

**Article 2: Code Enforcement
Judicial and Administrative Remedies**

Division 2: Judicial Remedies
(“Judicial Remedies”
added 8-10-1993 by O-17956 N.S.)

§12.0201 Criminal Violations— Misdemeanors and Infractions

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Code shall constitute a misdemeanor; except that notwithstanding any other provision of this Code, any such violation constituting a misdemeanor under this Code may, in the discretion of the City Attorney, be charged and prosecuted as an infraction; and, with the further exception that any violation of the provisions relating to parking, operation of bicycles, operation of motor vehicles, and use of freeways, highways and streets by animals, bicycles, motor vehicles or pedestrians shall constitute an infraction. Any person convicted of a misdemeanor under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1000) or by imprisonment in the County Jail for a period of not more than six months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by fine only as follows: Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250) and for a second conviction or any subsequent conviction within a period of one year, by a fine of not exceeding five hundred dollars (\$500).

Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.

(Renumbered from Sec. 13.0201 and retitled to “Criminal Violations— Misdemeanors and Infractions” on 8-10-1993 by O-17956 N.S.)

§12.0202 Civil Violations—Injunctions and Civil Penalties

- (a) In addition to any other remedy provided by this Code, any provision of this Code may be enforced by injunction issued by the Superior Court upon a suit brought by The City of San Diego.

- (b) As part of a civil action filed to enforce provisions of this Code, a court may assess a maximum civil penalty of two thousand five hundred dollars (\$2,500) per violation of the Municipal Code for each day during which any person commits, continues, allows or maintains a violation of any provision of this Code.

(Renumbered from Sec. 13.0202 and retitled to “Civil Violations—Injunctions and Civil Penalties” on 8–10–1993 by O–17956 N.S.)

§12.0203 Code Enforcement Performance Bond

As part of any court action, the City has the authority to require a Responsible Person to post a performance bond to ensure compliance with the Municipal Code, applicable state codes or any judicial action.

(“Code Enforcement Performance Bond” added 8–10–1993 by O–17956 N.S.)

§12.0204 Judicial Abatement

- (a) It is unlawful to maintain or allow the existence of any condition that creates a *public nuisance*.
- (b) Pursuant to California Government Code section 38773, the City has the authority to judicially abate *public nuisances* by filing criminal or civil actions. The City also has the authority to make the expense of abatement of the *public nuisance* a special assessment, or a lien against the property on which it is maintained and a personal obligation against the *property owner*, in accordance with California Government Code section 38773.1 or 38773.5.

*(“Judicial Abatement” added 8–10–1993 by O–17956 N.S.)
(Amended 4-8-2008 by O-19733 N.S.; effective 5-8-2008.)*

§12.0205 Treble Damages For Subsequent Abatement Judgments

Pursuant to California Government Code Section 38773.7, upon the entry of a second or subsequent civil or criminal judgment within a two–year period that finds an owner of property responsible for a condition that may be abated in accordance with California Government Code Section 38773.5, a court may order the owner to pay treble the costs of the abatement. These costs shall not include conditions abated pursuant to Section 17980 of the California Health and Safety Code.

(“Treble Damages For Subsequent Abatement Judgments” added 8–10–1993 by O–17956 N.S.)