

50
Subitem A
(O-2017-45)
01/24/17

ORDINANCE NUMBER O- 20788 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 03 2017

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

WHEREAS, the San Diego Municipal Code (Municipal Code) provides a variety of enforcement options for violations of the Municipal Code and applicable state codes, including judicial and administrative remedies; and

WHEREAS, the Municipal Code currently provides for a maximum administrative civil penalty of \$2,500 per violation per day with a maximum total amount of \$250,000; and

WHEREAS, the Municipal Code sets forth procedures that govern the imposition, enforcement, collection, and administrative review of administrative penalties; and

WHEREAS, the proposed increases in maximum amounts of administrative civil penalties are not excessive and do not affect the factors to be considered in determining the amounts actually imposed by the penalties; 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 12.0803, to read as follows:

§12.0803 Authority

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

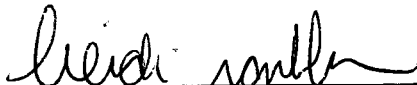
(d) Civil penalties for violations of any provision of the Municipal Code or applicable state codes shall be assessed at a daily rate determined by the Director or Enforcement Hearing Officer pursuant to the criteria listed in Section 12.0805 of this Division. The maximum rate shall be \$10,000 per

violation. The maximum amount of civil penalties shall not exceed \$400,000 per parcel or structure for any related series of violations.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. 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 
Heidi K. Vonblum
Deputy City Attorney

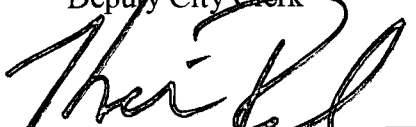
HKV:nja
09/06/16
Or.Dept: Council District 9
Doc. No.: 1345460

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 24 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2/13/17
(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 1, ARTICLE 2,
DIVISION 8 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 12.0803, RELATING TO CODE
ENFORCEMENT ADMINISTRATIVE CIVIL PENALTIES.

§12.0803 Authority

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

(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~~ \$10,000 per violation. The maximum amount of civil penalties shall not exceed ~~\$250,000~~ \$400,000 per parcel or structure for any related series of violations.

HKV:nja
09/06/16
Or.Dept: Council District 9
Doc. No.: 1345456

Passed by the Council of The City of San Diego on JAN 24 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 03 2017

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 Linda Bruen, 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

NOV 14 2016, and on FEB 03 2017

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 Linda Bruen, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20788