

## Article 3: Recovery of Code Enforcement Penalties and Costs

### Division 4: Recovery of Civil Penalties

(“Cost Recovery” added 10-7-1991 by O-17694 N.S.)

(Retitled to “Recovery of Civil Penalties” on 8-10-1993 by O-17956 N.S.)

#### §13.0401 Recovery of Civil Penalties

- (a) The Director may collect all civil penalties and related administrative costs by the use of all appropriate legal means, including referral to the City Treasurer and the recordation of a Code Enforcement Lien pursuant to the procedures set forth in Division 2, Article 3 of Chapter 1. If unable to collect the obligation, the Director or City Treasurer may refer the obligation to the City Attorney to file a court action to recover these penalties and costs.

(“Recovery of Civil Penalties” renumbered from Sec. 13.0337 and amended 8-10-1993 by O-17956 N.S.)

#### §13.0402 Code Enforcement Civil Penalties Fund

Civil penalties collected pursuant to this Division shall be deposited in the Code Enforcement Civil Penalties Fund as established by the City Manager for the enhancement of the City’s code enforcement efforts and to reimburse City Departments for investigative costs and costs associated with the hearing process that are not paid by the Responsible Person. Civil penalties deposited in this fund shall be appropriated and allocated in a manner determined by the City Manager. The City Auditor shall establish accounting procedures to ensure proper account identification, credit and collection.

(“Code Enforcement Civil Penalties Fund” renumbered from Sec. 13.0338, retitled and amended 8-10-1993 by O-17956 N.S.)

#### §13.0403 Historic Preservation Fund

Civil penalties collected pursuant to this Division for violations of Historical Resources Regulations, found within Chapter 14, Article 3, Division 2 of the San Diego Municipal Code, shall be deposited in the Historic Preservation Fund established pursuant to City Council resolution R-305067, adopted July 7, 2009. Civil penalties deposited in the Historic Preservation Fund shall be appropriated and allocated in a manner determined by the City Manager in accordance with City Council resolution R-305067. The City Auditor shall establish accounting procedures to ensure proper account identification, credit and collection.

(“Historic Preservation Fund” added 3-14-2012 by O-20143 N.S.; effective 4-13-2012.)

**§13.0425     Cancellation of Code Enforcement Lien**

Once payment in full is received for the outstanding civil penalties and costs or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Director shall either record a Notice of Satisfaction or provide the property owner or financial institution with the Notice of Satisfaction so they can record this notice with the County Recorder's office. The Notice of Satisfaction shall include the same information as provided for in the original Code Enforcement Lien as described in section 13.0203(e). Such Notice of Satisfaction shall cancel the Code Enforcement Lien.

*(“Cancellation of Code Enforcement Lien” added 10-7-1991 by O-17695 N.S.)*