

ORDINANCE NUMBER O- 20143 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 14 2012

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 2, DIVISION 8 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 12.0805; AND AMENDING CHAPTER 1, ARTICLE 3, DIVISION 4 BY ADDING NEW SECTION 13.0403, ALL RELATING TO CIVIL PENALTIES FOR CODE VIOLATIONS IMPACTING HISTORICAL RESOURCES

WHEREAS, the Land Use and Housing Committee of the City Council of the City of San Diego requested that amendments to the San Diego Municipal Code be developed to address civil penalties for code violations impacting historical resources; and

WHEREAS, amendments to the San Diego Municipal Code have been developed to clarify that impacts to both designated historical resources and historical resources more generally may be taken into account in determining the amount of a civil penalty for the purposes of providing recourse for the loss of historical resources and deterring unpermitted alterations to historical resources; and

WHEREAS, on July 7, 2009, the City Council of the City of San Diego, pursuant to Resolution No. R-305067, established a special interest-bearing fund, titled "Historic Preservation Fund," for any and all potential grants, donations, fines, penalties, or other sources of funding for the purpose of historic preservation; and

WHEREAS, amendments to the San Diego Municipal Code have been developed to direct that civil penalties assessed for violations of Historical Resources Regulations are to be deposited in the Historic Preservation Fund; and

WHEREAS, on November 16, 2011, the Land Use and Housing Committee held a hearing on the subject of amendments to the San Diego Municipal Code concerning civil

penalties for impacts to historical resources, and recommended that the amendments be forwarded to the full City Council; NOW, THEREFORE,

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 amended by amending section 12.0805 to read as follows:

**§12.0805 Determination of Civil Penalties**

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

(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) through (4) [No change in text.]

(5) Whether the offense impacted environmentally sensitive lands, a *historical resource*, or a *designated historical resource* as defined in Chapter 11, Article 3, Division 1 of the Municipal Code.

(6) through (11) [No change in text.]

(d) [No change in text.]

Section 2. That Chapter 1, Article 3, Division 4 of the San Diego Municipal Code is amended by adding new section 13.0403 to read as follows:

**§13.0403 Historic Preservation Fund**


Civil penalties collected pursuant to this Division for violations of Historical Resources Regulations, found within Chapter 14, Article 3, Division 2 of the San Diego Municipal Code, shall be deposited in the Historic Preservation Fund established pursuant to City Council resolution R-305067, adopted July 7, 2009. Civil penalties deposited in the Historic Preservation Fund shall be appropriated

and allocated in a manner determined by the City Manager in accordance with City Council resolution R-305067. The City Auditor shall establish accounting procedures to ensure proper account identification, credit and collection.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

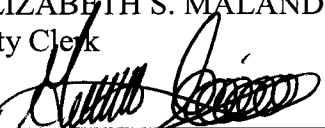
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Keith Bauerle  
Deputy City Attorney

KB:hm  
01/23/2012  
Or.Dept:DSD  
Document No. 309562

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 28 2012.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 3.14.12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor