

10/31/2022 #614

(O-2023-29)
COR. COPY

ORDINANCE NUMBER O- 21515 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 12 2022

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 2, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 12.0501, 12.0502 AND 12.0503; AMENDING CHAPTER 3, ARTICLE 3, DIVISION 37 BY AMENDING SECTIONS 33.3702 AND 33.3708; AMENDING CHAPTER 5, ARTICLE 4, BY ADDING DIVISION 12, SECTIONS 54.1201, 54.1202, 54.1203, 54.1204, 54.1205, 54.1206, 54.1207, 54.1208, 54.1209, AND 54.1210 RELATING TO SUMMARY ABATEMENT OF UNSECURED STRUCTURES.

WHEREAS, Article XI, section 7 of the California Constitution provides that a city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, California Government Code (Government Code) section 38771 provides that the legislative body of a city may declare what constitutes a nuisance by ordinance; and

WHEREAS, Government Code section 38773 provides that the legislative body of a city may provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing, or maintaining it, and by ordinance may make the expense of abatement of a nuisance a lien against the property on which the nuisance is maintained and a personal obligation against the property owner; and

WHEREAS, police officers encounter unsecured commercial and residential buildings (“unsecured structures”) when responding to calls for service or burglary alarms, as well as while on routine patrols; and

WHEREAS, firefighters encounter unsecured structures when responding to fires or other calls for service; and

WHEREAS, unsecured structures are subject to unauthorized entry or other criminal activity; and

WHEREAS, police officers and firefighters are unavailable to respond to other calls for service while attempting to address unsecured structures; and

WHEREAS, responsible persons, which includes property owners, are ultimately responsible for ensuring that their structures are secure from unauthorized intrusion or other criminal and nuisance activity; and

WHEREAS, the San Diego City Council (City Council) finds that the presence of unsecured structures, as determined by the existence of damaged windows, doors, roofs, or walls that are not secured to prevent entry by unauthorized persons, create conditions that invite criminal and nuisance activity including, but not limited to, prowling, looting, burglary, vandalism, graffiti, and unlawful lodging; and

WHEREAS, the City Council finds that an unsecured structure is a public nuisance and has detrimental effects upon the health, safety, and welfare of the city's residents, businesses, visitors, and the general public; and

WHEREAS, to remedy the nuisance caused by unsecured structures, the City Council finds that the Police and Fire-Rescue Departments should be authorized to summarily abate unsecured structures under certain conditions; and

WHEREAS, the City Council finds that responsible persons should bear the cost of securing any unsecured structure that is a public nuisance when immediate action is necessary to preserve or protect the public health or safety; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That Chapter 1, Article 2, Division 5 of the San Diego Municipal Code is amended by amending sections 12.0501, 12.0502, and 12.0503 to read as follows:

Chapter 1: General Provisions

Article 2: Code Enforcement Judicial and Administrative Remedies

Division 5: Administrative Enforcement Appeals

§12.0501 Appeal Procedures

(a) A *person* served with one of the following documents, orders, or notices may file an appeal within ten (10) calendar days from the service of the following notices:

- (1) Any Administrative Abatement Notice and Order issued for those *public nuisances* listed under Time Frame One and Time Frame Two of Chapter 1, Article 2, Division 6 of this Code.
- (2) An Administrative Citation issued pursuant to Chapter 1, Article 2, Division 9 of this Code.
- (3) A letter from a *Director* indicating an intent to record a Notice of Violation pursuant to Chapter 1, Article 2, Division 10 of this Code.
- (4) A Notice of Abandoned Property Penalty issued pursuant to Chapter 5, Article 4, Division 3 of this Code.

- (5) A Notice of Summary Abatement of Unsecured Structure issued pursuant to Chapter 5, Article 4, Division 12 of this Code.
- (b) The appeal shall be made in writing and filed with the *Director*.
- (c) As soon as practicable after receiving the written notice of appeal, a *Director* shall request the City Manager to appoint an Administrative Enforcement Hearing Officer and to schedule a date, time, and place for the hearing.
- (d) *Written* notice of the date, time, and place of the hearing shall be served on the *person* appealing the notice at least ten (10) calendar days prior to the date of the hearing by any one of the methods listed in Chapter 1, Article 1, Division 3, section 11.0301 of this Code.

§12.0502 Appeal Hearing

The appeal hearing shall be conducted pursuant to the administrative enforcement hearing procedures set forth in Chapter 1, Article 2, Division 4 of this Code.

§12.0503 Failure to Attend an Administrative Enforcement Hearing

Failure to attend the administrative enforcement hearing by the *person* appealing a notice shall constitute a waiver of his or her rights to an administrative enforcement hearing and adjudication of the notice or any portion of the notice.

Section 2. That Chapter 3, Article 3, Division 37 of the San Diego Municipal Code is amended by amending sections 33.3702 and 33.3708 to read as follows:

Chapter 3: Business Regulations, Business Taxes, Permits and Licenses

Article 3: Police Regulated Occupations and Businesses

Division 37: Police Regulated Burglary and Panic Alarm Systems

§33.3702 Definitions

For purposes of this Division, defined words appear in italics. The following definitions apply in this Division:

Alarm agent through *Call for service* [No change in text].

Chief of Police and Police Officer have the same meaning as in San Diego

Municipal Code section 33.0201.

Conversion through Takeover [No change in text].

§33.3708 Application for Alarm System Permit

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

(g) Each *alarm user* permit application must be accompanied by an authorization form, provided by the Chief of Police and signed by the *alarm user*, providing that in the event an *alarm user's* alarm system generates a *call for service* the *alarm user* agrees to:

- (1) Take responsibility for securing the premises if the building is found in an unsecured condition or becomes unsecured as a result of entry by police officers. A building is in an unsecured condition when it satisfies the definition of *unsecured structure* in section 54.1202 of this Code.
- (2) Authorize the City and its contractor to enter the *alarm user's* property and abate the *unsecured structure* if (i) the *alarm user* or *authorized responder* is unavailable, unable, or unwilling to take

responsibility for the premises within thirty minutes after City personnel or designee attempts to make contact; or (ii) the police officer must respond to another call for service, complaint, or incident before the *alarm user* or *authorized responder* is able to arrive at the scene.

- (3) Authorize the City and its contractor to bill the costs of abating the *unsecured structure* to the *alarm user* and that any such costs shall become the indebtedness of the *alarm user*. In accordance with sections 54.1209 and 54.1210 of this Code, after receiving notice of the *abatement*, the alarm user has the right to appeal the *abatement* action. For the purpose of this Section, *abatement* has the same meaning as in section 11.0210 of this Code.

Section 3. That Chapter 5, Article 4 of the San Diego Municipal Code is amended by adding Division 12, to read in its entirety as follows:

Chapter 5: Public Safety, Morals and Welfare

Article 4: Public Hazards and Public Nuisances

Division 12: Summary Abatement of Unsecured Structure

§54.1201 Declaration of Purpose

- (a) It is the purpose and intent of this Division to provide a procedure for *abatement of unsecured structures* on public or private property in order to reduce blight and deterioration within the City, to prevent crime, and to protect the public health and safety.

- (b) The City finds and determines that *unsecured structures* constitute a *public nuisance* and must be abated to avoid potential detrimental effects on the City and its residents.

§54.1202 Definitions

Defined words appear in italics. The words and phrases used in this Division have the meanings set forth in this section:

Abandoned property has the same meaning as in San Diego Municipal Code section 54.0302.

Abatement has the same meaning as in San Diego Municipal Code section 11.0210.

Authorized private contractor means a contractor awarded a contract with the City to perform services.

Authorized responder has the same meaning as in San Diego Municipal Code section 33.3702.

Chief of Police and *Police Officer* have the same meaning as in San Diego Municipal Code section 33.0201.

Fire-Rescue Chief means the Chief of the Fire-Rescue Department of the City of San Diego.

Person has the same meaning as in San Diego Municipal Code section 11.0210.

Property Owner has the same meaning as in San Diego Municipal Code section 11.0210,

Public nuisance has the same meaning as in San Diego Municipal Code section 11.0210.

Responsible Person has the same meaning as in San Diego Municipal Code section 11.0210.

Unsecured structure means any building of any kind with a window, wall, roof, or door that is broken or damaged, and invites intrusion, vandalism, trespass, theft, malicious mischief, or other criminal activity. This definition also includes windows, walls, roofs, or doors whose state constitutes a hazard to public health or safety, and any damage that may result from the lawful actions of a public officer in the performance of official duties.

Written has the same meaning as in San Diego Municipal Code section 11.0210.

§54.1203 Abatement Authority

The *Chief of Police* and all *police officers* are authorized to abate any *unsecured structure* located on publicly or privately owned property in the City of San Diego without notice or hearing when:

- (a) immediate action is necessary to preserve or protect the public health or safety, and
- (b) a *responsible person* is unavailable, unable, or unwilling to take responsibility for the *unsecured structure* within thirty minutes after City personnel or designee attempts to make contact, and
- (c) the *abatement* action does not involve an *abandoned property* as authorized by Chapter 5, Article 4, Division 3, or require summary *abatement* of a *public nuisance* as authorized by Chapter 1, Article 2, Division 7 of this Code.

§54.1204 Fire-Rescue Department Abatement Authority

The *Fire-Rescue Chief* shall have all the powers under this Division granted to the *Chief of Police*. The *Fire-Rescue Chief*, and all firefighters designated by the *Fire-Rescue Chief*, are authorized to abate any *unsecured structure* according to this Division in the same manner as *police officers*.

§54.1205 Abatement of Unsecured Structures on Private Property

- (a) Any *police officer* may summarily abate the *public nuisance* created by an *unsecured structure*. Only the minimum level of correction or *abatement* as necessary to eliminate the immediacy of the hazard may be used.
- (b) The *responsible person* shall be notified within ten calendar days of the actions taken at the property and the right to appeal the *abatement* action in accordance with sections 54.1209 and 54.1210.
- (c) The *responsible person* may be billed for any costs incurred by the City or an *authorized private contractor* in abating the nuisance.
- (d) In order to recover costs pursuant to section 54.1205(c), an itemized account of the total *abatement* costs shall be served on the *responsible person* within thirty calendar days from the date the *abatement* action occurred at the property.

§54.1206 Abatement of Unsecured Structures by City on Public Property

Where an *unsecured structure* is located on property owned by a public entity other than the City, *abatement* may be authorized after securing the consent of an authorized representative of the public entity having jurisdiction over the property.

§54.1207 Cost Recovery by the City

- (a) The *Chief of Police* may recover the City's costs of *abatement* from the *responsible person* and any such costs shall become the indebtedness of the *responsible person*.
- (b) *Abatement* costs shall include the City's cost to administer the *abatement*, any actual work performed by the City, and any other costs incurred by the City related to the *abatement*.
- (c) The City shall follow the cost recovery procedures found in Chapter 1, Article 3, Division 3 of this Code.
- (d) If the bill is not paid within thirty days from the date of mailing, the City will exercise available collection options, which may include obtaining a special assessment and/or lien against the property in accordance with the procedures set forth in Chapter 1, Article 3, Division 2 of this Code.

§54.1208 Cost Recovery by Private Contractors

- (a) An *authorized private contractor* may recover any *abatement* costs it incurred directly from the *responsible person* and any such costs shall become the indebtedness of the *responsible person*.
- (b) The *authorized private contractor* may use any means authorized in the contract with the City to collect costs it incurred from the *responsible person*.

§54.1209 Notice of Abatement

- (a) *Written notice of abatement actions conducted under this Division shall be provided to the responsible person in a form approved by the Chief of Police.*
- (b) The notice of *abatement* action shall be served upon the *responsible person* by any one of the methods of service listed in section 11.0301 of this Code.

§54.1210 Request for Appeal Hearing

- (a) *Any responsible person served with a notice of summary abatement of unsecured structure may file an appeal in accordance with Chapter 1, Article 2, Division 5 of this Code.*
- (b) Failure to submit a timely and complete request for an appeal hearing shall terminate a *person's* right to contest the notice and the *abatement* actions and shall constitute a failure to exhaust administrative remedies.
- (c) The Enforcement Hearing Officer shall only consider evidence that is relevant to the issue of whether the structure, at the time of *abatement*, met the definition of *unsecured structure* as provided in this Division.
- (d) The Enforcement Hearing Officer may assess administrative costs.

Section 4. 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 5. 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 /s/ Michelle A. Garland
Michelle A. Garland
Deputy City Attorney

MAG:PEF:hm:sc
06/03/2022
COR.COPY
11/15/2022
Or.Dept: PSE
Doc. No.: 2997533

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of OCT 03 2022

~~ELIZABETH S. MALAND
City Clerk~~

~~By _____
Deputy City Clerk~~

~~Approved: _____
(date)~~

~~_____~~

~~TODD GLORIA, Mayor~~

~~Vetoed: _____
(date)~~

~~_____~~

~~TODD GLORIA, Mayor~~

(NOTE: See memo and signature page.)

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

DATE: November 15, 2022
TO: Office of the City Clerk
FROM: Michelle Garland, Deputy City Attorney
SUBJECT: O-2023-29 Corrected Copy

This office is submitting a corrected copy of Ordinance O-2023-29 to reflect the following changes:

References made to:

§33.3708 “Application for Alarm User Permit”

has been corrected on the Clean and Strikeout to read:

§33.3708 “Application for Alarm System Permit”.

MAG:hm
Doc. No. 3144015

cc: Matthew Hillario

Section 5. 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 /s/ Michelle A. Garland
Michelle A. Garland
Deputy City Attorney

MAG:PEF:hm:sc
06/03/2022
Or.Dept: PSE
Doc. No.: 2997533

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 03 2022

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 10/12/22
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, 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 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 12.0501, 12.0502, AND 12.0503; AMENDING CHAPTER 3, ARTICLE 3, DIVISION 37 BY AMENDING SECTIONS 33.3702 AND 33.3708; AMENDING CHAPTER 5, ARTICLE 4, BY ADDING DIVISION 12, SECTIONS 54.1201, 54.1202, 54.1203, 54.1204, 54.1205, 54.1206, 54.1207, 54.1208, 54.1209, AND 54.1210 RELATING TO SUMMARY ABATEMENT OF UNSECURED STRUCTURES.

Chapter 1: General Provisions

Article 2: Code Enforcement Judicial and Administrative Remedies

Division 5: Administrative Enforcement Appeals

§12.0501 Appeal Procedures

- (a) A person served with one of the following documents, orders, or notices may file an appeal within ten (10) calendar days from the service of the following notices:
- (1) Any Administrative Abatement Notice and Order issued for those *public nuisances* listed under Time Frame One and Time Frame Two of Chapter 1, Article 2, Division 6 ~~Article 2~~ of this the ~~this the~~ Municipal Code.
 - (2) An Administrative Citation issued pursuant to Chapter 1, Article 2, Division 9 of ~~Section 12.0903~~ this the ~~this the~~ Municipal Code.

- (3) A letter from a ~~Director~~ Director indicating an intent to record a Notice of Violation pursuant to Chapter 1, Article 2, Division 10 of Section 12.1003 ~~this~~ the Municipal Code.
- (4) A Notice of ~~Boarded and Vacant Structure Penalty~~ Abandoned Property Penalty issued pursuant to Chapter 5, Article 4, Division 3, Article 4, Chapter 5 of ~~this~~ the Municipal Code.
- (5) A Notice of Summary Abatement of Unsecured Structure issued pursuant to Chapter 5, Article 4, Division 12 of this Code.
- (b) The appeal shall be made in writing and filed with the ~~Director~~ Director.
- (c) As soon as practicable after receiving the ~~written~~ written notice of appeal, a ~~Director~~ Director shall request the City Manager to appoint an Administrative Enforcement Hearing Officer and to schedule a date, time, and place for the hearing.
- (d) ~~Written~~ Written notice of the date, time, and place of the hearing shall be served on the person appealing the notice at least ten (10) calendar days prior to the date of the hearing ~~on the person appealing the notice~~ by any one of the methods listed in Chapter 1, Article 1, Division 3, section Section 11.0301 of ~~this~~ the Municipal Code.

§12.0502 Appeal Hearing

The appeal hearing shall be conducted pursuant to the administrative enforcement hearing procedures set forth in Chapter 1, Article 2, Division 4 Article 2 of ~~Chapter 1~~ this Code.

§12.0503 Failure to Attend an Administrative Enforcement Hearing

Failure to attend the administrative enforcement hearing by the ~~person~~ person appealing a notice shall constitute a waiver of his or her rights to an administrative enforcement hearing and adjudication of the notice or any portion of the notice.

Chapter 3: Business Regulations, Business Taxes, Permits and Licenses

Article 3: Police Regulated Occupations and Businesses

Division 37: Police Regulated Burglary and Panic Alarm Systems

§33.3702 Definitions

For purposes of this Division, defined words appear in italics. The following definitions apply in this Division:

Alarm agent through Call for service [No change in text].

Chief of Police and Police Officer have the same meaning as in San Diego Municipal Code section 33.0201.

Conversion through Takeover [No change in text].

§33.3708 Application for Alarm System Permit

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

(g) Each *alarm user* permit application must be accompanied by an authorization form, provided by the *Chief of Police* and signed by the *alarm user*, providing that in the event an *alarm user's* alarm system generates a *call for service* the *alarm user* agrees to:

(1) Take responsibility for securing the premises if the building is found in an unsecured condition or becomes unsecured as a result of entry by *police officers*. A building is in an unsecured condition

when it satisfies the definition of *unsecured structure* in section 54.1202 of this Code.

(2) Authorize the City and its contractor to enter the *alarm user's* property and abate the *unsecured structure* if (i) the *alarm user* or *authorized responder* is unavailable, unable, or unwilling to take responsibility for the premises within thirty minutes after City personnel or designee attempts to make contact; or (ii) the *police officer* must respond to another call for service, complaint, or incident before the *alarm user* or *authorized responder* is able to arrive at the scene.

(3) Authorize the City and its contractor to bill the costs of abating the *unsecured structure* to the *alarm user* and that any such costs shall become the indebtedness of the *alarm user*. In accordance with sections 54.1209 and 54.1210 of this Code, after receiving notice of the *abatement*, the *alarm user* has the right to appeal the *abatement* action. For the purpose of this Section, *abatement* has the same meaning as in section 11.0210 of this Code.

Chapter 5: Public Safety, Morals and Welfare

Article 4: Public Hazards and Public Nuisances

Division 12: Summary Abatement of Unsecured Structure

§54.1201

Declaration of Purpose

(a) It is the purpose and intent of this Division to provide a procedure for *abatement of unsecured structures* on public or private property in order

to reduce blight and deterioration within the City, to prevent crime, and to protect the public health and safety.

- (b) The City finds and determines that *unsecured structures* constitute a *public nuisance* and must be abated to avoid potential detrimental effects on the City and its residents.

§54.1202 **Definitions**

Defined words appear in italics. The words and phrases used in this Division have the meanings set forth in this section:

Abandoned property has the same meaning as in San Diego Municipal Code section 54.0302.

Abatement has the same meaning as in San Diego Municipal Code section 11.0210.

Authorized private contractor means a contractor awarded a contract with the City to perform services.

Authorized responder has the same meaning as in San Diego Municipal Code section 33.3702.

Chief of Police and *Police officer* have the same meaning as in San Diego Municipal Code section 33.0201.

Fire-Rescue Chief means the Chief of the Fire-Rescue Department of the City of San Diego.

Person has the same meaning as in San Diego Municipal Code section 11.0210.

Property Owner has the same meaning as in San Diego Municipal Code section 11.0210.

Public nuisance has the same meaning as in San Diego Municipal Code section 11.0210.

Responsible Person has the same meaning as in San Diego Municipal Code section 11.0210.

Unsecured structure means any building of any kind with a window, wall, roof, or door that is broken or damaged, and invites intrusion, vandalism, trespass, theft, malicious mischief, or other criminal activity. This definition also includes windows, walls, roofs, or doors whose state constitutes a hazard to public health or safety, and any damage that may result from the lawful actions of a public officer in the performance of official duties.

Written has the same meaning as in San Diego Municipal Code section 11.0210.

§54.1203

Abatement Authority

The Chief of Police and all Police Officers are authorized to abate any unsecured structure located on publicly or privately owned property in the City of San Diego without notice or hearing when:

- (a) immediate action is necessary to preserve or protect the public health or safety, and
- (b) a responsible person is unavailable, unable, or unwilling to take responsibility for the unsecured structure within thirty minutes after City personnel or designee attempts to make contact, and
- (c) the abatement action does not involve an abandoned property as authorized by Chapter 5, Article 4, Division 3, or require summary abatement of a public nuisance as authorized by Chapter 1, Article 2, Division 7 of this Code.

§54.1204 **Fire-Rescue Department Abatement Authority**

The Fire-Rescue Chief shall have all the powers under this Division granted to the Chief of Police. The Fire-Rescue Chief, and all firefighters designated by the Fire-Rescue Chief, are authorized to abate any unsecured structure according to this Division in the same manner as police officers.

§54.1205 **Abatement of Unsecured Structures on Private Property**

- (a) Any police officer may summarily abate the public nuisance created by an unsecured structure. Only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard may be used.
- (b) The responsible person shall be notified within ten calendar days of the actions taken at the property and the right to appeal the abatement action in accordance with sections 54.1209 and 54.1210.
- (c) The responsible person may be billed for any costs incurred by the City or an authorized private contractor in abating the nuisance.
- (d) In order to recover costs pursuant to section 54.1205(c), an itemized account of the total abatement costs shall be served on the responsible person within thirty calendar days from the date the abatement action occurred at the property.

§54.1206 **Abatement of Unsecured Structures by City on Public Property**

Where an unsecured structure is located on property owned by a public entity other than the City, abatement may be authorized after securing the consent of an authorized representative of the public entity having jurisdiction over the property.

§54.1207 **Cost Recovery by the City**

- (a) The Chief of Police may recover the City's costs of abatement from the responsible person and any such costs shall become the indebtedness of the responsible person.
- (b) Abatement costs shall include the City's cost to administer the abatement, any actual work performed by the City, and any other costs incurred by the City related to the abatement.
- (c) The City shall follow the cost recovery procedures found in Chapter 1, Article 3, Division 3 of this Code.
- (d) If the bill is not paid within thirty days from the date of mailing, the City will exercise available collection options, which may include obtaining a special assessment and/or lien against the property in accordance with the procedures set forth in Chapter 1, Article 3, Division 2 of this Code.

§54.1208 **Cost Recovery by Private Contractors**

- (a) An authorized private contractor may recover any abatement costs it incurred directly from the responsible person and any such costs shall become the indebtedness of the responsible person.
- (b) The authorized private contractor may use any means authorized in the contract with the City to collect costs it incurred from the responsible person.

§54.1209 **Notice of Abatement**

- (a) Written notice of abatement actions conducted under this Division shall be provided to the responsible person in a form approved by the Chief of Police.

- (b) The notice of abatement action shall be served upon the responsible person by any one of the methods of service listed in section 11.0301 of this Code.

§54.1210 Request for Appeal Hearing

- (a) Any responsible person served with a notice of summary abatement of unsecured structure may file an appeal in accordance with Chapter 1, Article 2, Division 5 of this Code.
- (b) Failure to submit a timely and complete request for an appeal hearing shall terminate a person's right to contest the notice and the abatement actions and shall constitute a failure to exhaust administrative remedies.
- (c) The Enforcement Hearing Officer shall only consider evidence that is relevant to the issue of whether the structure, at the time of abatement, met the definition of unsecured structure as provided in this Division.
- (d) The Enforcement Hearing Officer may assess administrative costs.

MAG:PEF:hm:sc
06/03/2022
COR.COPY
11/15/2022
Or.Dept: PSE
Doc. No.: 2997534

Passed by the Council of The City of San Diego on OCT 03 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 12 2022.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], 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 SEP 13 2022, and on OCT 12 2022.

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 [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 26545