

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

Division 10: Recordation of Notices of Violation

*(“Recordation of Notices of Violation”
added 8-10-1993 by O-17956 N.S.)*

§12.1001 Recordation of Notices of Violation

Division 10 of Article 2 of Chapter 1 governs the procedures relating to the issuance and recordation of administrative Notices of Violation.

(“Recordation of Notices of Violation” renumbered from Sec. 13.0361 and amended 8-10-1993 by O-17956 N.S.)

§12.1002 Declaration of Purpose

The Council finds that there is a need for alternative methods of enforcement for violations of the Municipal Code and applicable state codes which are found to exist on real property. The Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of Notices of Violation.

The procedures established in this Division shall be in addition to criminal, civil, or any other remedy established by law which may be pursued to address violations of the Municipal Code or applicable state codes.

(Renumbered from Sec. 13.0362, retitled to “Recordation of Notices of Violation” and amended 8-10-1993 by O-17956 N.S.)

§12.1003 Procedures for Recordation

- (a) Once a Director has issued a Notice of Violation to a Responsible Person and the property remains in violation after the deadline established in the Notice of Violation, the Director may record a Notice of Violation with the Recorder’s Office of San Diego County.
- (b) Before recordation, the Director shall provide to the Responsible Person a letter stating that a Notice of Violation will be recorded unless a written request to appeal pursuant to the procedures outlined in this Division is filed.

The letter shall be served pursuant to any of the methods of service set forth in Section 11.0301 of this Code. The Director may also send a courtesy copy of the letter to any applicable financial institution.

- (c) If the Director does not receive the written request to appeal pursuant to the procedures set forth in this Division, the Director may record the Notice of Violation if the violations remain.
- (d) The recorded Notice of Violation shall include the name of the property owner's assessor's parcel number, the parcel's legal description, and a copy of the latest Notice of Violation.
(Renumbered from Sec. 13.0364, retitled to "Procedures for Recordation" and amended 8-10-1993 by O-17956 N.S.)

§12.1004

Service of Notice of Violation

A copy of the recorded Notice of Violation shall be served on the Responsible Person and property owner pursuant to any of the methods of service set forth in Section 11.0301 of this Code.

(Renumbered from Sec. 13.0365, retitled to "Service of Notice of Violation" and amended 8-10-1993 by O-17956 N.S.)

§12.1005

Procedures to Appeal Recordation

- (a) An appeal of the Director's letter to record the Notice of Violation shall follow the procedures set forth in Division 5, Article 2 of Chapter 1.
- (b) Upon receiving a written appeal, the Director shall request the City Manager to schedule a hearing pursuant to the procedures set forth in Division 5, Article 2 of Chapter 1. The purpose of the hearing is for the Responsible Person or property owner to state any reasons why a Notice of Violation should not be recorded.
- (c) The failure of any person to file an appeal in accordance with these provisions shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded Notice of Violation.

(Renumbered from Sec. 13.0366, retitled to "Procedures to Appeal Recordation" and amended 8-10-1993 by O-17956 N.S.)

§12.1006

Appeal Hearing

- (a) The appeal hearing shall follow the hearing procedures as set forth in Division 4 of Article 2 of Chapter 1.
- (b) At the appeal hearing, the Enforcement Hearing Officer shall only consider evidence that is consistent with the City Manager's rules and procedures for

administrative enforcement hearings and that is relevant to the following issues:

- (1) Whether the conditions listed in the Notice of Violation violate the Municipal Code or applicable state codes; and
 - (2) Whether the Director afforded the Responsible Person with due process by adhering to the notification procedures specified in this Division.
- (c) If the Enforcement Hearing Officer affirms the Director's decision, the Director may proceed to record the Notice of Violation.
- (d) If the Enforcement Hearing Officer determines that recordation is improper, the Enforcement Hearing Officer shall invalidate the Director's decision to record the Notice of Violation.
- (“Appeal Hearing” renumbered from Sec. 13.0367 and amended 8-10-1993 by O-17956 N.S.)*

§12.1007 Notice of Compliance—Procedures

- (a) When the violations listed on the Notice of Violation have been corrected, the Responsible Person or property owner may file with the Director a written request for a Notice of Compliance on a form provided by the City.
- (b) Once the Director receives this request, the Director shall reinspect the property within thirty (30) calendar days to determine whether the violations listed in the Notice of Violation have been corrected and whether all necessary permits have been issued and final inspections have been performed.
- (c) The Director shall serve a Notice of Compliance to the Responsible Person or property owner in the manner provided in Section 11.0301 of this Code if the Director determines that:
 - (1) all violations listed in the recorded Notice of Violation have been corrected; and
 - (2) all necessary permits have been issued and finalized; and
 - (3) all civil penalties assessed against the property have been paid; and

- (4) the party requesting the Notice of Compliance has paid an administrative fee to reimburse the City for all administrative costs.
 - (d) Administrative costs may include costs incurred in the investigation, inspection, reinspection, title search, appeal hearing, and any other processing costs associated with the violations specified on the Notice of Violation.
 - (e) If the Director denies a request to issue a Notice of Compliance, the Director shall serve the Responsible Person or property owner with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Section 11.0301 of this Code.
 - (f) The Director's decision denying a request to issue a Notice of Compliance constitutes the final decision in the matter and is not appealable.
- (“Notice of Compliance—Procedures” renumbered from Sec. 13.0370 and amended 8–10–1993 by O–17956 N.S.)*

§12.1008 Prohibition Against Issuance of Municipal Permits

The City of San Diego may withhold permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of the real property or the structure: 1) if a request to appeal has not been timely filed; or 2) after an Enforcement Hearing Officer affirms the Director's decision to record a Notice of Violation. The City may withhold permits until a Notice of Compliance has been issued by the Director. The City may not withhold permits which are necessary to obtain a Notice of Compliance or which are necessary to correct serious health and safety violations.

(“Prohibition Against Issuance of Municipal Permits” renumbered from Sec. 13.0369 and amended 8–10–1993 by O–17956 N.S.)

§12.1009 Cancellation of Recorded Notice of Violation

The Director, property owner or Responsible Person shall record the Notice of Compliance with the County Recorder's Office. The recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.

(“Cancellation of Recorded Notice of Violation” renumbered from Sec. 13.0371 and amended 8–10–1993 by O–17956 N.S.)