

ORDINANCE NUMBER O- 20438 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 25 2014

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3, DIVISION 5 BY AMENDING SECTIONS 33.0501, 33.0503, 33.0505, 33.0506, 33.0507, AND 33.0508; AND AMENDING CHAPTER 3, ARTICLE 3, DIVISION 37 BY AMENDING SECTIONS 33.3701, 33.3702, 33.3703, 33.3704, 33.3705, 33.3707, 33.3715, 33.3716, 33.3718, 33.3719, 33.3720, 33.3721 AND 33.3723, ALL RELATING TO USER PERMITS FOR FIRE-HARMFUL GAS ALARM SYSTEM APPEALS AND BURGLARY, ROBBERY, AND EMERGENCY ALARM SYSTEM EXEMPTIONS.

WHEREAS, section 33.0501 of the San Diego Municipal Code currently describes the process for appeals from the San Diego Police Department's enforcement of alarm regulations related to police-permitted businesses and the Fire-Rescue Department utilizes the same penalty, revocation, and appeals process used by the Police Department; and

WHEREAS, this amendment would designate the Fire-Rescue Chief to hear appeals related to Fire-Harmful Gas Alarm system revocations and penalties; and

WHEREAS, this ordinance also amends Chapter 3, Article 3, Division 37 pertaining to alarm permits to remove institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation as "exempt users"; NOW, THEREFORE,

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

Section 1. That Chapter 3, Article 3, Division 5 of the San Diego Municipal Code is amended by amending sections 33.0501, 33.0503, 33.0505, 33.0506, 33.0507, and 33.0508, to read as follows:

§33.0501 Right of Appeal to Hearing Officer; Time Limits

- (a) Except as provided in sections 33.0506 and 33.0507, any *person* who has been denied a *permit*, has had conditions placed on the *permit* as a result of regulatory action against the *permittee*, has had conditions placed on the *permit* which the *permittee* did not agree to, or any *person* who has regulatory action taken by the *Chief of Police* against the *permit* as described in sections 33.0403(b)(4) through (8), may request a hearing conducted by a hearing officer provided by the *City Manager*.
- (b) [No change in text.]
- (c) Upon receiving a written request for a hearing, or upon the granting of a hearing pursuant to section 33.0501(f), the *City Manager* shall set a hearing not less than five nor more than thirty calendar days from the date of receipt of the appeal or from the granting of the hearing.
- (d) [No change in text.]
- (e) Except as provided in section 33.0501(f), failure to file the request for a hearing within the ten calendar day period shall result in the denial of a hearing by the *City Manager*.
- (f) through (g) [No change in text.]
- (h) Per section 55.5117(c), all appeals of alarm user permits of fire-harmful gas alarm system revocations or penalties are conducted using the same procedures outlined in this Division. The term Fire-Rescue Chief, as defined in section 55.5102, should be substituted for *Chief of Police* in this Division for appeals related to fire-harmful gas alarm systems. The terms

permit and *police permit* refer to fire-harmful gas alarm system permits, as described in Chapter 5, Article 5, Division 51, for appeals related to fire-harmful gas alarm systems.

§ 33.0503 Appeal Hearing Decision

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

This subsection does not apply to *permittees* governed by section 33.0507.

(c) The decision of the hearing officer shall be final ten calendar days from the action of the hearing officer, except

(1) in the event of an appeal brought under section 33.0505; or

(2) if the *permittee* is governed by section 33.0507.

(d) Except as to the emergency provisions of section 33.0406, the effect of a decision by the *Chief of Police* shall be stayed while an appeal to the hearing officer is pending or until the time for filing such appeal has expired.

(e) (1) The decision of the hearing officer shall be the final administrative remedy, unless an appeal to the Committee on Public Safety and Livable Neighborhoods (or its successor committee) is made in writing with the City Clerk within ten calendar days of receipt of the hearing officer's written decision.

(2) [No change in text.]

(f) [No change in text.]

§ 33.0505 Right of Appeal to the Committee on Public Safety and Livable Neighborhoods; Procedure; Decisions

(a) The applicant, *permittee*, and the *Chief of Police* have the right to appeal a

hearing officer's decision to the Public Safety and Livable Neighborhoods Committee of the City Council (or its successor committee).

- (b) The effect of a decision by the hearing officer shall be stayed while an appeal to the Committee on Public Safety and Livable Neighborhoods (or its successor committee) is pending or until the time for filing such appeal has expired.
- (c) When an appeal is filed with the City Clerk, it shall be placed on the Committee on Public Safety and Livable Neighborhoods (or its successor committee) agenda for the limited purpose of determining whether the Committee will hear the appeal.
- (d) The Committee may accept an appeal for hearing when any of the following situations are found to exist:
 - (1) through (3) [No change in text.]
 - (4) The appeal presents a Citywide issue on which guidance of the Committee on Public Safety and Livable Neighborhoods (or its successor committee) is required and the matter is of Citywide significance.
 - (5) [No change in text.]
- (e) The Committee on Public Safety and Livable Neighborhoods (or its successor committee) shall rely upon the record of the proceedings before the hearing officer and the written appeal. No oral presentations shall be made to the Committee on Public Safety and Livable Neighborhoods (or its successor committee) by proponents or opponents of the appeal.

- (f) [No change in text.]
- (g) If at least three members of the Committee vote in favor of hearing the appeal, the Chair to the Committee on Public Safety and Livable Neighborhoods (or its successor committee) shall set the appeal for hearing before the Committee.
- (h) through (j) [No change in text.]

§ 33.0506 Review for Denials of Permits to Engage in First Amendment Activity

Any *person* who has been denied a *police permit* for a business or occupation that is a First Amendment protected business or occupation, as defined in *FW/PBS v. City of Dallas*, 493 U.S. 215 (1990) or other controlling case law, shall have prompt judicial review of the decision to deny the *permit*.

The decision to deny such *permit* is the final administrative action for the applicant, who may then immediately seek writ review in Superior Court pursuant to local court rules, the California Rules of Court, and the Code of Civil Procedure. The businesses and occupations regulated in Divisions 33 (*peep show establishments*) and 36 (*nude entertainment*) are governed by this section.

§ 33.0507 Review for Regulatory Action Taken Against Permit Holders Engaged in First Amendment Activity

Any person who holds a *police permit* for a business or occupation that is protected by the First Amendment, and who has had regulatory action taken against them, shall have the same appeal rights as those contained in sections 33.0501 through 33.0503, except that:

- (a) through (e) [No change in text.]

§ 33.0508 Other Administrative Appeals Not Applicable

The appeal hearings contained in this Division are the only administrative appeal hearings which apply to police-regulated businesses. The appeal process provided for in section 22.0101 of this Code does not apply to police-regulated businesses.

Section 2. That Chapter 3, Article 3, Division 37 of the San Diego Municipal Code is amended by amending sections 33.3701, 33.3702, 33.3703, 33.3704, 33.3705, 33.3707, 33.3715, 33.3716, 33.3718, 33.3719, 33.3720, 33.3721, and 33.3723, to read as follows:

§33.3701 Definitions

Defined words appear in italics. Except as otherwise provided, the following definitions apply in this Division:

Alarm agent [No change in text.]

Alarm business means any *person* engaged in the enterprise of selling, installing or monitoring any *alarm system*. It does not include the owner or property manager of an apartment complex that provides *alarm systems* in each residential unit as an amenity.

Alarm System [No change in text.]

Alarm User means any *person* who possesses or controls an operating *alarm system*, or who occupies, controls, or possesses the building or structure protected by an *alarm system*.

Audible alarm system [No change in text.]

Burglary alarm system [No change in text.]

Business tax certificate [No change in text.]

Chief of Police [No change in text.]

Conversion [No change in text.]

Duress alarm [No change in text.]

Emergency situation [No change in text.]

Exempt user means any municipal, county, state, federal, or other government agency.

False alarm [No change in text.]

Person [No change in text.]

Robbery alarm system [No change in text.]

Sell [No change in text.]

Takeover [No change in text.]

§33.3702 Alarm Business Requirements and Responsibilities

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

(c) Any *alarm business* that sells any *alarm system* shall do the following:

- (1) Obtain an *alarm user* permit, using the *alarm user* permit application provided by the *Chief of Police*, on behalf of the *alarm user* before putting the *alarm system* into service;
- (2) Collect the *alarm user* permit application and permit fee from each *alarm user*;
- (3) Mail or hand deliver the completed *alarm user* permit application and permit fee to the *Chief of Police* before putting the *alarm system* into service.

(d) [No change in text.]

§33.3703 Alarm Agent Responsibilities

- (a) [No change in text.]
- (b) Any *person* performing the duties of an *alarm agent* shall carry on his person a valid *alarm agent* registration card issued by the State of California.

§33.3704 Alarm System Conversion

- (a) Prior to the conversion of any *alarm system* the *alarm business* transferring the duty to monitor shall ensure that the *alarm user* has a valid *alarm user* permit for the *alarm system* being converted.
- (b) [No change in text.]

§33.3705 Alarm System Takeover

- (a) Upon any takeover of an *alarm system* maintained, serviced, inspected, or monitored by an *alarm business*, the *alarm business* shall determine whether an *alarm user* permit has been issued to the *alarm user* assuming control of the *alarm system*.
- (b) through (c) [No change in text.]

§33.3707 Application for Alarm User Permit

- (a) [No change in text.]
 - (1) through (5) [No change in text.]
 - (6) Name, address and telephone number, *City Business Tax Certificate* and state license number of the *alarm business* that will monitor the *alarm system*, if any.
- (b) [No change in text.]

(c) Each *alarm user* permit application must be accompanied by a signed certification by the user and alarm business stating the following:

(1) [No change in text]

(2) The name, address and telephone number, *City Business Tax Certificate* number and state license of the *alarm business* installing the *alarm system*, or performing the *conversion* or *takeover* of the *alarm system*, if any;

(3) through (5) [No change in text.]

§33.3715 Procedures for Alarm Verification

(a) [No change in text.]

(b) The requirement set forth in section 33.3715(a) shall not apply to a *duress* or *robbery alarm* signals.

§33.3716 Revocation Alarm User Permit

(a) [No change in text.]

(b) An alarm will be presumed false if the responding law enforcement officers do not find evidence that an *emergency situation* was the cause of the alarm being triggered. The *Chief of Police* has the authority to amend the *alarm user's* records to indicate that the alarm activation was not a *false alarm* if within ten days of the alarm being triggered the *Chief of Police* receives satisfactory evidence to that effect. The *Chief of Police* will issue written findings of his decision within five days of receipt of the evidence offered.

(c) through (e) [No change in text.]

§33.3718 Reinstatement of Revoked Permit; Alarm User Permit Appeal

- (a) through (b) [No change in text.]
- (c) The holder of an *alarm user* permit may appeal a decision by the *Chief of Police* to revoke the permit in accordance with section 33.0501.

§33.3719 Use of Alarm System after Permit Revocation as Public Nuisance

- (a) The *Chief of Police* has the authority to declare an *alarm system* a public nuisance when all of the following conditions are present:
 - (1) through (3) [No change in text.]
 - (4) If revoked, the decision of the *Chief of Police* to revoke the permit is not currently on appeal pursuant to section 33.0501.
- (b) through (c) [No change in text.]
- (d) The *Chief of Police* has the authority to remove a public nuisance designation and resume response by Police Department personnel when the *alarm user* permit has been reinstated and the cause of the *false alarms* has been corrected.

§33.3720 Exceptions

The prohibitions and mandates of this Division do not apply to:

- (a) through (b) [No change in text.]
- (c) *Exempt users* as defined in section 33.3701.

§33.3721 Confidentiality of Records

- (a) through (b) [No change in text.]
- (c) Information furnished and secured pursuant to this Division may be disclosed when required by state or federal law or lawful court order.

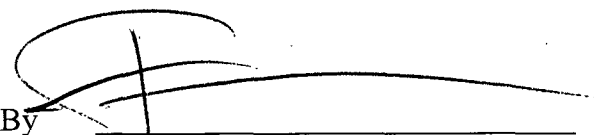
§33.3723 Enforcement Remedies

Except as otherwise specifically provided, violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code section 12.0201. The *Chief of Police* 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 1 of this Code.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made 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 

Paige E. Folkman
Deputy City Attorney

PEF:amt
October 8, 2014
Or.Dept:Police
Doc. No. 841868_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 10 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/24/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3, DIVISION 5 BY AMENDING SECTIONS 33.0501, 33.0503, 33.0505, 33.0506, 33.0507, AND 33.0508; AND AMENDING CHAPTER 3, ARTICLE 3, DIVISION 37 BY AMENDING SECTIONS 33.3701, 33.3702, 33.3703, 33.3704, 33.3705, 33.3707, 33.3715, 33.3716, 33.3718, 33.3719, 33.3720, 33.3721 AND 33.3723, ALL RELATING TO USER PERMITS FOR FIRE-HARMFUL GAS ALARM SYSTEM APPEALS AND BURGLARY, ROBBERY, AND EMERGENCY ALARM SYSTEM EXEMPTIONS.

§33.0501 Right of Appeal to Hearing Officer; Time Limits

- (a) Except as provided in ~~§~~sections 33.0506 and 33.0507, any *person* who has been denied a *permit*, has had conditions placed on the *permit* as a result of regulatory action against the *permittee*, has had conditions placed on the *permit* which the *permittee* did not agree to, or any *person* who has regulatory action taken by the *Chief of Police* against the *permit* as described in ~~§~~sections 33.0403(b)(4) through (8), may request a hearing conducted by a hearing officer ~~selected~~provided by the *City Manager*.
- (b) [No change in text.]
- (c) Upon receiving a written request for a hearing, or upon the granting of a hearing pursuant to ~~§~~section 33.0501(f), the *City Manager* shall set a hearing not less than five nor more than thirty calendar days from the date of receipt of the appeal or from the granting of the hearing.

- (d) [No change in text.]
- (e) Except as provided in §section 33.0501(f), failure to file the request for a hearing within the ten calendar day period shall result in the denial of a hearing by the *City Manager*.
- (f) through (g) [No change in text.]
- (h) Per section 55.5117(c), all appeals of alarm user permits of fire-harmful gas alarm system revocations or penalties are conducted using the same procedures outlined in this Division. The term Fire-Rescue Chief, as defined in section 55.5102, should be substituted for Chief of Police in this Division for appeals related to fire-harmful gas alarm systems. The terms permit and police permit refer to fire-harmful gas alarm system permits, as described in Chapter 5, Article 5, Division 51, for appeals related to fire-harmful gas alarm systems.

§ 33.0503 Appeal Hearing Decision

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

This subsection does not apply to *permittees* governed by §section 33.0507.

- (c) The decision of the hearing officer shall be final ten calendar days from the action of the hearing officer, except
 - (1) in the event of an appeal brought under §section 33.0505; or
 - (2) if the *permittee* is governed by §section 33.0507.
- (d) Except as to the emergency provisions of §section 33.0406, the effect of a

decision by the *Chief of Police* shall be stayed while an appeal to the hearing officer is pending or until the time for filing such appeal has expired.

- (e) (1) The decision of the hearing officer shall be the final administrative remedy, unless an appeal to the Committee on Public Safety and ~~Neighborhood Services~~ Livable Neighborhoods (or its successor committee) is made in writing with the City Clerk within ten calendar days of receipt of the hearing officer's written decision.

(2) [No change in text.]

- (f) [No change in text.]

§ 33.0505 Right of Appeal to the Committee on Public Safety and Neighborhood Services Livable Neighborhoods; Procedure; Decisions

- (a) The applicant, *permittee*, and the *Chief of Police* have the right to appeal a hearing officer's decision to the Public ~~Services and Safety~~ Livable Neighborhoods Committee of the City Council (or its successor committee).
- (b) The effect of a decision by the hearing officer shall be stayed while an appeal to the Committee on Public Safety and ~~Neighborhood Services~~ Livable Neighborhoods (or its successor committee) is pending or until the time for filing such appeal has expired.
- (c) When an appeal is filed with the City Clerk, it shall be placed on the Committee on Public Safety and ~~Neighborhood Services~~ Livable Neighborhoods (or its successor committee) agenda for the limited purpose of determining whether the Committee will hear the appeal.

- (d) The Committee may accept an appeal for hearing when any of the following situations are found to exist:
- (1) through (3) [No change in text.]
 - (4) The appeal presents a City-wide issue on which guidance of the Committee on Public Safety and ~~Neighborhood Services~~ Livable Neighborhoods (or its successor committee) is required and the matter is of City-wide significance.
 - (5) [No change in text.]
- (e) The Committee on Public Safety and ~~Neighborhood Services~~ Livable Neighborhoods (or its successor committee) shall rely upon the record of the proceedings before the hearing officer and the written appeal. No oral presentations shall be made to the Committee on Public Safety and ~~Neighborhood Services~~ Livable Neighborhoods (or its successor committee) by proponents or opponents of the appeal.
- (f) [No change in text.]
- (g) If at least three members of the Committee vote in favor of hearing the appeal, the Chair to the Committee on Public Safety and ~~Neighborhood Services~~ Livable Neighborhoods (or its successor committee) shall set the appeal for hearing before the Committee.
- (h) through (j) [No change in text.]

§ 33.0506 Review for Denials of Permits to Engage in First Amendment Activity

Any *person* who has been denied a *police permit* for a business or occupation that is a First Amendment protected business or occupation, as defined in *FW/PBS v.*

City of Dallas, 493 U.S. 215 (1990) or other controlling case law, shall have prompt judicial review of the decision to deny the *permit*.

The decision to deny such *permit* is the final administrative action for the applicant, who may then immediately seek writ review in Superior Court pursuant to local court rules, the California Rules of Court, and the Code of Civil Procedure. The businesses and occupations regulated in Divisions 33 (*peep show establishments*) and 36 (*nude entertainment*) are governed by this §section.

§ 33.0507 Review for Regulatory Action Taken Against Permit Holders Engaged in First Amendment Activity

Any person who holds a *police permit* for a business or occupation that is protected by the First Amendment, and who has had regulatory action taken against them, shall have the same appeal rights as those contained in §sections 33.0501 through 33.0503, except that:

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

§ 33.0508 Other Administrative Appeals Not Applicable

The appeal hearings contained in this Division are the only administrative appeal hearings which apply to police-regulated businesses. The appeal process provided for in §section 22.0101 of this Code does not apply to police-regulated businesses.

§33.3701 Definitions

Defined words appear in italics. Except as otherwise provided, ~~for purposes of the~~ following definitions apply in this Division:

"*Alarm agent*" [No change in text.]

"*Alarm business*" means any ~~person~~ person engaged in the enterprise of selling, installing or monitoring any *alarm system*. It does not include the owner or property manager of an apartment complex that provides *alarm systems* in each residential unit as an amenity.

"*Alarm System*" [No change in text.]

"*Alarm User*" means any ~~per~~son who possesses or controls an operating *alarm system*, or who occupies, controls, or possesses the building or structure protected by an *alarm system*.

"*Audible alarm system*" [No change in text.]

"*Burglary alarm system*" [No change in text.]

"*Business tax certificate*~~certificate~~certificate" [No change in text.]

"*Chief of Police*" [No change in text.]

"*Conversion*" [No change in text.]

"*Duress alarm*" [No change in text.]

"*Emergency situation*" [No change in text.]

"*Exempt user*" means any municipal, county, state, federal, or other government agency, ~~or any institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.~~

"*False alarm*" [No change in text.]

"*Person*" [No change in text.]

"*Robbery alarm system*" [No change in text.]

"*Sell*" [No change in text.]

"*Takeover*" [No change in text.]

§33.3702 Alarm Business Requirements and Responsibilities

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

(c) Any *alarm business* that sells any *alarm system* shall do the following:

- (1) Obtain an *alarm user* permit, using the *alarm user* permit application provided by the ~~Chief of Police~~ Chief of Police, on behalf of the *alarm user* before putting the *alarm system* into service;
- (2) Collect the *alarm user* permit application and permit fee from each ~~alarm~~ *alarm user*;
- (3) Mail or hand deliver the completed *alarm user* permit application and permit fee to the ~~Chief of Police~~ Chief of Police before putting the *alarm system* into service.

(d) [No change in text.]

§33.3703 Alarm Agent Responsibilities

(a) [No change in text.]

(b) Any ~~P~~person performing the duties of an *alarm agent* shall carry on his person a valid *alarm agent* registration card issued by the State of California.

§33.3704 Alarm System Conversion

(a) Prior to the ~~C~~conversion of any *alarm system* the *alarm business* transferring the duty to monitor shall ensure that the *alarm user* has a valid *alarm user* permit for the *alarm system* being converted.

(b) [No change in text.]

§33.3705 Alarm System Takeover

- (a) Upon any takeover of an *alarm system* maintained, serviced, inspected, or monitored by an *alarm business*, the *alarm business* shall determine whether an *alarm user* permit has been issued to the *alarm user* assuming control of the *alarm system*.
- (b) through (c) [No change in text.]

§33.3707 Application for Alarm User Permit

- (a) [No change in text.]
 - (1) through (5) [No change in text.]
 - (6) Name, address and telephone number, ~~City~~City *Business Tax Certificate* and state license number of the *alarm business* that will monitor the *alarm system*, if any.
- (b) [No change in text.]
- (c) Each ~~alarm user~~ *alarm user* permit application must be accompanied by a signed certification by the user and alarm business stating the following:
 - (1) [No change in text]
 - (2) The name, address and telephone number, *City Business Tax Certificate* number and state license of the *alarm business* installing the *alarm system*, or performing the *conversion* or *takeover* of the *alarm system*, if any;
 - (3) through (5) [No change in text.]

§33.3715 Procedures for Alarm Verification

- (a) [No change in text.]

- (b) The requirement set forth in Section 33.3715(a) shall not apply to a *duress or robbery alarm signals*.

§33.3716 Revocation Alarm User Permit

- (a) [No change in text.]
- (b) An alarm will be presumed false if the responding law enforcement officers do not find evidence that an *Emergency Situation* was the cause of the alarm being triggered. The *Chief of Police* has the authority to amend the *alarm user's* records to indicate that the alarm activation was not a *false alarm* if within ten days of the alarm being triggered the *Chief of Police* receives satisfactory evidence to that effect. The *Chief of Police* will issue written findings of his decision within five days of receipt of the evidence offered.
- (c) through (e) [No change in text.]

§33.3718 Reinstatement of Revoked Permit; Alarm User Permit Appeal

- (a) through (b) [No change in text.]
- (c) The holder of an *alarm user* permit may appeal a decision by the *Chief of Police* to revoke the permit in accordance with Section 33.0501.

§33.3719 Use of Alarm System after Permit Revocation as Public Nuisance

- (a) The *Chief of Police* has the authority to declare an *alarm system* a public nuisance when all of the following conditions are present:
 - (1) through (3) [No change in text.]
 - (4) If revoked, the decision of the *Chief of Police* to revoke the permit is not currently on appeal pursuant to Section 33.0501.

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

(d) The *Chief of Police* has the authority to remove a public nuisance designation and resume response by Police Department personnel when the ~~alarm user~~ alarm user permit has been reinstated and the cause of the *false alarms* has been corrected.

§33.3720 Exceptions

The prohibitions and mandates of this Division do not apply to:

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

(c) *Exempt users* as defined in Section 33.3701.

§33.3721 Confidentiality of Records

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

(c) Information ~~discussed in Section 33.3721(a)~~, furnished and secured pursuant to this Division may be disclosed when required by State or Federal law or lawful court order.

§33.3723 Enforcement Remedies

Except as otherwise specifically provided, violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code section 12.0201. The *Chief of Police* 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 11 of this Code.

PEF:amt
October 8, 2014
Or.Dept:Police
Doc. No. 841867_3

Passed by the Council of The City of San Diego on NOV 10 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 25 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Mary Fernandez, 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

OCT 28 2014

and on

NOV 25 2014

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Mary Fernandez, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20438