

(O-2001-81)

ORDINANCE NUMBER O- 18913 (NEW SERIES)

ADOPTED ON JAN 09 2001

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AMENDING CHAPTER IV, ARTICLE 3,  
DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTION 43.0312 RELATING TO  
STORMWATER MANAGEMENT AND DISCHARGE  
CONTROL .

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

Section 1. That Chapter IV, Article 3, Division 3, of the San Diego Municipal Code is hereby amended by amending Section 43.0312, to read as follows:

**§ 43.0312 Enforcement Remedies**

It shall be unlawful for any person, corporation or association to violate the provisions and requirements of San Diego Municipal Code sections 43.0301 through 43.0314. Violations of these provisions can be prosecuted as misdemeanors subject to the penalties provided in San Diego Municipal Code section 12.0201. The Enforcement Official alternatively can seek injunctive relief or civil penalties in the Superior Court pursuant to San Diego Municipal Code section 12.0202, or pursue any administrative remedy provided in San Diego Municipal Code Chapter I, Article 2, Divisions 3 through 10.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By Ted Bromfield  
Ted Bromfield  
Deputy City Attorney

TB:mb  
10/27/00  
Or.Dept:ESD  
Aud.Cert:N/A  
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§ 43.0312 Enforcement Remedies

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~~(b) Notwithstanding the provisions of Section 43.0312(a) above, any person alleged to have violated this Division shall have a right to a public hearing on that alleged violation before the Committee on Land Use and Housing ("Committee") prior to the filing of any civil action by the enforcement Official. If the Enforcement Official pursues any administrative remedy against~~

~~any person alleged to have violated this Division, such person shall have the right of final administrative appeal to the Committee, and this right shall be deemed to be in addition to any other right of appeal provided in San Diego Municipal Code Chapter 1, Article 2, Divisions 3 through 10. If the alleged violator requests such a hearing, the Committee shall render a decision on the Enforcement Officer's recommendation to pursue civil action, or in an administrative case, render a final administrative decision. Notice shall be given to affected persons not less than ten days prior to any hearing by the Committee pursuant to this subsection.~~

~~(c) Section 43.0312(b) shall not apply to actions taken or recommendations made by the Enforcement Official pursuant to San Diego Municipal Code Chapter 1, Division 7.~~

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