location or

container which is not used for the proper disposal of Waste.

"Parking Strip" means the portion of Property between a public street and private Property.

"Plant Growth" means any flora, vegetation or herbage.

"Premises" means any real property, or improvements thereon, including that portion of any lot abutting a public street over which the City has an easement for right-of-way or utility service.

"Public Property" is any Property interest owned by, or otherwise granted to, the City of San Diego.

"Recyclable Waste Material" has the same meaning as set forth in Section 66.0102 of this Code.

"Refuse" has the same meaning as set forth in Section 66.0123 of this Code.

"Rubbish" means non-functional, nonusable or abandoned material or matter. Rubbish includes ashes, paper, cardboard, tin cans, dirt, cut brush, yard and garden clippings or trimmings, wood, glass, bedding, cloth, clothing, crockery, plastic, rubber by-products, litter, machinery, vehicle parts, junk and other similar items.

"Solid Waste" means refuse, Rubbish, broken concrete or asphalt, piles of rock, dirt and other noncombustible materials, and earth fill material not otherwise authorized by permit or ordinance for land development.

"Waste" means material of any nature that constitutes Rubbish, Solid Waste or Liquid Waste. Waste also includes

abandoned or unidentified personal property that is left unattended on public sidewalks and rights-of-way or other Public Property. Waste does not include compost piles, composting or Recyclable Waste Material properly contained and disposed of in a timely fashion.

"Weeds" means any of the following: (1) weeds which bear seeds of a downy or wingy nature; (2) sagebrush, chaparral and any other brush or weeds which attain such large growth as to become a fire menace when dry; (3) poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health, and weeds that are otherwise noxious or dangerous; or (4) dry grass, stubble, brush, or other flammable material which endangers the public safety by creating a fire hazard.

"Vectors" mean rodents, flies and mosquitoes capable of transmitting disease to humans.

Section 5. That Chapter V, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 54.0203, 54.0204, 54.0205 and 54.0206.

Section 6. That Chapter V, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by adding Sections 54.0203, 54.0204, 54.0205, 54.0206 and 54.0207, to read as follows:

SEC. 54.0203 Enforcement Authority

The Directors of the Neighborhood Code Compliance Department and Waste Management Department, or any other Director authorized by the City Manager, are authorized to

administer and enforce the provisions of this Division. The Directors or their designated Enforcement Officials may exercise any enforcement powers as provided in Division 1, Article 2 of Chapter I of this Code.

SEC. 54.0204 Enforcement Remedies

Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201, unless the specific section of this Code expressly limits enforcement as an infraction. The Directors may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter I of this Code.

SEC. 54.0205 Strict Liability Offenses

Violations of this Article shall be treated as strict liability offenses regardless of intent.

SEC. 54.0206 Administrative Abatement Procedure

(a) The Director may use the administrative abatement procedures for Time Frame One as outlined in Municipal Code Section 12.0604, whenever the Director determines that a public nuisance exists on any portion of private or Public Property caused by an accumulation of Weeds, Rubbish or Waste. The Director can require the removal of the Weeds, Rubbish, Waste or other obstructions from sidewalks, Parking Strips, streets and other public rights-of-way.

(b) As part of the Abatement Notice issued pursuant to Section 12.0604 of this Code, the Director may declare that

Weeds on specified parcels of property are seasonal and recurrent public nuisances. No further Appeal Hearings are necessary upon the second or any subsequent occurrence of Weeds on the same parcel within the same calendar year. This limitation on Appeal Hearings shall be expressed in any Abatement Notice where the Director seeks to declare the nuisance caused by Weeds to be seasonal and recurrent.

(c) The Director may use chemical controls to abate seasonal and recurrent nuisances caused by Weeds as provided for in California Government Code Section 39562.2.

SEC. 54.0207 Abatement Lien

The costs of removal and abatement of the public nuisance may be assessed against the abutting or adjacent property owner and may become a lien as authorized in Government Code Section 39502. The Director shall follow the procedures in Division 3, Article 3 of Chapter I of this Code for assessment, execution and collection of the lien. Enforcement of the lien may include sale of the Property. Section 7. That Chapter V, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by retitling, amending and renumbering Section 44.0119 to Section 54.0208, to read as follows:

SEC. 54.0208 Property Maintenance

(a) It is unlawful for any Responsible Person to fail to maintain real property and appurtenances under his or her control free from Waste.

(b) It is unlawful for a Responsible Person whose Premises abut any portion of a public street or Parking Strip to fail to maintain any public walkway thereon in a condition free from Waste, Weeds and other Plant Growth.

(c) The Director may require a Responsible Person to erect fences, barriers, berms or other suitable means to discourage access to the Premises for Littering or illegal dumping. This may include the posting of signs that prohibit Littering and illegal dumping.

(d) The Director may collect or abate Waste from small business enterprises that abut Public Property under the following circumstances:

(1) at the request of the affected property owner if the Director determines that reasonable efforts were made to comply with subsection (a), (b) or (c) listed above; or

(2) when public health or safety requires such measures.

(e) The Director is authorized to assess costs against affected property owners for the abatement services performed by the City or its agent pursuant to Section 54.0208(d).

Section 8. That Chapter V, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 44.0117 to Section 54.0209, to read as follows:

SEC. 54.0209 Illegal Dumping Prohibited

(a) It is unlawful to deposit, dump or cause to be deposited or dumped any Waste in the following places:

(1) upon any public or private highway or road, including any portion of the right-of-way;

(2) upon any private Property into or upon which the public is admitted by easement or license;

(3) upon any private Property without the consent of the owner; or

(4) upon any public park or other Public Property without the consent of the state or local agency having jurisdiction over the Property.

(b) Each day that Waste placed, deposited, or dumped in violation of this section remains shall be a separate violation.

(c) The court may require a person convicted under this section, as a condition of probation, to remove or pay the cost of removing all Waste which the convicted person dumped or caused to be dumped upon private or Public Property.

Section 9. That Chapter V, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 44.0118 to Section 54.0210, to read as follows:

SEC. 54.0210 Littering Prohibited

It is unlawful to litter or cause Littering in or upon any private or Public Property. Any person violating the provisions of this section is guilty of an infraction.

Section 10. That Chapter V, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 44.0121 to Section 54.0211, to read as follows:

SEC. 54.0211 Transporting Uncovered Waste Prohibited

(a) Except as provided in Section 54.0211(b), it is unlawful to drive or move any vehicle loaded with Refuse or Waste on any City street or highway unless the vehicle is totally covered in a manner which will prevent the load or any part of the load from spilling, falling or blowing upon the street or highway.

(b) Section 54.0211 does not apply to:

(1) a Rubbish vehicle in process of acquiring its load;

(2) any vehicle engaged in transporting wet waste fruit or vegetable matter, or waste products from a food processing establishment; or

(3) any highway maintenance vehicle operated by, or operated under contract with, any local authority or the state, and engaged in transporting snow, mud, earthen slide material, rock, portland cement, or asphaltic concrete paving and structural materials to a dump site for disposal.

Section 11. That Chapter V, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by adding Section 54.0212, to read as follows:

SEC. 54.0212 Abandoned Personal Property

(a) Any personal property or possessions located on Public Property that are unattended and whose owner cannot be readily identified are presumed to be abandoned and, pursuant to Civil Code Section 2080.7, the provisions of Municipal Code Section 22.0603 do not apply. Wherever possible, Enforcement Officials shall make a reasonable effort to ascertain whether the unattended personal property or possessions have been abandoned and, if so, to thereafter cause their removal.

(b) Unattended personal property or possessions that are unsanitary, soiled or verminous may be summarily abated and destroyed. Unattended personal property or possessions that are recyclable may be disposed of by the Director pursuant to Chapter VI, Article 6 of the Code. Unattended personal property or possessions that are sanitary and saleable or useable and of a value greater than ten (\$10) dollars shall be stored in an interim facility, if available, for at least 96 hours before they are transferred to the Chief of Police pursuant to Section 22.0603 of this Code.

Section 12. That Chapter V, Article 4, Division 3 of the San Diego Municipal Code be and the same is hereby amended by retitling Division 3, to read as follows:

Division 3

Abatement of Vacant Structures

Section 13. That Chapter V, Article 4, Division 3 be and the same is hereby amended by repealing 54.0301, 54.0302, 54.0303, 54.0304, 54.0305, 54.0306, and 54.0307.

Section 14. That Chapter V, Article 4, Division 3 be and the same is hereby amended by adding Sections 54.0301, 54.0302, 54.0303, 54.0304, 54.0305, 54.0306, 54.0307, 54.0308, 54.0309, 54.0310, 54.0311, 54.0312 and 54.0313, to read as follows:

SEC. 54.0301 Declaration of Purpose

The Council of the City of San Diego finds and declares that:

(a) Structures that are vacant, unsecured or abandoned attract vagrants, gang members and other criminals as prime locations to conduct illegal criminal activities.

(b) Structures that are vacant and not properly secured are extremely vulnerable to being set on fire by unauthorized persons.

(c) Structures that are vacant, unsecured or abandoned pose serious threats to the public's health and safety and therefore are declared to be public nuisances.

(d) Immediate abatement of these structures is necessary and can be accomplished by seeking a court order or using the administrative procedures found in this Division.

SEC. 54.0302 Definitions

The words and phrases used in this Division have the meanings set forth in this section:

"Director" means the Director of the Neighborhood Code Compliance Department or any other Director authorized by the City Manager.

"Vacant Structure" means any structure or building that is unsecured and vacant or abandoned and is vulnerable to being set on fire because the doorways, window openings or holes in the exterior of the structure are not secured.

SEC. 54.0303 Duty to Clean and Secure

It is unlawful for any Responsible Person in charge or control of any Vacant Structure to fail to remove all waste or rubbish from the interior of the premises and surrounding yards or securely lock, barricade or otherwise secure all doors, windows and other openings in accord with specifications found in Section 54.0306 of this Code and promulgated by the Director.

SEC. 54.0304 Failure to Clean and Secure

In the event the Responsible Person fails, neglects or refuses to fulfill the duties set forth in Section 54.0303, the Director may seek a criminal or civil judicial order pursuant to Municipal Code Sections 13.0201 and 13.0202 to accomplish the necessary remedial work or follow the administrative abatement procedures specified in Section 55.0305 of this Code.

SEC. 54.0305 Administrative Abatement Procedures for Vacant and Unsecured Structures

(a) Whenever the Director determines that a Vacant Structure exists within the City of San Diego, an Abatement

Notice may be sent to the Responsible Person directing abatement by cleaning and barricading pursuant to the standards established in Section 54.0306 of this Code.

(b) The Director shall follow the Administrative Abatement procedures for Time Frame One as provided in Municipal Code Section 12.0603 of this Code.

(c) If the Responsible Person does not comply with the Abatement Notice, the Director may proceed to abate the Vacant Structure and recover all costs pursuant to the procedures found in Division 6, Article 2 of Chapter I of this Code.

SEC. 54.0306 Standards for Abatement

(a) A Vacant Structure shall be abated according to the following specifications and requirements. The Responsible Person or Director shall:

(1) remove all debris that poses a public nuisance or health hazard within or upon the Premises;

(2) barricade all unsecured doorways, windows or exterior openings with 1/2 inch minimum thickness exterior grade plywood which shall extend to the molding stops or studs;

(3) mount at least two wood stocks of minimum 2 x 4 inch thickness to the reverse face of the plywood with 3/8 inch minimum carriage bolts mated with nuts and two flat washers;

(4) extend the stock a minimum of eight (8) inches on each side of the interior wall;

(5) cause all hardware to be galvanized or cadmium plated; and

(6) paint all exterior barricade material the predominant color of the structure.

(b) All barricade materials supplied by the City shall become the property of the Responsible Person upon payment of all abatement costs.

SEC. 54.0307 Posting of Structure

Once the building or structure is secured, the Director shall ensure that a sign is posted at or near each entrance to the building and on fences or walls as appropriate. These signs shall remain posted until the structure is either lawfully occupied or demolished. It shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building,
or to remove or deface this notice.

(San Diego Municipal Code SEC. 55.0308)

City of San Diego

SEC. 54.0308 Violations

(a) It is unlawful for any person to remain in or enter any structure which has been posted pursuant to Section 54.0307 of this Code, except to repair or demolish the building under proper permit.

(b) It is unlawful for any person to remove or deface any notice posted pursuant to Section 54.0307 of this Code

until the required repairs or demolition have been completed or a Certificate of Occupancy has been issued in accord with appropriate provisions of the Uniform Building Code as adopted by the City in Chapter IX of this Code.

SEC. 54.0309 Statement of Intent

After the structure is initially cleaned and secured by either the Responsible Person or the Director pursuant to a judicial or administrative order, the Responsible Person has thirty (30) calendar days to file a written statement with the Director explaining his or her intent to rehabilitate or raze the Vacant Structure and a timetable for completion.

SEC. 54.0310 Abatement Costs

(a) Abatement costs shall include the cost to perform the actual work and the City's cost to administer any abatement.

(b) Once the abatement is complete, the Director shall recover all abatement costs pursuant to the procedures found in Division 3, Article 3 of Chapter I of this Code.

SEC. 54.0311 Reinspection Fee

The Director may periodically reinspect Vacant Structures to ensure compliance with the provisions of this Division and all applicable court and administrative orders. The Director may assess a reinspection fee against the Responsible Person for actual costs of each reinspection and continuous monitoring of the structure and Premises as is reasonably necessary to determine compliance with the standards and procedures in this Division. The Director

shall follow the reinspection procedures found in Division 1, Article 3 of Chapter I of this Code.

SEC. 54.0312 Continuous Abatement Order

If a Vacant Structure previously abated pursuant to this Division again becomes unsecured and open to unauthorized entry or again contains debris, rubbish, waste or excessive vegetation, the Director may, without further notice to the Responsible Person, proceed to again abate the nuisance and proceed to recover costs as provided for in this Division. If the Responsible Person has filed an appeal, the Enforcement Hearing Officer may issue an order that would give the Director continuous abatement authority and establish notice requirements as may be reasonable.

SEC. 54.0313 Continuous Public Nuisances

Any Vacant Structure that was originally secured by the Responsible Person's voluntary actions or pursuant to judicial or administrative order may be declared a permanent public nuisance by the Director if the structure continues to remain open and unsecured on a periodic basis, thereby requiring additional reinspections and resecuring of the structure. The Director may seek demolition of this continuous public nuisance by seeking a court order or follow any of the administrative abatement procedures found in this Code.

Section 15. That Chapter V, Article 4, Division 4 of the San Diego Municipal Code be and the same is hereby amended by adding Division 4, to read as follows:

Division 4

Graffiti Abatement

Section 16. That Chapter V, Article 4, Division 4 of the San Diego Municipal Code be and the same is hereby amended by adding Sections 54.0401, 54.0402, 54.0403, 54.0404, 54.0405, 54.0406, 54.0407, 54.0408, 54.0409, 54.0410 and 54.0411, to read as follows:

SEC. 54.0401 Declaration of Purpose

(a) It is the purpose and intent of this Division to provide a procedure for removal of graffiti from walls and structures on privately owned property in order to reduce blight and deterioration within the City and to protect the public health and safety.

(b) The City finds and determines that graffiti is obnoxious and constitutes a public nuisance, and must be abated to avoid the detrimental impact of such graffiti on the City and its residents and prevent the further spread of graffiti.

SEC. 54.0402 Definitions

The words and phrases used in this Division have the meanings set forth in this section:

"Graffiti" means the unauthorized spraying of paint or marking of paint, ink, chalk, dye or other similar

substances on buildings, fences, structures and similar places.

"Graffiti Abatement Procedure" means an administrative abatement procedure which identifies Graffiti, issues notice to the Responsible Person to abate the Graffiti, and provides for abatement in the absence of timely response.

"Private Contractor" means any person with whom the City shall have duly contracted to remove Graffiti.

"Unauthorized" means without the permission of a Responsible Person or in violation of this Division as determined by the Enforcement Official.

SEC. 54.0403 Authority

The Director of the Waste Management Department, or any other Director authorized by the City Manager, shall be vested with the authority to administer and enforce the provisions of this Division. The Director may exercise any enforcement powers as provided in Division 1, Article 2 of Chapter I of this Code as may be necessary to effectively implement and enforce this Division.

SEC. 54.0404 Enforcement Remedies

Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201. The Director may seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy as provided in Chapter I of this Code.

SEC. 54.0405 Graffiti Prohibited

(a) To the extent not otherwise provided for by state law, it is unlawful for any person to place Graffiti upon buildings, fences, structures and similar places within the City of San Diego.

(b) It is unlawful for any Responsible Person, as defined in Section 11.0211 of the Municipal Code, to maintain, permit or allow any Graffiti to be placed upon or to remain upon any structure within their control, possession or ownership when the Graffiti is visible from the street or other public or private property.

SEC. 54.0406 Abatement Procedures

Whenever an Enforcement Official determines that Graffiti on any structure in the City of San Diego is visible from the street or other public or private property, the Enforcement Official may follow the administrative abatement procedures for Time Frame One as found in Division 6, Article 2 of Chapter I.

SEC. 54.0407 Removal by City

If the Director is authorized by the administrative abatement procedures found in Division 6, Article 2 of Chapter I of this Code to remove Graffiti, City crews or its private contractor are authorized to enter and abate Graffiti upon utility cabinets and exterior walls and fences abutting public streets, property or rights-of-way. The Director shall take all reasonable efforts to minimize damage from such entry and any paint used to obliterate

Graffiti shall be as close as practicable to background colors.

SEC. 54.0408 Private Property Consent Forms

Property owners in the City of San Diego may consent in advance to the City's entry onto private property for Graffiti removal purposes. The Director will make forms for such consent available.

SEC. 54.0409 Public Property

Where a structure is owned by a public entity other than the City, the removal of the Graffiti may be authorized only after securing the consent of an authorized representative of the public entity having jurisdiction over the structure.

SEC. 54.0410 Cost Recovery

The Enforcement Official shall follow the cost recovery procedures found in Division 3, Article 3 of Chapter I of this Code, provided, however, no costs shall be assessed against any property owner who was not responsible for, or who did not cause, the placement of the Graffiti on the affected premises.

SEC. 54.0411 Parent Responsibility

Any act of willful misconduct of a minor who violated Section 54.0403 of this Code and whose willful misconduct caused damage to property not in excess of \$10,000, shall cause the parent or guardian having custody and control of the minor to be jointly and severally liable with the minor for any damages resulting from the willful misconduct. The

Director has the authority to seek reimbursement for victims of unauthorized Graffiti placement pursuant to Civil Code Section 1714.1(b).

Section 17. That Chapter V, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Section 55.0102.0101, to read as follows:

SEC. 55.0102.0101 Enforcement Authority and Remedies

U.F.C. 2.101 (1991 Edition) is adopted with changes to read as follows:

(a) Enforcement Authority. The Fire Chief is authorized to administer and enforce this Code and may, in addition to the powers set forth in this Division, exercise any of the enforcement powers as provided in Division 1, Article 2 of Chapter I of this Code. Under the Fire Chief's direction, the Fire Department is authorized to enforce all ordinances of the City of San Diego and applicable state codes pertaining to:

- (1) the prevention of fires;
- (2) the suppression of extinguishing of dangerous or hazardous fires;
- (3) the storage, use and handling of hazardous materials;
- (4) the installation and maintenance of automatic, manual and other private alarm systems and fire-extinguishing equipment;
- (5) the maintenance and regulation of fire escapes;

(6) the maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction;

(7) the maintenance of exits; and

(8) the investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials;

(b) Enforcement Remedies. Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201. The Fire Chief may seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter I of this Code.

Section 18. That Chapter V, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 55.0102.0201, to read as follows:

SEC. 55.0102.0201 Inspection and Plan Checks and Unsafe Buildings

U.F.C. 2.201 (1991 Edition) is adopted with changes to read as follows:

(a) [No change in text.]

(b) Unsafe Building. The Fire Chief may abate unsafe, dangerous or substandard buildings by repair, rehabilitation, demolition or removal pursuant to the

administrative and summary abatement procedures found in Municipal Code Section 91.0203.

(c)-(g) [No changes in text.]

Section 19. That Chapter V, Article 5, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Section 55.0311.0601, to read as follows:

SEC. 55.0311.0601 Vacant and Unsecured Structures

U.F.C. 11.601 (1991 Edition) is adopted with changes to read as follows:

The procedures provided in Division 3, Article 5 of Chapter V of the Municipal Code, shall govern the abatement of vacant, unsecured or abandoned structures.

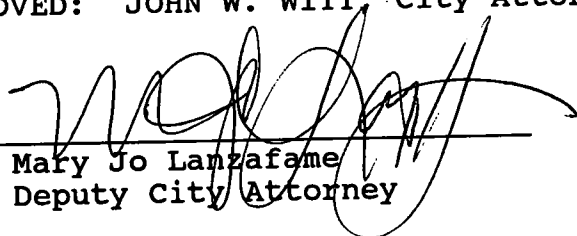
Section 20. The enforcement powers, procedures and remedies enacted in this ordinance shall apply to violations that existed before the effective date of this ordinance. The new administrative hearing and notice procedures enacted in this ordinance shall apply to pending administrative enforcement actions and hearings and shall supersede prior enforcement procedures. This ordinance shall have retroactive effect since it provides the participants with greater due process protection than existing enforcement hearing and notice procedures.

Section 21. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If the Coastal

Commission does not certify this ordinance, or suggests
modifications, the provisions of this ordinance shall be null and
void within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:lmk
6/1/93
Or.Dept:Atty
O-93-180
Form=o+t

Passed and adopted by the Council of The City of San Diego on **AUG 10 1993**
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
 Mayor of The City of San Diego, California.

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

By *Mary Cepeda*, 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

JUL 13 1993

AUG 10 1993

~~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 *Mary Cepeda*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **17957** Adopted **AUG 10 1993**