

ORDINANCE NUMBER O-19177 (NEW SERIES)

ADOPTED ON MAY 20 2003

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 2,
DIVISION 8, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 12.0803 AND 12.0805, RELATING TO
ADMINISTRATIVE CIVIL PENALTIES.

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

Section 1. That Chapter 1, Article 2, Division 8, of the San Diego Municipal Code is hereby amended by amending Section 12.0803, to read as follows:

§12.0803 - Authority

(a) through (c) [No change.]

(d) Civil penalties for violations of any provision of the Municipal Code or applicable state codes shall be assessed at a daily rate determined by the Director or Enforcement Hearing Officer pursuant to the criteria listed in Section 12.0805 of this Division. The maximum rate shall be \$2,500 per violation. The maximum amount of civil penalties shall not exceed \$250,000 per parcel or structure for any related series of violations.

Section 2. That Chapter 1, Article 2, Division 8, of the San Diego Municipal Code is hereby amended by amending Section 12.0805, to read as follows:

§12.0805 Determination of Civil Penalties

(a) through (b) [No change.]

(c) In determining the amount of the civil penalty to be assessed on a daily rate, a Director may consider some or all of the following factors:

(1) The duration of the violation.

- (2) The frequency or recurrence of the violation.
- (3) The nature and seriousness of the violation.
- (4) The history of the violation.
- (5) Whether the offense impacted environmentally sensitive lands or historical

resources.

- (6) The willfulness of Responsible Person's misconduct.
- (7) The Responsible Person's conduct after issuance of the Notice and Order.
- (8) The good faith effort by the Responsible Person to comply.
- (9) The economic impact of the penalty on the Responsible Person.
- (10) The impact of the violation upon the community.
- (11) Any other factors that justice may require.

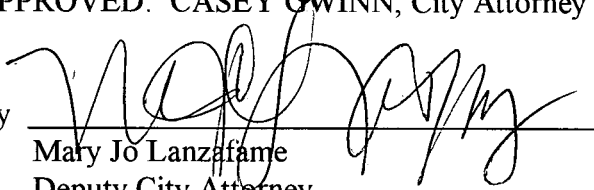
(d) [No change.]

Section 3. 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 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
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Or.Dept:NCCD2
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