

ORDINANCE NUMBER O- 20977 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 02 2018

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 11.0210, AND AMENDING CHAPTER 1, ARTICLE 2, DIVISION 1 BY ADDING NEW SECTION 12.0106, RELATING TO ENFORCEMENT AUTHORITY AND POWERS UNDER THE SAN DIEGO MUNICIPAL CODE.

WHEREAS, the enforcement provisions generally applicable to addressing violations of the San Diego Municipal Code (Code) are contained in Chapter 1 of the Code; and

WHEREAS, the proposed regulations of short term residential occupancy to be included in Chapter 5 of the Code may be enforced by provisions located in Chapter 1; and

WHEREAS, Article X, section 7 of the California Constitution authorizes a city to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws, which includes the authority to issue administrative subpoenas to enforce such laws; and

WHEREAS, the City of San Diego (City) desires to empower City departments under the City Manager that have enforcement responsibility under Chapter 1 to issue administrative subpoenas for the production of documents and other evidence to ensure compliance with the Code; and

WHEREAS, the City also seeks to amend the Chapter 1 to clarify that the enforcement remedies under Chapter 1 are applicable to the Office of the City Treasurer (Treasurer) because it is contemplated that the Treasurer will have an important role in the administration and enforcement of short term residential occupancy regulations; NOW, THEREFORE,

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

Section 1. That Chapter 1, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 11.0210, to read as follows:

**§11.0210 Definitions Applicable To Code Generally**

The following words and phrases whenever used in this Code shall be construed as defined in this section unless a different meaning is specifically defined elsewhere in this Code and specifically stated to apply:

“Abatement” through “Council” [No change in text.]

“Director” means the City Manager or any Department Directors including the following Departments: City Clerk, City Treasurer, Planning, Development Services, Engineering, General Services, Animal Control, Health, Water Utilities, Park and Recreation, Neighborhood Code Compliance, Environmental Services and the Fire and Police Chiefs, and any of their designated agents or representatives.

“Enforcement Hearing Officer” means any person appointed by the City Manager to preside over administrative enforcement hearings.

“Enforcement Official” means any person authorized to enforce violations of the Municipal Code or applicable state codes, including the City Treasurer.

“Financial Institution” through “Written” [No change in text.]

Section 2. That Chapter 1, Article 2, Division 1 of the San Diego Municipal Code is amended by adding new section 12.0106, to read as follows:

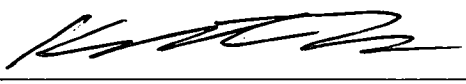
**§12.0106 Administrative Subpoena Authority**

- (a) The City Manager shall have the power to issue administrative subpoenas for the production of documents and other evidence necessary to determine whether violations of the Municipal Code exist.
- (b) Any administrative subpoena issued pursuant to this section shall not require the production of documents and other evidence sooner than thirty days from the date of service of the subpoena. The parties may agree in writing to an extension of the date for the production. A person that has been served with an administrative subpoena may seek judicial review within thirty days after service of the subpoena.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Ken So  
Deputy City Attorney

KS:als  
06/13/2018  
Or.Dept:Planning  
Doc. No.: 1743059\_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of August 1, 2018.

ELIZABETH S. MALAND  
City Clerk

By *Gina Brown*  
Deputy City Clerk

Approved: 8/2/18  
(date)

*Kevin L. Faulconer*  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

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**§12.0106**     **Administrative Subpoena Authority**

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KS:als  
06/13/2018  
Or.Dept:Planning  
Doc. No.: 1742897\_3

Passed by the Council of The City of San Diego on AUG 01 2018, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input checked="" 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 AUG 02 2018

AUTHENTICATED BY:

(Seal)

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

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

By Linda Irwin, 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

JUL 16 2018, and on AUG 02 2018

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 Irwin, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20977</u>