

MEMORANDUM OF LAW

DATE: April 20, 1995

TO: Helen Heim, Deputy Environmental Services Director via
Richard L. Hays, Environmental Services Director

FROM: City Attorney

SUBJECT: Issuing of Citations by Environmental Services Code
Compliance Officers

On February 23, 1995, you requested a written opinion from our office regarding the authority of the Environmental Services Code Compliance Officers to issue citations for violations of Vehicle Code section 35551 and San Diego Municipal Code ("SDMC") section 85.21. Attached is a memorandum written by Elizabeth Hull, Legal Intern, which our office adopts as its response. Specifically, our office has concluded that Code Compliance Officers do not have the authority to enforce Vehicle Code section 35551. However, the City may enforce SDMC section 85.21 with suggested amendment.

Do not hesitate to call if I can be of further assistance regarding this issue.

JOHN W. WITT, City Attorney

By

Elmer L. Heap, Jr.

Deputy City Attorney

ELH:smm:639:454.5:(x043.2)

Attachment

cc Mary Jo Lanzafame, Deputy City Attorney

ML-95-29