

ORDINANCE NO. _____(N.S.)
AN ORDINANCE AMENDING TITLE 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO GENERAL REGULATIONS, INCLUDING DIVISIONS 1 (GENERAL PROVISIONS), 2 (DEFINITIONS), 3 (CITATIONS IN LIEU OF ARREST), 5 (APPLICATIONS FOR REASSESSMENT DUE TO MISFORTUNE, CALAMITY OR NATURAL DISASTER), 6 (APPEALS AND NUISANCE ABATEMENT), AND 8 (ADMINISTRATIVE REMEDIES)

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Section 11.116 of Title 1, Division 1, Chapter 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 11.116. VIOLATIONS – CRIMINAL PENALTIES.

It shall be unlawful for any person to violate any provision or to fail to comply with any requirement of this code. Any person who violates any provision or fails to comply with any requirement of this code shall be guilty of a misdemeanor except where the code or State Law specifically provides the offense is an infraction. The County and any prosecuting agency have discretion to charge any misdemeanor offense as an infraction.

- (a) A conviction for a misdemeanor is punishable by a fine not to exceed \$1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both fine and imprisonment.
- (b) A conviction for an infraction that violates the County Building Code, Electrical Code, Plumbing Code, Mechanical Code or Fire Code shall be punishable as follows:
 - (1) A fine of not more than \$100 for the first violation;
 - (2) A fine of not more than \$500 for the second violation of the same provision of this code within one year;
 - (3) A fine of not more than \$1,000 for the third and each additional violation of the same provision of this code within one year.
- (c) A conviction for all other infractions shall be punishable as follows:
 - (1) A fine of not more than \$100 for a first violation;
 - (2) A fine of not more than \$200 for a second violation of the same provision of this code within one year;
 - (3) A fine of not more than \$500 for the third and each additional violation of the same provision of this code within one year.
- (d) The penalties for the second and additional violations in paragraphs (b)(2) and (3) and (c)(2) and (3), above are based upon the dates the violations occur regardless of the dates of conviction. The increased penalties apply even if multiple violations are prosecuted together.
- (e) As used in this code "conviction" or "convicted" means a plea of guilty or verdict of guilty or a conviction following a plea of nolo contendere.

Section 2. Section 12.103 of Title 1, Division 2, Chapter 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 12.103. GENDER.

This code has been updated to use gender-neutral language such as they/them/theirs. Whenever the masculine gender remains in any section, it includes all genders.

Section 3. Section 12.104 of Title 1, Division 2, Chapter 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 12.104. NUMBER.

Unless otherwise specified, the singular number includes the plural and the plural the singular.

Section 4. Section 12.112 of Title 1, Division 2, Chapter 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 12.112. CODES -- STATE.

Reference to the "Agricultural Code", "Business and Professions Code", "Elections Code", "Government Code", "Health and Safety Code", "Penal Code", "Streets and Highways Code" and "Vehicle Code" refer to the respective codes of the State of California, as they exist and may be amended.

Section 5. Section 12.115 of Title 1, Division 2, Chapter 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 12.115. PERSON.

The word "person" shall mean, unless otherwise specified, any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, religious group, county (other than the County of San Diego) city and county, city, municipal corporation, district or other political subdivision, or any other group or combination acting as a unit.

Section 6. Section 13.102 of Title 1, Division 3, Chapter 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 13.102. AUTHORITY FOR SHERIFF'S LICENSE SPECIALISTS TO ARREST AND ISSUE CITATIONS.

Pursuant to California Penal Code sections 19.7 and 836.5, Sheriff's License Specialists, Class 2735, are hereby authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person to be arrested has committed an infraction or a misdemeanor in their presence violating provisions of this code which Sheriff's License Specialists have the duty to enforce. When a person arrested under this section does not demand to be taken before a magistrate, the Sheriff's License Specialist making the arrest shall prepare a written notice to appear and release the person on their promise to appear, as prescribed by Penal Code sections 853.5 et seq. Penal Code sections 853.5 et seq. apply to any proceeding based upon the issuance of the written notice to appear. No Sheriff's License Specialist shall exercise the power to arrest and issue citations authorized above unless the Specialist has completed a course of training that meets the minimum standards prescribed by the Commission on Peace Officers Standards and Training as established by Section 832(a) of the Penal Code. Sheriff's License Specialists have the duty to enforce the following provisions of this code:

Title 2, Division 1:

- (a) Chapter 3 - Taxicabs and Taxicab Operators;
- (b) Chapter 4 - Casino Parties;

- (c) Chapter 5 - Solicitors;
- (d) Chapter 6 - Junk Yards and Motor Vehicle Wrecking Yards;
- (e) Chapter 7 - Pawnbrokers and Secondhand Dealers;
- (f) Chapter 8 - Outdoor Assemblies;
- (g) Chapter 9 - [RESERVED];
- (h) Chapter 10 - Permanent Amusement Rides and Go-Cart Centers;
- (i) Chapter 11 - Distribution of Merchandise Coupons;
- (j) Chapter 12 - Firearms Dealers;
- (k) Chapter 13 - Swap Meets;
- (l) Chapter 18 - Adult Entertainment Establishments and Peep Shows;
- (m) Chapter 21- Entertainment Establishments;
- (n) Chapter 22 - Public Dances;
- (o) Chapter 23 - Teenage Dances; and
- (p) Chapter 24 - Carnivals and Circuses. Title 3, Division 2:
- (q) Chapter 1 - Fireworks;
- (r) Chapter 6 - Fortune Telling. Title 3, Division 3:
- (s) Chapter 2 - Possession and Storage of Explosives.

Title 3, Division 6:

- (t) Chapter 5 - Security Alarm Systems. Title 3, Division 7:
- (u) Chapter 2 - Bingo. Title 6, Division 6:
- (v) Chapter 5 - Massage Establishments; and
- (w) Chapter 6 - Bathhouses.

Section 7. Section 15.102 of Title 1, Division 5, Chapter 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 15.102. APPLICATION PROCESS FOR REASSESSMENT.

- (a) Every assessee of any taxable property, or any person liable for the taxes on the property, whose property was damaged or destroyed without their fault as the result of a misfortune or calamity as defined in Rev. & Tax C. sections 170(a)(1), 170(a)(2) and 170(a)(3) may apply for reassessment of that property. The application for reassessment shall comply with the following requirements:
 - (1) The application shall be filed within 12 months of the misfortune or calamity, by delivering to the assessor a written application requesting reassessment and showing the condition and value, if any, of the property immediately after the damage or destruction, and the dollar amount of the damage.
 - (2) The application shall be executed under penalty of perjury, or if executed outside of the State of California, verified by affidavit.
- (b) Upon receiving a proper application, the assessor shall proceed as provided in Rev. & Tax C. section 170(b) and (c).
- (c) If no application is made and the assessor determines that within the preceding 12 months a property has suffered damage caused by misfortune or calamity that may qualify the property owner for relief under this code, the assessor shall provide the last known owner of the property with an application for reassessment. The property owner shall file the completed application within 12 months after the occurrence of said damage. Upon receipt of a properly completed, timely filed application the assessor shall proceed as in paragraph (b) above.

Section 8. Section 16.105 of Title 1, Division 6, Chapter 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 16.105. CONDUCT OF THE HEARING.

- (a) Every witness before testifying shall take an oath or make an affirmation.
- (b) The County department whose decision is being appealed shall present evidence that explains why the license or permit appellant applied was denied or why appellant's existing license or permit should be suspended or revoked.
- (c) The appellant shall present evidence that supports appellant's contention that the County department's determination to deny the license or permit or to suspend or revoke the license or permit is erroneous.
- (d) Each party shall have the right to: call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues, impeach any witness regardless of which party first called the witness to testify and rebut the evidence against the party. The County department may call and examine the appellant or any employee or agent of the appellant as a witness during the department's case in chief or during the department's rebuttal case. The hearing officer may examine the appellant or any of the appellant's employees or agents as if under cross-examination.
- (e) Strict rules of evidence shall not apply. Evidence that might otherwise be excluded under the Evidence Code may be admissible if the hearing officer determines that it is relevant and of the kind that reasonably prudent persons rely on in making decisions. All rules of privilege recognized by the Evidence Code, however, apply to the hearing. The hearing officer shall also exclude irrelevant and cumulative evidence.
- (f) The hearing shall be conducted in English. If the appellant or any of appellant's witnesses require an interpreter, one will be provided by the County as provided by Board Policy A-139. The appellant shall be responsible to provide a State certified interpreter at appellant's expense for any language not covered by Board Policy A-139.

Section 9. Section 18.102 of Title 1, Division 8, Chapter 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 18.102. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "Director" means the Director of any County department or the Director's designated representative responsible to enforce County codes and ordinances.
- (b) "Enforcement officer" means the Director of a County department or any County employee or agent of the County with the authority to enforce any provision of this code or County ordinance.
- (c) "Hearing officer" means the person who presides over an administrative hearing provided for in this chapter.

Section 10. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: Christina Snider, Chief Deputy County Counsel