

ORDINANCE NUMBER O- 18138 (NEW SERIES)

ADOPTED ON JAN 09 1995

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 91.0304; AMENDING CHAPTER IX, ARTICLE 2, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 92.0303; AND AMENDING CHAPTER IX, ARTICLE 3, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 93.0402 ALL RELATING TO PENALTY FEES.

WHEREAS, December 12, 1994, has been declared "Regulatory Relief Day"; and

WHEREAS, one purpose of Regulatory Relief Day is to streamline and consolidate, where appropriate, the City's land use and environmental regulatory procedures; and

WHEREAS, the City Manager has reviewed San Diego Municipal Code sections 91.0304(b), 92.0303 and 93.0402 having to do with penalty fees and has suggested several amendments to these code sections to streamline the regulatory process; NOW, THEREFORE,

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

Section 1. That Chapter IX, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending Section 91.0304 to read as follows:

SEC. 91.0304 Fees

(a) [No change]

(b) Permit Fees. A fee for each building permit shall be paid in accordance with the fee schedule

established by resolution of the City Council and filed in the office of the City Clerk.

The Building Official shall compute the building permit and building plan review fees based on the total value of all construction work for which the permit is issued, including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment installed or constructed.

Where work for which a permit is required by This Code is started or completed prior to obtaining said permit, a penalty fee as established by the City Council and filed in the office of the City Clerk shall also be paid. The payment of the penalty fee shall not relieve any person from fully complying with the requirement of This Code in the execution of the work or from any other penalties prescribed in Section 91.0304.

The penalty fees imposed by Municipal Code section 91.0304(b) shall be suspended from April 15, 1995 to October 15, 1995 for any work started or completed prior to November 29, 1994 without the necessary permit or permits, if an application for such permit is submitted to the Building Official during the effective period of this suspension. Notwithstanding the foregoing, no person shall be relieved from fully complying with the requirements of the Municipal Code

in the execution of the work or from any other penalties that may be prescribed by this Municipal Code.

If a permit has been canceled or has expired and no work was commenced and no required inspections have been made, a portion of the permit fee paid may be refunded by the Building Official upon application for refund by the permittee within one (1) year from the date of permit issuance.

(c) through (i) [No changes]

Section 2. That Chapter IX, Article 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 92.0303 to read as follows:

SEC. 92.0303 Fee for Failure to Obtain Permit

In addition to any other penalty provided in this article for violations thereof, any person who has done any electrical work without a permit as required by this article, or who has caused any such work to be done without a permit, shall pay a penalty fee determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

The penalty fees imposed by Municipal Code section 92.0303, shall be suspended from April 15, 1995 to October 15, 1995 for any work that has been started or completed prior to November 29, 1994 without the necessary permit, if an application for such permit is submitted to the Building Official during the effective

period of this suspension. Notwithstanding the foregoing, no person shall be relieved from fully complying with the requirements of the Municipal Code in the execution of the work or from any other penalties that may be prescribed by this Municipal Code.

Section 3. That Chapter IX, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending Section 93.0402 to read as follows:

SEC. 93.0402 Fees and Penalties

Any person who commences any work for which a permit is required by this Article without first having obtained a permit shall, if subsequently permitted to obtain a permit, pay any fees and penalties established by resolution or ordinance of the City Council and filed in the office of the City Clerk for such work; provided, however, that this provision shall not apply to work when it is proved to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all emergency cases a permit must be obtained as soon as it is practical to do so, and if there be an delay beyond 14 calendar days in obtaining the permit, the penalty or fee as provided in Section 93.0402 shall be charged.

The penalty fees imposed by Municipal Code section 93.0402 shall be suspended from April 15, 1995 to October 15, 1995 for any work that has been started

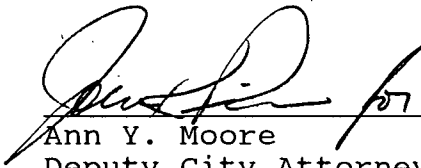
or completed prior to November 29, 1994 without the necessary permit, if an application for such permit is submitted to the Building Official during the effective period of this suspension. Notwithstanding the foregoing, no person shall be relieved from fully complying with the requirements of the Municipal Code in the execution of the work or from any other penalties that may be prescribed by this Municipal Code.

Section 4. This ordinance shall take effect and be in force on April 15, 1995 and shall expire on October 16, 1995.

Section 5. The City Clerk is hereby instructed to remove the language provided by O-18138 from the San Diego Municipal Code after October 16, 1995.

APPROVED: JOHN W. WITT, City Attorney

By


Ann Y. Moore
Deputy City Attorney

AYM:pev:ps
11/01/94
01/05/95 COR.COPY
Or.Dept:DSD
O-95-41
Form=o.code