

March 8, 2017
7:00 p.m.

CITY MANAGER
Marlene Best

CITY ATTORNEY
Shawn D. Hagerty

CITY CLERK
Patsy Bell, CMC

STAFF:

ASSISTANT TO THE CITY MANAGER
Kathy Valverde

COMMUNITY SERVICES DIRECTOR
Bill Maertz

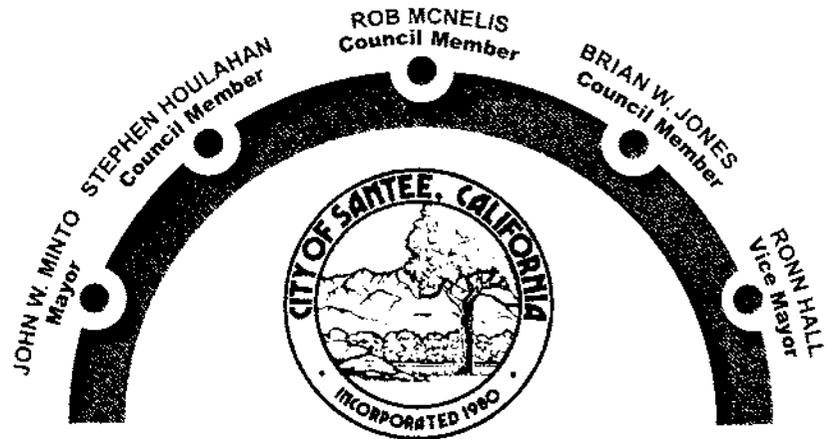
DEVELOPMENT SERVICES DIRECTOR
Melanie Kush

FINANCE DIRECTOR/TREASURER
Tim McDermott

FIRE & LIFE SAFETY DIRECTOR/FIRE CHIEF
Richard Smith

HUMAN RESOURCES & RISK MANAGEMENT
DIRECTOR
Jessie Bishop

LAW ENFORCEMENT
Captain Anthony Ray



COUNCIL AGENDA

CITY COUNCIL CHAMBER - 10601 MAGNOLIA AVENUE, SANTEE, CA 92071

Welcome to your City Council Meeting:

Regular meetings of the City Council are held on the second and fourth Wednesdays of each month from January through October, and the second Wednesday in November and December. For further information call the City Clerk's Office at (619) 258-4100 x114.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the City Clerk's Office at City Hall located at 10601 Magnolia Avenue, Santee during normal business hours.

Addressing the Council:

The Council and staff welcome information on pertinent concerns, but comments at the meeting should be brief and directed to specifics of the case to enable Council to take appropriate action.

Anyone wishing to address an item on the Agenda should complete a Speaker Slip form and submit it to the City Clerk at the beginning of the Council Meeting or no later than the start of the item to be heard.

Public/applicant exhibits become City property and are not returnable.

Other Agencies:

The City Council also sits as the CDC Successor Agency, the Santee Public Financing Authority and the Santee Housing Authority. Any actions taken by these agencies are separate from the actions taken by the City Council.

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode and engage in conversations outside the Council Chamber.

**City of Santee
Regular Meeting Agenda**

**Santee City Council
CDC Successor Agency
Santee Public Financing Authority**

**Council Chamber – Building 2
10601 Magnolia Avenue
Santee, CA 92071**

**March 8, 2017
7:00 PM**

ROLL CALL: Mayor John W. Minto
Vice Mayor Ronn Hall
Council Members Stephen Houlahan, Brian W. Jones and Rob McNelis

LEGISLATIVE INVOCATION \ PLEDGE OF ALLEGIANCE:

CERTIFICATE OF APPRECIATION: Rhae Novetti, City Clerk's Office Volunteer

ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:

1. CONSENT CALENDAR:

Consent Calendar items are considered routine and will be approved by one motion, with no separate discussion prior to voting. Council Members, staff or public may request specific items be removed from the Consent Calendar for separate discussion or action. Speaker slips for this category must be presented to the City Clerk before the meeting is called to order. Speakers are limited to 3 minutes.

- (A) Approval of reading by title only and waiver of reading in full of Ordinances and Resolutions on the agenda.**
- (B) Approval of meeting Minutes of the Santee City Council, the CDC Successor Agency and the Santee Public Financing Authority for the Regular Meetings of February 8, 2017.**
- (C) Approval of Payment of Demands as presented.**
- (D) Adoption of a Resolution authorizing submission of the Annual Housing Element Progress Report for calendar year 2016 to the State of California Office of Planning and Research and the State of California Department of Housing and Community Development.**

- (E) Approval of a second amendment to the Memorandum of Understanding between the City of Santee, the Santee School District and the Santee Pioneer National Little League to clarify the sub-meter billing methodology for Chet Harritt Ball Fields use and authorization for the City Manager to execute the second amendment.

2. PUBLIC HEARING:

- (A) Public Hearing and Resolution amending the Transnet Local Street Improvement Program of Projects for Fiscal Years 2016/17 through 2020/21.

Recommendation:

1. Conduct and close the Public Hearing; and
2. Adopt the Resolution amending the TransNet Local Street Improvement Program of Projects for Fiscal Years 2016/17 through 2020/21 and amending the adopted Capital Improvement Program budget for Transnet funded projects.

3. ORDINANCES: None

4. CITY COUNCIL ITEMS AND REPORTS:

5. CONTINUED BUSINESS: None

6. NEW BUSINESS: None

7. COMMUNICATION FROM THE PUBLIC:

Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the Agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.

8. CITY MANAGER REPORTS:

9. CDC SUCCESSOR AGENCY:
(Note: Minutes appear as Item 1(B))

10. SANTEE PUBLIC FINANCING AUTHORITY:
(Note: Minutes appear as Item 1(B))

11. CITY ATTORNEY REPORTS:

- (A) Report on Comprehensive Municipal Code update process and draft revisions to Titles 1 and 2.**

Recommendation:

Receive report and provide direction as needed, including direction on the policy questions identified in the staff report as "Policy Point."

12. CLOSED SESSION:

13. ADJOURNMENT:

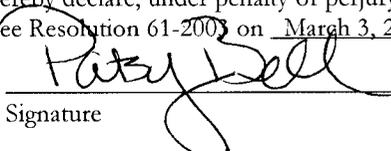
**March & April
Meetings**

Mar	02	SPARC	Civic Center Building 7
Mar	08	City Council Meeting	Council Chamber
Mar	13	Community Oriented Policing Committee	Council Chamber
Mar	16	Manufactured Home Fair Practices Commission	Council Chamber
Mar	22	City Council Meeting	Council Chamber
Apr	06	SPARC	Civic Center Building 7
Apr	10	Community Oriented Policing Committee	Council Chamber
Apr	12	City Council Meeting	Council Chamber
Apr	26	City Council Meeting	Council Chamber

The Santee City Council welcomes you and encourages your continued interest and involvement in the City's decision-making process.

For your convenience, a complete Agenda Packet is available for public review at City Hall and on the City's website at www.CityofSanteeCA.gov.

The City of Santee complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the American with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's Office at (619) 258-4100, ext. 112 at least 48 hours before the meeting, if possible.

State of California } County of San Diego } ss. City of Santee }	<h3>AFFIDAVIT OF POSTING AGENDA</h3>
<p>I, <u>Patsy Bell, CMC, City Clerk</u> of the City of Santee, hereby declare, under penalty of perjury, that a copy of this Agenda was posted in accordance with the Brown Act and Santee Resolution 61-2003 on <u>March 3, 2017</u>, at <u>4:30 p.m.</u></p>	
 _____ Signature	<u>03/03/17</u> _____ Date

City of Santee
COUNCIL AGENDA STATEMENT

CERT

MEETING DATE March 8, 2017

AGENDA ITEM NO.

ITEM TITLE CERTIFICATE OF APPRECIATION: CITY CLERK'S OFFICE VOLUNTEER
RHAЕ NOVETTI

DIRECTOR/DEPARTMENT John W. Minto, Mayor

SUMMARY

Rhae Novetti started volunteering for the City of Santee in the City Clerk's Office in February 2003.

Rhae has performed a number of tasks in the Clerk's Office, including processing thousands of incoming and outgoing pieces of mail and shipments every year, taking documents to the County Recorder's Office, working special events (Election Central, Oath of Office, and Clerk's week), redacting non-releasable information on hundreds of documents for public records requests, copying, providing office and telephone coverage, conducting research, picking up supplies and a host of other jobs. But the most important and biggest job Rhae has worked on is the City's document imaging system, which is the program where all of the City's permanent records (minutes, resolutions, agenda packets, recorded documents, etc.) are scanned and made available for staff and the public to search and review.

In 2006, Rhae and her counter-part were jointly nominated for, and won, the Volunteer of the Year award.

Over her 14-year career with the City, Rhae has averaged just over 330 hours per year for a total of 4,620 hours. With the national volunteer rate an average of \$23.50 an hour, that would make Rhae's annual contribution to the City approximately \$7,000 for a grand total contribution of \$98,000!!

Rhae has been a model volunteer with a smile on her face, a story to tell and a willingness to do whatever duties she can to help the Clerk's Office and the community. The Clerk's Office wishes her the best and her presence will certainly be missed. A Certificate of Appreciation has been prepared for her outstanding service to the City of Santee.

FINANCIAL STATEMENT N/A

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION ^{MSB} Present certificate.

ATTACHMENTS (Listed Below)

None.

City of Santee
COUNCIL AGENDA STATEMENT

1B

MEETING DATE February 22, 2017

AGENDA ITEM NO.

ITEM TITLE APPROVAL OF MEETING MINUTES OF THE SANTEE CITY COUNCIL,
THE CDC SUCCESSOR AGENCY AND THE SANTEE PUBLIC
FINANCING AUTHORITY REGULAR MEETINGS OF FEBRUARY 8,
2017.

DIRECTOR/DEPARTMENT Patsy Bell, CMC, City Clerk

PJB

SUMMARY

Submitted for your consideration and approval are the minutes of the above meetings.

FINANCIAL STATEMENT N/A

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION
Approve Minutes as presented.

ATTACHMENTS

February 8, 2017 Minutes

Minutes

Draft

**Santee City Council
CDC Successor Agency
Santee Public Financing Authority**

**Council Chamber – Building 2
10601 Magnolia Avenue
Santee, California
February 8, 2017**

This Regular Meeting of the Santee City Council, the CDC Successor Agency and the Santee Public Financing Authority was called to order by Mayor/Agency Chair/Authority Chair John W. Minto at 7:02 p.m.

Council Members present were: Mayor/Agency Chair/Authority Chair John W. Minto, Vice Mayor/Agency Vice Chair/Authority Vice Chair Ronn Hall and Council/Agency/Authority Members Stephen Houlahan and Rob McNelis.

Officers present were: City Manager/Agency Executive Director/Authority Secretary Marlene Best, City/Agency/Authority Attorney Shawn Hagerty and City Clerk/Agency Secretary Patsy Bell.

(Note: Hereinafter the titles Mayor, Vice Mayor, Council Member, City Manager, City Attorney and City Clerk shall be used to indicate Mayor/Agency Chair/Authority Chair, Vice Mayor/Agency Vice Chair/Authority Vice Chair, Council/Agency/Authority Member, City Manager/Agency Executive Director/Authority Secretary, City/Agency/Authority Attorney and City Clerk/Agency Secretary.)

The **INVOCATION** was given by Elder Joe Miller of Reunion Church, and the **PLEDGE OF ALLEGIANCE** was led by Bill Maertz.

OATH OF OFFICE CEREMONY: Adoption of a Resolution confirming the appointment of a new Council Member, issuance of the Certificate of Appointment and administration of Oath of Office. (Reso 009-2017)

Mayor Minto reported that public interviews were held at the January 25, 2017 Council meeting and Brian W. Jones was selected to fill the City Council Member vacancy.

ACTION: On motion of Council Member McNelis, seconded by Vice Mayor Hall, the Resolution confirming the appointment of Brian W. Jones to fill the vacant seat on the City Council with a term ending December 12, 2018, was adopted with all voting aye.

City Clerk Bell asked Council Member-Designate Brian Jones and his wife, Heather Jones, to join her in the front of the room. City Clerk Bell administered the Oath of Office to Council Member-Designate Jones and presented Council Member Jones with the Certificate of Appointment, the Oath of Office Certificate and an engraved Cross pen. Mrs. Jones pinned her husband with a City-seal gold lapel pin. Council Member Jones made comments and acknowledged family and friends before taking his seat on the dais.

ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA: None

- (A) Approval of reading by title only and waiver of reading in full of Ordinances and Resolutions on the agenda.
- (B) Approval of meeting Minutes of the Santee City Council, the CDC Successor Agency and the Santee Public Financing Authority for the Regular Meetings of January 11, 2017.
- (C) Approval of Payment of Demands as presented.
- (D) Approval to purchase one "Autopulse" Cardiac Support System from Zoll Medical Corporation in an amount not to exceed \$14,223.65.
- (E) Adoption of a Resolution approving the FY 16/17 contract extension with Steven Smith, Incorporated for Landscape and Horticultural Management Services for "Area 1 - City Parks and Facilities" in the amount of \$543,531.73, as subsequently amended to \$590,030.73, which is the first of four 12-month options to renew; and authorizing the City Manager to execute a FY 16/17 contract extension and to approve change orders up to ten percent (10%) of the FY 16/17 contract amount. (Reso 010-2017)
- (F) Adoption of a Resolution authorizing the application for Housing-Related Parks Program (HRP) grant funding and authorizing the City Manager to enter into, execute, and deliver a State of California Standard Agreement, and any and all other documents required or deemed necessary or appropriate to secure the HRP Program grant. (Reso 011-2017)

ACTION: On motion of Vice Mayor Hall, seconded by Council Member Jones, the Agenda and Consent Calendar were approved as presented with all voting aye.

2. PUBLIC HEARING:

- (A) Public Hearing to assess community development needs and to solicit proposals for Program Year 2017 Community Development Block Grant (CDBG) and Home Program Funding consistent with the consolidated plan.

The Public Hearing opened at 7:14 p.m. Director of Development Services Kush presented the staff report utilizing a PowerPoint presentation.

PUBLIC SPEAKERS:

Speaking in Support of their organizations were:

- Estela De Los Rios, CSA San Diego County
- Sam Modica, Santee Santos Foundation
- Amy Hull, ElderHelp
- Jack Micklos, Assistant Executive Director, Crisis House
- Suzanne Stephens, Santee Caring Neighbors
- Edward Hershey, Home of Guiding Hands
- Sarah Murray, Cameron Family YMCA
- Dennis Martins, Santee Food Bank
- Trudy del Priore, Meals-on-Wheels Greater San Diego
- John Hossick, SMOAC, spoke in support of multiple organizations

ACTION: On motion of Council Member Houlahan, seconded by Vice Mayor Hall, the Public Hearing was continued at 7:57 p.m. to February 22, 2017, with all voting aye.

- (B) **Public Hearing for an Ordinance amending Title 17 of the City of Santee Municipal Code, Chapter 17.04 titled "Administration," Chapter 17.08 titled "Development Review," and Chapter 17.10 titled "Residential Districts," to comply with state requirements for secondary dwelling units, farmworker housing, and associated minor revisions for clarity and consistency.**

The Public Hearing opened at 7:58 p.m. Associate Planner Rios presented the staff report utilizing a PowerPoint presentation and answered Council's questions.

ENTERED INTO THE RECORD: Staff provided a replacement Ordinance reflecting corrections to section numbering and minor typographical errors that do not materially change the text of the Ordinance.

ACTION: After brief discussion, on motion of Council Member Jones, seconded by Vice Mayor Hall, the Public Hearing was closed at 8:03 p.m., the Ordinance was found to be exempt from CEQA pursuant to Section 15282(h) because the Ordinance will implement the provisions of Section 65852.2 related to accessory dwelling units and Section 15061(b)(3) because the proposed amendments do not have the potential of causing significant effect on the environment, and the Second Reading of the Ordinance was scheduled for the February 22, 2017 City Council meeting with all voting aye.

3. **ORDINANCES:** See Item 2(B)

4. CITY COUNCIL ITEMS AND REPORTS:

Mayor Minto reported that he and City Manager Best have been meeting with Caltrans and other transportation officials regarding the traffic congestion on Highway 52.

5. CONTINUED BUSINESS: None

6. NEW BUSINESS:

- (A) **Resolution approving the Purchase and Sale Agreement, Joint Escrow Instructions, and Option Agreement by and between the City of Santee and the County of San Diego relating to the acquisition of Parcel 3 (the Cinema Parcel). (Reso 12-2017)**

City Manager Best provided an overview of the agreement and answered Council's questions.

ACTION: On motion of Council Member McNelis, seconded by Vice Mayor Hall, the Resolution approving the Purchase and Sale Agreement, Joint Escrow Instructions, and Option Agreement, authorizing the City Manager to execute the Purchase and Sale Agreement, and any and all other documents required or deemed necessary or appropriate to complete the acquisition of Parcel 3 from the County of San Diego was adopted with all voting aye.

7. COMMUNICATION FROM THE PUBLIC:

- (A) C. Wally Husted, representing Santee residents Sandra Hart, Steven Lindsay, Allen Howard and Kathleen Howard, spoke in opposition to the proposed Walmart store expansion project.

8. CITY MANAGER REPORTS:

- (A) **2017 Council Calendar – Possible cancellation of one summer Regular Meeting and the September 13, 2017 Regular Meeting.**

City Manager Best provided a report and requested Council make a determination now for the upcoming possible meeting cancellation dates.

ACTION: After a brief discussion, on motion of Vice Mayor Hall, seconded by Council Member Jones, the September 13, 2017 Regular Council meeting was cancelled, an Adjourned Regular meeting was scheduled for September 6, 2017, and the City Clerk was directed to post the appropriate notices with all voting aye.

ACTION: On motion of Council Member McNelis, seconded by Council Member Jones, the July 26, 2017 Regular Council meeting was cancelled and the City Clerk was directed to post the appropriate notices with all voting aye.

9. CDC SUCCESSOR AGENCY:

(Note: Minutes appear as Item 1(B))

10. SANTEE PUBLIC FINANCING AUTHORITY:

(Note: Minutes appear as Item 1(B))

11. CITY ATTORNEY REPORTS: None

12. CLOSED SESSION: None

13. ADJOURNMENT:

Mayor Minto invited everyone to stay after the meeting for refreshments. There being no further business, the meeting was adjourned at 8:23 p.m.

Date Approved: _____

Patsy Bell, CMC, City Clerk/Agency Secretary
and for Authority Secretary Marlene Best

City of Santee
COUNCIL AGENDA STATEMENT

1C

MEETING DATE March 8, 2017

AGENDA ITEM NO.

ITEM TITLE PAYMENT OF DEMANDS

DIRECTOR/DEPARTMENT Tim K. McDermott, Director of Finance *TM*

SUMMARY

A listing of checks that have been disbursed since the last Council meeting is submitted herewith for approval by the City Council.

FINANCIAL STATEMENT *TM*

Adequate budgeted funds are available for the payment of demands per the attached listing.

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION *MSB*

Approval of the payment of demands as presented.

ATTACHMENTS (Listed Below)

- 1) Payment of Demands-Summary of Checks Issued
- 2) Disbursement Journal

Payment of Demands
Summary of Payments Issued

<u>Date</u>	<u>Description</u>	<u>Amount</u>
02/15/17	Accounts Payable	\$ 205,937.53
02/16/17	Payroll	304,868.88
02/16/17	Accounts Payable	136,260.13
02/17/17	Accounts Payable	23,592.84
02/17/17	Accounts Payable	94,511.04
02/23/17	Accounts Payable	<u>1,363,773.01</u>
	TOTAL	\$ <u>2,128,943.43</u>

I hereby certify to the best of my knowledge and belief that the foregoing demands listing is correct, just, conforms to the approved budget, and funds are available to pay said demands.



Tim K. McDermott, Director of Finance

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
Bank code :	ubgen					
114527	2/15/2017	12349 CHOICE LOCKSMITHING				331.22
114528	2/15/2017	10032 CINTAS CORPORATION #694	694303738	51489	UNIFORM/PARTS CLEANER RNTL	77.85
					Total :	77.85
114529	2/15/2017	10033 CITY ELECTRIC SUPPLY COMPANY	STE/038285 STE/038446	51426 51426	ELECTRICAL SUPPLIES ELECTRICAL SUPPLIES	61.96 94.12
					Total :	156.08
114530	2/15/2017	10050 CITY OF EL CAJON	HC00000230 HFTA000029		PASS-THRU COMM CHARGES HFTA FEES 3RD QUARTER	1,876.50 13,531.00
					Total :	15,407.50
114531	2/15/2017	10979 CITY OF LAMESA	18958		FINGERPRINTING	40.00
					Total :	40.00
114532	2/15/2017	10801 CLAIMS MANAGEMENT ASSOC INC	521575 521578 521579 521581		LEGAL SERVICES-CLAIMS LEGAL SERVICES- CLAIMS LEGAL SERVICES- CLAIMS LEGAL SERVICES-CLAIMS	355.00 553.80 205.90 660.30
					Total :	1,775.00
114533	2/15/2017	10035 COMPETITIVE METALS INC	241924		VEHICLE SUPPLIES	156.97
					Total :	156.97
114534	2/15/2017	10234 COUNTY OF SAN DIEGO	02462-1982-RI-2016	51429	GENERATOR PERMITS	309.00
					Total :	309.00
114535	2/15/2017	10040 COUNTYWIDE MECHANICAL SYSTEMS	H16060829	51616	HVAC MAINTENANCE	655.00
					Total :	655.00
114536	2/15/2017	10333 COX COMMUNICATIONS	105080401		9310 FANITA PKWY	30.09
					Total :	30.09
114537	2/15/2017	12438 DIESEL PRINT CO, LLC	1138		ACTIVE LIFESTYLE EXPO	73.27
					Total :	73.27
114538	2/15/2017	12597 ELIAS, SIMON	CD1308S		REFUNDABLE DEPOSIT FOR SINGLE-F	1,055.80

Bank code :	ubgen			Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor					
114538	2/15/2017	12597	12597 ELIAS, SIMON				Total : 1,055.80
114539	2/15/2017	12593	ELLISON WILSON ADVOCACY, LLC	117		ADVOCACY SERVICES	Total : 1,500.00
114540	2/15/2017	10057	ESGIL CORPORATION	01/30/17-02/03/17		SHARE OF FEES	Total : 6,791.36
114541	2/15/2017	10580	FASTENAL COMPANY	CAELC66476	51471	VEHICLE REPAIR PARTS	Total : 62.74
114542	2/15/2017	10009	FIRE ETC	98234	51685	EQUIPMENT BRACKETS	Total : 1,428.39
114543	2/15/2017	12120	GEOCON INCORPORATED	1613344	51689	GEO TECHNICAL REVIEW	Total : 1,428.39
114544	2/15/2017	10065	GLOBAL POWER GROUP INC	47304	51437	GENERATOR MAINT & REPAIRS	Total : 560.00
				47305	51437	GENERATOR MAINT & REPAIRS	378.00
				47306	51437	GENERATOR MAINT & REPAIRS	391.00
				47383	51567	ELECTRICAL REPAIRS & MAINT	384.00
				47384	51567	ELECTRICAL REPAIRS & MAINT	956.18
							Total : 818.08
114545	2/15/2017	10066	GLOBALSTAR USA LLC	100000007997504		SATELLITE PHONE SERVICE	Total : 2,927.26
							49.94
							Total : 49.94
114546	2/15/2017	10640	GOVERNMENT JOBS.COM INC, C/O NEOGOV	INV19999		SOFTWARE LICENSE	Total : 3,000.00
							3,000.00
							Total : 3,000.00
114547	2/15/2017	10490	HARRIS & ASSOCIATES INC	33595	51326	PROF. SVCS.-FANITA RANCH EIR	Total : 39,265.46
							39,265.46
							Total : 39,265.46
114548	2/15/2017	10070	HAWTHORNE MACHINERY	PS020034390	51491	EQUIPMENT REPAIR SUPPLIES	Total : 81.98
							81.98
							Total : 81.98
114549	2/15/2017	11196	HD SUPPLY FACILITIES	9151774965	51517	STATION SUPPLIES	Total : 696.07
							696.07

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
Bank code : ubgen						
114549	2/15/2017	11196	11196 HD SUPPLY FACILITIES			
114550	2/15/2017	10256	HOME DEPOT CREDIT SERVICES			
			3152032		VEHICLE SUPPLIES	696.07
			4152018		PAINT MATERIALS	31.92
			5151595	51514	SMALL TOOLS	26.94
			5970698	51514	CR - SMALL TOOLS RETRND	194.04
			8973839	51703	STORAGE SHED	-161.67
					Total :	2,148.00
114551	2/15/2017	11724	ICF JONES & STOKES INC			
			0119933	50991	SANTEE MSCP	6,363.49
			0119935	50991	SANTEE MSCP	6,452.50
			0119940		MSCP ISA PROCESS	390.00
			0119942	50991	MSCP	3,350.00
			0119944		ENDANGERED SPECIES	3,475.00
					Total :	20,030.99
114552	2/15/2017	11807	IMPERIAL SPRINKLER SUPPLY	51525	IRRIGATION SUPPLIES	3,191.06
			2820010-00			Total :
114553	2/15/2017	10997	LAKESIDE FIRE PREVENTION			
			104		EMS SOFTWARE MAINT FEE	488.00
			105		EMS SOFTWARE FEE (50%)	1,096.00
					Total :	1,584.00
114554	2/15/2017	11986	MARION B BORG ENVIRONMENTAL	51024	SANTEE SUBAREA/FANITA RANCH	1,715.00
			SANTEEE01-41		WALMART EXPANSION	2,450.00
			SANTEEE03-21		CALVARY CHAPEL EXPANSION	2,695.00
			SANTEEE04-16		Total :	6,860.00
114555	2/15/2017	10079	MEDICO PROFESSIONAL			
			1935978	51497	MEDICAL LINEN SERVICE	20.02
			1935979	51497	MEDICAL LINEN SERVICE	8.16
					Total :	28.18
114556	2/15/2017	12332	MICHAEL BAKER	51371	PROF SVCS - WALMART EXP	14,024.98
114557	2/15/2017	11682	NEWMAN-CHANEY, VIVIAN M		INSTRUCTOR PAYMENT	1,491.00
			201701246		Total :	14,024.98
					Total :	1,491.00

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
114568	2/15/2017	11318 SEALMASTER OF SO CAL	(Continued) 546765	51451	ASPHALT MATERIALS	531.75
					Total :	1,244.52
114569	2/15/2017	10110 SECTRAN SECURITY INC	17020345	51501	TRANSPORT SERVICES	111.30
					Total :	111.30
114570	2/15/2017	10217 STAPLES BUSINESS ADVANTAGE	3327614422	51555	OFFICE SUPPLIES	262.92
					Total :	262.92
114571	2/15/2017	10119 STEVEN SMITH LANDSCAPE INC	34006	51596	SEPTEMBER EXTRA WORK	585.00
			34042	51596	TCCP WEST SAFETY NETTING	468.00
			34043	51596	IRRIGATION REPAIRS	110.00
			34044	51596	IRRIGATION REPAIRS	110.00
			34045	51596	IRRIGATION REPAIRS	110.00
			34046	51596	IRRIGATION REPAIRS	110.00
			34047	51596	IRRIGATION	110.00
					Total :	1,603.00
114572	2/15/2017	10121 SUPERIOR READY MIX LP	841412	51565	ASPHALT MATERIALS & SUPPLIES	181.02
					Total :	181.02
114573	2/15/2017	10158 THE SOCO GROUP INC	0355380-IN CL90984	51519 51683	DELIVERED FUEL FLEET CARD FUELING	883.62
					Total :	1,345.91
					Total :	2,229.53
114574	2/15/2017	11564 TIGER SUPPLIES INC	0256996-IN	51699	SURVEYING EQUIPMENT	9,600.00
					Total :	9,600.00
114575	2/15/2017	10475 VERIZON WIRELESS	9779012313		WIFI SERVICE	1,008.16
					Total :	1,008.16
114576	2/15/2017	10211 VISION INTERNET PROVIDERS	34133		WEB HOSTING	200.00
					Total :	200.00
114577	2/15/2017	12470 VIVINT SOLAR	16-1788		REFUND OF PERMIT FEES	150.77
					Total :	150.77

Bank code :	ubgen					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
114578	2/15/2017	10148 WESTAIR GASES & EQUIPMENT INC	10432071	51484	SHOP SUPPLIES	87.43
						87.43
61 Vouchers for bank code : ubgen						
61 Vouchers in this report						
						Total :
						Bank total :
						205,937.53
						Total vouchers :
						205,937.53

Prepared by: *M. Lee*
 Date: 2-15-17

Approved by: *[Signature]*
 Date: 2-15-17

Bank code : ubgen

Voucher Date Vendor

Invoice

PO #

Description/Account

Amount

12 Vouchers in this report

Total vouchers : 136,260.13

Prepared by: Alida J...
 Date: 2-16-17

Approved by: [Signature]
 Date: 2-16-17

vchlist

02/17/2017 2:12:17PM

Voucher List
CITY OF SANTEE

Bank code : ubgen

Voucher 114592 Date 2/17/2017 Vendor 10001 US BANK

Invoice	PO #	Description/Account	Amount
000004		ROOF VENT FOR REC TRAILER	40.93
0005		STATION SUPPLIES	176.00
00209356666229861		SMALL TOOLS	193.84
00222148704204243		STATION SUPPLIES	94.54
00247202741727457		OFFICE SUPPLIES	64.01
008971		PARKING FEE	8.00
010417		FACILITY OPERATIONS TV	252.67
011217		TEEN CENTER SUPPLIES	116.22
01122017		AUTO EXTRACATION TRAINING	1,500.00
01171015		BRASS PLATES	116.20
012467		FRAMES	55.30
02044		DISC GOLF BASKET SUPPLIES	98.24
026183		LEAGUE OF CA CITIES	96.02
0310454		VEHICLE REPAIR PART	85.67
043368		COUNCIL SUPPLIES	42.01
06025		CITY HALL SUPPLIES	22.08
062291		FRAMES	36.61
063327		LEAGUE OF CA CITIES	115.00
06409		SHOP SUPPLIES - SPRAY PAINT	20.35
07711023		NAME TAGS	25.88
080899		FRAMES	33.37
090963		OFFICE SUPPLIES	15.03
100014407		ACTIVE LIFESTYLE EXPO	49.22
100-A		SFTY OFFICER TRAINING REG	325.00
100-B		SUPV TRAINING REGISTRATION	300.00
101-A		SUPV TRAINING REGISTRATION	300.00
101-B		SFTY OFFICER TRAINING REG	325.00
1021051		STATION SUPPLIES	437.50
102-A		SFTY OFFICER TRAINING REG	325.00
102-B		SUPV TRAINING REGISTRATION	300.00
10635743981386631		STATION SUPPLIES	183.58
107-5842150-4575438		ACTIVE LIFESTYLE EXPO	51.65
1122017		THE SPECIAL EVENT CONF	20.01
114422		OFFICE SUPPLIES	9.92
120104		COUNCIL MEETING SUPPLIES	19.26
126199		PERMA PATCH PAVEMENT REPAIR	517.97

Bank code : ubgen

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
114592	2/17/2017	10001 US BANK	(Continued)			
			126395		PERMA PATCH PAVEMENT REPAIR	893.07
			126776		SENIOR PROGRAM SUPPLIES	19.78
			1292218		THE SPECIAL EVENT CONF	5.70
			1359		NAME PLATES	37.71
			138354		PICKLE BALL SUPPLIES	109.99
			13836		VEHICLE REPAIR PART	66.46
			1415450		PESTICIDE TEST - ROW	42.80
			15237872		POSTAGE INK	136.07
			1538092		COUNCIL MEETING SUPPLIES	8.98
			15993179		PHOTOSHOP BACKGROUND	34.99
			161234		INSTRUCTIONAL CLASSES	50.73
			17762		MAINT SUPPLIES - FIRE #5	201.35
			18412		CITY HALL REPAIRS	25.02
			1891		APPLICATION FEE	20.00
			19497		THE SPECIAL EVENT CONF	23.02
			20019		THE SPECIAL EVENT CONF	15.63
			2057012448		THE SPECIAL EVENT CONF	15.22
			21929571		ACTIVE LIFESTYLE EXPO	147.09
			21962		DRANO	30.60
			2289703		ICSC PROGRAM REGISTRATION	30.00
			234361		ADVERTISING-FINANCE	75.00
			23636		TOOLS, RAGS & POWER STRIPS	42.56
			24157		STOWE TRAIL MEETING	37.79
			25591		EQUIPMENT REPAIR PARTS	420.49
			25888		MAINTENANCE SUPPLIES - OPS	46.22
			2751772453686		FRAMES	254.16
			277		SUPPLIES	23.98
			2902		PRINTING CHARGE	55.69
			2927-1		PAINT - SAFETY PURPLE	125.87
			2968-118294		CARWASH SUPPLIES FOR YARD	49.79
			3054		AMBULANCE INSPECTION	36.40
			3058782701		LEAGUE OF CA CITIES	685.72
			3058816201		LEAGUE OF CA CITIES	601.65
			3153785		CERTIFICATE PAPER	96.35
			321502		FLEET MAINTENANCE	21.95
			32370		TOOL STORAGE	1,172.98

Bank code : ubgen

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
114592	2/17/2017	10001 US BANK	(Continued)			
			3240091		AMBULANCE INSPECTION	41.85
			33892		SINK INSTALL - CITY HALL	14.23
			34373		SUPPLIES - FLOOD CONTROL	12.93
			353		MEETING SUPPLIES	7.00
			4		SPARC BREAKFAST	69.69
			402249		VEHICLE REPAIR	216.67
			4039119646		STATION SUPPLIES	562.86
			41542106538696		TRAINING SUPPLIES	3.23
			48320-NOAH		WASHER REPAIR - FIRE #4	90.00
			50300		MAINT SUPPLIES - FIRE #5	49.18
			50379		EQUIPMENT REPAIR PARTS	56.00
			5224353		TRAINING WEBINAR	149.00
			530003		THE SPECIAL EVENT CONF	11.65
			550010		THE SPECIAL EVENT CONF	11.65
			551904558		FRAMES	93.00
			60573		CSMFO DUES MCDERMOTT	110.00
			62198		TOOLS & SUPPLIES	127.31
			6271		ADVERTISING- FINANCE	275.00
			636500763629		STATION SUPPLIES	52.92
			6574220		LEAGUE OF CA CITIES	34.00
			6574255		LEAGUE OF CA CITIES	47.00
			6574255-a		LEAGUE OF CA CITIES	-47.00
			681908699-01		GENERAL EVENTS	206.94
			7010337		SMALL TOOLS	428.85
			7148863		COUNCIL SUPPLIES	289.44
			715		PRINTING CHARGE	37.81
			718863		THE SPECIAL EVENT CONF	5.70
			729048		MEMBERSHIP FEES	270.00
			735298		THE SPECIAL EVENT CONF	3.75
			7796893		HOLIDAY LIGHTING CELEBRATION	85.86
			806632		LEAGUE OF CA CITIES	601.65
			822306		SURVEYING EQUIPMENT	161.85
			83259		GRAFFITI SUPPLIES	26.64
			8747955		SANTEE BLUEGRASS FESTIVAL	412.95
			8753		PEST CONTROL ROW EXAM FEE	50.00
			8763670		OFFICE SUPPLIES	96.96

Voucher List
CITY OF SANTEE

Bank code : ubgen

Voucher 114592 Date 2/17/2017 Vendor 10001 US BANK

Invoice	PO #	Description/Account	Amount
(Continued)			
8865754		PARK MAINTENANCE SUPPLIES	50.78
888295369-001		BUSINESS CARDS	56.86
8887		BUSINESS CARDS	56.85
894641234-001		BUSINESS CARDS	23.20
894651541-001		OFFICE SUPPLIES	32.12
894651542-001		OFFICE SUPPLIES	15.06
92		AMBULANCE INSPECTION	32.90
93766		PESTICIDE APPLICATORS MEMBEF	45.00
97737		CHISEL & PUNCH	22.55
98317		EQUIPMENT REPAIR PART	783.00
DM2601846		ACTIVE LIFESTYLE EXPO	827.75
E800		FRAMES	-33.37
G5925		CONFERENCE	426.80
HPTD479		IT EQUIPMENT	2,416.80
IN38968		RADIO REPAIR KITS	175.54
PI0078222770		VANDALISM REPAIRS~	832.47
S2534488.002		PARK RESTROOM REPAIR	119.91
T102004		SURVEYING EQUIPMENT	242.04
W07459		EQUIPMENT REPAIR	767.12
		Total :	23,592.84

1 Vouchers for bank code : ubgen

Bank total : 23,592.84

1 Vouchers in this report

Total vouchers : 23,592.84

Prepared by: Madeline
Date: 2-17-17
Approved by: [Signature]
Date: 2-17-17

Bank code : ubgen

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
66369	2/17/2017	10955 DEPARTMENT OF THE TREASURY	PPE 02/08/17		FEDERAL WITHHOLDING TAX AND	73,126.76
					Total :	73,126.76
66452	2/17/2017	10956 FRANCHISE TAX BOARD	PPE 02/08/17		CA STATE TAX WITHHELD	21,384.28
					Total :	21,384.28
					Bank total :	94,511.04
					Total vouchers :	94,511.04

2 Vouchers for bank code : ubgen
 2 Vouchers in this report

Prepared by: *Made &*
 Date: 2-21-17

Approved by: *FRMST*
 Date: 2/21/17

Bank code : ubgen

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
114593	2/23/2017	10003 A & B SAW & LAWNMOWER SHOP	WO26802	51419	SMALL TOOL PARTS & REPAIRS	17.18
					Total :	17.18
114594	2/23/2017	11859 AIRGAS USA LLC	9942682497		SANTEE ACTIVE LIFESTYLE EXPO	13.55
					Total :	13.55
114595	2/23/2017	11445 AMERICAN MESSAGING	L1072898RB		FD PAGER SERVICE	198.76
					Total :	198.76
114596	2/23/2017	12083 ANIMAL PEST MANAGEMENT	502887	51537	PEST CONTROL SERVICES	696.00
					Total :	696.00
114597	2/23/2017	12600 ARAGON, ANISSA	2003440.001		PARK RESERVATION REFUND	39.00
					Total :	39.00
114598	2/23/2017	10924 BATTISTI, JEREMY	021317		BOOT REIMBURSEMENT	175.34
					Total :	175.34
114599	2/23/2017	10020 BEST BEST & KRIEGER LLP	LEGAL SVC JAN 2017		LEGAL SERVICES JAN 2017	52,481.26
					Total :	52,481.26
114600	2/23/2017	12506 BEST, MARLENE	1172017		LEAGUE OF CA CITIES	48.18
					Total :	48.18
114601	2/23/2017	10021 BOUND TREE MEDICAL LLC	82393353 82393354 82395024 82395025 82395026	51676 51676 51676 51676 51676	EMS SUPPLIES EMS SUPPLIES EMS SUPPLIES EMS SUPPLIES EMS SUPPLIES	35.20 230.72 589.55 569.49 171.23
					Total :	1,596.19
114602	2/23/2017	10024 BUSINESS PRINTING COMPANY INC	131173 131174		LH-01 LETTERHEAD LH-01 LETTERHEAD	913.74 1,074.99
					Total :	1,988.73
114603	2/23/2017	12233 CHAPPELLE, DAVID	02132017		BOOT REIMBURSEMENT	175.34

Bank code : ubgen											
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount					
114603	2/23/2017	12233 CHAPPELLE, DAVID	(Continued)								
114604	2/23/2017	10032 CINTAS CORPORATION #694	694306277	51489	UNIFORM/PARTS CLEANER RNTL	60.07					175.34
											Total :
114605	2/23/2017	11330 CLEANSTREET	85181 85335	51591	STREET SWEEPING SVCS ACTIVE LIFESTYLE EXPO	14,876.64 190.00					60.07
											Total :
114606	2/23/2017	12153 CORODATA RECORDS	RS4294829		DOCUMENT RETRIEVAL AND STOR	128.98					128.98
											Total :
114607	2/23/2017	10039 COUNTY MOTOR PARTS COMPANY INC	348158 348381 348553 348850	51467 51467 51467 51467	VEHICLE REPAIR PARTS VEHICLE REPAIR PARTS VEHICLE REPAIR PARTS CR - REPAIR PARTS RETURNED	173.35 243.24 305.17 -137.33					584.43
											Total :
114608	2/23/2017	10358 COUNTY OF SAN DIEGO	17CTOFSAN07		SHERIFF RADIOS	4,345.00					4,345.00
											Total :
114609	2/23/2017	10358 COUNTY OF SAN DIEGO	17CTOFSASN07	51619	800 MHZ ACCESS (FIRE/PS)	1,485.00					1,485.00
											Total :
114610	2/23/2017	10486 COUNTY OF SAN DIEGO	201700073		MAP COPIES	8.00					8.00
											Total :
114611	2/23/2017	10711 COUNTY OF SAN DIEGO	REG_RCS0016 REG_RMAR0016		STORM WATER SHARED COSTS STORM WATER MONITORING	21,742.00 1,673.00					23,415.00
											Total :
114612	2/23/2017	10040 COUNTYWIDE MECHANICAL SYSTEMS	P17060504 P17060561	51626 51626	PLUMBING REPAIRS PLUMBING REPAIRS	161.73 656.77					818.50
											Total :
114613	2/23/2017	10333 COX COMMUNICATIONS	052335901		8950 COTTONWOOD AVE	243.99					243.99
											Total :

Bank code : ubgen											
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount					
114614	2/23/2017	10142 CSA SAN DIEGO COUNTY	408	51671	CDBG SUBRECIPIENT	1,034.51					
							Total :				1,034.51
114615	2/23/2017	10043 D & D SERVICES INC	90005	51556	DEAD ANIMAL REMOVAL SERVICE	1,235.00					
							Total :				1,235.00
114616	2/23/2017	12356 DAVIS FARR LLP	1703	51400	AUDIT SVCS ST CNTRLLRS RPT	2,000.00					
							Total :				2,000.00
114617	2/23/2017	10449 DAY WIRELESS SYSTEMS	195864-02		ACTIVE LIFESTYLE EXPO	136.22					
							Total :				136.22
114618	2/23/2017	12593 ELLISON WILSON ADVOCACY, LLC	217		ADVOCACY SERVICES	1,500.00					
							Total :				1,500.00
114619	2/23/2017	10057 ESGIL CORPORATION	02/06/17-02/10/17		SHARE OF FEES	10,474.97					
							Total :				10,474.97
114620	2/23/2017	10580 FASTENAL COMPANY	CAELC66593	51471	VEHICLE REPAIR PARTS	48.83					
							Total :				48.83
114621	2/23/2017	11754 FOX, KEN	2003439.001		PARK RESERVATION REFUND	45.00					
							Total :				45.00
114622	2/23/2017	12566 GEM INDUSTRIAL ELECTRIC, INC	1 1R	51700	TCCP MEMORIAL FLAGPOLE RETENTION	30,605.32					
							Total :				-1,530.27
											29,075.05
114623	2/23/2017	12601 HARDER, MARGARET	PA2017-2		PRE-APPLICATION FEE REFUND	500.00					
							Total :				500.00
114624	2/23/2017	10144 HDL COREN & CONE	0023619-IN	51576	PROP TAX REPORTS/AUDIT	4,625.00					
							Total :				4,625.00
114625	2/23/2017	10256 HOME DEPOT CREDIT SERVICES	3152216 6152187 7152169	51514 51514 51514	STATION SUPPLIES VEHICLE SUPPLIES EMS SUPPLIES	23.66 2.97 13.99					

Bank code : ubgen		Invoice		PO #	Description/Account	Amount
Voucher	Date	Vendor	Invoice			
114625	2/23/2017	10256	10256 HOME DEPOT CREDIT SERVICES (Continued)		Total :	40.62
114626	2/23/2017	10246	HUDSON SAFETY T LITE RENTALS 00041557	51438	TRAFFIC SUPPLIES	148.84
					Total :	148.84
114627	2/23/2017	12454	INTERGULF - JMR GRD1184S/DR12004S		REFUNDABLE DEPOSITS	50,086.55
					Total :	50,086.55
114628	2/23/2017	12053	MARKEN PPE RESTORATION 22084P	51518	TURNOUT REPAIR	342.28
					Total :	342.28
114629	2/23/2017	10079	MEDICO PROFESSIONAL 1939376	51497	MEDICAL LINEN SERVICE	20.02
			1939377	51497	MEDICAL LINEN SERVICE	8.16
					Total :	28.18
114630	2/23/2017	10410	MILLER, DAVID JOSEPH 02242017		DJ SERVICES TEEN DANCE	200.00
					Total :	200.00
114631	2/23/2017	12451	MOBILE GRAPHICS & DESIGN 201702	51629	BANNER INSTALL & REMOVAL	450.00
					Total :	450.00
114632	2/23/2017	10085	NATIONAL SAFETY COMPLIANCE INC 68448		ANNUAL ADMINISTRATIVE FEE	150.00
					Total :	150.00
114633	2/23/2017	10308	O'REILLY AUTO PARTS 2968-122975	51476	VEHICLE REPAIR PART	15.37
					Total :	15.37
114634	2/23/2017	10336	PADRE DAM MUNICIPAL WATER DIST MISC/BILL #4847		REPAIR RECYCLED WATER SERVI	5,413.81
					Total :	5,413.81
114635	2/23/2017	10344	PADRE DAM MUNICIPAL WATER DIST 90000367		GROUP BILL	5,413.07
					Total :	5,413.07
114636	2/23/2017	10161	PRIZM JANITORIAL SERVICES INC 14406	51574	CUSTODIAL SVCS - PARKS	1,973.85
			14441	51595	CUSTODIAL SVCS - OFFICES	2,502.63
					Total :	4,476.48
114637	2/23/2017	10101	PROFESSIONAL MEDICAL SUPPLY Z988733	51499	OXYGEN CYLINDERS & REFILLS	58.59

Bank code : ubgen

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
114637	2/23/2017	10101 PROFESSIONAL MEDICAL SUPPLY	(Continued) Z988734 Z988735	51499 51499	OXYGEN CYLINDERS & REFILLS OXYGEN CYLINDERS & REFILLS Total :	87.15 143.78 289.52
114638	2/23/2017	10095 RASA	5061	51589	MAP CHECK	1,070.00 Total : 1,070.00
114639	2/23/2017	10311 ROADONE	651275	51481	VEHICLE TOW CHARGE	67.20 Total : 67.20
114640	2/23/2017	10606 S.D. COUNTY SHERIFF'S DEPT.	SHERIFF DEC 2016		LAW ENFORCEMENT DEC 2016 Total :	1,102,542.38 1,102,542.38
114641	2/23/2017	10752 SAN DIEGO REGIONAL TRAINING	33760 33823		PROFESSIONAL DEVELOPMENT PROFESSIONAL DEVELOPMENT Total :	150.00 150.00 300.00
114642	2/23/2017	10585 SHARP REES-STEALY MEDICAL	304818801 304897671 304897672 3049786841		DMV PHYSICAL ANNUAL FF PHYSICAL ANNUAL FF PHYSICAL ANNUAL ONSITE FF PHYSICALS Total :	59.00 36.00 107.00 7,986.00 8,188.00
114643	2/23/2017	10529 SIMPLOT PARTNERS	202041665		FERTILIZER - SCHOOL FIELDS Total :	589.68 589.68
114644	2/23/2017	10217 STAPLES BUSINESS ADVANTAGE	3328271288	51454	OFFICE SUPPLIES Total :	74.76 74.76
114645	2/23/2017	10617 STATE OF CALIFORNIA	L1943233824		OCTOBER - DECEMBER 2016 Total :	2,153.00 2,153.00
114646	2/23/2017	10119 STEVEN SMITH LANDSCAPE INC	34590 34599 34764 34765 34806	51596 51596 51596 51596 51596	AREA 1 LANDSCAPE SERVICES AREA 1 LANDSCAPE SERVICES AREA 1 LANDSCAPE SERVICES AREA 1 LANDSCAPE SERVICES AREA 1 LANDSCAPE SERVICES Total :	2,644.00 1,792.00 110.00 110.00 5,000.00 2,644.00

Bank code : ubgen									
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount			
114646	2/23/2017	10119 STEVEN SMITH LANDSCAPE INC	(Continued)				Total :		9,656.00
114647	2/23/2017	10250 THE EAST COUNTY	00048673		PUBLIC NOTICE	175.00	Total :		175.00
114648	2/23/2017	10158 THE SOCO GROUP INC	0357340-IN	51708	DELIVERED FUEL	749.42			
			CL91091	51683	FLEET CARD FUELING	1,102.89			
			CL91498	51683	FLEET CARD FUELING	402.11	Total :		2,254.42
114649	2/23/2017	10479 TIRE CENTERS LLC	8720173360	51520	TIRE REPAIR	130.51			
			8720175043	51520	TIRE REPAIR	119.17			
			8720175052	51520	TIRES	1,716.03			
			8720175088	51520	TIRES	4,262.48	Total :		6,228.19
114650	2/23/2017	11193 TMAN TRAFFIC SUPPLY	5613	51456	TRAFFIC SIGNS & SUPPLIES	1,363.95	Total :		1,363.95
114651	2/23/2017	10136 WEST COAST ARBORISTS INC	122474	51579	URBAN FORESTRY MGMNTSVCS	3,710.00	Total :		3,710.00
114652	2/23/2017	10537 WETMORES	63062374	51507	VEHICLE REPAIR PARTS	46.94	Total :		46.94
114653	2/23/2017	10331 HDS WHITE CAP CONST SUPPLY	10006428833	51508	TOOLS & SUPPLIES - PSD	389.43			
			10006442924	51508	TOOLS & SUPPLIES	1,407.25	Total :		1,796.68
114654	2/23/2017	10317 WM HEALTHCARE SOLUTIONS INC	0355882-2793-0	51509	BIOMEDICAL WASTE DISPOSAL	91.11			
			0355883-2793-8	51509	BIOMEDICAL WASTE DISPOSAL	90.83	Total :		181.94
114655	2/23/2017	10232 XEROX CORPORATION	087949449	51534	COPY CHARGES	53.94			
			087949450	51533	COPY CHARGES	156.17			
			087949451	51511	COPY CHARGES	116.65			
			087949452	51461	COPY CHARGES & LEASE	213.49			
			087949453	51660	COPY CHARGES & LEASE	308.85			

Bank code : ubgen

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
114655	2/23/2017	10232 XEROX CORPORATION	(Continued)			
			087949454	51661	COPY CHARGES & LEASE	318.10
			087949455	51529	COPY CHARGES & LEASE	210.37
			087949456	51578	COPY CHARGES & LEASE	318.10
			087949457	51531	COPY CHARGES & LEASE	134.64
			087949458	51532	COPY CHARGES & LEASE	230.12
Total :						2,060.43

63 Vouchers for bank code : ubgen

Bank total : 1,363,773.01

63 Vouchers in this report

Total vouchers : 1,363,773.01

Prepared by: *[Signature]*
 Date: 2-23-17

Approved by: *[Signature]*
 Date: 2/23/17

City of Santee
COUNCIL AGENDA STATEMENT

1D

MEETING DATE March 8, 2017

AGENDA ITEM NO.

ITEM TITLE A RESOLUTION AUTHORIZING SUBMISSION OF THE ANNUAL HOUSING ELEMENT PROGRESS REPORT FOR CALENDAR YEAR 2016 TO THE STATE OF CALIFORNIA OFFICE OF PLANNING AND RESEARCH AND THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DIRECTOR/DEPARTMENT

Melanie Kush, Director of Development Services



SUMMARY

State law requires that the City report annually to the City Council, State Office of Planning and Research (OPR) and State Department of Housing and Community Development (HCD) on the City's General Plan Housing Element implementation. Housing Element implementation includes: progress in meeting its share of regional housing needs, preserving the local housing stock, promoting equal housing opportunity, and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing. This Implementation Report covers housing production, housing affordability and status of Housing Element programs for calendar year 2016. In 2016, 13 new single-family units, 37 condominium units, and two accessory dwelling units were finalized for occupancy (for a total of 52 dwelling units). In addition, two single-family homes were rehabilitated using CDBG funds. Ten of the single-family units were part of the Casa Court Subdivision developed by Greg Brown and all 37 condominium units were part of the Mission Trails Collection multiple-family residential project developed by City Ventures.

ENVIRONMENTAL REVIEW

This project is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(3); the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

FINANCIAL STATEMENT



Upon the filing of this report, the City would continue to be eligible for potential funding from a number of regional and state programs.

CITY ATTORNEY REVIEW

N/A

Completed

RECOMMENDATION



Adopt the Resolution authorizing the City Manager to send the Annual Housing Element Progress Report on Housing Element Implementation for Calendar Year 2016 to the State of California Office of Planning and Research and the State of California Department of Housing and Community Development.

ATTACHMENTS

Staff Report
Resolution/Exhibits A & B

**STAFF REPORT
ANNUAL ELEMENT PROGRESS REPORT ON HOUSING
IMPLEMENTATION FOR CALENDAR YEAR 2016
CITY COUNCIL MEETING MARCH 8, 2017**

A. BACKGROUND

The attached Annual Element Progress Report on Housing Element Implementation for Calendar Year 2016 is prepared pursuant to California Government Code Section 65400 and California Department of Housing and Community Development (HCD) Regulations. State law requires that the Department of Development Services report annually to the City Council, California Office of Planning and Research (OPR) and HCD on the status of the Housing Element, progress in its implementation, progress in meeting its share of regional housing needs, and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing. The report will be used by OPR and HCD to assist State level decision making.

Housing is considered affordable if no more than 30% of a household's income is spent on housing. To track housing affordability, HCD breaks household incomes into four levels based on County Area Median Income (AMI). Very Low Income households earn 50% or less of the AMI and Low Income households earn 51% to 80% of the AMI. Moderate Income households earn 81% to 120% of the AMI, whereas Above Moderate Income households earn more than 120% of the AMI. The AMI for a four-person household in San Diego County in 2016 was \$73,500.

The City finalized building permits for 52 dwelling units in 2016, as shown in Exhibit B.

Pursuant to HCD regulations, to claim units as affordable to lower or moderate income households, the City must prove affordability by providing the source of subsidy, citing applicable affordability covenants, or conducting a market study of sales prices or rents. Absent covenants of affordability, only two accessory dwelling units for which building permits were finalized in 2016 qualify as affordable to low income persons.

B. REPORTING PERIOD

This progress report covers housing production, affordability and status of Housing Element programs for Calendar Year 2016.

C. REPORT SUMMARY

The Annual Progress Report on Housing Element Implementation for Calendar Year 2016 has been prepared using forms and definitions adopted by HCD. The report consists of four tables. The City's production and progress during 2016 is reported with data contained in the following attached tables:

- Table A, Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects reports on affordable housing projects for which building permits were issued during 2016. The emphasis of this table is to report

permitted units by project affordable to very low, low, and moderate income households. Two housing units are reported in this category for 2016.

- Table A2, Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1) reports on units rehabilitated, preserved, or acquired. CDBG recipient Home of Guiding Hands rehabilitated two low-income homes in Santee in 2016.
- Table A3, Annual building Activity Report Summary for Above Moderate-Income Units lists permitted moderate and above-moderate units not shown in Tables A and A2 by unit type. During the reporting period, 52 new residential dwelling units were finalized for occupancy. All but two of these units were classified as housing for above-moderate income households. The two accessory dwelling units have been classified as non-deed restricted housing for low income households under HCD guidelines.
- Table B, Regional Housing Needs Allocation Progress reports building permits issued by affordability and calendar year to demonstrate progress in meeting the City's share of the regional housing need.

Santee's Regional Housing Needs Assessment (RHNA) allocation, finalized by the San Diego Association of Governments (SANDAG) on October 28, 2011, is 3,660 housing units for the period of January 1, 2010 to December 31, 2020.

Cumulatively, from January 1, 2010 to December 31, 2016, Santee issued building permits for 646 units: 15 very low income, 80 low income, 79 moderate income, and 518 above moderate income, with 2,968 units remaining.

Table C, Program Implementation Status provides the status of Housing Element program implementation. Each of the 17 programs listed in the adopted Housing Element is identified by name, objective, and timeframe for implementation. Staff has provided a brief response on the implementation of each program in the table.

D. STAFF RECOMMENDATION

Authorize the City Manager to send the Annual Housing Element Progress Report on Housing Element Implementation for Calendar Year 2016 to the California Office of Planning and Research and the State of California Department of Housing and Community Development.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA
AUTHORIZING SUBMISSION OF THE ANNUAL HOUSING ELEMENT PROGRESS
REPORT FOR CALENDAR YEAR 2016 TO THE STATE OF CALIFORNIA OFFICE
OF PLANNING AND RESEARCH AND THE STATE OF CALIFORNIA DEPARTMENT
OF HOUSING AND COMMUNITY DEVELOPMENT**

WHEREAS, pursuant to California Government Code Section 65400, the Department of Development Services must report annually to the City Council on the implementation of the General Plan Housing Element; and

WHEREAS, the California Department of Housing and Community Development has adopted regulations that require the Department of Development Services to use standardized forms when preparing the annual Housing Element report pursuant to California Government Code Section 65400; and

WHEREAS, pursuant to California Government Code Section 65400 the annual report attached hereto as "Exhibit A" must be submitted to the California Office of Planning and Research and the California Department of Housing and Community Development by April 1st of each year; and

WHEREAS, the current 2013-2021 City of Santee Housing Element has been certified by the California Department of Housing and Community Development and was prepared in accordance with the State General Plan Guidelines; and

WHEREAS, a public meeting on the annual report was held on March 8, 2017 as required by Government Code section 65400; and

WHEREAS, this project is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(3); the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

WHEREAS, the City Council considered the Annual Housing Element Progress Report for Calendar Year 2016.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Santee, California, after considering the staff recommendation, as follows:

SECTION 1: The City Council authorizes the City Manager to send the Annual Housing Element Progress Report on Housing Element Implementation for Calendar Year 2016 to the California Office of Planning and Research and the California Department of Housing and Community Development by April 1, 2016.

ADOPTED by the City Council of the City of Santee, California, at a Regular meeting thereof held this 8th day of March, 2016, by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

JOHN W. MINTO, MAYOR

ATTEST:

PATSY BELL, CMC, CITY CLERK

Attachment:

Exhibit A – 2016 Annual Progress Report on Housing Element Implementation
Exhibit B – Residential Units Finaled in 2016

EXHIBIT A

2016 HOUSING ELEMENT IMPLEMENTATION REPORT

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction SANTEE
Reporting Period 01/01/2016 - 12/31/2016

Pursuant to GC 65400 local governments must provide by April 1 of each year the annual report for the previous calendar year to the legislative body, the Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD). By checking the "Final" button and clicking the "Submit" button, you have submitted the housing portion of your annual report to HCD only. Once finalized, the report will no longer be available for editing.

The report must be printed and submitted along with your general plan report directly to OPR at the address listed below:

Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction SANTEE

Reporting Period 01/01/2016 - 12/31/2016

Table A

Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

1	2	3	4				5	5a	Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions
									6	7	
			Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes			Total Units per Project	Est. # Infill Units*	
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income			See Instructions	See Instructions	
8554 S. Slope Dr.	SU	Owner	0	1	0	0	1	1			
9219 Lake Canyon Rd.	SU	Owner	0	1	0	0	1	1			
(9) Total of Moderate and Above Moderate from Table A3			0	2	0	50					
(10) Total by Income Table A/A3			0	2	0	50					
(11) Total Extremely Low-Income Units*						0					

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction SANTEE
 Reporting Period 01/01/2016 - 12/31/2016

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program it its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHINA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				TOTAL UNITS	(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income			
(1) Rehabilitation Activity	0	0	2	2		Two homes were rehabilitated with CDBG funds.
(2) Preservation of Units At-Risk	0	0	0	0		
(3) Acquisition of Units	0	0	0	0		
(5) Total Units by Income	0	0	2	2		

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction SANTEE
 Reporting Period 01/01/2016 - 12/31/2016

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate	0	0	0	0	0	0	0
No. of Units Permitted for Above Moderate	13	0	37	0	0	50	50

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction SANTEE
 Reporting Period 01/01/2016 - 12/31/2016

Table C
Program Implementation Status

Program Description (By Housing Element Program Names)	Objective	Timeframe in H.E.	Status of Program Implementation
<p>Program 1: Code Enforcement</p>	<p>Continue to implement Municipal Codes (Titles 15 and 17), the 2001 California Building Code and Uniform Housing Code.</p>	<p>Ongoing</p>	<p>The Department of Development Services and Code Enforcement implemented the Municipal Code, the California Building Code and the Uniform Housing Code by issuing notices of violations and fines for all violations of which the City is aware. The City actively pursues reported code violations in Santee. In 2016, Code Enforcement opened 159 cases, closed 156 cases, and did not refer any cases to the City Attorney's Office.</p>
<p>Program 2: Mobile Home Conversion Regulations</p>	<p>Protect the residents of mobilehome parks from the loss of affordable housing opportunities.</p>	<p>Ongoing</p>	<p>No mobile home conversions occurred in 2016.</p>
<p>Program 3: Minor Home Improvement Loans</p>	<p>Assist 10 lower income homeowners annually through funding service providers that provide home security devices and minor home repairs.</p>	<p>Ongoing</p>	<p>The City has contracted with Lutheran Social Services' Caring Neighbors program to provide this service to Santee seniors. 65 seniors were assisted in 2016. In addition, CDBG recipient Home of Guiding Hands rehabilitated two homes in Santee in 2016.</p>
<p>Program 4: Conservation of Existing and Future Affordable Units</p>	<p>Monitor the status of the 309 at-risk units at Carlton Country Club Villas and Woodglen Vista. The City of Santee will work with property owners, interest</p>	<p>Ongoing</p>	<p>The City did not receive notice of intent to convert in 2016.</p>

	groups and the State and federal governments to implement the following programs on an ongoing basis to conserve its affordable housing stock.		
Program 5: Housing Choice Voucher Program	Continue to contract with the San Diego County Housing Authority to administer the Housing Choice Vouchers Program and support the County Housing Authority's applications for additional voucher allocations. Continue to support the County's efforts to maintain and expand voucher use in the City.	Ongoing	Santee is among 12 cities served by the Housing Authority of the County of San Diego. The County has developed a Consortium Consolidated Plan which contains a comprehensive affordable housing strategy that covers the City of Santee. According to the County Housing Authority, as of December 31, 2016, 286 households were using a Housing Choice Voucher to help pay for rent in the City of Santee and 1,638 applications submitted by Santee residents were recorded on a waiting list.
Program 6: Mobile Home Park Assistance Program	Provide financial and technical assistance to mobile home park residents who wish to purchase their mobile home parks and convert the parks to resident ownership.	Ongoing	No parks were at risk of converting in 2016.
Program 7: First Time Homebuyer Program	Continue the program in providing home buying assistance to 5 first time home buyers annually.	Ongoing	One loan was made during calendar year 2016 in the amount of \$67,765.00. The reduction in first time homebuyer assistance may be due to higher home prices. At higher home prices, low-income buyers have difficulty staying below the maximum housing debt ratio of 38%.
Program 8: San Diego County Regional Mortgage Credit Certificate Program	Facilitate the provision of 24 MCCs during the planning period (eight at <80 percent AMI and 16 at 80-120 percent AMI). Continue to promote the MCC program by notifying eligible applicants to other City programs and providing information on the City's website.	Ongoing	Affordable Housing Applications, Inc. administers the MCC program for the City of Santee on behalf of the County of San Diego.
Program 9: Manufactured Home Fair Practices Program	Assist approximately 1,200 mobile home owners. The City regulates space rents in mobile home parks and provides staff support to the Manufactured Fair Practices Commission, which holds quarterly meetings. The program requires significant financial resources in administration and legal defense of the Ordinance.	Ongoing	The Manufactured Home Fair Practices Commission met during 2016 to hear comments from park residents and owners and provide direction to staff.
Program 10: Facilitate Affordable Housing Development	Collaborate with nonprofits to provide additional affordable housing opportunities.	Ongoing	No requests were received.

Program 11: Supportive Services	Assist 1,000 persons with temporary shelter and supportive services during the planning period (400 meals for lower income seniors, case management for 200 lower income seniors, and temporary shelter, food, and clothing for 400 lower income individuals and families affected by domestic violence).	Ongoing	The City has contracted with Crisis House to provide a Homeless Prevention and Intervention program. 186 individuals were offered assistance in 2016.
Program 12: Inventory of Available Sites	Maintain an inventory of the available sites for residential development and provide it to prospective residential developers upon request.	Ongoing	An inventory of available sites for residential development is maintained by the City of Santee; it is available upon request at the Department of Development Services and City Manager's economic development division. The San Diego Association of Governments (SANDAG) also maintains an inventory of sites.
Program 13: Lot Consolidation Incentives	Amend the Update the Zoning Ordinance to include lot consolidation incentives.	Within one year of element adoption.	In the coming year, the City will develop strategies for lot consolidation and draft an ordinance that encourages lot consolidation.
Program 14: Monitoring of Residential Capacity (No Net Loss)	Monitor the consumption of residential acreage to ensure an adequate inventory is available to meet the City's RHNA obligations.	Ongoing	Development Services staff continue to monitor all proposed development projects for potential effects on RHNA inventory.
Program 15: Farm Worker Housing	Review and revise the Zoning Ordinance to address compliance with Health and Safety Code Sections 17021.5 and 17021.6.	Within one year of element adoption.	Completed: Section 17.10.03.F of the Zoning Ordinance has been updated to allow farm worker housing in residential zones.
Program 16: Monitor Changes in Federal and State Housing, Planning, and Zoning Laws	Monitor State and federal legislation as well as City development process and zoning regulations to identify and remove housing constraints.	Ongoing	Staff planners and attorneys continually monitor state and federal law. As an example, the City amended its Zoning Ordinance to allow accessory dwelling units in residential zones in accordance with new State law that became effective on January 1, 2017 with Senate Bill 1069 (SB 1069) and Assembly Bill 2299 (AB 2299).
Program 17: Equal Housing Opportunity Services	Continue to contract with a fair housing service provider to provide fair housing services to 500 residents of Santee over the 2013-2021 planning period. Participate in regional efforts to update the Regional Analysis of Impediments to Fair Housing Choice (AI) every five years. Maintain the link on the City website providing information about fair housing services.	Ongoing	The San Diego County AI (2010-2015) is available for public review at the Department of Development Services. Fair housing provider CSA of San Diego County assisted 59 people in 2016.

EXHIBIT B – Residential Units Finaled in 2016

PERMIT #	ADDRESS	DESCRIPTION	FINAL DATE
16-628	7531 CANYON DR	CONDO	11/17/2016
16-629	7527 CANYON DR	CONDO	11/17/2016
16-632	7529 CANYON DR	CONDO	11/17/2016
16-630	7535 CANYON DR	CONDO	11/17/2016
16-631	7533 CANYON DR	CONDO	11/17/2016
16-627	7523 CANYON DR	CONDO	11/17/2016
16-626	7521 CANYON DR	CONDO	11/17/2016
16-625	7525 CANYON DR	CONDO	11/17/2016
16-969	7548 CANYON DR	CONDO	11/23/2016
16-968	7546 CANYON DR	CONDO	11/23/2016
16-970	7544 CANYON DR	CONDO	11/23/2016
16-971	7542 CANYON DR	CONDO	11/23/2016
16-972	7540 CANYON DR	CONDO	11/23/2016
16-973	7538 CANYON DR	CONDO	11/23/2016
16-974	7536 CANYON DR	CONDO	11/23/2016
16-542	7545 CANYON DR	CONDO	12/12/2016
16-976	7524 CANYON DR	CONDO	12/12/2016
16-980	7526 CANYON DR	CONDO	12/12/2016
16-975	7528 CANYON DR	CONDO	12/12/2016
16-978	7530 CANYON DR	CONDO	12/12/2016
16-979	7532 CANYON DR	CONDO	12/8/2016
16-977	7534 CANYON DR	CONDO	12/8/2016
16-1027	8747 BOULDER LN	CONDO	12/22/2016
16-1021	8749 BOULDER LN	CONDO	12/22/2016
16-1024	8751 BOULDER LN	CONDO	12/22/2016
16-1019	8753 BOULDER LN	CONDO	12/22/2016
16-1026	8755 BOULDER LN	CONDO	12/22/2016
16-1018	8767 BOULDER LN	CONDO	12/21/2016
16-1023	8759 BOULDER LN	CONDO	12/21/2016
16-1020	8761 BOULDER LN	CONDO	12/21/2016
16-1025	8763 BOULDER LN	CONDO	12/21/2016
16-1022	8765 BOULDER LN	CONDO	12/21/2016
16-1077	8757 BOULDER LN	CONDO	12/21/2016
16-546	7537 CANYON DR	CONDO	10/24/2016
16-545	7539 CANYON DR	CONDO	10/24/2016
16-543	7543 CANYON DR	CONDO	10/24/2016
16-543	7543 CANYON DR	CONDO	10/24/2016
15-1337	10248 CASA CT	SFD/GAR	4/4/2016
15-1342	10252 CASA CT	SFD/GAR	4/4/2016
15-1341	12032 CASA CT	SFD/GAR	4/11/2016
15-1344	10230 CASA CT	SFD/GAR	4/22/2016
15-1343	10244 CASA CT	SFD/GAR	7/26/2016
15-1338	10256 CASA CT	SFD/GAR	8/23/2016
15-1336	10260 CASA CT	SFD/GAR	8/23/2016
15-1339	10245 CASA CT	SFD/GAR	9/1/2016
15-1345	10257 CASA CT	SFD/GAR	9/1/2016
15-1340	10233 CASA CT	SFD/GAR	9/1/2016
13-838	9206 INVERNESS RD	SFD/GAR	12/27/2016
15-864	8714 RUOCCO DR	SFD/GAR*	12/19/2016
15-865	8700 RUOCCO DR	SFD/GAR*	12/19/2016
15-1423	8554 S. SLOPE DR	ADU	12/21/2016
16-909	9219 LAKE CANYON RD	ADU	12/30/2016

City of Santee
COUNCIL AGENDA STATEMENT

1E

MEETING DATE March 8, 2017

AGENDA ITEM NO.

ITEM TITLE APPROVE A SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF SANTEE, SANTEE SCHOOL DISTRICT AND SANTEE PIONEER NATIONAL LITTLE LEAGUE TO CLARIFY THE BILLING METHODOLOGY FOR CHET HARRITT BALL FIELDS USE

DIRECTOR/DEPARTMENT Bill Maertz, Community Services *WMM*

SUMMARY

At the November 18, 2015 City Council meeting, the Council adopted a resolution approving a Memorandum of Understanding (MOU) between the City of Santee ("City"), Santee School District ("SSD") and Santee Pioneer National Little League ("League") for improvements to Chet Harritt Ball Fields. The parties executed the MOU on December 16, 2015. Included within the MOU was a Sub-Meter billing methodology between the parties.

At the August 8, 2016 City Council meeting, the Council approved a First Amendment to the MOU for Chet F. Harritt Ball Field Improvements which provided for the unused \$6,112 of the initially allocated \$67,100 to be used towards additional Chet F. Harritt Ball Field fencing improvements.

City staff, working with SSD staff, has drafted the attached Second Amendment to the MOU whereby the billing process has been clarified which will result in the District directly billing the League and therefore completely remove the City of Santee from the Sub-Meter methodology.

City staff recommends the Council approve the amendment to the MOU and authorize the City Manager to execute the amendment on behalf of the City.

ENVIRONMENTAL REVIEW

This item is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15061(b) (3). *m*

FINANCIAL STATEMENT

There is no fiscal impact to the City as this clarification will result in the District directly billing the League and therefore completely remove the City of Santee from the Sub-Meter methodology.

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION *MAB*

1. Approve the Second Amendment to Memorandum of Understanding (MOU) between the City of Santee, Santee School District and Santee Pioneer National Little League to clarify the Sub-meter billing methodology for Chet Harritt Ball Fields use; and
2. Authorize the City Manager to execute the Second Amendment on behalf of the City.

ATTACHMENTS (Listed Below)

Second Amendment to the Memorandum of Understanding

**AMENDMENT TO MEMORANDUM OF UNDERSTANDING
BETWEEN CITY OF SANTEE, SANTEE SCHOOL DISTRICT
AND PIONEER NATIONAL LITTLE LEAGUE
FOR IMPROVEMENTS TO CHET F HARRITT BALL FIELDS**

THIS SECOND AMENDMENT to the Memorandum of Understanding (“MOU”) between the City of Santee (“CITY”), the Santee School District (“DISTRICT”), and Pioneer National Little League (“LEAGUE”), collectively referred to as the “PARTIES”, is entered into and executed on this _____ day of _____, 2017 (“Second Amendment”).

RECITALS

WHEREAS, on December 16, 2015, the PARTIES entered into a Memorandum of Understanding (“MOU”) for improvements to the Chet F Harritt Ball Fields; and

WHEREAS, pursuant to the MOU, the CITY provided funding to the DISTRICT for the Chet F. Harritt improvement project for an amount not to exceed \$67,100. The winning bid for the project was \$60,988, which left a balance of \$6,112 in unused funds; and

WHEREAS, On August 11, 2016, the PARTIES amended the MOU to change the Scope of Work and to provide for the unused \$6,112 to be used for additional Chet F. Harritt Ball Field fencing improvements (“First Amendment”); and

WHEREAS, the MOU contains a calculation methodology for determining the amount the DISTRICT bills to the LEAGUE for electricity usage (“LEAGUE Electricity Usage Calculation”); and

WHEREAS, the DISTRICT desires to change the LEAGUE Electricity Usage Calculation to more closely match actual usage.

NOW THEREFORE, the PARTIES do hereby mutually agree as follows:

1. Clause 2.LEAGUE.h.b on Page 4 of the MOU is deleted in its entirety and replaced with the following:

Sub-Meter Method: If a Separate Service Meter is not installed, sub-meters have been installed by DISTRICT to record kilowatt hour (“kWh”) usage for the Field Electrical Connections (“Sub-Meters”). DISTRICT shall use the following methodology to calculate the amount owed by LEAGUE for electricity usage:

1. Record the starting and ending kWh cumulative quantity from the Sub-Meter connected to the snack bar building, office storage building, and batting cage (“Sub-Meter 1”) on a written log (“Sub-Meter Log”)
2. Subtract the ending kWh cumulative quantity from the starting kWh cumulative quantity on the Sub-Meter Log for Sub-Meter 1 to calculate the kWh usage for the recording period (“Recording Period kWh Usage”)
3. Calculate a blended rate for each monthly SDG&E invoice for the Chet F Harritt school site (“SDGE Invoice”) by dividing the total dollar amount billed by the total kWh usage on the SDGE Invoice (“Blended Rate”).
4. Calculate the amount to invoice LEAGUE (“LEAGUE Invoice Amount”) by:
 - a. Multiplying the Recording Period kWh Usage by the Blended Rate derived from the SDGE Invoice nearest the Recording Period kWh Usage

- b. Multiplying the result from 4a above by 98% to account for Other Entity Electrical Usage
- 5. Prepare and submit an invoice to LEAGUE for the LEAGUE Invoice Amount

LEAGUE shall reimburse DISTRICT no later than thirty (30) calendar days after the date invoiced by DISTRICT, unless alternate payment terms have been mutually agreed to, in writing, between the DISTRICT and LEAGUE.

2. All other terms, conditions, and provisions of the MOU shall remain in full force and effect. In witness whereof, the PARTIES have caused this Second Amendment to be executed by action of their respective governing bodies or designees and to be effective and operative upon the fixing of the last signature hereto.

Signatures of the PARTIES:

CITY

LEAGUE

Marlene Best
City Manager

Jamie Moreno
President

Date

Date

DISTRICT:

Approved as to Form:

Kristin Baranski,
Superintendent

Attorney for City of Santee
BEST, BEST, and KRIEGER LLP

Date

Date

City of Santee
COUNCIL AGENDA STATEMENT

2A

MEETING DATE March 8, 2017

AGENDA ITEM NO.

ITEM TITLE PUBLIC HEARING AND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, AMENDING THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2016/17 THROUGH 2020/21

DIRECTOR/DEPARTMENT *Gfk* Melanie Kush, Development Services

SUMMARY On April 27, 2016 the City Council approved the TransNet Local Street Improvement Program (LSI) for fiscal years 2016/17 through 2020/21. SANDAG recently released a revised TransNet revenue forecast which reflects a total reduction of \$253,000 in the projected TransNet revenues for the City over the five year period through fiscal year 2020/21. As a result the City is required to amend the LSI program to reflect this reduction in projected TransNet revenue. This item requests City Council to amend the program to reflect the following.

1. Revise the amount of projected annual TransNet funding available for the Santee Rehabilitation and Major Repair Work (SNT04) and Santee Slurry Seal and Roadway Maintenance (SNT22) projects.
2. Revise the street listing as a result of the funding changes for the Santee Rehabilitation and Major Repair Work (SNT04) and Santee Slurry Seal and Roadway Maintenance (SNT22) projects. Table 1. attached to the resolution reflects all the streets completed and to be completed through this fiscal year. Street recommendations for the next 5 fiscal years are currently being evaluated with a Pavement Management Report update and will come before City Council at the next amendment.

Under the TransNet Extension Ordinance each jurisdiction must hold a public hearing when amending or adding projects which it proposes to construct using TransNet LSI funding that has regional significance consistent with the long-range regional transportation plan. Table 1 of the attached resolution identifies the proposed amendments.

ENVIRONMENTAL REVIEW

Compliance with the Environmental Quality Act (CEQA) would be required prior to construction authorization.

FINANCIAL STATEMENT *SB - JOT.M.*

Funding for this amendment will be provided through the TransNet Local Street Improvement Program.

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION *MKB*

1. Conduct and close the public hearing.
2. Adopt the attached resolution amending the TransNet Local Street Improvement Program of Projects for Fiscal Years 2016/17 through 2020/21 and amending the adopted Capital Improvement Program budget for Transnet funded projects.

ATTACHMENTS

Resolution

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA,
AMENDING THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF
PROJECTS FOR FISCAL YEARS 2016/17 THROUGH 2020/21**

WHEREAS, on November 4, 2004, the voters of San Diego County approved the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (*TransNet* Extension Ordinance); and

WHEREAS, the *TransNet* Extension Ordinance provides that SANDAG, acting as the Regional Transportation Commission, shall approve on a biennial basis a multi-year program of projects submitted by local jurisdictions identifying those transportation projects eligible to use transportation sales tax (*TransNet*) funds; and

WHEREAS, the City of Santee was provided with an estimate of annual *TransNet* local street improvement revenues for fiscal years 2016/17 through 2020/21; and

WHEREAS, the City of Santee approved its 2016 *TransNet* Local Street Improvement Program of Projects (POP) on April 27, 2016 and the City of Santee desires to make adjustments to its Program of Projects; and

WHEREAS, the City of Santee has held a noticed public hearing with an agenda item that clearly identified the proposed amendment prior to approval of the projects by its authorized legislative body in accordance with Section 5(A) of the *TransNet* Extension Ordinance and Rule 7 of SANDAG Board Policy No. 31.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Santee, California, as follows:

Section 1. That the City of Santee requests that SANDAG make the following changes to its 2016 POP (the "Amendment"):

- A. Revise the amount of projected annual *TransNet* funding available for the Santee Rehabilitation and Major Repair Work (SNT04) and Santee Slurry Seal and Roadway Maintenance (SNT22) projects after bond debt service.
- B. Revise the street listing to reflect funding changes for the Santee Rehabilitation and Major Repair Work (SNT04) and Santee Slurry Seal and Roadway Maintenance (SNT22) projects.

Section 2. That pursuant to Section 2(C)(1) of the *TransNet* Extension Ordinance, the City of Santee certifies that no more than thirty percent of its annual revenues shall be spent on local street and road maintenance-related projects.

Section 3. That pursuant to Section 4(E)(3) of the *TransNet* Extension Ordinance, the City of Santee certifies that all new or changed projects, or major reconstruction projects included in the Amendment and funded by *TransNet* revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed was clearly noticed as part of the City of Santee's public hearing process for the Amendment.

RESOLUTION NO. _____

Section 4. That the City of Santee does hereby certify that all applicable provisions of the *TransNet* Extension Ordinance and SANDAG Board Policy No. 31 have been met.

Section 5. That the City of Santee continues to agree to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims related to City of Santee's *TransNet* funded projects.

Section 6. That the City of Santee amends the Local Street Improvement Program and amends the adopted Capital Improvement Program budget for Transnet funded projects.

ADOPTED by the City Council of the City of Santee, California, at a regular meeting thereof held this 8th day of March, 2017, by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

JOHN W. MINTO, MAYOR

ATTEST:

PATSY BELL, CMC, CITY CLERK

Attachments: Table 1 - 2016 Regional Transportation Improvement Program
Amendment No. 4

Table 1
 2016 Regional Transportation Improvement Program
 Amendment No. 4
 San Diego Region (in \$000s)

Santee, City of

MPD ID: SNT04

RTIP # 16-04

Project Title: Santee Rehabilitation and Major Repair Work TransNet - LSI: CR

Project Description: Multiple locations as recommended by Pavement Management Program report -Pavement Zones: AA, AC, AF, BC, BE, BF, BJ, CC, DA, DB, DD, DE, ED, EE, EF - Reconstruction and rehabilitation in the form of removal and replacement of existing pavement sections 2 inches minimum, 1.5 inch minimum overlay, pedestrian ramps, sidewalk improvements, and drainage improvements as part of the rehabilitation improvements.

Change Reason: Reduce funding

Capacity Status: NCI Exempt Category: Safety - Pavement resurfacing and/or rehabilitation

Est Total Cost: \$23,672

	TOTAL	PRIOR	16/17	17/18	18/19	19/20	20/21	PE	RW	CON
TransNet - Bond	\$9,855	\$7,459	\$2,397					\$343		\$9,512
TransNet - L	\$7,729	\$7,729								\$7,729
TransNet - LSI	\$1,900	\$287		\$340	\$383	\$423	\$467	\$140		\$1,760
TransNet - LSI (Cash)	\$1	\$1								\$1
TransNet - LSI Carry Over	\$3,001	\$3,001						\$157		\$2,844
Local Funds	\$1,186	\$1,186						\$15		\$1,171
TOTAL	\$23,672	\$19,663	\$2,397	\$340	\$383	\$423	\$467	\$655		\$23,017

PROJECT LAST AMENDED 16-00

	TOTAL	PRIOR	16/17	17/18	18/19	19/20	20/21	PE	RW	CON
TransNet - Bond	\$9,855	\$7,627	\$2,229					\$343		\$9,512
TransNet - L	\$7,729	\$7,729								\$7,729
TransNet - LSI	\$2,060	\$287		\$376	\$420	\$465	\$512	\$142	\$471	\$1,447
TransNet - LSI (Cash)	\$1	\$1								\$1
TransNet - LSI Carry Over	\$3,121	\$3,106	\$16					\$158		\$2,963
Local Funds	\$1,186	\$1,186						\$15		\$1,171
TOTAL	\$23,952	\$19,936	\$2,245	\$376	\$420	\$465	\$512	\$658	\$471	\$22,823

** Pending final SANDAG approval

**2016 Regional Transportation Improvement Program
Amendment No. 4
San Diego Region (in \$000s)**

RTIP Fund Types

HES	Hazard Elimination System (administered by Caltrans)
IRI	Intercity Rail Improvement (State Prop. 1B)
<i>Local Funding</i>	
Local Funds AC	Local Funds - Advanced Construction; mechanism to advance local funds to be reimbursed at a later fiscal year with federal/state funds
TransNet-B	Prop. A Local Transportation Sales Tax - Bike
TransNet-L	Prop. A Local Transportation Sales Tax - Local Streets & Roads
TransNet-LSI	Prop. A Extension Local Transportation Sales Tax - Local System Improvements
TransNet-LSI Carry Over	TransNet - LSI funds previously programmed but not requested/paid in year of allocation
TransNet-LSI (Cash)	TransNet - LSI funds which agencies have received payment, but have not spent

City of Santee
COUNCIL AGENDA STATEMENT

11A

MEETING DATE March 8, 2017

AGENDA ITEM NO.

ITEM TITLE **REPORT ON COMPREHENSIVE MUNICIPAL CODE UPDATE
PROCESS AND DRAFT REVISIONS TO TITLES 1 AND 2**

DIRECTOR/DEPARTMENT Shawn Hagerty, City Attorney

DISCUSSION

In January 2016, you received a report on efforts to undertake a comprehensive update to the City's municipal code. The comprehensive update is intended to help the City keep pace with changes in technology, law, and business practices, and in effectively conducting the public's business. During 2016, the update proceeded according to a proposed schedule for working with City staff on revisions to the Code other than the building, zoning, and land use titles, which involve significant policy questions that will need to be addressed separately.

During 2017, we anticipate providing drafts of the revised titles for your consideration and comment. The tentative schedule for presenting proposed revisions to the remaining titles for your consideration is listed below. After receiving comments on all of the revisions, we will bring forward one ordinance to implement the changes:

Dates	Municipal Code Titles
March	General, administration and personnel
April	Revenue, finance, and business regulations
May	Health and sanitation, public safety
June	Public services and public works
July	Vehicles and traffic and technical amendments to building, subdivisions, and zoning

Tonight, we are starting with Titles 1 and 2. In coordination with City staff, we have prepared the attached draft revisions to these Titles for your consideration. The attached staff report describes the proposed revisions and seeks your comments on them.

Report Tim
FINANCIAL STATEMENT: The adopted City Attorney budget includes \$60,000 for a comprehensive update to the Municipal Code. An additional \$20,000 is included in the City Clerk's budget for the cost of codifying the updates for the printed and electronic codes.

CITY ATTORNEY REVIEW N/A Completed

MSB
RECOMMENDATION: Receive report and provide direction as needed, including direction on the policy questions identified in the staff report as "Policy Point."

ATTACHMENTS:

- 1) Staff report
- 2) Title 1 – General Provisions – with proposed revisions and redline version
- 3) Title 2 – Administration and Personnel – with proposed revisions and redline version

**Staff Report on Comprehensive Municipal Code Update Process and
Draft Revisions to Titles 1 and 2**
February 2017

Overview

The municipal code contains the codified ordinances of the City. Municipal ordinances establish local law and prescribe rules of conduct that apply generally to people and things within the City's jurisdiction. In general, a municipal code contains the local laws governing internal administrative matters, revenue generation, business regulations, public health and safety, vehicles and traffic, public property and public services, and land development.

This staff report provides an overview of the proposed revisions to Titles 1 and 2 of the Municipal Code. The comprehensive update is intended to help the City keep pace with changes in technology, law, and business practices, and in effectively conducting the public's business. The proposed revisions aim to accomplish a few goals. First, we want to update the municipal code to conform with current City practices and procedures. Second, we want to make the City's regulatory approach consistent with evolving state and federal law. Where municipal code provisions are informed by a state or federal law that has changed over time, those provisions are revised to be consistent with existing law. Third, the revisions are intended to streamline the municipal code by identifying and correcting internal duplicative or contradictory provisions. Fourth, the revisions are intended to make non-substantive revisions to formatting, grammar, and writing conventions that are no longer favored.

Title 1

Title 1 contains general provisions relating to the adoption and enforcement of the Code. To accomplish the general goals described above, the major proposed changes include consolidating the enforcement provisions scattered throughout the municipal code, into a location. The proposed substantive revisions to Title 1 are generally as follows (section references are to revised section numbers):

Chapter 1.01 General Provisions

- Section 1.01.010 Removed reference to adoption of the 1987 uniform codes.
- Section 1.01.020 No Mandatory Duty—Civil Liability. Added a provision clarifying that anywhere the municipal code sets out a requirement for the city to undertake, that requirement does not create a mandatory duty for purposes of tort liability.
- Section 1.01.030 Delegation of authority Added a general provision that authorizes a person who is given a duty under the code to delegate that duty to a deputy or designee. This provision is

scattered throughout the code now. Placing it in Title 1 makes it applicable in every instance.

- Section 1.01.040 Severability. Included a severability clause applicable to the entire code so that each chapter does not need to include a separate severability provision.
- Section 1.01.050 Removed reference to an exhibit depicting the seal and reference to two-toned representations as the official city seal.
- Deleted sections Deleted unnecessary reference to the effective date of the municipal code, adoption of 1987 uniform codes, and continuation of existing laws.
- Relocated sections Relocated general provisions relating to violations of the code.

Chapter 1.02 Definitions and Rules of Construction

- Section 1.02.010 Definitions. Deleted unused words and added definitions for words used throughout the code.
- Section 1.02.020 Title of office. Added a provision clarifying that whenever the municipal code references an employee by title, the reference also includes anyone designated to act on that person's behalf.

Chapter 1.04 General Penalties

- Section 1.04.010 Purpose. Added findings relating to the importance of code enforcement to the protection of public health, safety and quality of life. Currently, the general penalty provision addresses criminal prosecutions and does not address administrative and civil enforcement and penalties. New sections in the general provisions chapter express the city's intent to use a range of enforcement options.
- Section 1.04.020 General enforcement authority. Added a new section authorizing the city manager to enforce the code.
- Section 1.04.040 Authority to enter and inspect. Consolidated various sections authorizing entry and inspection into a general entry and inspection provision.
- Sections 1.04.060 and 1.04.070 Fine and punishment—Misdemeanor. Removed reference to specific dollar amounts for fines and

replaced it by reference to the Penal Code provision that establishes the fine amounts.

- Section 1.04.080 Violations – Civil and administrative penalties. Added a provision noting the City’s authority to undertake administrative and civil enforcement of the municipal code. The administrative penalties will be imposed pursuant to criteria listed later in the chapter. The penalty amounts established for administrative actions are amounts provided in state law. (Gov. Code 36901, 53069.4.)

Chapter 1.08 Administrative Citations and Fines - Procedures

- Section 1.08.010 Definitions. Updated the definition of administrative citation to include examples of types of administrative enforcement options that are available to the City.
- Section 1.08.020 Issuance of administrative citations. Added subdivisions and specificity to the existing section regarding issuance of citations. Changes include:
- A. Added clarification that failure to comply with an existing administrative citation is a type of “violation” that justifies further or escalated enforcement.
 - B. Relocated existing language regarding continuing violations to subdivision B.
 - C. Added subdivision C to provide guidance on the determination of a fine or penalty for violations. Additional language specifies that fines may be imposed through an administrative citation and that the amount of any fine must comply with law, statute, order, resolution or ordinance, or where no amount is specified, in amounts of \$100, \$250, \$500, \$750, or \$1,000 per violation. When imposing the fine amount, the enforcement officer is required to apply the criteria set forth in subdivision F.
 - D. Included general cost recovery authority with a reference to the procedures for recovering costs at Chapter 1.12.
 - F. Added a section setting out the criteria an enforcement officer considers when determining the type of citation to issue, the amount of any penalty to assess and any other actions that are part of an enforcement action. Criteria include the following: (1) the nature of the violation; (2) the level of seriousness of the violation; (3) the duration

of the violation; (4) efforts by the responsible person to correct the violation; (5) the impact of the violation on the community; (6) any instances in which the responsible person has been in violation of same or similar laws at the same or other locations in the City; (7) the good faith effort by the responsible person to comply; (8) the economic impact of the penalty on the responsible person; (9) the economic benefit of the violation to the responsible person; (10) whether the violation is easy to correct; and (11) any other factors that justice may require.

- Section 1.08.030 Service procedures. Added a general procedure for service of any notice required to be given under the municipal code, unless specific service procedures are required elsewhere. Added a provision authorizing service of certain administrative citations by electronic means in accordance with court rules regarding electronic service.
- Section 1.08.050 Notice of pending administrative enforcement action. Added authorization and procedures to record a notice of pending administrative enforcement actions against a property.
- Section 1.08.060 Satisfaction of administrative citation. Added a procedure for issuing a notice of compliance to close out an administrative enforcement action at the request of a violator.
- Section 1.08.070 Administrative citation – Types, policies and procedures. Compiled different types of enforcement options scattered through the Code in a single location, and described the types of compliance actions associated with each.

Chapter 1.10 Nuisance Abatement

- General comment. Relocated abatement provisions in chapters 8.48, 8.60, and 9.56 to a single place in Chapter 1.10 and consolidated specific procedures for graffiti and weed abatement into this chapter. Where procedures specific to graffiti or weed abatement differ from the general abatement procedures, the difference is articulated.
- Section 1.10.200 Added a provision specifying summary (emergency) abatement procedures pursuant to Government Code section 38773.

Chapter 1.12 Cost and Penalty Recovery

General comment. Consolidated various provisions relating to cost recovery, imposition of liens and assessments into a single chapter. Chapter 1.12 builds on Chapter 1.10 because it serves as the means for collecting costs and penalties as part of nuisance abatement proceedings, but also establishes general cost and penalty recovery mechanisms applicable to all enforcement actions, by authorizing, for example, submission of an invoice to a violator for payment of outstanding fines and referral of unpaid fines to a collection agency.

Chapter 1.14 Administrative Hearing and Judicial Review

General comment Chapter 1.14 provides the general procedures for appealing an administrative citation, but also provides a general appeal procedure that can be applicable to other actions of city officials by reference.

Section 1.14.010 Appeal of citation.

A. This subdivision maintains the current general appeal time of 30 days after service of a citation, but adds a provision allowing the citation to specify a different time to appeal.

B. This subdivision updates the procedures for filing a request for hearing to conform with current city practice.

Policy Point The approach established here maintains the current process for general nuisance abatement appeals and applies that process to all appeals, except where otherwise provided. This approach removes the process for submitting appeals to an outside hearing officer. As a result, appeals from most nuisance abatement proceedings and other enforcement actions, such as the appeal in the Zulauf case, may come to council.

Title 2

Title 2 contains provisions relating to city administration and personnel. The proposed substantive revisions to Title 2 are generally as follows (section references are to revised section numbers):

Chapter 2.01 Form of Government

General comment Added a provision noting the council-manager form of government as established by the charter.

Chapter 2.02 City Council.

General comment Relocated chapter on city council to front of title. Added sections setting out the council's authority to establish regular meetings and appoint the city manager, city attorney and city clerk.

Section 2.02.020 Meetings. Added a provision noting the city council's authority to set and cancel regular meetings.

Section 2.02.030 Added section describing the mayor's role.

Section 2.02.040 Appointment. Added a provision clarifying that the city council appoints the city manager, city attorney and city clerk.

Section 2.02.050 Salaries and reimbursement. Removed reference to the specific salary of each council member and mayor and replaced it with a provision that allows the city council to set salaries by resolution.

Chapter 2.03 Planning commission.

Policy Point We have not made any substantive revisions. You may want to consider whether to modify the identity and composition of the planning commission.

Chapter 2.04 City manager

Policy Point Consider whether to add an option for the city manager to appoint an assistant or deputy.

Section 2.04.040 Designation of acting city manager. Added provision authorizing the city council to designate an acting city manager if the city manager is absent and has not appointed an acting city manager.

Section 2.04.060 Deleted the requirement to pay a cash severance to the city manager on termination of employment by reason of involuntary removal other than for willful misconduct.

Chapter 2.06 City attorney

General comment. Added provisions specifying the city attorney's statutory duties and compensation and noting that the council may assign additional duties.

Chapter 2.08 City clerk

General comment Added provisions specifying the city clerk's statutory duties and compensation and noting that the council may assign additional duties.

Chapter 2.16 City departments

Section 2.16.010 Generally. Updated the list of departments whose directors are appointed by the city manager and those appointed by the city council.

Section 2.16.020 Duties. Added a provision that the duties of the city departments are assigned and reassigned by the city manager, subject to budgetary approval.

Chapter 2.18 Internal Relations.

General comment Relocated provisions on internal relations to a separate chapter.

Chapter 2.20 Redevelopment Agency.

General comment Deleted the chapter due to dissolution of redevelopment agencies.

Chapter 2.22 Community Development Commission.

General comment Deleted the chapter due to dissolution of redevelopment agencies.

Chapter 2.24 Personnel

Section 2.24.020 Updated the duties of the personnel officer.

Section 2.24.040 Revised to authorize the city manager to prepare and amend personnel policies, which may be reviewed by the city council. Only policies involving financial resources must be approved by city council prior to implementation.

Sections 2.24.050 and 2.24.060 Revised sections on appointments and probationary rules to place the details in the personnel manual.

Sections 2.24.120, 2.24.160 Deleted sections regarding appeal rights and nondiscrimination, because these will be included in the personnel manual.

Section 2.24.150 Relocated provision regarding contracts for special services to the general powers and duties of the city manager.

Chapter 2.32 Emergency Services

General comment No substantive revisions.

Chapter 2.36 General Elections

General comment No substantive revisions

Chapter 2.40 Election Campaign Finance and Control

General comment No substantive revisions

Chapter 2.44 Manufactured Home Fair Practices Commission

General comment No revisions

TITLE 1 GENERAL PROVISIONS

Chapter 1.01 CODE ADOPTION

1.01.010 Adoption.

This code is known as the “Santee Municipal Code.” It is sufficient to refer to this code as the “Santee Municipal Code” in any administrative proceeding, any prosecution for violations, and in any amendment or repeal of any portion of the code. Reference to the “Santee Municipal Code” includes references to any amendment, correction or additions to the code.

1.01.020 No Mandatory Duty—Civil Liability

It is the intent of the city Council of the city of Santee that any provision in this code establishing performance standards or establishing an obligation to act by a city officer or employee does not create a mandatory duty for purposes of tort liability.

1.01.030 Delegation of authority

Unless prohibited by charter, state law or this code, whenever this code grants any power to or imposes a duty on a city employee, a duly appointed deputy, designee or other authorized person may exercise the power or perform the duty.

1.01.040 Severability

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision does not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. (Ord. 261 § 2, 1991)

1.01.050 City seal.

The official city seal of the city has been adopted by city resolution. The resolution describes the city seal in the following manner:

A. Two concentric circles separated by a narrow black border. Contained within the outer circle are the words “City of Santee, California” at the top and “Incorporated 1980” at the bottom. The inner circle consists of an artistic rendering of a green, grassy area in the foreground, a brown tree with green leaves in the right foreground, a brown knoll or rock in the left foreground fronting a strip of blue water. The background representation consists of a green bank of bushes fronting a range of brown hills and mountains. The background sky is blue.

B. For the purposes of this section any black and white representation of the above described city seal is considered as the official city seal. (Ord. 126-B § 1, 1984)

C. Unlawful use of seal. No person may use or allow to be used any reproduction or facsimile of the seal of the city for any purpose other than official business of the city, without prior authorization from the city clerk. (Ord. 126-B § 2, 1984)

D. Unlawful use of imitation. No person may use, or allow to be used, any colorable imitation of the seal of the city, when such use is likely to lead the ordinary observer to believe that the imitation is, in fact, the city seal. (Ord. 126-B § 3, 1984)

E. Exemption. This chapter does not apply to reproductions or facsimiles of the city seal made prior to the effective date of the ordinance codified in this chapter. (Ord. 126-B § 4, 1984)

Chapter 1.02 DEFINITIONS AND RULES OF CONSTRUCTION

1.02.010 Definitions.

When used in this code, the following words and phrases are construed as defined in this section unless the context intends a different meaning unless a different meaning is specifically defined:

“City” means the city of Santee, California, or the area within the territorial limits of the city of Santee, California, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“City council” and “council” mean the city council of the city of Santee. “All of its members” or “all council members” means the total number of council members holding office.

“City manager” means the city manager of the city of Santee, or his or her designee.

“County” means the county of San Diego.

“Enforcement officer” means any person designated by the city manager to enforce any provision of this code, including but not limited to a Sheriff’s Deputy and the city attorney.

“Law” denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city of Santee, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Municipal code” or “code” means the Santee Municipal Code.

“Must” is mandatory.

“Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

“Person” includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any other legal entity, or the manager, lessee, agent, servant, officer or employee of any of them.

“Personal property” is every kind of property that is not real, including but not limited to money, goods, and evidences of debt.

“Property” includes real and personal property.

“Real property” has the definition set forth in California Civil Code section 658 and consists of land, that which is affixed to land, incidental or appurtenant to land, and immovable by law.

“State” means the state of California.

“Tenant” and “occupant,” applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

“Written” or “writing” means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

“Year” means a calendar year. (Ord. 348 § 1, 1996; Ord. 70 § 1, 1983)

1.02.020 Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city or anyone designated to act on that person’s behalf. (Ord. 70 § 2, 1983)

1.02.030 Interpretation of language.

All words and phrases are construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law will be construed and understood according to the peculiar and appropriate meaning. (Ord. 70 § 3, 1983)

1.02.040 Grammatical interpretation.

The following grammatical rules apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

Gender. Each gender includes the masculine, feminine and neuter genders.

Singular and Plural. The singular number includes the plural and the plural includes the singular.

Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 70 § 4, 1983)

1.02.050 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement is construed to include all such acts performed by an authorized agent. (Ord. 70 § 5, 1983)

1.02.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city of Santee any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 70 § 6, 1983)

1.02.070 Computation of time.

Except when otherwise provided, the time within which an act is required to be done is computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it is also excluded. (Ord. 70 § 7, 1983)

1.02.080 Construction.

The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to affect their objects and to promote justice. (Ord. 70 § 8, 1983)

1.02.090 Repeal does not revive any ordinances.

The repeal of an ordinance does not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 70 § 9, 1983)

Chapter 1.04 GENERAL PENALTIES

1.04.010 Purpose.

The Council finds that enforcement of the municipal code and applicable state codes throughout the city is an important public service. Code enforcement is vital to protection of the public's health, safety and quality of life. The Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with code regulations.

1.04.020 General enforcement authority.

The city manager and designated enforcement officers have the authority and powers necessary to gain compliance with the provisions of the municipal code and applicable state codes. These powers include the power to issue informal and written warnings, administrative citations, and monetary penalties, inspect public and private property and use whatever judicial and administrative remedies are available under the municipal code or applicable state codes.

1.04.030 Continuing violation.

Every responsible person who maintains, permits, or allows a violation of this code or of any ordinance of the city of Santee is guilty of a separate offense for each and every day during any portion of which a violation of any provision of this code or the ordinance of the city of Santee is committed, continued or permitted by any such person.

1.04.040 Authority to enter and inspect.

Enforcement officers are authorized to enter upon any property or premises to determine whether the provisions of the municipal code or applicable state codes are being obeyed, and to make any examinations and surveys necessary in the performance of their enforcement duties. These may include taking photographs, samples or other physical evidence. All inspections, entries, examinations and surveys must be done in a reasonable manner. If an owner, occupant or agent refuses permission to enter or inspect, the enforcement officer may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Section 1822.50 through 1822.59.

1.04.050 Violations – Criminal penalty.

- A. Any person violating any provision or failing to comply with any of the mandatory requirements of the ordinances of the city of Santee is guilty of a misdemeanor; except that notwithstanding any other requirement of the code, any violation constituting a misdemeanor under this code may, in the discretion of the city attorney or other prosecutor, be charged and prosecuted as an infraction. Any violation of any provision or failure to comply with any of the mandatory requirements of this code may also be

subject to an administrative citation and/or fine issued under this code or any other available remedy.

- B. If any person is arrested for a violation of any one or more of the provisions of this code and such person does not demand to be taken before a magistrate, the arresting officer may issue a citation in the manner prescribed in Chapter 5C of Title 3 of Part 2 of the Penal Code (commencing with Section 853.5).

1.04.060 Fine and punishment—Misdemeanor.

Except in cases where a different punishment is prescribed by any ordinance of the city of Santee, any person convicted of a misdemeanor for violating an ordinance of the city is punishable by a fine or imprisonment or both in the amounts established by Penal Code section 19 or such other provision of state law, as they currently exist or may hereafter be amended.

1.04.070 Fine and punishment—Infraction.

Any person convicted of an infraction for violating an ordinance of the city of Santee, is punishable by a fine not exceeding the amount established by Penal Code section 19.8 or other provision of state law, as they currently exist or may hereafter be amended.

1.04.080 Violations – Administrative and civil penalties.

- A. Administrative penalties, generally. Any person violating any provision of the code may be subject to an administrative enforcement action pursuant to this code, as further set forth in Chapter 1.08, and administrative fines at a daily rate determined by the city manager in accordance with Section 1.08.020; provided, however, that the amounts listed in that section are not a limitation on the city manager's authority to negotiate settlements which exceed the maximum administrative penalty amounts or to establish civil penalty amounts up to the maximum rate of \$1,000 per violation and the maximum amount of \$250,000, unless city council provides otherwise by resolution.
- B. Civil penalties, generally. Any provision of this code may be enforced by a civil enforcement action, including but not limited to an injunction issued by the Superior Court upon a suit brought by the city of Santee and civil penalties.

Chapter 1.08 ADMINISTRATIVE CITATIONS AND FINES – PROCEDURES

1.08.010 Definitions.

For the purposes of this code, the following definitions apply unless the context or more specific definition indicates otherwise:

- A. “Administrative citation” means a written notice that mandates corrective action, orders the cessation of illegal actions, and/or establishes a fine as a penalty. Administrative citations include, but are not limited to, warning, notice of violation, cease and desist order, compliance order, notice to abate, abatement action, stop work order, ineligibility for land development, bonding requirement, referral to other enforcement authorities, permit revocation, and monetary penalties.
- B. “City agreement” means and includes, but is not limited to, a development agreement, owner participation agreement, disposition and development agreement, road maintenance agreement, storm water facilities maintenance agreements, easement, license, other real property use agreement, and an agreement to implement an ordinance, plan, permit, entitlement, or review approved by the city.
- C. “Environmental review” means and includes, but is not limited to, an environmental impact report, mitigated negative declaration, negative declaration, and determination of categorical exemption, including any mitigation, monitoring and reporting program.
- D. “Hearing officer” means the person selected by the city manager to conduct an administrative hearing pursuant to the provisions of this chapter.
- E. “Permit” or “entitlement” means and includes, but is not limited to, a development review permit, a conditional use permit, sign permit, variance, specific plan, parcel map, subdivision map, building or grading permit, encroachment or right-of-way permit, business license, stormwater permit, and any other permit required by the municipal code.
- F. “Responsible person” means any person or other legal entity, and who is responsible for causing or maintaining a violation of this code or applicable state code, and who is any of the following:
 - 1. The owner, as that person’s identity is set forth in the county assessor's or county recorder's records, occupant or person in charge of the day-to-day activities of real property;
 - 2. The holder or the agent of the holder of any permit, entitlement, or review;
 - 3. The party or the agent of a party to an agreement;
 - 4. The owner or the authorized agent of any business, company, or entity; or

5. The parent or legal guardian of any person under the age of eighteen years who violates any provision of the municipal code, permit, entitlement, environmental review, or city agreement. (Ord. 463 § 2, 2007)

1.08.020 Issuance of administrative citations.

- A. Generally. An enforcement officer may issue an administrative citation to any person who violates any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement. A violation of this code includes, but is not limited to, any failure to comply with a requirement contained in this code and the failure to comply with any condition imposed by any entitlement, permit, city agreement, administrative citation or environmental review issued or approved pursuant to this code.
- B. Continuing violations. In accordance with Section 1.04.030, each and every day that a violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement continues to exist constitutes a separate and distinct offense. A separate citation may be issued for each day a violation continues to exist. A second or subsequent violation punishable as set forth below need only be of the same or similar provision of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement to require the larger fine, and need not involve the same personnel or property, provided that the same responsible person is cited. The fine amounts may be cumulative where multiple citations are issued.
- C. Monetary penalties, generally. In accordance with Chapter 1.12, an enforcement officer may assess a monetary fine or civil penalty for any violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement by means of an administrative citation. Such fine or penalty is payable directly to the city of Santee. Monetary fines and penalties will be assessed in the amounts allowed by law, statute, resolution or ordinance of the city council or, where no amount is specified, in any of the following amounts: \$100; \$250; \$500; \$750; or \$1,000 per violation.
- D. Cost recovery, generally. Any person who violates any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement is liable for all costs incurred by the city to investigate, remedy, and prosecute such violation, including, but not limited, to attorneys' fees. The city will maintain an accurate accounting of its costs and may recover such costs in accordance with Chapter 1.12.
- E. Warning. If a violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, that does not create an immediate danger to health and safety, then the responsible person may be issued a warning only on the first violation. The warning will advise the responsible person of the nature of the violation and the date upon which the violation must be corrected. The responsible person will be given a

reasonable amount of time to correct the violation. If the violation is not corrected within the specified time period, an administrative citation with a fine may be issued.

- F. Criteria. In determining the type of administrative citation to issue, the amount of penalty to assess for a particular violation, and other actions that are part of enforcement proceedings, the enforcement officer may consider factors, including but not limited to the following:
1. the nature of the violation,
 2. the level of seriousness of the violation,
 3. the duration of the violation,
 4. efforts by the responsible person to correct the violation,
 5. the impact of the violation on the community,
 6. any instances in which the responsible person has been in violation of same or similar laws at the same or other locations in the city,
 7. the good faith effort by the responsible person to comply,
 8. the economic impact of the penalty on the responsible person,
 9. the economic benefit of the violation to the responsible person,
 10. whether the violation is easy to correct, and
 11. any other factors that justice may require.

1.08.030 Service procedures.

- A. Except as otherwise provided in this code or at law, including but not limited to exceptions provided for notices issued pursuant to the nuisance abatement provisions in Chapter 1.10, wherever notice is required to be given, it must be served in any of the following manners:
1. Personal Service. In any case where an administrative citation is issued:
 - a. The enforcement officer must attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation.
 - b. If the responsible person served refuses or fails to sign the administrative citation, the failure or refusal to sign does not affect the validity of the administrative citation or of subsequent proceedings.
 2. Service of Citation by Mail. If the enforcement officer is unable to locate the responsible person, the administrative citation may be mailed to the responsible person by certified

mail, postage prepaid with a requested return receipt. Simultaneously, the citation may be sent by first class mail. If the administrative citation is sent by certified mail and returned unsigned, then service is deemed effective by first class mail, provided the citation sent by first class mail is not returned by the United States Postal Service.

3. Service of Citation by Posting Notice. If the enforcement officer does not succeed in personally serving the responsible person, or by certified mail or first class mail, the enforcement officer may post the administrative citation on any real property within the city in which the city has knowledge that the responsible person has a legal interest, and such posting will be deemed effective service.
4. Service of Citation by Electronic Means. Unless otherwise provided in this code or by law, the enforcement officer may serve an administrative citation by electronic service when the person subject to an administrative citation has agreed to accept service electronically. Electronic service of a document is complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent. However, any period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service of the document will be extended after service by electronic means by two business days, but the extension of time will not apply to filing any notice of appeal or request for hearing.

B. Upon complying with the service procedures set forth in this section, the enforcement officer may complete a declaration of service documenting the date and manner of service. Failure to complete a declaration of service does not affect the validity of the service.

1.08.040 Contents of notice.

A. Each administrative citation must contain the following information, at a minimum:

1. Date, approximate time, and address or description of the location where the violation(s) was observed;
2. The provision of the municipal code, condition of approval of a permit, entitlement, condition or provision of an environmental review, or term or condition of the city agreement or order violated and a description of the violation(s);
3. An order to the responsible person to cease the violation, correct the violation(s) within the time specified, if applicable, and an explanation of the consequences of failure to correct the violation(s);
4. The amount of the fine for the violation(s), if any;
5. An explanation of how the fine, if any, must be paid and the time period by which it must be paid;
6. A notification that payment of the fine does not excuse or discharge the failure to correct the violation and does not bar further enforcement action by the city;

7. A statement that if the fine is not timely paid, a late payment penalty of twenty-five percent of the amount of the fine may be added to the fine, and interest of ten percent per month may also apply to outstanding fines;
8. Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for hearing form to contest the administrative citation; and
9. The name and signature of the enforcement officer, the name and address of the responsible person and, if possible, the signature of the responsible person. (Ord. 463 § 2, 2007)

1.08.050 Notice of pending administrative enforcement action.

- A. A director may record with the County Recorder's Office a notice against a property which is the subject of an administrative enforcement action pending with the city of Santee. The notice must identify the property by Assessor's Parcel Number, if known, describe the nature of the administrative action and refer to the municipal code provision governing the pending administrative action.
- B. Before recordation, the enforcement officer must provide 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 Chapter 1.14 is filed. The letter must be served pursuant to any of the methods of service set forth in Section 1.08.030 of this code. The enforcement officer may also send a courtesy copy of the letter to any applicable financial institution.
- C. If the enforcement officer does not receive a written request to appeal pursuant to the procedures set forth in Chapter 1.14, the enforcement officer may record notice of the administrative citation if the violations remain.
- D. An appeal of the enforcement officer's decision to record the administrative citation must follow the procedures set forth in Chapter 1.14, except that the decision of the hearing officer is final. If the hearing officer affirms the issuance of the administrative citation and the violations remain, enforcement officer may record notice of the administrative citation beginning three days after service of the hearing officer's decision.
- E. A copy of the recorded notice of violation must be served on the responsible person and property owner pursuant to any of the methods of service set forth in Section 1.08.030 of this code.
- F. The enforcement officer, property owner or responsible person may record a Notice of Compliance, issued pursuant to Section 1.08.060 of this code, with the County Recorder's Office. The recordation of the Notice of Compliance has the effect of canceling the recorded Notice of Violation

1.08.060 Satisfaction of administrative citation.

- A. When the violations listed on the administrative citation have been corrected, the responsible person or property owner may file with the enforcement officer a written request for a Notice

of Compliance. Once the enforcement officer receives this request, the enforcement officer must reinspect the property within thirty (30) calendar days to determine whether the violations listed in the administrative citation have been corrected and whether all necessary permits have been issued and final inspections have been performed. The enforcement officer must serve a Notice of Compliance to the responsible person or property owner in the manner provided in Section 1.08.030 of this code if the Director determines that:

1. all violations listed in the recorded administrative citation have been corrected; and
2. all necessary permits have been issued and finalized;
3. all fines and/or penalties assessed against the property as a result of the administrative citation have been paid.

1.08.070 Administrative citation – Types, policies and procedures

Each type of administrative citation may be issued alone, or it may be combined with any other type of administrative citation. The city manager is authorized to develop, adopt and amend policies and procedures relating to the issuance and administrative citations for the purpose of implementing the provisions of this code. The policies and procedures must provide guidance for the consideration of the criteria set forth in Section 1.08.020 and account for the following:

- A. Notice of violation. A notice of violation may be issued in response to any violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement. A notice of violation may range from an informal warning to a formal enforcement action based on an evaluation of the criteria in Section 1.08.020.
- B. Cease and desist order. A cease and desist order may be issued to require cessation of activities constituting a violation that poses a threat to health, safety or welfare or the environment.
- C. Compliance order. A compliance order may be issued to require actions to remedy a violation, and may contain a compliance schedule with milestones, action plans, compliance meetings, or other measures necessary to achieve and maintain compliance.
- D. Notice to abate. A notice to abate may be issued in accordance with Chapter 1.10.
- E. Stop work order. A stop work order may be issued to immediately halt all construction, grading, building and other work undertaken pursuant to a city-issued permit but in violation of applicable provisions of the code, permit, order or other regulatory requirements.
- F. Ineligibility for land development. A department director may determine that any person who fails to perform construction, grading, building or other work undertaken pursuant to city-issued permit but in violation of applicable provisions of the code, permit, order or other regulatory requirements is ineligible to continue development or construction activities. During the effective dates of such ineligibility, no application for a building permit, administrative permit, site plan, use permit, variance, tentative parcel map,

tentative map, parcel map or final map or any other permit for the development of the property on which the violation occurred and which resulted in the notice of ineligibility will be approved.

- G. Bonding requirement. A bond or other security instrument may be required to assure that a violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement is corrected.
- H. Referral to other enforcement authorities. Where required or appropriate, violations may be referred to agencies having authority over the action constituting a violation.
- I. Permit revocation and stay of issuance of municipal permits.
 - 1. Revocation. Any permit, license, or other approval issued by the city is subject to revocation after notice and an opportunity to be heard for failure to comply with any provision of this code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement.
 - 2. Non-issuance. The city may withhold permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on a property subject to an administrative or other enforcement action, 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 a hearing officer affirms the enforcement officer's decision to issue or record an administrative citation. The city may withhold permits until a Notice of Compliance has been issued by the enforcement officer in accordance with Section 1.08.060. 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.

Chapter 1.10 NUISANCE ABATEMENT

1.10.010 Intent of chapter.

This chapter not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which the city is a party. However, where this chapter imposes a greater restriction upon property or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this chapter control. The purpose of this chapter is to provide minimum standards for the maintenance of property in the city and to allow for abatement of nuisances on property through means other than criminal prosecution. At the direction of the enforcement officer and pursuant to a written agreement, the city may use the services of an independent contractor to implement the provisions of this chapter. (Ord. 443 § 1, 2004) (Ord. 375 § 2, 1998)

1.10.015 Definitions

When used in this chapter, the following definitions apply unless the context or more specific definition indicates otherwise:

“Sidewalk” means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians and may be contiguous or non-contiguous to the curb.

“Street” includes all streets, highways, avenues, parkways, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

1.10.020 Responsibilities for property maintenance.

- A. Every owner, lessee, occupant, or person having charge of property within the city is required to maintain such property in a manner so as not to violate the provisions of this code or any law, including obtaining all required permits or approvals from governmental agencies such as the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, and such owner, lessee, occupant, or person having charge of property remains liable for violations regardless of any contract or agreement with any third party regarding such property. The duty imposed by this section on a property owner in no instance relieves those persons from the similar duty.
- B. All parcels must be mowed and/or cleared a distance of one hundred feet from any structure or adjacent structure if the parcel is unimproved and up to fifty feet along each side of established regularly traveled roadways or driveways. Clearance of property must be accomplished by methods that will not disturb native soil or root stock. The required width is at the discretion of the fire chief or his or her authorized representative. (Ord. 443 § 1, 2004)
- C. Any condition caused, maintained or permitted to exist in violation of any provisions of this code or applicable state codes that constitutes a public nuisance may be abated by the city pursuant to the procedures set forth in this chapter.

1.10.030 Classification of nuisances.

The following acts and conditions when performed or existing upon any property within the city are hereby declared to be unlawful and are defined as and declared to be public nuisances which are injurious or potentially injurious to the public health, safety and welfare and which have a tendency to degrade the appearance and property values of surrounding property or which cause damage to public rights-of-way:

- A. Any condition of any structure or building, both permanent and temporary, or other lot improvements, or vacant or unimproved land that is caused, maintained or permitted to exist in violation of any provisions of this code or applicable state codes which constitutes a public nuisance;
- B. Any condition of any structure or building, both permanent and temporary, or other lot improvements, or vacant or unimproved land which does not comply with the terms of a development permit, including landscaping requirements.
- C. All weeds or dry grasses over four inches in height, dead shrubs, dead trees or tree limbs within ten feet of a chimney, rubbish, or any material growing or discarded upon the streets, parking areas, sidewalks, or upon private property within the city which bear seeds of a wingy or downy nature or which by reason of their size, manner of growth and location constitute a fire hazard to any building, improvement, crops or other property, and weeds or grasses which, when dry, will in reasonable probability constitute such a fire hazard are hereby declared to be a public nuisance. Cultivated and useful grasses and pastures are not a public nuisance; provided, however, that if the fire chief determines it necessary to protect adjacent improved property from fire exposure, an adequate fire break may be required.
- D. Faulty weather protection including, but not limited to, crumbling, cracked, missing, broken, or loose exterior plaster or other siding, roofs, foundations or floors broken or missing windows or doors, or unpainted surfaces causing dry rot, warping, or termite infestation.
- E. Fences or walls which are in a hazardous condition, or which are in disrepair, or which hinder free access to public sidewalks.
- F. Vehicles, motor vehicles, campers, camper trailers, trailers, unmounted campers, trailer coaches, motorcycles, boats, and other similar conveyances stored on unpaved surfaces.
- G. Storage or scattering over the property of any of the following:
 - 1. Debris, rubbish, or trash not stored in trash receptacles;
 - 2. Abandoned, discarded, broken, wrecked, inoperable or discarded household furnishings, appliances, machines and tools, or similar objects or equipment;
 - 3. Discarded building materials or machinery;
 - 4. Any rubble, asphalt, concrete, plaster, tile, rubbish, crate, carton, or metal or glass container that, by reason of its location and character materially hampers or interferes

with the prevention or suspension or suppression of fire on any lot, property or premises;

- H. Signs which are a traffic hazard not created by relocation of streets or highways or by acts of the city or county.
- I. Unpaved or deteriorated parking lots containing uneven surfaces, drainage problems or that are hazardous to the public.
- J. Continuation of a use of a property for which a temporary use permit was issued after the expiration of the temporary use permit.
- K. Features installed or constructed to provide disabled access in conjunction with the requirements of a building permit issued by the city which are not maintained in such a manner as to continue to provide proper access to persons with disabilities and therefore have become hazardous to persons with disabilities and others. This does not include enforcement of the requirements of the Americans with Disabilities Act (ADA) which are not the enforcement responsibility of the local jurisdiction.
- L. Maintenance of premises in such conditions as to be detrimental to the public health, safety, or general welfare or in such manner as to constitute a public nuisance as defined by Section 3480 of the California Civil Code.
- M. Graffiti on private or public property creates a condition tending to reduce the value of private or public property, to promote blight and deterioration, to reflect badly on the community, and may be injurious to health, safety and general welfare. Furthermore, graffiti has been used as a forum for gang-related activities and can lead to an increase in crime in the city. Therefore, the presence of graffiti on private or public property is declared to constitute a public nuisance which may be abated as such in accordance with provisions of this chapter, or any other applicable provision of law. (Ord. 311, 1993)

1.10.040 Declaration of nuisance – notice to abate – service of notice to abate.

- A. Whenever the director of development services, or when the violation relates to a fire hazard, the fire chief, or an authorized representative of either, finds that a nuisance exists in accordance with this code on any premises located within the city, he or she must cause, including through the use of a third party contractor, a notice to be issued to the property owner, lessee or occupant of the property on which the nuisance is located of the nuisance and direct that the nuisance be abated; provided, however, than .
- B. This notice to abate may be sent by first class mail, postage prepaid and need not be served in accordance with Section 1.10.080. The notification must detail the violations and establish a reasonable abatement period which is not less than ten days.

1.10.050 Voluntary abatement of nuisances.

The owner, lessee or occupant of any building, structure or property alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the abatement period provided in Section 1.10.040 of this chapter by rehabilitation, repair, removal, or demolition. The owner, lessee, or occupant must advise the development services department or,

when applicable, the fire department of the abatement. Once advised, the development services or the fire department or authorized representative of either must inspect, or cause to be inspected, the premises to insure that the nuisance has been abated.

1.10.060 Failure to voluntarily abate a declared nuisance – notice of intent to abate.

If an alleged nuisance is not properly abated within the period established under the provisions of Sections 1.10.040 and 1.10.050, the property owner, lessee or occupant must be served with a written notice of intention to abate the nuisance in accordance with Sections 1.10.070 and 1.10.080 of this chapter by the director of development services, the fire chief, or an authorized representative of either.

1.10.070 Notice of intention to abate public nuisance – contents.

The notice of intention to abate public nuisance described in Section 1.10.060 of this chapter must provide all of the following:

- A. contain a description of the property in general terms reasonably sufficient to identify the location of the property;
- B. include a reference to the applicable code or statutory provision rendering the property a public nuisance;
- C. describe and demand the action required to abate the public nuisance, which may include corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or other appropriate action;
- D. establish time frames by which each action must occur, which will not be less than ten days;
- E. explain the consequences of failing to comply with the terms of the notice;
- F. identify all applicable hearing and appeal rights as set forth in Section 1.10.100.

1.10.080 Service of notices and order to abate.

Service of notice of intent to abate must be made in accordance with the following methods:

- A. By posting at a conspicuous place on the lot, property or premises or abutting public right-of-way for five consecutive days. Service is deemed complete on the day after the fifth day after posting; and
- B. By personal service on the owner, occupant or person in charge or control of the lot, property or premises. Service is complete upon such personal service; or
- C. By registered mail addressed to the owner or person in charge and control of the lot, property or premises, at the address shown on the last available property assessment roll, or as otherwise known. Service is deemed complete upon the deposit of said notice, postage prepaid, in the United States mail.

1.10.090 Authority to enter upon land.

The enforcement officer or a duly authorized representative of the development services department or the fire department may enter upon the land for posting or serving notice.

1.10.100 Right to appeal.

- A. The responsible person may appeal the notice of intent to abate issued under Section 1.10.060 and request a hearing in accordance with the procedures set forth in chapter 1.14; provided however, that the written request for a hearing must be filed with the Office of the City Clerk within the following times:
 - 1. For weed and rubbish abatement activities, pursuant to Section 1.10.030, within five (5) calendar days after the date of service of the notice of intent to abate.
 - 2. For all other abatement activities, within ten (10) calendar days after the date of service of the notice of intent to abate.
- B. Upon receiving a written request for a hearing on a notice of intent to abate, the hearing officer must follow the procedures set forth in Chapter 1.14, with the exception of appeals, which must be taken in accordance with this chapter, and hear any objections as to why abatement should not be ordered and effected. If the notice of intent to abate includes the assessment of any monetary penalties, the hearing officer must also consider evidence that is relevant to the following issues: (1) whether the responsible person caused or maintained a public nuisance on the dates specified in the notice and order; and (2) whether the amount of monetary penalties is reasonable.

1.10.110 Decision of the hearing officer.

- A. In the case of weed and rubbish nuisances pursuant to Section 1.10.030, the decision of the hearing officer regarding the notice of intent to abate is the final and conclusive determination of the city, and no further administrative appeal of the notice of intent to abate is available.
- B. In the case of all other nuisance abatement proceedings, if the hearing officer determines that a public nuisance exists and that there is sufficient cause to abate the nuisance, the city may abate the public nuisance pursuant to the procedures of this chapter if no appeal has been filed within the time specified for an appeal to the city council in Section 1.10.190. The decision of the hearing officer is final unless an appeal is filed in accordance with this section.
- C. In the event a responsible person files an appeal pursuant to Section 1.10.100 or 1.10.110, abatement may not proceed until the time for filing an administrative appeal passes, unless the city manager concludes that an imminent threat to the public's health and safety exists and justifies summary abatement pursuant to Government Code section 38773.

1.10.120 Service of the abatement order.

Within five days after issuance of the hearing officer's decision pursuant to Section 1.10.100, the property owner, lessee, occupant or the person having charge or control of the property must be served with a copy of the written order in the manner provided in Section 1.10.080. Failure to serve the decision does not affect the validity of the decision or actions taken in reliance thereon.

1.10.130 Abatement by property owner.

The property owner, lessee, occupant, or person having care or control of the property may, at his or her own expense, abate the nuisance as prescribed by the enforcement officer or hearing officer at any time prior to abatement by the city. If the nuisance has been inspected by a representative of the city and has been abated in accordance with the requirements, proceedings will be terminated. (Ord. 375 § 2, 1998)

1.10.140 Abatement by the city.

If a declared nuisance is not completely abated by the owner, lessee, occupant, or person having charge or control of the property within the time prescribed by the enforcement officer or hearing officer, the code enforcement officer, or any designated city official, is authorized and directed to cause the nuisance to be abated by city forces or private contract. In furtherance of this section, the code enforcement officer or any designated agent is expressly authorized to enter upon the premises for the purpose of abating the nuisance. (Ord. 375 § 2, 1998)

1.10.150 Record of cost for abatement.

- A. The code enforcement officer or such other city official or private contractor as may be designated, must keep an account of the costs of abating a nuisance on each separate lot or parcel of land where the work is done and render an itemized report, in writing, to the director of development services or the fire chief, showing the cost of abatement and the rehabilitation, demolition or repair of the premises, building or structures, less any salvage value relating thereto. The costs must include the city's administrative costs, which may be twenty-five percent of the other costs and which include the expense and costs of the city in preparing notices, specifications and contracts, in inspecting the work, legal fees, and other related costs required hereunder. Before the report is submitted to the director of development services or the fire chief, a copy of the same must be served on the responsible person in accordance with the provision of Section 1.10.080, together with a notice of the time when the report will be heard by the director of development services or the fire chief or in the case of weed abatement, by the city council, for confirmation.

- B. The director of development services or the fire chief, when applicable, must set the matter for hearing to determine the correctness and reasonableness of such costs. (Ord. 379 § 3, 1998; Ord. 375 § 2, 1998)

1.10.160 Report—Hearing and proceedings.

- A. At the time and place fixed for receiving and considering the report in Section 1.10.150, the director of development services, the fire chief, or an authorized representative of either, or in the case of a weed and rubbish nuisances pursuant to Section 1.10.030, the city council, hears the report of such costs of abatement, together with any objections or protests. Thereupon, the director of development services, the fire chief, or the authorized representative or the city council may make such revision, correction or modification in the report deemed just, after which, the report, as submitted or as revised, corrected or modified, will be confirmed.

- B. The decision of the city council is final and conclusive. The decision of the director of development services, fire chief, or the authorized representative of either, is final and conclusive unless appealed in accordance with Section 1.10.190.

1.10.170 Assessment of costs against property.

When the total cost for abating a nuisance, as confirmed by a final decision of the city, is received by the finance department of the city, the total cost constitutes either a special assessment or a lien pursuant to Chapter 1.12 against the respective lot or parcel of land to which it relates.

1.10.180 Violations.

- A. Any owner, lessee, occupant, or other person having charge or control of any such buildings, or premises, who maintains any public nuisance defined in this chapter, and who fails to comply with the order of abatement served as provided in Section 1.10.080 of this chapter violates this code and is guilty of a misdemeanor.
- B. Any person who removes any notice or order posted as required in this chapter, for the purposes of interfering with the enforcement of the provisions of this chapter, violates this code and is guilty of a misdemeanor.
- C. Any person who obstructs, impedes or interferes with any representative of the city or with any person who owns, leases or occupies property when any of the aforementioned individuals are lawfully engaged in proceedings involving the abatement of a nuisance under this chapter violates this code and is guilty of a misdemeanor.

1.10.190 Grievance with final order – Appeal to city council.

- A. Except as otherwise provided in this chapter for weed abatement proceedings, whenever any person is aggrieved by any final order of the hearing officer issued pursuant to Section 1.10.110 or of the confirmation of the costs of abatement pursuant to Section 1.10.160 of this chapter, such person may appeal to the city council the issuance of said order or confirmation by filing a written notice of appeal with the city council no later than two days after the date of the hearing under Section 1.10.110 or ten days after the hearing under Section 1.10.160.
- B. The written notice of appeal must be filed with the city clerk and state the grounds for the appeal and the specific factual and/or legal errors committed by the director of development services, the fire chief, or the authorized representative in issuing its order or confirmation.
- C. The city clerk must transmit one copy of said notice of appeal to the director of development services, fire chief, or authorized representative.
- D. The director of development services, fire chief, or the authorized representative of either, must transmit to the city council, no later than twenty days after receiving a notice of appeal, and copies of all other papers constituting the record upon which the decision was taken, including, but not limited to, the minutes of all hearings thereon, a written report, prepared from the record upon which the final determination was made, stating the factual and legal basis on which the director, fire chief or the authorized representative reached his or her decision.

- E. The city council may affirm, reverse or modify, in whole or in part, any final determination, assessment, or order of the hearing officer, director, fire chief or authorized representative which is subject to an appeal pursuant to this section. After reviewing the proceedings relating to the decision appealed from, including, but not limited to, minutes of hearings, notice of appeal and the report of the director, fire chief, or authorized representative, the city council, by resolution, may affirm without further action the determination, assessment, or order appealed from.
- F. On the date a notice of appeal is filed under this section, all proceedings in furtherance of the determination or order appealed from must be stayed until the final determination by the city council of the appeal.
- G. All decisions of the hearing officer, director of development services, fire chief, or the authorized representative of either are final unless appealed within the time prescribed herein. (Ord. 375 § 2, 1998)

1.10.200 Summary Abatement

- A. Notwithstanding other provisions in this code, whenever the city manager determines that an imminent life safety hazard exists that requires immediate correction or elimination, the city manager may exercise the following powers without prior notice to the responsible person:
 - 1. Order the immediate vacation of any tenants and prohibit occupancy until all repairs are completed;
 - 2. Post the premises as unsafe, substandard or dangerous;
 - 3. Board, fence or secure the building or site;
 - 4. Raze and grade that portion of the building or site to prevent further collapse and remove any hazard to the general public;
 - 5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
 - 6. Take any other action as appropriate under the circumstances.
- B. The city manager may pursue only the minimum level of correction or abatement necessary to eliminate the immediacy of the hazard. Costs incurred by the city during the summary abatement process will assessed and recovered against the Responsible Person through the procedures established in Sections 1.10.150 through 1.10.170 of this Chapter.
- C. The city manager may also pursue any administrative or judicial remedy to abate any remaining public nuisance

1.10.210 Limitation on filing judicial action.

Any owner, lessee, occupant, or other interested person having any objections or being aggrieved by any final decision of the city in ordering the abatement of any public nuisance under the

provision of this chapter, must bring an action to contest such decision within thirty days after the date of such decision of the city council. Otherwise, all objections to such decision are deemed waived. (Ord. 375 § 2, 1998)

1.10.220 Alternatives.

- A. Nothing in the foregoing sections prevent the city council from ordering the city attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein.

- B. In any action, administrative proceeding, or special proceeding to abate a public nuisance, the prevailing party is entitled to recover reasonable attorneys' fees. Notwithstanding the foregoing, recovery of attorneys' fees is available only in those actions or proceedings in which the city elects, at the initiation of such action or proceeding, to seek recovery of its own attorneys' fees, if it prevails in the action or proceeding. Prior to invoking such a right to recover attorneys' fees, the city attorney must obtain authorization from the city council. In no action, administrative proceeding, or special proceeding may an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding. (Ord. 483 § 1, 2009; Ord. 375 § 2, 1998)

Chapter 1.12 COST AND PENALTY RECOVERY

1.12.010 Payment of fines, penalties and costs.

- A. To the extent permitted by law, the city may collect any unpaid monetary fines, civil penalties and costs imposed pursuant to this code as a personal obligation of the responsible person or a lien or special assessment against the real property on which the violation occurred.
- B. Notwithstanding subdivision A, the city, in its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid fines, interest and penalties relating to any administrative citation. The use of one recovery method does not preclude the use of any other recovery method. (Ord. 463 § 2, 2007)

1.12.020 Recovery as a personal obligation

- A. Any fines, costs, or penalties subject to collection under this code may be recovered as a personal obligation against the responsible person. The enforcement officer must keep an itemized account of the fines, costs, penalties and abatement and or enforcement costs incurred by the city.
- B. Invoice. The enforcement officer may submit an invoice the responsible person for the costs incurred by the city and for any unpaid fines and penalties associated with the enforcement action. The invoice must notify the responsible person of the following:
 - 1. A description of the abatement or enforcement action taken by the city, a description of the property subject to the abatement or enforcement, and the total amount of the fines, penalties and costs incurred by the city;
 - 2. That if the responsible person fails to pay the fines, penalties, and costs within thirty days from the date of service of the invoice in accordance with the service procedures set forth in Section 1.08.030, the fines, penalties, and costs may be collected in any or all of the following ways: by a collection agency as a personal obligation, by the city attorney through judicial action, as a lien attached to the subject property, as a special assessment on the subject property; or in any other manner authorized by law.
- C. Collection agency. The enforcement officer may refer to a collection agency or the city attorney all costs incurred by the city and fines and penalties associated with the enforcement action which remain unpaid for ten (10) days past the due date. Upon referral, the collection agency or the city attorney may seek collection through any legal means provided to them, including judicial action.
- D. Judicial action. The failure of any person to pay the fines, penalties and costs imposed by an administrative citation within the time specified on the citation may result in the filing of a claim with the small claims court or the superior court for recovery of the fine. The only issue to be adjudicated by the court is whether or not the fines were paid. A person cited may only obtain judicial review of the validity of the administrative citation by writ of mandate after exhausting their administrative remedies by requesting and participating in a preliminary hearing and a hearing before a hearing officer. In the court action, the city may

also recover its collection costs, including costs relating to the hearing before the hearing officer, and any court fees, according to proof.

1.12.030 Confirmation of costs

The city may collect fines, costs and penalties under the procedures provided for liens or special assessments in this chapter after such fines, costs or penalties are confirmed by a hearing officer under the procedures and requirements found in Sections 1.10.150 through 1.10.160.

1.12.040 Recovery as a lien

- A. To the extent permitted by law, the city may establish a lien in the amount of the fine, penalty, and costs plus interest and late charges as set forth in Section 1.12.100 of this code, against the real property upon which a violation occurs after confirming the costs in accordance with Section 1.12.030.

- B. Notice of lien prior to recording. Prior to recording a lien, notice must be served on the owner of record based on the last equalized assessment roll or the supplemental roll, whichever is more current, in the same manner as summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record cannot be found after a diligent search, the notice may be served by posting copy of the notice in a conspicuous place on the property for a period of ten (10) days and publishing the notice in a newspaper of general circulation published in San Diego County pursuant to Government Code section 6062.

- C. Content of notice. The notice of lien for recordation must be in a form substantially as follows:

NOTICE OF LIEN

(Claim of City of Santee)

Pursuant to the authority vested by the provisions of Section 1.10.140 of the City of Santee Municipal Code, the Director of Development Services of the City of Santee, the Fire Chief, or an authorized representative of either of the above did, on or about the ____ day of _____, 20____, cause the premises hereinafter described, to be rehabilitated, or the building or structure of the property hereafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the Director of Development Services, the Fire Chief, or the authorized representative of either of the above or the city council, did on the ____ day of _____, 20____, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described and that said City of Santee does hereby claim a lien on such rehabilitation, repair or demolition in the amount of said assessment, to wit: the sum of \$ _____ and the same is a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Santee, County of San Diego, State of California, and particularly described as follows:

(Description)

Assessor's Parcel No. _____

Street Address: _____

Name of owner of record: _____

DATED: This _____ day of _____, 20____.

City Clerk of the City of Santee, California

(ACKNOWLEDGMENT)

1.12.050 Recovery as a special assessment.

- A. To the extent permitted by law, the city may establish a special assessment, in the amount of the fine, penalty, and costs plus interest and late charges as set forth in Section 1.12.100 of this code, against the real property upon which the violation occurs after confirming the costs in accordance with Sections 1.12.030.
1. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes are applicable to the special assessment.
 2. If the identity of the owner of the real property can be determined, the city must make its best effort to provide notice of the special assessment to the owner by certified mail at the time of imposing the assessment. Such notice will specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale is not affected by the failure of the property owner to receive notice. Assessment of administrative fines as provided hereunder does not preclude assessment of other costs of abatement of any nuisance against the same property at a later date.
 3. If any real property against which the special assessment relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement will not result in a lien against the real property but instead will be transferred to the unsecured roll for collection.

4. A sale of vacant residential developed property for which the payment of a special assessment imposed pursuant to this chapter is delinquent may be conducted, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code.
5. Notices or instruments relating to the special assessment are entitled to recordation.

1.12.060 Recovery of weed and rubbish abatement costs

- A. For weed and rubbish abatement procedures, the provisions of Government Code sections 39580 through 39585, inclusive, are incorporated into this chapter by reference; provided, however, that the authority for this chapter is Government Code section 39502, and provided, further, that the city does not adopt the alternative provisions established by Government Code section 39560 et seq., except as expressly provided herein.
 1. After confirmation of costs in accordance with Section 1.12.030 and recordation of a notice of lien, a copy must be filed with the assessor and tax collector of San Diego County, acting for the city in order that the county officials may add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels or land, and thereafter said amounts will be collected at the same time and in the same manner as ordinary municipal taxes are collected and be subject to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or
 2. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law;
 3. Such notice of lien for recordation must be in form substantially as provided in Section 1.12.040.

1.12.070 Recovery of graffiti abatement costs

- A. Application. This section is intended to implement the provisions of Sections 38772, 38773.2, and 38773.6 of the California Government Code making the costs of abatement of a nuisance caused by graffiti of personal or real property a lien or special assessment on the real property of a minor or other person causing the graffiti or the parent or guardian of the minor.
- B. Definitions. For purposes of this section the terms "graffiti," "expense of abatement," "minor," and "responsible person" have the same meaning as specified in this code and in Government Code Sections 38772, 38733.2, and 38773.6.
- C. Procedures. The procedures to assess or lien property under this section are those provided in this section and Section 1.12.030 relating to confirmation of costs, unless otherwise provided in Government Code Sections 38772, 38733.2, and 38773.6.
- D. Notices. All notices required or allowed under this section must be provided to all record owners of the real property that will be subject to the special assessment or lien. A notice of lien or special assessment must notify the minor or other person causing the graffiti, or

the parent or guardian of the minor that caused the graffiti, that if costs go unpaid under this section, the property owned by them will be subject to a lien or special assessment.

- E. Form of Notice of Graffiti Abatement Lien. The Notice of Graffiti Abatement Lien must be in substantially the following form:

NOTICE OF GRAFFITI ABATEMENT LIEN

Pursuant to the authority vested in the City of Santee by the City of Santee Municipal Code Chapter ____ and Government Code Sections 38772 and 53069.3, the city did on or about the _____ day of _____/_____/_____, 20_____, cause the abatement of graffiti on public or private, real or personal property. _____/_____/_____ is/are the record owner(s) of the premises described below ("Subject Property") and is the minor/person causing graffiti/parent or guardian of the minor who caused the graffiti. The City did, on the _____ day of _____, 20_____, confirm the costs of the graffiti abatement, and the costs have not been paid, and the said City of Santee claims a lien on the Subject Property in the amount of _____ Dollars (\$_____) under Government Code Section 38773.2. The lien is on the property until the amount is paid, plus legal rate of interest to be accrued from the date of recording this lien, and any and all administrative costs to file and record the lien. The claimed lien having been imposed to collect for graffiti abatement costs has the priority of a judgment lien and attaches upon the recording of this Notice. The Subject Property upon which the lien is claimed is located at _____ in the City of Santee, County of San Diego, State of California, and is more particularly described as APN #_____ and:

[LEGAL DESCRIPTION OF PROPERTY]

The record owner(s) of the Subject Property is/are _____ who reside(s) at: _____

Dated: This _____ day of _____, 20_____.

- F. Form of Graffiti Abatement Special Assessment. The form for a special assessment for graffiti abatement must be in substantially the following form:

NOTICE OF GRAFFITI ABATEMENT SPECIAL ASSESSMENT

Pursuant to the authority vested in the City of Santee by the City of Santee Municipal Code Chapter ____ and Government Code Sections 38772 and 53069.3, the city did on or about the _____ day of _____/_____/_____, 20_____, cause the abatement of graffiti on public or private, real or personal property. _____/_____/_____ is/are the record owner(s) of the premises described below ("Subject Property") and is the minor/person causing graffiti/parent or guardian of the minor who caused the graffiti. The City did, on

the _____ day of _____, 20_____, confirm the costs of the graffiti abatement, and the costs have not been paid, and the said City of Santee claims a lien on the Subject Property in the amount of _____ Dollars (\$_____) under Government Code Section 38773.6, and the assessment has not been paid, and the City of Santee claims a lien on the Subject Property in the amount of _____ Dollars (\$_____). The claimed amount having been assessed to collect for graffiti abatement costs has the priority of a tax lien and attaches upon the recording of this Notice. The assessment will be on the property until the amount is paid, plus legal rate of interest to be accrued from the date of recording this assessment, and any and all administrative costs to file and record the lien. The Subject Property may be sold after three years pursuant to Revenue and Tax Code § 3691 for unpaid delinquent assessments. The Subject Property upon which the lien is claimed is located at _____ in the City of Santee, County of San Diego, State of California, and is more particularly described as APN # _____ and:

[LEGAL DESCRIPTION OF PROPERTY]

The record owner(s) of the Subject Property is/are _____ who reside(s) at _____.

Dated: This _____ day of _____ / _____ / _____, 20_____.

1.12.080 Release of special assessment and lien

In the event a special assessment or lien is discharged, released, or satisfied, through payment, foreclosure or forgiveness, notice of the discharge containing the information specified below must be recorded by the city or be provided by the city to the responsible party to be recorded. The notice of discharge must specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

1.12.090 Reduction of cumulative fines.

If the violation is corrected within a reasonable time after the date of the administrative citation or the decision of the city manager or the hearing officer, as applicable, the city manager has the discretion to reduce any cumulative fines on good cause shown by the responsible person. The determination of the city manager is final and not subject to appeal or judicial review. Fines must not otherwise be reduced. (Ord. 463 § 2, 2007)

1.12.100 Late payment charges.

Any responsible person who fails to pay a fine imposed by this chapter on or before the date that payment is due, is also be liable for the payment of a late payment charge of twenty-five percent of the fine. In addition, delinquent fines accrue interest at the rate of ten percent per month, excluding penalties, from the due date. (Ord. 463 § 2, 2007)

Chapter 1.14 ADMINISTRATIVE HEARING AND JUDICIAL REVIEW

1.14.010 Appeal of citation.

- A. Any recipient of an administrative citation may contest that there was a violation of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement, or that he or she is the responsible person by completing a request for hearing form and returning it to the office of the city clerk within thirty days from the date of service of the administrative citation, unless a different time is specified in this code or in the administrative citation. A citation may specify a different time to appeal and seek a hardship waiver if a consideration of the factors in Section 1.08.020 justifies a different time to appeal.
- B. The request for hearing form must be accompanied by either an advanced deposit of the fine or a request for hardship waiver pursuant to Section 1.14.020 of this chapter. To be effective, the form requesting the hearing and hardship waiver, if any, together with all supporting documentation must be received by the city clerk's office, unless a different time is specified in the citation in accordance with Section 1.14.010A, no later than one day prior to the compliance deadline in the administrative citation, or if the administrative citation does not specify a deadline, within no more than twenty-five days after the date of service of the administrative citation in accordance with Section 1.08.030 or within thirty (30) days after the date of the administrative citation, whichever is later.
- C. Any administrative citation fine which has been deposited must be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

1.14.020 Hardship waiver.

- A. A person who files a request for a hearing pursuant to Section 1.14.010 may also request at the same time a hardship waiver of the fine deposit. In order to initiate a hardship waiver request, the responsible person must check the box indicating this request on the administrative citation appeal form and attach a sworn affidavit stating the grounds for the request, together with any supporting documents or materials, demonstrating the person's actual financial inability to deposit with the city the full amount of the fine.
- B. The city manager will consider the sworn affidavit and supporting documents or materials, determine whether the information demonstrates that advanced deposit of the fine constitutes a financial hardship and will inform the responsible person in writing of whether the waiver was approved, by serving a determination on the responsible person in accordance with Section 1.08.0300 The city manager's determination is final and is not subject to appeal or judicial review.
- C. If the hardship waiver is denied, the responsible person must pay the fine amount within ten days of service of the denial. Failure to pay the fine by the time required is deemed an abandonment of the contest and renders the fine delinquent.

1.14.030 Hearing procedures.

- A. No hearing to contest an administrative citation may be held unless and until a request for administrative hearing form has been completed and submitted, and the fine has been deposited in advance, or a hardship waiver application has been approved.
- B. Within fifteen days after receipt of a request for an administrative hearing and accompanying deposit or waiver, the hearing officer will schedule a hearing on the contest. The responsible person or his or her representative and any other interested party may attend the hearing. The hearing officer may consolidate hearings on multiple administrative citations issued to the same responsible person.
- C. At or before the hearing, the responsible person must submit to the hearing officer copies of the citations, reports and other documents submitted or relied upon by the enforcement officer, and may submit any reasonable evidence relevant to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s). No other discovery is permitted. Formal rules of evidence do not apply.
- D. The hearing officer may issue an oral decision on the contest at the conclusion of the hearing, and must issue a written decision, which may be on a city form. If the hearing officer determines that First Amendment rights are involved, the decision must be issued orally at the conclusion of the hearing and will be effective immediately. The written decision will be provided to the responsible person within ten days after the hearing and either affirm the issuance of the administrative citation, or modify or dismiss the administrative citation. The decision must briefly state the reasons for the hearing officer's conclusion.
- E. If the hearing officer affirms the issuance of the administrative citation, then the City will retain the deposit. If a hardship waiver was granted, the decision may set forth a payment schedule for the fine.
- F. If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the city, then the city will refund the deposit within ten days after the decision.
- G. The hearing officer may recommend reduction of a fine to the city but does not have the power to reduce the fine. The hearing officer may impose conditions and deadlines to correct any violations or require payment of any outstanding penalties.
- H. The decision of the hearing officer is final unless within ten days of the issuance of the hearing officer's written decision, the responsible person files a request for a hearing before the city council on such form as the city may prescribe. No appeal to the city council is available where otherwise provided in this code. (Ord. 463 § 2, 2007)

1.14.040 Judicial review.

Any responsible party may obtain review of the final decision of the city on an administrative citation by filing a petition with the superior court of San Diego in accordance with the timelines and provisions set forth in California Government Code Section 53069.4. Judicial review is not available without first participating in all hearing procedures as provided in this code. (Ord. 463 § 2, 2007)

1.14.050 Procedural compliance.

Failure to comply with any procedural requirement of this chapter, to receive any notice or decision specified in this chapter, or to receive any copy required to be provided by this chapter does not affect the validity of proceedings conducted hereunder unless the responsible person is denied constitutional due process thereby. (Ord. 463 § 2, 2007)

TITLE 1 GENERAL PROVISIONS

Chapter 1.01 CODE ADOPTION

1.01.010 Adoption.

This code is known as the “Santee Municipal Code.” It is sufficient to refer to this code as the “Santee Municipal Code” in any administrative proceeding, any prosecution for violations, and in any amendment or repeal of any portion of the code. Reference to the “Santee Municipal Code” includes references to any amendment, correction or additions to the code.

1.01.020 No Mandatory Duty—Civil Liability

It is the intent of the city Council of the city of Santee that any provision in this code establishing performance standards or establishing an obligation to act by a city officer or employee does not create a mandatory duty for purposes of tort liability.

1.01.030 Delegation of authority

Unless prohibited by charter, state law or this code, whenever this code grants any power to or imposes a duty on a city employee, a duly appointed deputy, designee or other authorized person may exercise the power or perform the duty.

1.01.040 Severability

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision does not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. (Ord. 261 § 2, 1991)

1.01.050 City seal.

The official city seal of the city has been adopted by city resolution. The resolution describes the city seal in the following manner:

A. Two concentric circles separated by a narrow black border. Contained within the outer circle are the words “City of Santee, California” at the top and “Incorporated 1980” at the bottom. The inner circle consists of an artistic rendering of a green, grassy area in the foreground, a brown tree with green leaves in the right foreground, a brown knoll or rock in the left foreground fronting a strip of blue water. The background representation consists of a green bank of bushes fronting a range of brown hills and mountains. The background sky is blue.

B. For the purposes of this section any black and white representation of the above described city seal is considered as the official city seal. (Ord. 126-B § 1, 1984)

C. Unlawful use of seal. No person may use or allow to be used any reproduction or facsimile of the seal of the city for any purpose other than official business of the city, without prior authorization from the city clerk. (Ord. 126-B § 2, 1984)

D. Unlawful use of imitation. No person may use, or allow to be used, any colorable imitation of the seal of the city, when such use is likely to lead the ordinary observer to believe that the imitation is, in fact, the city seal. (Ord. 126-B § 3, 1984)

E. Exemption. This chapter does not apply to reproductions or facsimiles of the city seal made prior to the effective date of the ordinance codified in this chapter. (Ord. 126-B § 4, 1984)

Chapter 1.02 DEFINITIONS AND RULES OF CONSTRUCTION

1.02.010 Definitions.

When used in this code, the following words and phrases are construed as defined in this section unless the context intends a different meaning unless a different meaning is specifically defined:

“City” means the city of Santee, California, or the area within the territorial limits of the city of Santee, California, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“City council” and “council” mean the city council of the city of Santee. “All of its members” or “all council members” means the total number of council members holding office.

“City manager” means the city manager of the city of Santee, or his or her designee.

“County” means the county of San Diego.

“Enforcement officer” means any person designated by the city manager to enforce any provision of this code, including but not limited to a Sheriff’s Deputy and the city attorney.

“Law” denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city of Santee, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Municipal code” or “code” means the Santee Municipal Code.

“Must” is mandatory.

“Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

“Person” includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any other legal entity, or the manager, lessee, agent, servant, officer or employee of any of them.

“Personal property” is every kind of property that is not real, including but not limited to money, goods, and evidences of debt.

“Property” includes real and personal property.

“Real property” has the definition set forth in California Civil Code section 658 and consists of land, that which is affixed to land, incidental or appurtenant to land, and immovable by law.

“State” means the state of California.

“Tenant” and “occupant,” applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

“Written” or “writing” means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

“Year” means a calendar year. (Ord. 348 § 1, 1996; Ord. 70 § 1, 1983)

1.02.020 Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city or anyone designated to act on that person’s behalf. (Ord. 70 § 2, 1983)

1.02.030 Interpretation of language.

All words and phrases are construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law will be construed and understood according to the peculiar and appropriate meaning. (Ord. 70 § 3, 1983)

1.02.040 Grammatical interpretation.

The following grammatical rules apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

Gender. Each gender includes the masculine, feminine and neuter genders.

Singular and Plural. The singular number includes the plural and the plural includes the singular.

Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 70 § 4, 1983)

1.02.050 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement is construed to include all such acts performed by an authorized agent. (Ord. 70 § 5, 1983)

1.02.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city of Santee any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 70 § 6, 1983)

1.02.070 Computation of time.

Except when otherwise provided, the time within which an act is required to be done is computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it is also excluded. (Ord. 70 § 7, 1983)

1.02.080 Construction.

The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to affect their objects and to promote justice. (Ord. 70 § 8, 1983)

1.02.090 Repeal does not revive any ordinances.

The repeal of an ordinance does not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 70 § 9, 1983)

Chapter 1.04 GENERAL PENALTIES

1.04.010 Purpose.

The Council finds that enforcement of the municipal code and applicable state codes throughout the city is an important public service. Code enforcement is vital to protection of the public's health, safety and quality of life. The Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with code regulations.

1.04.020 General enforcement authority.

The city manager and designated enforcement officers have the authority and powers necessary to gain compliance with the provisions of the municipal code and applicable state codes. These powers include the power to issue informal and written warnings, administrative citations, and monetary penalties, inspect public and private property and use whatever judicial and administrative remedies are available under the municipal code or applicable state codes.

1.04.030 Continuing violation.

Every responsible person who maintains, permits, or allows a violation of this code or of any ordinance of the city of Santee is guilty of a separate offense for each and every day during any portion of which a violation of any provision of this code or the ordinance of the city of Santee is committed, continued or permitted by any such person.

1.04.040 Authority to enter and inspect.

Enforcement officers are authorized to enter upon any property or premises to determine whether the provisions of the municipal code or applicable state codes are being obeyed, and to make any examinations and surveys necessary in the performance of their enforcement duties. These may include taking photographs, samples or other physical evidence. All inspections, entries, examinations and surveys must be done in a reasonable manner. If an owner, occupant or agent refuses permission to enter or inspect, the enforcement officer may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Section 1822.50 through 1822.59.

1.04.050 Violations – Criminal penalty.

- A. Any person violating any provision or failing to comply with any of the mandatory requirements of the ordinances of the city of Santee is guilty of a misdemeanor; except that notwithstanding any other requirement of the code, any violation constituting a misdemeanor under this code may, in the discretion of the city attorney or other prosecutor, be charged and prosecuted as an infraction. Any violation of any provision or failure to comply with any of the mandatory requirements of this code may also be

subject to an administrative citation and/or fine issued under this code or any other available remedy.

- B. If any person is arrested for a violation of any one or more of the provisions of this code and such person does not demand to be taken before a magistrate, the arresting officer may issue a citation in the manner prescribed in Chapter 5C of Title 3 of Part 2 of the Penal Code (commencing with Section 853.5).

1.04.060 Fine and punishment—Misdemeanor.

Except in cases where a different punishment is prescribed by any ordinance of the city of Santee, any person convicted of a misdemeanor for violating an ordinance of the city is punishable by a fine or imprisonment or both in the amounts established by Penal Code section 19 or such other provision of state law, as they currently exist or may hereafter be amended.

1.04.070 Fine and punishment—Infraction.

Any person convicted of an infraction for violating an ordinance of the city of Santee, is punishable by a fine not exceeding the amount established by Penal Code section 19.8 or other provision of state law, as they currently exist or may hereafter be amended.

1.04.080 Violations – Administrative and civil penalties.

- A. Administrative penalties, generally. Any person violating any provision of the code may be subject to an administrative enforcement action pursuant to this code, as further set forth in Chapter 1.08, and administrative fines at a daily rate determined by the city manager in accordance with Section 1.08.020; provided, however, that the amounts listed in that section are not a limitation on the city manager's authority to negotiate settlements which exceed the maximum administrative penalty amounts or to establish civil penalty amounts up to the maximum rate of \$1,000 per violation and the maximum amount of \$250,000, unless city council provides otherwise by resolution.
- B. Civil penalties, generally. Any provision of this code may be enforced by a civil enforcement action, including but not limited to an injunction issued by the Superior Court upon a suit brought by the city of Santee and civil penalties.

Chapter 1.08 ADMINISTRATIVE CITATIONS AND FINES – PROCEDURES

1.08.010 Definitions.

For the purposes of this code, the following definitions apply unless the context or more specific definition indicates otherwise:

- A. “Administrative citation” means a written notice that mandates corrective action, orders the cessation of illegal actions, and/or establishes a fine as a penalty. Administrative citations include, but are not limited to, warning, notice of violation, cease and desist order, compliance order, notice to abate, abatement action, stop work order, ineligibility for land development, bonding requirement, referral to other enforcement authorities, permit revocation, and monetary penalties.
- B. “City agreement” means and includes, but is not limited to, a development agreement, owner participation agreement, disposition and development agreement, road maintenance agreement, storm water facilities maintenance agreements, easement, license, other real property use agreement, and an agreement to implement an ordinance, plan, permit, entitlement, or review approved by the city.
- C. “Environmental review” means and includes, but is not limited to, an environmental impact report, mitigated negative declaration, negative declaration, and determination of categorical exemption, including any mitigation, monitoring and reporting program.
- D. “Hearing officer” means the person selected by the city manager to conduct an administrative hearing pursuant to the provisions of this chapter.
- E. “Permit” or “entitlement” means and includes, but is not limited to, a development review permit, a conditional use permit, sign permit, variance, specific plan, parcel map, subdivision map, building or grading permit, encroachment or right-of-way permit, business license, stormwater permit, and any other permit required by the municipal code.
- F. “Responsible person” means any person or other legal entity, and who is responsible for causing or maintaining a violation of this code or applicable state code, and who is any of the following:
 - 1. The owner, as that person’s identity is set forth in the county assessor's or county recorder's records, occupant or person in charge of the day-to-day activities of real property;
 - 2. The holder or the agent of the holder of any permit, entitlement, or review;
 - 3. The party or the agent of a party to an agreement;
 - 4. The owner or the authorized agent of any business, company, or entity; or

5. The parent or legal guardian of any person under the age of eighteen years who violates any provision of the municipal code, permit, entitlement, environmental review, or city agreement. (Ord. 463 § 2, 2007)

1.08.020 Issuance of administrative citations.

- A. Generally. An enforcement officer may issue an administrative citation to any person who violates any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement. A violation of this code includes, but is not limited to, any failure to comply with a requirement contained in this code and the failure to comply with any condition imposed by any entitlement, permit, city agreement, administrative citation or environmental review issued or approved pursuant to this code.
- B. Continuing violations. In accordance with Section 1.04.030, each and every day that a violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement continues to exist constitutes a separate and distinct offense. A separate citation may be issued for each day a violation continues to exist. A second or subsequent violation punishable as set forth below need only be of the same or similar provision of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement to require the larger fine, and need not involve the same personnel or property, provided that the same responsible person is cited. The fine amounts may be cumulative where multiple citations are issued.
- C. Monetary penalties, generally. In accordance with Chapter 1.12, an enforcement officer may assess a monetary fine or civil penalty for any violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement by means of an administrative citation. Such fine or penalty is payable directly to the city of Santee. Monetary fines and penalties will be assessed in the amounts allowed by law, statute, resolution or ordinance of the city council or, where no amount is specified, in any of the following amounts: \$100; \$250; \$500; \$750; or \$1,000 per violation.
- D. Cost recovery, generally. Any person who violates any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement is liable for all costs incurred by the city to investigate, remedy, and prosecute such violation, including, but not limited, to attorneys' fees. The city will maintain an accurate accounting of its costs and may recover such costs in accordance with Chapter 1.12.
- E. Warning. If a violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, that does not create an immediate danger to health and safety, then the responsible person may be issued a warning only on the first violation. The warning will advise the responsible person of the nature of the violation and the date upon which the violation must be corrected. The responsible person will be given a

reasonable amount of time to correct the violation. If the violation is not corrected within the specified time period, an administrative citation with a fine may be issued.

- F. Criteria. In determining the type of administrative citation to issue, the amount of penalty to assess for a particular violation, and other actions that are part of enforcement proceedings, the enforcement officer may consider factors, including but not limited to the following:
1. the nature of the violation,
 2. the level of seriousness of the violation,
 3. the duration of the violation,
 4. efforts by the responsible person to correct the violation,
 5. the impact of the violation on the community,
 6. any instances in which the responsible person has been in violation of same or similar laws at the same or other locations in the city,
 7. the good faith effort by the responsible person to comply,
 8. the economic impact of the penalty on the responsible person,
 9. the economic benefit of the violation to the responsible person,
 10. whether the violation is easy to correct, and
 11. any other factors that justice may require.

1.08.030 Service procedures.

- A. Except as otherwise provided in this code or at law, including but not limited to exceptions provided for notices issued pursuant to the nuisance abatement provisions in Chapter 1.10, wherever notice is required to be given, it must be served in any of the following manners:
1. Personal Service. In any case where an administrative citation is issued:
 - a. The enforcement officer must attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation.
 - b. If the responsible person served refuses or fails to sign the administrative citation, the failure or refusal to sign does not affect the validity of the administrative citation or of subsequent proceedings.
 2. Service of Citation by Mail. If the enforcement officer is unable to locate the responsible person, the administrative citation may be mailed to the responsible person by certified

mail, postage prepaid with a requested return receipt. Simultaneously, the citation may be sent by first class mail. If the administrative citation is sent by certified mail and returned unsigned, then service is deemed effective by first class mail, provided the citation sent by first class mail is not returned by the United States Postal Service.

3. Service of Citation by Posting Notice. If the enforcement officer does not succeed in personally serving the responsible person, or by certified mail or first class mail, the enforcement officer may post the administrative citation on any real property within the city in which the city has knowledge that the responsible person has a legal interest, and such posting will be deemed effective service.
4. Service of Citation by Electronic Means. Unless otherwise provided in this code or by law, the enforcement officer may serve an administrative citation by electronic service when the person subject to an administrative citation has agreed to accept service electronically. Electronic service of a document is complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent. However, any period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service of the document will be extended after service by electronic means by two business days, but the extension of time will not apply to filing any notice of appeal or request for hearing.

B. Upon complying with the service procedures set forth in this section, the enforcement officer may complete a declaration of service documenting the date and manner of service. Failure to complete a declaration of service does not affect the validity of the service.

1.08.040 Contents of notice.

A. Each administrative citation must contain the following information, at a minimum:

1. Date, approximate time, and address or description of the location where the violation(s) was observed;
2. The provision of the municipal code, condition of approval of a permit, entitlement, condition or provision of an environmental review, or term or condition of the city agreement or order violated and a description of the violation(s);
3. An order to the responsible person to cease the violation, correct the violation(s) within the time specified, if applicable, and an explanation of the consequences of failure to correct the violation(s);
4. The amount of the fine for the violation(s), if any;
5. An explanation of how the fine, if any, must be paid and the time period by which it must be paid;
6. A notification that payment of the fine does not excuse or discharge the failure to correct the violation and does not bar further enforcement action by the city;

7. A statement that if the fine is not timely paid, a late payment penalty of twenty-five percent of the amount of the fine may be added to the fine, and interest of ten percent per month may also apply to outstanding fines;
8. Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for hearing form to contest the administrative citation; and
9. The name and signature of the enforcement officer, the name and address of the responsible person and, if possible, the signature of the responsible person. (Ord. 463 § 2, 2007)

1.08.050 Notice of pending administrative enforcement action.

- A. A director may record with the County Recorder's Office a notice against a property which is the subject of an administrative enforcement action pending with the city of Santee. The notice must identify the property by Assessor's Parcel Number, if known, describe the nature of the administrative action and refer to the municipal code provision governing the pending administrative action.
- B. Before recordation, the enforcement officer must provide 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 Chapter 1.14 is filed. The letter must be served pursuant to any of the methods of service set forth in Section 1.08.030 of this code. The enforcement officer may also send a courtesy copy of the letter to any applicable financial institution.
- C. If the enforcement officer does not receive a written request to appeal pursuant to the procedures set forth in Chapter 1.14, the enforcement officer may record notice of the administrative citation if the violations remain.
- D. An appeal of the enforcement officer's decision to record the administrative citation must follow the procedures set forth in Chapter 1.14, except that the decision of the hearing officer is final. If the hearing officer affirms the issuance of the administrative citation and the violations remain, enforcement officer may record notice of the administrative citation beginning three days after service of the hearing officer's decision.
- E. A copy of the recorded notice of violation must be served on the responsible person and property owner pursuant to any of the methods of service set forth in Section 1.08.030 of this code.
- F. The enforcement officer, property owner or responsible person may record a Notice of Compliance, issued pursuant to Section 1.08.060 of this code, with the County Recorder's Office. The recordation of the Notice of Compliance has the effect of canceling the recorded Notice of Violation

1.08.060 Satisfaction of administrative citation.

- A. When the violations listed on the administrative citation have been corrected, the responsible person or property owner may file with the enforcement officer a written request for a Notice

of Compliance. Once the enforcement officer receives this request, the enforcement officer must reinspect the property within thirty (30) calendar days to determine whether the violations listed in the administrative citation have been corrected and whether all necessary permits have been issued and final inspections have been performed. The enforcement officer must serve a Notice of Compliance to the responsible person or property owner in the manner provided in Section 1.08.030 of this code if the Director determines that:

1. all violations listed in the recorded administrative citation have been corrected; and
2. all necessary permits have been issued and finalized;
3. all fines and/or penalties assessed against the property as a result of the administrative citation have been paid.

1.08.070 Administrative citation – Types, policies and procedures

Each type of administrative citation may be issued alone, or it may be combined with any other type of administrative citation. The city manager is authorized to develop, adopt and amend policies and procedures relating to the issuance and administrative citations for the purpose of implementing the provisions of this code. The policies and procedures must provide guidance for the consideration of the criteria set forth in Section 1.08.020 and account for the following:

- A. Notice of violation. A notice of violation may be issued in response to any violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement. A notice of violation may range from an informal warning to a formal enforcement action based on an evaluation of the criteria in Section 1.08.020.
- B. Cease and desist order. A cease and desist order may be issued to require cessation of activities constituting a violation that poses a threat to health, safety or welfare or the environment.
- C. Compliance order. A compliance order may be issued to require actions to remedy a violation, and may contain a compliance schedule with milestones, action plans, compliance meetings, or other measures necessary to achieve and maintain compliance.
- D. Notice to abate. A notice to abate may be issued in accordance with Chapter 1.10.
- E. Stop work order. A stop work order may be issued to immediately halt all construction, grading, building and other work undertaken pursuant to a city-issued permit but in violation of applicable provisions of the code, permit, order or other regulatory requirements.
- F. Ineligibility for land development. A department director may determine that any person who fails to perform construction, grading, building or other work undertaken pursuant to city-issued permit but in violation of applicable provisions of the code, permit, order or other regulatory requirements is ineligible to continue development or construction activities. During the effective dates of such ineligibility, no application for a building permit, administrative permit, site plan, use permit, variance, tentative parcel map,

tentative map, parcel map or final map or any other permit for the development of the property on which the violation occurred and which resulted in the notice of ineligibility will be approved.

- G. Bonding requirement. A bond or other security instrument may be required to assure that a violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement is corrected.
- H. Referral to other enforcement authorities. Where required or appropriate, violations may be referred to agencies having authority over the action constituting a violation.
- I. Permit revocation and stay of issuance of municipal permits.
 - 1. Revocation. Any permit, license, or other approval issued by the city is subject to revocation after notice and an opportunity to be heard for failure to comply with any provision of this code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement.
 - 2. Non-issuance. The city may withhold permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on a property subject to an administrative or other enforcement action, 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 a hearing officer affirms the enforcement officer's decision to issue or record an administrative citation. The city may withhold permits until a Notice of Compliance has been issued by the enforcement officer in accordance with Section 1.08.060. 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.

Chapter 1.10 NUISANCE ABATEMENT

1.10.010 Intent of chapter.

This chapter not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which the city is a party. However, where this chapter imposes a greater restriction upon property or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this chapter control. The purpose of this chapter is to provide minimum standards for the maintenance of property in the city and to allow for abatement of nuisances on property through means other than criminal prosecution. At the direction of the enforcement officer and pursuant to a written agreement, the city may use the services of an independent contractor to implement the provisions of this chapter. (Ord. 443 § 1, 2004) (Ord. 375 § 2, 1998)

1.10.015 Definitions

When used in this chapter, the following definitions apply unless the context or more specific definition indicates otherwise:

“Sidewalk” means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians and may be contiguous or non-contiguous to the curb.

“Street” includes all streets, highways, avenues, parkways, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

1.10.020 Responsibilities for property maintenance.

- A. Every owner, lessee, occupant, or person having charge of property within the city is required to maintain such property in a manner so as not to violate the provisions of this code or any law, including obtaining all required permits or approvals from governmental agencies such as the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, and such owner, lessee, occupant, or person having charge of property remains liable for violations regardless of any contract or agreement with any third party regarding such property. The duty imposed by this section on a property owner in no instance relieves those persons from the similar duty.
- B. All parcels must be mowed and/or cleared a distance of one hundred feet from any structure or adjacent structure if the parcel is unimproved and up to fifty feet along each side of established regularly traveled roadways or driveways. Clearance of property must be accomplished by methods that will not disturb native soil or root stock. The required width is at the discretion of the fire chief or his or her authorized representative. (Ord. 443 § 1, 2004)
- C. Any condition caused, maintained or permitted to exist in violation of any provisions of this code or applicable state codes that constitutes a public nuisance may be abated by the city pursuant to the procedures set forth in this chapter.

1.10.030 Classification of nuisances.

The following acts and conditions when performed or existing upon any property within the city are hereby declared to be unlawful and are defined as and declared to be public nuisances which are injurious or potentially injurious to the public health, safety and welfare and which have a tendency to degrade the appearance and property values of surrounding property or which cause damage to public rights-of-way:

- A. Any condition of any structure or building, both permanent and temporary, or other lot improvements, or vacant or unimproved land that is caused, maintained or permitted to exist in violation of any provisions of this code or applicable state codes which constitutes a public nuisance;
- B. Any condition of any structure or building, both permanent and temporary, or other lot improvements, or vacant or unimproved land which does not comply with the terms of a development permit, including landscaping requirements.
- C. All weeds or dry grasses over four inches in height, dead shrubs, dead trees or tree limbs within ten feet of a chimney, rubbish, or any material growing or discarded upon the streets, parking areas, sidewalks, or upon private property within the city which bear seeds of a wingy or downy nature or which by reason of their size, manner of growth and location constitute a fire hazard to any building, improvement, crops or other property, and weeds or grasses which, when dry, will in reasonable probability constitute such a fire hazard are hereby declared to be a public nuisance. Cultivated and useful grasses and pastures are not a public nuisance; provided, however, that if the fire chief determines it necessary to protect adjacent improved property from fire exposure, an adequate fire break may be required.
- D. Faulty weather protection including, but not limited to, crumbling, cracked, missing, broken, or loose exterior plaster or other siding, roofs, foundations or floors broken or missing windows or doors, or unpainted surfaces causing dry rot, warping, or termite infestation.
- E. Fences or walls which are in a hazardous condition, or which are in disrepair, or which hinder free access to public sidewalks.
- F. Vehicles, motor vehicles, campers, camper trailers, trailers, unmounted campers, trailer coaches, motorcycles, boats, and other similar conveyances stored on unpaved surfaces.
- G. Storage or scattering over the property of any of the following:
 - 1. Debris, rubbish, or trash not stored in trash receptacles;
 - 2. Abandoned, discarded, broken, wrecked, inoperable or discarded household furnishings, appliances, machines and tools, or similar objects or equipment;
 - 3. Discarded building materials or machinery;
 - 4. Any rubble, asphalt, concrete, plaster, tile, rubbish, crate, carton, or metal or glass container that, by reason of its location and character materially hampers or interferes

with the prevention or suspension or suppression of fire on any lot, property or premises;

- H. Signs which are a traffic hazard not created by relocation of streets or highways or by acts of the city or county.
- I. Unpaved or deteriorated parking lots containing uneven surfaces, drainage problems or that are hazardous to the public.
- J. Continuation of a use of a property for which a temporary use permit was issued after the expiration of the temporary use permit.
- K. Features installed or constructed to provide disabled access in conjunction with the requirements of a building permit issued by the city which are not maintained in such a manner as to continue to provide proper access to persons with disabilities and therefore have become hazardous to persons with disabilities and others. This does not include enforcement of the requirements of the Americans with Disabilities Act (ADA) which are not the enforcement responsibility of the local jurisdiction.
- L. Maintenance of premises in such conditions as to be detrimental to the public health, safety, or general welfare or in such manner as to constitute a public nuisance as defined by Section 3480 of the California Civil Code.
- M. Graffiti on private or public property creates a condition tending to reduce the value of private or public property, to promote blight and deterioration, to reflect badly on the community, and may be injurious to health, safety and general welfare. Furthermore, graffiti has been used as a forum for gang-related activities and can lead to an increase in crime in the city. Therefore, the presence of graffiti on private or public property is declared to constitute a public nuisance which may be abated as such in accordance with provisions of this chapter, or any other applicable provision of law. (Ord. 311, 1993)

1.10.040 Declaration of nuisance – notice to abate – service of notice to abate.

- A. Whenever the director of development services, or when the violation relates to a fire hazard, the fire chief, or an authorized representative of either, finds that a nuisance exists in accordance with this code on any premises located within the city, he or she must cause, including through the use of a third party contractor, a notice to be issued to the property owner, lessee or occupant of the property on which the nuisance is located of the nuisance and direct that the nuisance be abated; provided, however, than .
- B. This notice to abate may be sent by first class mail, postage prepaid and need not be served in accordance with Section 1.10.080. The notification must detail the violations and establish a reasonable abatement period which is not less than ten days.

1.10.050 Voluntary abatement of nuisances.

The owner, lessee or occupant of any building, structure or property alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the abatement period provided in Section 1.10.040 of this chapter by rehabilitation, repair, removal, or demolition. The owner, lessee, or occupant must advise the development services department or,

when applicable, the fire department of the abatement. Once advised, the development services or the fire department or authorized representative of either must inspect, or cause to be inspected, the premises to insure that the nuisance has been abated.

1.10.060 Failure to voluntarily abate a declared nuisance – notice of intent to abate.

If an alleged nuisance is not properly abated within the period established under the provisions of Sections 1.10.040 and 1.10.050, the property owner, lessee or occupant must be served with a written notice of intention to abate the nuisance in accordance with Sections 1.10.070 and 1.10.080 of this chapter by the director of development services, the fire chief, or an authorized representative of either.

1.10.070 Notice of intention to abate public nuisance – contents.

The notice of intention to abate public nuisance described in Section 1.10.060 of this chapter must provide all of the following:

- A. contain a description of the property in general terms reasonably sufficient to identify the location of the property;
- B. include a reference to the applicable code or statutory provision rendering the property a public nuisance;
- C. describe and demand the action required to abate the public nuisance, which may include corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or other appropriate action;
- D. establish time frames by which each action must occur, which will not be less than ten days;
- E. explain the consequences of failing to comply with the terms of the notice;
- F. identify all applicable hearing and appeal rights as set forth in Section 1.10.100.

1.10.080 Service of notices and order to abate.

Service of notice of intent to abate must be made in accordance with the following methods:

- A. By posting at a conspicuous place on the lot, property or premises or abutting public right-of-way for five consecutive days. Service is deemed complete on the day after the fifth day after posting; and
- B. By personal service on the owner, occupant or person in charge or control of the lot, property or premises. Service is complete upon such personal service; or
- C. By registered mail addressed to the owner or person in charge and control of the lot, property or premises, at the address shown on the last available property assessment roll, or as otherwise known. Service is deemed complete upon the deposit of said notice, postage prepaid, in the United States mail.

1.10.090 Authority to enter upon land.

The enforcement officer or a duly authorized representative of the development services department or the fire department may enter upon the land for posting or serving notice.

1.10.100 Right to appeal.

- A. The responsible person may appeal the notice of intent to abate issued under Section 1.10.060 and request a hearing in accordance with the procedures set forth in chapter 1.14; provided however, that the written request for a hearing must be filed with the Office of the City Clerk within the following times:
 - 1. For weed and rubbish abatement activities, pursuant to Section 1.10.030, within five (5) calendar days after the date of service of the notice of intent to abate.
 - 2. For all other abatement activities, within ten (10) calendar days after the date of service of the notice of intent to abate.
- B. Upon receiving a written request for a hearing on a notice of intent to abate, the hearing officer must follow the procedures set forth in Chapter 1.14, with the exception of appeals, which must be taken in accordance with this chapter, and hear any objections as to why abatement should not be ordered and effected. If the notice of intent to abate includes the assessment of any monetary penalties, the hearing officer must also consider evidence that is relevant to the following issues: (1) whether the responsible person caused or maintained a public nuisance on the dates specified in the notice and order; and (2) whether the amount of monetary penalties is reasonable.

1.10.110 Decision of the hearing officer.

- A. In the case of weed and rubbish nuisances pursuant to Section 1.10.030, the decision of the hearing officer regarding the notice of intent to abate is the final and conclusive determination of the city, and no further administrative appeal of the notice of intent to abate is available.
- B. In the case of all other nuisance abatement proceedings, if the hearing officer determines that a public nuisance exists and that there is sufficient cause to abate the nuisance, the city may abate the public nuisance pursuant to the procedures of this chapter if no appeal has been filed within the time specified for an appeal to the city council in Section 1.10.190. The decision of the hearing officer is final unless an appeal is filed in accordance with this section.
- C. In the event a responsible person files an appeal pursuant to Section 1.10.100 or 1.10.110, abatement may not proceed until the time for filing an administrative appeal passes, unless the city manager concludes that an imminent threat to the public's health and safety exists and justifies summary abatement pursuant to Government Code section 38773.

1.10.120 Service of the abatement order.

Within five days after issuance of the hearing officer's decision pursuant to Section 1.10.100, the property owner, lessee, occupant or the person having charge or control of the property must be served with a copy of the written order in the manner provided in Section 1.10.080. Failure to serve the decision does not affect the validity of the decision or actions taken in reliance thereon.

1.10.130 Abatement by property owner.

The property owner, lessee, occupant, or person having care or control of the property may, at his or her own expense, abate the nuisance as prescribed by the enforcement officer or hearing officer at any time prior to abatement by the city. If the nuisance has been inspected by a representative of the city and has been abated in accordance with the requirements, proceedings will be terminated. (Ord. 375 § 2, 1998)

1.10.140 Abatement by the city.

If a declared nuisance is not completely abated by the owner, lessee, occupant, or person having charge or control of the property within the time prescribed by the enforcement officer or hearing officer, the code enforcement officer, or any designated city official, is authorized and directed to cause the nuisance to be abated by city forces or private contract. In furtherance of this section, the code enforcement officer or any designated agent is expressly authorized to enter upon the premises for the purpose of abating the nuisance. (Ord. 375 § 2, 1998)

1.10.150 Record of cost for abatement.

- A. The code enforcement officer or such other city official or private contractor as may be designated, must keep an account of the costs of abating a nuisance on each separate lot or parcel of land where the work is done and render an itemized report, in writing, to the director of development services or the fire chief, showing the cost of abatement and the rehabilitation, demolition or repair of the premises, building or structures, less any salvage value relating thereto. The costs must include the city's administrative costs, which may be twenty-five percent of the other costs and which include the expense and costs of the city in preparing notices, specifications and contracts, in inspecting the work, legal fees, and other related costs required hereunder. Before the report is submitted to the director of development services or the fire chief, a copy of the same must be served on the responsible person in accordance with the provision of Section 1.10.080, together with a notice of the time when the report will be heard by the director of development services or the fire chief or in the case of weed abatement, by the city council, for confirmation.
- B. The director of development services or the fire chief, when applicable, must set the matter for hearing to determine the correctness and reasonableness of such costs. (Ord. 379 § 3, 1998; Ord. 375 § 2, 1998)

1.10.160 Report—Hearing and proceedings.

- A. At the time and place fixed for receiving and considering the report in Section 1.10.150, the director of development services, the fire chief, or an authorized representative of either, or in the case of a weed and rubbish nuisances pursuant to Section 1.10.030, the city council, hears the report of such costs of abatement, together with any objections or protests. Thereupon, the director of development services, the fire chief, or the authorized representative or the city council may make such revision, correction or modification in the report deemed just, after which, the report, as submitted or as revised, corrected or modified, will be confirmed.

- B. The decision of the city council is final and conclusive. The decision of the director of development services, fire chief, or the authorized representative of either, is final and conclusive unless appealed in accordance with Section 1.10.190.

1.10.170 Assessment of costs against property.

When the total cost for abating a nuisance, as confirmed by a final decision of the city, is received by the finance department of the city, the total cost constitutes either a special assessment or a lien pursuant to Chapter 1.12 against the respective lot or parcel of land to which it relates.

1.10.180 Violations.

- A. Any owner, lessee, occupant, or other person having charge or control of any such buildings, or premises, who maintains any public nuisance defined in this chapter, and who fails to comply with the order of abatement served as provided in Section 1.10.080 of this chapter violates this code and is guilty of a misdemeanor.
- B. Any person who removes any notice or order posted as required in this chapter, for the purposes of interfering with the enforcement of the provisions of this chapter, violates this code and is guilty of a misdemeanor.
- C. Any person who obstructs, impedes or interferes with any representative of the city or with any person who owns, leases or occupies property when any of the aforementioned individuals are lawfully engaged in proceedings involving the abatement of a nuisance under this chapter violates this code and is guilty of a misdemeanor.

1.10.190 Grievance with final order – Appeal to city council.

- A. Except as otherwise provided in this chapter for weed abatement proceedings, whenever any person is aggrieved by any final order of the hearing officer issued pursuant to Section 1.10.110 or of the confirmation of the costs of abatement pursuant to Section 1.10.160 of this chapter, such person may appeal to the city council the issuance of said order or confirmation by filing a written notice of appeal with the city council no later than two days after the date of the hearing under Section 1.10.110 or ten days after the hearing under Section 1.10.160.
- B. The written notice of appeal must be filed with the city clerk and state the grounds for the appeal and the specific factual and/or legal errors committed by the director of development services, the fire chief, or the authorized representative in issuing its order or confirmation.
- C. The city clerk must transmit one copy of said notice of appeal to the director of development services, fire chief, or authorized representative.
- D. The director of development services, fire chief, or the authorized representative of either, must transmit to the city council, no later than twenty days after receiving a notice of appeal, and copies of all other papers constituting the record upon which the decision was taken, including, but not limited to, the minutes of all hearings thereon, a written report, prepared from the record upon which the final determination was made, stating the factual and legal basis on which the director, fire chief or the authorized representative reached his or her decision.

- E. The city council may affirm, reverse or modify, in whole or in part, any final determination, assessment, or order of the hearing officer, director, fire chief or authorized representative which is subject to an appeal pursuant to this section. After reviewing the proceedings relating to the decision appealed from, including, but not limited to, minutes of hearings, notice of appeal and the report of the director, fire chief, or authorized representative, the city council, by resolution, may affirm without further action the determination, assessment, or order appealed from.
- F. On the date a notice of appeal is filed under this section, all proceedings in furtherance of the determination or order appealed from must be stayed until the final determination by the city council of the appeal.
- G. All decisions of the hearing officer, director of development services, fire chief, or the authorized representative of either are final unless appealed within the time prescribed herein. (Ord. 375 § 2, 1998)

1.10.200 Summary Abatement

- A. Notwithstanding other provisions in this code, whenever the city manager determines that an imminent life safety hazard exists that requires immediate correction or elimination, the city manager may exercise the following powers without prior notice to the responsible person:
 - 1. Order the immediate vacation of any tenants and prohibit occupancy until all repairs are completed;
 - 2. Post the premises as unsafe, substandard or dangerous;
 - 3. Board, fence or secure the building or site;
 - 4. Raze and grade that portion of the building or site to prevent further collapse and remove any hazard to the general public;
 - 5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
 - 6. Take any other action as appropriate under the circumstances.
- B. The city manager may pursue only the minimum level of correction or abatement necessary to eliminate the immediacy of the hazard. Costs incurred by the city during the summary abatement process will assessed and recovered against the Responsible Person through the procedures established in Sections 1.10.150 through 1.10.170 of this Chapter.
- C. The city manager may also pursue any administrative or judicial remedy to abate any remaining public nuisance

1.10.210 Limitation on filing judicial action.

Any owner, lessee, occupant, or other interested person having any objections or being aggrieved by any final decision of the city in ordering the abatement of any public nuisance under the

provision of this chapter, must bring an action to contest such decision within thirty days after the date of such decision of the city council. Otherwise, all objections to such decision are deemed waived. (Ord. 375 § 2, 1998)

1.10.220 Alternatives.

- A. Nothing in the foregoing sections prevent the city council from ordering the city attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein.

- B. In any action, administrative proceeding, or special proceeding to abate a public nuisance, the prevailing party is entitled to recover reasonable attorneys' fees. Notwithstanding the foregoing, recovery of attorneys' fees is available only in those actions or proceedings in which the city elects, at the initiation of such action or proceeding, to seek recovery of its own attorneys' fees, if it prevails in the action or proceeding. Prior to invoking such a right to recover attorneys' fees, the city attorney must obtain authorization from the city council. In no action, administrative proceeding, or special proceeding may an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding. (Ord. 483 § 1, 2009; Ord. 375 § 2, 1998)

Chapter 1.12 COST AND PENALTY RECOVERY

1.12.010 Payment of fines, penalties and costs.

- A. To the extent permitted by law, the city may collect any unpaid monetary fines, civil penalties and costs imposed pursuant to this code as a personal obligation of the responsible person or a lien or special assessment against the real property on which the violation occurred.
- B. Notwithstanding subdivision A, the city, in its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid fines, interest and penalties relating to any administrative citation. The use of one recovery method does not preclude the use of any other recovery method. (Ord. 463 § 2, 2007)

1.12.020 Recovery as a personal obligation

- A. Any fines, costs, or penalties subject to collection under this code may be recovered as a personal obligation against the responsible person. The enforcement officer must keep an itemized account of the fines, costs, penalties and abatement and or enforcement costs incurred by the city.
- B. Invoice. The enforcement officer may submit an invoice the responsible person for the costs incurred by the city and for any unpaid fines and penalties associated with the enforcement action. The invoice must notify the responsible person of the following:
 - 1. A description of the abatement or enforcement action taken by the city, a description of the property subject to the abatement or enforcement, and the total amount of the fines, penalties and costs incurred by the city;
 - 2. That if the responsible person fails to pay the fines, penalties, and costs within thirty days from the date of service of the invoice in accordance with the service procedures set forth in Section 1.08.030, the fines, penalties, and costs may be collected in any or all of the following ways: by a collection agency as a personal obligation, by the city attorney through judicial action, as a lien attached to the subject property, as a special assessment on the subject property; or in any other manner authorized by law.
- C. Collection agency. The enforcement officer may refer to a collection agency or the city attorney all costs incurred by the city and fines and penalties associated with the enforcement action which remain unpaid for ten (10) days past the due date. Upon referral, the collection agency or the city attorney may seek collection through any legal means provided to them, including judicial action.
- D. Judicial action. The failure of any person to pay the fines, penalties and costs imposed by an administrative citation within the time specified on the citation may result in the filing of a claim with the small claims court or the superior court for recovery of the fine. The only issue to be adjudicated by the court is whether or not the fines were paid. A person cited may only obtain judicial review of the validity of the administrative citation by writ of mandate after exhausting their administrative remedies by requesting and participating in a preliminary hearing and a hearing before a hearing officer. In the court action, the city may

also recover its collection costs, including costs relating to the hearing before the hearing officer, and any court fees, according to proof.

1.12.030 Confirmation of costs

The city may collect fines, costs and penalties under the procedures provided for liens or special assessments in this chapter after such fines, costs or penalties are confirmed by a hearing officer under the procedures and requirements found in Sections 1.10.150 through 1.10.160.

1.12.040 Recovery as a lien

- A. To the extent permitted by law, the city may establish a lien in the amount of the fine, penalty, and costs plus interest and late charges as set forth in Section 1.12.100 of this code, against the real property upon which a violation occurs after confirming the costs in accordance with Section 1.12.030.

- B. Notice of lien prior to recording. Prior to recording a lien, notice must be served on the owner of record based on the last equalized assessment roll or the supplemental roll, whichever is more current, in the same manner as summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record cannot be found after a diligent search, the notice may be served by posting copy of the notice in a conspicuous place on the property for a period of ten (10) days and publishing the notice in a newspaper of general circulation published in San Diego County pursuant to Government Code section 6062.

- C. Content of notice. The notice of lien for recordation must be in a form substantially as follows:

NOTICE OF LIEN

(Claim of City of Santee)

Pursuant to the authority vested by the provisions of Section 1.10.140 of the City of Santee Municipal Code, the Director of Development Services of the City of Santee, the Fire Chief, or an authorized representative of either of the above did, on or about the ____ day of _____, 20____, cause the premises hereinafter described, to be rehabilitated, or the building or structure of the property hereafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the Director of Development Services, the Fire Chief, or the authorized representative of either of the above or the city council, did on the ____ day of _____, 20____, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described and that said City of Santee does hereby claim a lien on such rehabilitation, repair or demolition in the amount of said assessment, to wit: the sum of \$_____ and the same is a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Santee, County of San Diego, State of California, and particularly described as follows:

(Description)

Assessor's Parcel No. _____

Street Address: _____

Name of owner of record: _____

DATED: This _____ day of _____, 20____.

City Clerk of the City of Santee, California

(ACKNOWLEDGMENT)

1.12.050 Recovery as a special assessment.

- A. To the extent permitted by law, the city may establish a special assessment, in the amount of the fine, penalty, and costs plus interest and late charges as set forth in Section 1.12.100 of this code, against the real property upon which the violation occurs after confirming the costs in accordance with Sections 1.12.030.
1. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes are applicable to the special assessment.
 2. If the identity of the owner of the real property can be determined, the city must make its best effort to provide notice of the special assessment to the owner by certified mail at the time of imposing the assessment. Such notice will specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale is not affected by the failure of the property owner to receive notice. Assessment of administrative fines as provided hereunder does not preclude assessment of other costs of abatement of any nuisance against the same property at a later date.
 3. If any real property against which the special assessment relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement will not result in a lien against the real property but instead will be transferred to the unsecured roll for collection.

4. A sale of vacant residential developed property for which the payment of a special assessment imposed pursuant to this chapter is delinquent may be conducted, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code.
5. Notices or instruments relating to the special assessment are entitled to recordation.

1.12.060 Recovery of weed and rubbish abatement costs

- A. For weed and rubbish abatement procedures, the provisions of Government Code sections 39580 through 39585, inclusive, are incorporated into this chapter by reference; provided, however, that the authority for this chapter is Government Code section 39502, and provided, further, that the city does not adopt the alternative provisions established by Government Code section 39560 et seq., except as expressly provided herein.
 1. After confirmation of costs in accordance with Section 1.12.030 and recordation of a notice of lien, a copy must be filed with the assessor and tax collector of San Diego County, acting for the city in order that the county officials may add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels or land, and thereafter said amounts will be collected at the same time and in the same manner as ordinary municipal taxes are collected and be subject to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or
 2. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law;
 3. Such notice of lien for recordation must be in form substantially as provided in Section 1.12.040.

1.12.070 Recovery of graffiti abatement costs

- A. Application. This section is intended to implement the provisions of Sections 38772, 38773.2, and 38773.6 of the California Government Code making the costs of abatement of a nuisance caused by graffiti of personal or real property a lien or special assessment on the real property of a minor or other person causing the graffiti or the parent or guardian of the minor.
- B. Definitions. For purposes of this section the terms "graffiti," "expense of abatement," "minor," and "responsible person" have the same meaning as specified in this code and in Government Code Sections 38772, 38733.2, and 38773.6.
- C. Procedures. The procedures to assess or lien property under this section are those provided in this section and Section 1.12.030 relating to confirmation of costs, unless otherwise provided in Government Code Sections 38772, 38733.2, and 38773.6.
- D. Notices. All notices required or allowed under this section must be provided to all record owners of the real property that will be subject to the special assessment or lien. A notice of lien or special assessment must notify the minor or other person causing the graffiti, or

the parent or guardian of the minor that caused the graffiti, that if costs go unpaid under this section, the property owned by them will be subject to a lien or special assessment.

- E. Form of Notice of Graffiti Abatement Lien. The Notice of Graffiti Abatement Lien must be in substantially the following form:

NOTICE OF GRAFFITI ABATEMENT LIEN

Pursuant to the authority vested in the City of Santee by the City of Santee Municipal Code Chapter ____ and Government Code Sections 38772 and 53069.3, the city did on or about the _____ day of _____/_____/_____, 20_____, cause the abatement of graffiti on public or private, real or personal property. _____/_____/_____ is/are the record owner(s) of the premises described below ("Subject Property") and is the minor/person causing graffiti/parent or guardian of the minor who caused the graffiti. The City did, on the _____ day of _____, 20_____, confirm the costs of the graffiti abatement, and the costs have not been paid, and the said City of Santee claims a lien on the Subject Property in the amount of _____ Dollars (\$_____) under Government Code Section 38773.2. The lien is on the property until the amount is paid, plus legal rate of interest to be accrued from the date of recording this lien, and any and all administrative costs to file and record the lien. The claimed lien having been imposed to collect for graffiti abatement costs has the priority of a judgment lien and attaches upon the recording of this Notice. The Subject Property upon which the lien is claimed is located at _____ in the City of Santee, County of San Diego, State of California, and is more particularly described as APN #_____ and:

[LEGAL DESCRIPTION OF PROPERTY]

The record owner(s) of the Subject Property is/are _____ who reside(s) at: _____

Dated: This _____ day of _____, 20_____.

- F. Form of Graffiti Abatement Special Assessment. The form for a special assessment for graffiti abatement must be in substantially the following form:

NOTICE OF GRAFFITI ABATEMENT SPECIAL ASSESSMENT

Pursuant to the authority vested in the City of Santee by the City of Santee Municipal Code Chapter ____ and Government Code Sections 38772 and 53069.3, the city did on or about the _____ day of _____/_____/_____, 20_____, cause the abatement of graffiti on public or private, real or personal property. _____/_____/_____ is/are the record owner(s) of the premises described below ("Subject Property") and is the minor/person causing graffiti/parent or guardian of the minor who caused the graffiti. The City did, on

the _____ day of _____, 20_____, confirm the costs of the graffiti abatement, and the costs have not been paid, and the said City of Santee claims a lien on the Subject Property in the amount of _____ Dollars (\$_____) under Government Code Section 38773.6, and the assessment has not been paid, and the City of Santee claims a lien on the Subject Property in the amount of _____ Dollars (\$_____). The claimed amount having been assessed to collect for graffiti abatement costs has the priority of a tax lien and attaches upon the recording of this Notice. The assessment will be on the property until the amount is paid, plus legal rate of interest to be accrued from the date of recording this assessment, and any and all administrative costs to file and record the lien. The Subject Property may be sold after three years pursuant to Revenue and Tax Code § 3691 for unpaid delinquent assessments. The Subject Property upon which the lien is claimed is located at _____ in the City of Santee, County of San Diego, State of California, and is more particularly described as APN # _____ and:

[LEGAL DESCRIPTION OF PROPERTY]

The record owner(s) of the Subject Property is/are _____ who reside(s) at _____.

Dated: This _____ day of _____ / _____ / _____, 20_____.

1.12.080 Release of special assessment and lien

In the event a special assessment or lien is discharged, released, or satisfied, through payment, foreclosure or forgiveness, notice of the discharge containing the information specified below must be recorded by the city or be provided by the city to the responsible party to be recorded. The notice of discharge must specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

1.12.090 Reduction of cumulative fines.

If the violation is corrected within a reasonable time after the date of the administrative citation or the decision of the city manager or the hearing officer, as applicable, the city manager has the discretion to reduce any cumulative fines on good cause shown by the responsible person. The determination of the city manager is final and not subject to appeal or judicial review. Fines must not otherwise be reduced. (Ord. 463 § 2, 2007)

1.12.100 Late payment charges.

Any responsible person who fails to pay a fine imposed by this chapter on or before the date that payment is due, is also be liable for the payment of a late payment charge of twenty-five percent of the fine. In addition, delinquent fines accrue interest at the rate of ten percent per month, excluding penalties, from the due date. (Ord. 463 § 2, 2007)

Chapter 1.14 ADMINISTRATIVE HEARING AND JUDICIAL REVIEW

1.14.010 Appeal of citation.

- A. Any recipient of an administrative citation may contest that there was a violation of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement, or that he or she is the responsible person by completing a request for hearing form and returning it to the office of the city clerk within thirty days from the date of service of the administrative citation, unless a different time is specified in this code or in the administrative citation. A citation may specify a different time to appeal and seek a hardship waiver if a consideration of the factors in Section 1.08.020 justifies a different time to appeal.
- B. The request for hearing form must be accompanied by either an advanced deposit of the fine or a request for hardship waiver pursuant to Section 1.14.020 of this chapter. To be effective, the form requesting the hearing and hardship waiver, if any, together with all supporting documentation must be received by the city clerk's office, unless a different time is specified in the citation in accordance with Section 1.14.010A, no later than one day prior to the compliance deadline in the administrative citation, or if the administrative citation does not specify a deadline, within no more than twenty-five days after the date of service of the administrative citation in accordance with Section 1.08.030 or within thirty (30) days after the date of the administrative citation, whichever is later.
- C. Any administrative citation fine which has been deposited must be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

1.14.020 Hardship waiver.

- A. A person who files a request for a hearing pursuant to Section 1.14.010 may also request at the same time a hardship waiver of the fine deposit. In order to initiate a hardship waiver request, the responsible person must check the box indicating this request on the administrative citation appeal form and attach a sworn affidavit stating the grounds for the request, together with any supporting documents or materials, demonstrating the person's actual financial inability to deposit with the city the full amount of the fine.
- B. The city manager will consider the sworn affidavit and supporting documents or materials, determine whether the information demonstrates that advanced deposit of the fine constitutes a financial hardship and will inform the responsible person in writing of whether the waiver was approved, by serving a determination on the responsible person in accordance with Section 1.08.0300 The city manager's determination is final and is not subject to appeal or judicial review.
- C. If the hardship waiver is denied, the responsible person must pay the fine amount within ten days of service of the denial. Failure to pay the fine by the time required is deemed an abandonment of the contest and renders the fine delinquent.

1.14.030 Hearing procedures.

- A. No hearing to contest an administrative citation may be held unless and until a request for administrative hearing form has been completed and submitted, and the fine has been deposited in advance, or a hardship waiver application has been approved.
- B. Within fifteen days after receipt of a request for an administrative hearing and accompanying deposit or waiver, the hearing officer will schedule a hearing on the contest. The responsible person or his or her representative and any other interested party may attend the hearing. The hearing officer may consolidate hearings on multiple administrative citations issued to the same responsible person.
- C. At or before the hearing, the responsible person must submit to the hearing officer copies of the citations, reports and other documents submitted or relied upon by the enforcement officer, and may submit any reasonable evidence relevant to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s). No other discovery is permitted. Formal rules of evidence do not apply.
- D. The hearing officer may issue an oral decision on the contest at the conclusion of the hearing, and must issue a written decision, which may be on a city form. If the hearing officer determines that First Amendment rights are involved, the decision must be issued orally at the conclusion of the hearing and will be effective immediately. The written decision will be provided to the responsible person within ten days after the hearing and either affirm the issuance of the administrative citation, or modify or dismiss the administrative citation. The decision must briefly state the reasons for the hearing officer's conclusion.
- E. If the hearing officer affirms the issuance of the administrative citation, then the City will retain the deposit. If a hardship waiver was granted, the decision may set forth a payment schedule for the fine.
- F. If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the city, then the city will refund the deposit within ten days after the decision.
- G. The hearing officer may recommend reduction of a fine to the city but does not have the power to reduce the fine. The hearing officer may impose conditions and deadlines to correct any violations or require payment of any outstanding penalties.
- H. The decision of the hearing officer is final unless within ten days of the issuance of the hearing officer's written decision, the responsible person files a request for a hearing before the city council on such form as the city may prescribe. No appeal to the city council is available where otherwise provided in this code. (Ord. 463 § 2, 2007)

1.14.040 Judicial review.

Any responsible party may obtain review of the final decision of the city on an administrative citation by filing a petition with the superior court of San Diego in accordance with the timelines and provisions set forth in California Government Code Section 53069.4. Judicial review is not available without first participating in all hearing procedures as provided in this code. (Ord. 463 § 2, 2007)

1.14.050 Procedural compliance.

Failure to comply with any procedural requirement of this chapter, to receive any notice or decision specified in this chapter, or to receive any copy required to be provided by this chapter does not affect the validity of proceedings conducted hereunder unless the responsible person is denied constitutional due process thereby. (Ord. 463 § 2, 2007)

TITLE 1 GENERAL PROVISIONS

Chapter 1.01 CODE ADOPTION

1.01.010 Adoption.

~~—Pursuant to the provisions of Sections 50022.1—50022.8 and 5022.10 of the Government Code, there is adopted the “Santee Municipal Code” as published by Book Publishing Company, Seattle, Washington, covering ordinances through Number 184, together with those secondary codes adopted by reference, to wit: the 1982 editions of the Standard Specifications for Public Works Construction, the city of Santee Public Works Standards and the San Diego Area Regional Standard Drawings; the 1985 editions of the Uniform Fire Code and Uniform Fire Code Standards; the 1987 edition of the National Electrical Code, and the 1988 editions of the Uniform Building Code, the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Administrative Code, the Uniform Code for the Abatement of Dangerous Buildings; and the 1989 National Fire Protection Association’s Standards 13, 13D and 13R, as authorized by the California State Legislature, save and except those portions of the secondary codes as are deleted or modified by the provisions of the “Santee Municipal Code.” (Ord. 261 § 2, 1991)~~

~~1.01.020 Title—Citation—Reference.~~

~~This code shall be known as the “Santee Municipal Code,” and it shall be referred to as the “Santee Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, administrative proceeding, any prosecution for violations, and in any amendment to, correction or repeal of any portion of the “Santee Municipal Code.” Further Reference may be had to the titles, chapters, sections and subsections of the “Santee Municipal Code” and such includes references shall apply to that numbered title, chapter, section or subsection as it appears into any amendment, correction or additions to the code. (Ord. 261 § 2, 1991)~~

1.01.020 No Mandatory Duty—Civil Liability

It is the intent of the city Council of the city of Santee that any provision in this code establishing performance standards or establishing an obligation to act by a city officer or employee does not create a mandatory duty for purposes of tort liability.

1.01.030 Codification Delegation of authority.

Unless prohibited by charter, state law or this code, whenever this code grants any power to or imposes a duty on a city employee, a duly appointed deputy, designee or other authorized person may exercise the power or perform the duty.

1.01.040 Severability

~~—This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Santee, California, codified pursuant to the provisions of Sections 50022.1—50022.8 and 50022.10 of the Government Code. (Ord. 261 § 2, 1991)~~

~~1.01.040 Ordinances passed prior to adoption of the code.~~

~~—The last ordinance included in this code was Ordinance 184, passed February 25, 1987. The following ordinances, passed subsequent to Ordinance 184, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 185 through 258. (Ord. 261 § 2, 1991)~~

1.01.050 Reference applies to all amendments.

—Whenever a reference is made to this code as the “Santee Municipal Code” or to any portion thereof, or to any ordinance of the city of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 261 § 2, 1991)

1.01.060 Title, chapter and headings.

—Title, chapter and section headings contained in this chapter shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 261 § 2, 1991)

1.01.070 Reference to specific ordinances.

—The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 261 § 2, 1991)

1.01.080 Effect of code on past actions, obligations and irregularities.

—Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the city of Santee shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date, hereof, nor be construed as a waiver of any license, fee, or penalty at the effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. The adoption of this code supersedes the incorporated ordinances, and to the extent there is a conflict therewith, this code shall take precedence over the incorporated ordinances. In the event of any irregularities in the adoption of any incorporated ordinances, this ordinance shall constitute a re-adoption of any said ordinance with the intent of curing any such adoption irregularity. (Ord. 261 § 2, 1991)

1.01.090 Violation—Designated.

—Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be guilty of a misdemeanor, unless the violation is made an infraction by ordinance. (Ord. 261 § 2, 1991)

1.01.100 Fine and punishment—Misdemeanor.

—Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor for violation of an ordinance of the city is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment. (Ord. 261 § 2, 1991)

1.01.110 Fine and punishment—Infraction.

—Any person convicted of an infraction for violation of an ordinance of the city, is punishable by a fine not exceeding fifty dollars for a first violation; a fine not exceeding one hundred dollars for a second violation of the same ordinance within one year; a fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year. (Ord. 261 § 2, 1991)

1.01.120 Continuing violation.

—Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed.

~~continued or permitted by any such person, and shall be punished accordingly. (Ord. 261 § 2, 1991)~~

1.01.130 Effective date.

~~—This code shall become effective on the date the ordinance adopting this code as the "Santee Municipal Code" shall become effective. (Ord. 261 § 2, 1991)~~

1.01.140 Constitutionality.

~~If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall does not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 261 § 2, 1991)~~

1.01.050 City seal.

The official city seal of the city has been adopted by city resolution. The resolution describes the city seal in the following manner:

A. Two concentric circles separated by a narrow black border. Contained within the outer circle are the words "City of Santee, California" at the top and "Incorporated 1980" at the bottom. The inner circle consists of an artistic rendering of a green, grassy area in the foreground, a brown tree with green leaves in the right foreground, a brown knoll or rock in the left foreground fronting a strip of blue water. The background representation consists of a green bank of bushes fronting a range of brown hills and mountains. The background sky is blue.

B. For the purposes of this section any black and white representation of the above described city seal is considered as the official city seal. (Ord. 126-B § 1, 1984)

C. **Unlawful use of seal.** No person may use or allow to be used any reproduction or facsimile of the seal of the city for any purpose other than official business of the city, without prior authorization from the city clerk. (Ord. 126-B § 2, 1984)

D. **Unlawful use of imitation.** No person may use, or allow to be used, any colorably imitation of the seal of the city, when such use is likely to lead the ordinary observer to believe that the imitation is, in fact, the city seal. (Ord. 126-B § 3, 1984)

E. **Exemption.** This chapter does not apply to reproductions or facsimiles of the city seal made prior to the effective date of the ordinance codified in this chapter. (Ord. 126-B § 4, 1984)

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~~Chapter 1.04 GENERAL PROVISIONS~~
Chapter 1.02 DEFINITIONS AND RULES OF CONSTRUCTION

~~1.04.010~~1.02.010 Definitions.

When used in this code, the following words and phrases, ~~whenever used in the ordinances of the city of Santee, California, shall be~~ are construed as defined in this section unless ~~from the context intends a different meaning is intended or~~ unless a different meaning is specifically defined ~~and more particularly directed to the use of such words or phrases:~~

“City” and “town” ~~each mean~~ means the city of Santee, California, or the area within the territorial limits of the city of Santee, California, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“City council” and “council” ~~means~~ mean the city council of the city of Santee. “All of its members” or “all council members” means the total number of council members holding office.

~~“County” means the county of San Diego.~~

~~“City manager” means the city manager of the city of Santee, or his or her designee.~~

~~“Director of planning and community development” means the director of development services.~~

~~“Director of public works”~~ County means the ~~director of development services~~ county of San Diego.

“Enforcement officer” means any person designated by the city manager to enforce any provision of this code, including but not limited to a Sheriff’s Deputy and the city attorney.

“Law” denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city of Santee, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

~~“Municipal code” or “code”~~ means the Santee Municipal Code.

~~“Must” and “shall” are each~~ is mandatory.

~~“Oath” includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”~~

“Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

"Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any other legal entity, or the manager, lessee, agent, servant, officer or employee of any of them.

"Personal property" includes every kind of property that is not real, including but not limited to money, goods, chattels, things in action and evidences of debt.

"Preceding" and "following" mean next before and next after, respectively.

"Property" includes real and personal property.

"Real property" includes lands, tenements and hereditaments has the definition set forth in California Civil Code section 658 and consists of land, that which is affixed to land, incidental or appurtenant to land, and immovable by law.

"Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

"State" means the state of California.

"Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, courts or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property as designated in any law of the state.

"Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

"Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form or "writing" means any handwriting, type writing, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

"Year" means a calendar year. (Ord. 348 § 1, 1996; Ord. 70 § 1, 1983)

1.04.0201.02.020 Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city or anyone designated to act on that person's behalf. (Ord. 70 § 2, 1983)

1.04.0301.02.030 Interpretation of language.

All words and phrases ~~shall be~~ construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law ~~shall~~ will be construed and understood according to ~~such~~ the peculiar and appropriate meaning. (Ord. 70 § 3, 1983)

1.04.0401.02.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city of Santee, unless it is apparent from the context that a different construction is intended:

Gender. Each gender includes the masculine, feminine and neuter genders.

Singular and Plural. The singular number includes the plural and the plural includes the singular.

Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 70 § 4, 1983)

1.04.0501.02.050 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 70 § 5, 1983)

1.04.0601.02.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city of Santee any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 70 § 6, 1983)

1.04.0701.02.070 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 70 § 7, 1983)

1.04.0801.02.080 Construction.

The provisions of the ordinances of the city of Santee, and all proceedings under them are to be construed with a view to affect their objects and to promote justice. (Ord. 70 § 8, 1983)

1.04.0901.02.090 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 70 § 9, 1983)

1.04.100 Severability

~~If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases had been declared invalid or unconstitutional, and if for any~~

~~reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Added during 1989 supplement)~~

~~60139.00110\22776218.1~~
~~60139.00122\22776218.3~~

Chapter 1.081.04 GENERAL PENALTY/PENALTIES

1.04.010 Purpose.

The Council finds that enforcement of the municipal code and applicable state codes throughout the city is an important public service. Code enforcement is vital to protection of the public's health, safety and quality of life. The Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with code regulations.

1.04.020 General enforcement authority.

The city manager and designated enforcement officers have the authority and powers necessary to gain compliance with the provisions of the municipal code and applicable state codes. These powers include the power to issue informal and written warnings, administrative citations, and monetary penalties, inspect public and private property and use whatever judicial and administrative remedies are available under the municipal code or applicable state codes.

1.04.030 Continuing violation.

Every responsible person who maintains, permits, or allows a violation of this code or of any ordinance of the city of Santee is guilty of a separate offense for each and every day during any portion of which a violation of any provision of this code or the ordinance of the city of Santee is committed, continued or permitted by any such person.

1.04.040 Authority to enter and inspect.

Enforcement officers are authorized to enter upon any property or premises to determine whether the provisions of the municipal code or applicable state codes are being obeyed, and to make any examinations and surveys necessary in the performance of their enforcement duties. These may include taking photographs, samples or other physical evidence. All inspections, entries, examinations and surveys must be done in a reasonable manner. If an owner, occupant or agent refuses permission to enter or inspect, the enforcement officer may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Section 1822.50 through 1822.59.

Section 1.08.0101.04.050 Violations – Criminal penalty.

- A. Any person violating any of the provisions provision or failing to comply with any of the mandatory requirements of the ordinances of the city of Santee shall be guilty of a misdemeanor; except that notwithstanding any other requirement of the code, any violation constituting a misdemeanor under this code may, in the discretion of the city attorney or other prosecutor, be charged and prosecuted as an infraction. Any violation of any provision or failure to comply with any of the mandatory requirements of this code

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may also be subject to an administrative citation and/or fine issued under Chapter 1.14 of this code. (~~Ord. 520 § 1, 2013; Ord. 463 § 1, 2007; Ord. 74 § 1(a), 1983~~) or any other available remedy.

B. If any person is arrested for a violation of any one or more of the provisions of this code and such person does not demand to be taken before a magistrate, the arresting officer may issue a citation in the manner prescribed in Chapter 50 of Title 3 of Part 2 of the Penal Code (commencing with Section 855.5).

1.08.0201.04.060 Fine and punishment—Misdemeanor.

Except in cases where a different punishment is prescribed by any ordinance of the city of Santee, any person convicted of a misdemeanor for ~~violation of violating~~ an ordinance of the city is punishable by a fine of ~~not more than five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.~~ (~~Ord. 74 § 1(b), 1983~~) or imprisonment or both in the amounts established by Penal Code section 19 or such other provision of state law, as they currently exist or may hereafter be amended.

1.08.0301.04.070 Fine and punishment—Infraction.

Any person convicted of an infraction for ~~violation of violating~~ an ordinance of the city of Santee, is punishable by a fine not exceeding fifty dollars for a first violation; a fine not exceeding one hundred dollars for a second violation of the same ordinance within one year; a fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year. (~~Ord. 74 § 1(e), 1983~~) the amount established by Penal Code section 19.8 or other provision of state law, as they currently exist or may hereafter be amended.

1.08.040 Continuing violation.

1.04.080 Violations – Administrative and civil penalties.

~~Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city of Santee is committed, continued or permitted by any such person, and he shall be punished accordingly.~~ (~~Ord. 74 § 1(d), 1983~~)

C. Administrative penalties, generally. Any person violating any provision of the code may be subject to an administrative enforcement action pursuant to this code, as further set forth in Chapter 1.08, and administrative fines at a daily rate determined by the city manager in accordance with Section 1.08.020; provided, however, that the amounts listed in that section are not a limitation on the city manager's authority to negotiate settlements which exceed the maximum administrative penalty amounts or to establish civil penalty amounts up to the maximum rate of \$1,000 per violation and the maximum amount of \$250,000, unless city council provides otherwise by resolution.

Civil penalties, generally. Any provision of this code may be enforced by a civil enforcement action, including but not limited to an injunction issued by the Superior Court upon a suit brought by the city of Santee and civil penalties.

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Chapter 1.12 ISSUANCE OF CITATIONS

1.12.010 Issuance.

If any person is arrested for a violation of any one or more of the provisions of this code and such person does not demand to be taken before a magistrate, the arresting officer may issue a citation in the manner prescribed in Chapter 5C of Title 3 of Part 2 of the Penal Code (commencing with Section 852.5).

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Chapter 1-141.08 ADMINISTRATIVE CITATIONS AND FINES – PROCEDURES

1-14.0101.08.010 Definitions.

For the purposes of this ~~chapter code~~, the following definitions shall apply unless the context or more specific definition indicates otherwise:

~~F.E.~~ “Administrative citation” means a written notice that mandates corrective action and orders the cessation of illegal actions, and/or establishes a fine as a penalty. Administrative citations include, but are not limited to, warning, notice of violation, cease and desist order, compliance order, notice to abate, abatement action, stop work order, ineligibility for land development, bonding requirement, referral to other enforcement authorities, permit revocation, and monetary penalties.

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~~E.F.~~ “City agreement” means and includes, but is not limited to, a development agreement, owner participation agreement, disposition and development agreement, road maintenance agreement, storm water facilities maintenance agreements, easement, license, other real property use agreement, and an agreement to implement an ordinance, plan, permit, entitlement, or review approved by the city.

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~~“City manager” means the city manager of the city of Santee or his or her designee.~~

~~F.G.~~ “Environmental review” means and includes, but is not limited to, an environmental impact report, mitigated negative declaration, negative declaration, and determination of categorical exemption, including any mitigation, monitoring and reporting program.

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~~G.H.~~ “Hearing officer” means the person selected by the city manager to conduct an administrative hearing pursuant to the provisions of this chapter.

~~“Municipal code” means the Santee Municipal Code.~~

~~H.I.~~ “Permit” or “entitlement” means and includes, but is not limited to, a development review permit, a conditional use permit, sign permit, variance, specific plan, parcel map, subdivision map, building or grading permit, encroachment or right-of-way permit, business license, stormwater permit, and any other permit required by the municipal code.

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~~I.J.~~ “Responsible person” means an individual, partnership, corporation, limited liability company, nonprofit corporation, trustee, association or anyany person or other legal entity, and who is responsible for causing or maintaining a violation of this code or applicable state code, and who is any of the following:

~~J.1.~~ The owner, as that person’s identity is set forth in the county assessor’s or county recorder’s records, occupant or person in charge of the day-to-day activities of real property;

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~~1.~~ The owner or occupant of real property;

~~K.2.~~ — 2.— The holder or the agent of the holder of any permit, entitlement, or review;

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~~L.3. —3—~~The party or the agent of a party to an agreement covered by this chapter:

~~M.1. —4—~~The owner or the authorized agent of any business, company, or entity subject to this chapter; or

~~N.2. —5—~~The parent or legal guardian of any person under the age of eighteen years who violates any provision of the municipal code, permit, entitlement, environmental review, or city agreement. (Ord. 463 § 2, 2007)

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1-14.0201.08.020 Issuance of administrative citations/citations.

~~O.K. —~~ Generally, An enforcement officer may issue an administrative citation to any person who violates any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement ~~may be issued an administrative citation by an enforcement officer as provided in this chapter.~~ A violation of this code includes, but is not limited to, all violations of the municipal any failure to comply with a requirement contained in this code and the failure to comply with any condition imposed by any entitlement, permit, city agreement, administrative citation or environmental review issued or approved pursuant to this code.

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Continuing violations. In accordance with Section 1.04.030, each and every day that a violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement continues to exist constitutes a separate and distinct offense. A separate citation may be issued for each day such a violation continues to exist.

A second or subsequent violation punishable as set forth below need only be assessed by means of an administrative citation issued by the enforcement officer and shall be payable directly to the city of Santee.

Fines shall be assessed in the amount specified by resolution or ordinance of the city council or where no amount is specified, in the following amounts:

1. A fine not exceeding one hundred dollars for a first violation;

~~P.L. —~~ 2. A fine not exceeding two hundred dollars for a second violation of the same or similar provision of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement within an eighteen-month period from the date of the first violation; to require the larger fine, and need not involve the same personnel or property, provided that the same responsible person is cited. The fine amounts may be cumulative where multiple citations are issued.

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M. Monetary penalties, generally. In accordance with Chapter 1.12, an enforcement officer may assess a monetary fine or civil penalty for any violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement by means of an administrative citation. Such fine or penalty is payable directly to the city of Santee. Monetary fines and penalties will be assessed in the amounts allowed by law.

statute, resolution or ordinance of the city council or, where no amount is specified, in any of the following amounts: \$100; \$250; \$500; \$750; or \$1,000 per violation.

Q.N. Cost recovery, generally. Any person who violates any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement is liable for all costs incurred by the city to investigate, remedy, and prosecute such violation, including, but not limited, to attorneys' fees. The city will maintain an accurate accounting of its costs and may recover such costs in accordance with Chapter 1.12.

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~~—3. A fine not exceeding five hundred dollars for the third violation of the same provision of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement within an eighteen-month period from the date of the first violation;~~

~~—4. A fine not exceeding one thousand dollars for each additional violation beyond the third violation of the same provision of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement within an eighteen-month period from the date of the first violation;~~

~~A second or subsequent violation punishable as set forth above need only be of the same provision of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement to require the larger fine, and need not involve the same person or property, provided that the same responsible person is cited. The fine amounts shall be cumulative where multiple citations are issued.~~

R.O. —FWarning. If the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, that does not create an immediate danger to health and safety, then the responsible person shall may be issued a warning only on the first violation. The warning will advise the responsible person of the nature of the violation and the date upon which the violation shall must be corrected. The responsible person will be given fifteen days a reasonable amount of time to correct the violation. If the violation is not corrected within that the specified time period, an administrative citation with a fine shall may be issued. (Ord. 463 § 2, 2007)

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P. Criteria. In determining the type of administrative citation to issue, the amount of penalty to assess for a particular violation, and other actions that are part of enforcement proceedings, the enforcement officer may consider factors, including but not limited to the following:

S.3. the nature of the violation,

1. the level of seriousness of the violation,

T.2. the duration of the violation,

3. efforts by the responsible person to correct the violation,

4. the impact of the violation on the community.

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5. any instances in which the responsible person has been in violation of same or similar laws at the same or other locations in the city,

1. the good faith effort by the responsible person to comply,
2. the economic impact of the penalty on the responsible person,
3. the economic benefit of the violation to the responsible person,
4. whether the violation is easy to correct, and
- U.5. any other factors that justice may require.

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1.14.0301.08.030 Service procedures.

V.Q. Except as otherwise provided in this code or at law, including but not limited to exceptions provided for notices issued pursuant to the nuisance abatement provisions in Chapter 1.10, wherever notice is required to be given, it must be served in any of the following manners:

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—A. An administrative citation on a form approved by the city manager may be issued to the responsible person by an enforcement officer for violation(s) of any provision of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement in the following manner:

W.6. —1. Personal Service. In any case where an administrative citation is issued:

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X.a. —a. The enforcement officer ~~shall~~ must attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation.

Y.b. —b. If the responsible person served refuses or fails to sign the administrative citation, the failure or refusal to sign ~~shall~~ does not affect the validity of the administrative citation or of subsequent proceedings.

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Z.7. —2. Service of Citation by Mail. If the enforcement officer is unable to locate the responsible person, the administrative citation ~~shall~~ may be mailed to the responsible person by certified mail, postage prepaid with a requested return receipt. Simultaneously, the citation may be sent by first class mail. If the administrative citation is sent by certified mail and returned unsigned, then service ~~shall be~~ is deemed effective by first class mail, provided the citation sent by first class mail is not returned by the United States Postal Service.

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AA.8. —3. Service of Citation by Posting Notice. If the enforcement officer does not succeed in personally serving the responsible person, or by certified mail or first class mail, the enforcement officer ~~shall~~ may post the administrative citation on any real property within the city in which the city has knowledge that the responsible person has a legal interest, and such posting ~~shall~~ will be deemed effective service.

BB.9. Service of Citation by Electronic Means. Unless otherwise provided in this code or by law, the enforcement officer may serve an administrative citation by electronic service when the person subject to an administrative citation has agreed to accept service electronically. Electronic service of a document is complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent. However, any period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service of the document will be extended after service by electronic means by two business days, but the extension of time will not apply to filing any notice of appeal or request for hearing.

CC.R. —B.— Upon complying with the service procedures set forth in this section, the enforcement officer ~~must~~ may complete a declaration of service. (~~Ord. 463 § 2, 2007~~) documenting the date and manner of service. Failure to complete a declaration of service does not affect the validity of the service.

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1.14.0401.08.040 Contents of notice.

2.S. —A.— Each administrative citation ~~shall~~ must contain the following information, at a minimum:

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DD.10. —1.— Date, approximate time, and address or ~~definite~~ description of the location where the violation(s) was observed;

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EE.11. —2.— The provision of the municipal code, condition of approval of a permit ~~or~~, entitlement, condition or provision of an environmental review, or term or condition of the city agreement or order violated and a description of the violation(s);

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FF.12. —3.— An order to the responsible person to cease the violation, correct the violation(s) within the time specified, if applicable, and an explanation of the consequences of failure to correct the violation(s);

GG.13. —4.— The amount of the fine for the violation(s), if any;

HH.14. —5.— An explanation of how the fine ~~shall~~, if any, must be paid and the time period by which it ~~shall~~ must be paid;

H.15. —6.— A notification that payment of the fine does not excuse or discharge the failure to correct the violation and does not bar further enforcement action by the city;

J.16. —7.— A statement that if the fine is not timely paid, a late payment penalty of twenty-five percent of the amount of the fine ~~will~~ may be added to the fine, and interest of ten percent per month may also apply to outstanding fines;

KK.17. —8.— Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for hearing form to contest the administrative citation; and

~~11.18.~~ 9.—The name and signature of the enforcement officer, the name and address of the responsible person and, if possible, the signature of the responsible person. (Ord. 463 § 2, 2007)

1.08.050 Notice of pending administrative enforcement action.

T. A director may record with the County Recorder's Office a notice against a property which is the subject of an administrative enforcement action pending with the city of Santee. The notice must identify the property by Assessor's Parcel Number, if known, describe the nature of the administrative action and refer to the municipal code provision governing the pending administrative action.

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U. Before recordation, the enforcement officer must provide 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 Chapter 1.14 is filed. The letter must be served pursuant to any of the methods of service set forth in Section 1.08.030 of this code. The enforcement officer may also send a courtesy copy of the letter to any applicable financial institution.

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V. If the enforcement officer does not receive a written request to appeal pursuant to the procedures set forth in Chapter 1.14, the enforcement officer may record notice of the administrative citation if the violations remain.

W. An appeal of the enforcement officer's decision to record the administrative citation must follow the procedures set forth in Chapter 1.14, except that the decision of the hearing officer is final. If the hearing officer affirms the issuance of the administrative citation and the violations remain, enforcement officer may record notice of the administrative citation beginning three days after service of the hearing officer's decision.

MM-X. A copy of the recorded notice of violation must be served on the responsible person and property owner pursuant to any of the methods of service set forth in Section 1.08.030 of this code.

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NN-Y. The enforcement officer, property owner or responsible person may record a Notice of Compliance, issued pursuant to Section 1.08.060 of this code, with the County Recorder's Office. The recordation of the Notice of Compliance has the effect of canceling the recorded Notice of Violation

1.14.0501.08.060 Satisfaction of administrative citation.

Z. When the violations listed on the administrative citation have been corrected, the responsible person or property owner may file with the enforcement officer a written request for a Notice of Compliance. Once the enforcement officer receives this request, the enforcement officer must reinspect the property within thirty (30) calendar days to determine whether the violations listed in the administrative citation have been corrected and whether all necessary permits have been issued and final inspections have been performed. The enforcement officer must serve a Notice of Compliance to the responsible person or property owner in the manner provided in Section 1.08.030 of this code if the Director determines that:

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19. all violations listed in the recorded administrative citation have been corrected; and

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20. all necessary permits have been issued and finalized;

21. all fines and/or penalties assessed against the property as a result of the administrative citation have been paid.

1.08.070 Administrative citation – Types, policies and procedures

~~— A. Upon receipt of a citation, the responsible person must do the following:~~

~~— 1. Pay the fine to the city within thirty days from the date of service of the administrative citation. All fines assessed shall be payable to the Santee City treasurer. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the city; or~~

~~— 2. Contest the~~Each type of administrative citation and request an administrative hearing,
~~following the procedures~~may be issued alone, or it may be combined with any other type of administrative citation. The city manager is authorized to develop, adopt and amend policies and procedures relating to the issuance and administrative citations for the purpose of implementing the provisions of this code. The policies and procedures must provide guidance for the consideration of the criteria set forth in Section 1.14.060 of this chapter, within thirty days from the date of service of the administrative citation. (Ord. 463 § 2, 2007)1.08.020 and account for the following:

AA. Notice of violation. A notice of violation may be issued in response to any violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement. A notice of violation may range from an informal warning to a formal enforcement action based on an evaluation of the criteria in Section 1.08.020.

BB. Cease and desist order. A cease and desist order may be issued to require cessation of activities constituting a violation that poses a threat to health, safety or welfare or the environment.

CC. Compliance order. A compliance order may be issued to require actions to remedy a violation, and may contain a compliance schedule with milestones, action plans, compliance meetings, or other measures necessary to achieve and maintain compliance.

DD. Notice to abate. A notice to abate may be issued in accordance with Chapter 1, 10.

EE. Stop work order. A stop work order may be issued to immediately halt all construction, grading, building and other work undertaken pursuant to a city-issued permit but in violation of applicable provisions of the code, permit, order or other regulatory requirements.

FF. Ineligibility for land development. A department director may determine that any person who fails to perform construction, grading, building or other work undertaken pursuant to city-issued permit but in violation of applicable provisions of the code, permit, order or other regulatory requirements is ineligible to continue development or construction activities. During the effective dates of such ineligibility, no application for a building

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permit, administrative permit, site plan, use permit, variance, tentative parcel map, tentative map, parcel map or final map or any other permit for the development of the property on which the violation occurred and which resulted in the notice of ineligibility will be approved.

GG. Bonding requirement. A bond or other security instrument may be required to assure that a violation of any provision of the municipal code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement is corrected.

HH. Referral to other enforcement authorities. Where required or appropriate, violations may be referred to agencies having authority over the action constituting a violation.

II. Permit revocation and stay of issuance of municipal permits.

22. Revocation. Any permit, license, or other approval issued by the city is subject to revocation after notice and an opportunity to be heard for failure to comply with any provision of this code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any city agreement.

23. Non-issuance. The city may withhold permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on a property subject to an administrative or other enforcement action, 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 a hearing officer affirms the enforcement officer's decision to issue or record an administrative citation. The city may withhold permits until a Notice of Compliance has been issued by the enforcement officer in accordance with Section 1.08.060. 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.

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Chapter 1.10 NUISANCE ABATEMENT

1.10.010 Intent of chapter.

This chapter not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which the city is a party. However, where this chapter imposes a greater restriction upon property or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this chapter control. The purpose of this chapter is to provide minimum standards for the maintenance of property in the city and to allow for abatement of nuisances on property through means other than criminal prosecution. At the direction of the enforcement officer and pursuant to a written agreement, the city may use the services of an independent contractor to implement the provisions of this chapter. (Ord. 443 § 1, 2004) (Ord. 375 § 2, 1998)

1.10.015 Definitions

When used in this chapter, the following definitions apply unless the context or more specific definition indicates otherwise:

"Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians and may be contiguous or non-contiguous to the curb.

"Street" includes all streets, highways, avenues, parkways, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

1.10.020 Responsibilities for property maintenance.

JJ. Every owner, lessee, occupant, or person having charge of property within the city is required to maintain such property in a manner so as not to violate the provisions of this code or any law, including obtaining all required permits or approvals from governmental agencies such as the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, and such owner, lessee, occupant, or person having charge of property remains liable for violations regardless of any contract or agreement with any third party regarding such property. The duty imposed by this section on a property owner in no instance relieves those persons from the similar duty.

KK. All parcels must be mowed and/or cleared a distance of one hundred feet from any structure or adjacent structure if the parcel is unimproved and up to fifty feet along each side of established regularly traveled roadways or driveways. Clearance of property must be accomplished by methods that will not disturb native soil or root stock. The required width is at the discretion of the fire chief or his or her authorized representative. (Ord. 443 § 1, 2004)

LL. Any condition caused, maintained or permitted to exist in violation of any provisions of this code or applicable state codes that constitutes a public nuisance may be abated by the city pursuant to the procedures set forth in this chapter.

1.10.030 Classification of nuisances.

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The following acts and conditions when performed or existing upon any property within the city are hereby declared to be unlawful and are defined as and declared to be public nuisances which are injurious or potentially injurious to the public health, safety and welfare and which have a tendency to degrade the appearance and property values of surrounding property or which cause damage to public rights-of-way:

MM. Any condition of any structure or building, both permanent and temporary, or other lot improvements, or vacant or unimproved land that is caused, maintained or permitted to exist in violation of any provisions of this code or applicable state codes which constitutes a public nuisance;

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NN. Any condition of any structure or building, both permanent and temporary, or other lot improvements, or vacant or unimproved land which does not comply with the terms of a development permit, including landscaping requirements.

OO. All weeds or dry grasses over four inches in height, dead shrubs, dead trees or tree limbs within ten feet of a chimney, rubbish, or any material growing or discarded upon the streets, parking areas, sidewalks, or upon private property within the city which bear seeds of a wingy or downy nature or which by reason of their size, manner of growth and location constitute a fire hazard to any building, improvement, crops or other property, and weeds or grasses which, when dry, will in reasonable probability constitute such a fire hazard are hereby declared to be a public nuisance. Cultivated and useful grasses and pastures are not a public nuisance; provided, however, that if the fire chief determines it necessary to protect adjacent improved property from fire exposure, an adequate fire break may be required.

PP. Faulty weather protection including, but not limited to, crumbling, cracked, missing, broken, or loose exterior plaster or other siding, roofs, foundations or floors broken or missing windows or doors, or unpainted surfaces causing dry rot, warping, or termite infestation.

QQ. Fences or walls which are in a hazardous condition, or which are in disrepair, or which hinder free access to public sidewalks.

RR. Vehicles, motor vehicles, campers, camper trailers, trailers, unmounted campers, trailer coaches, motorcycles, boats, and other similar conveyances stored on unpaved surfaces.

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SS. Storage or scattering over the property of any of the following:

24. Debris, rubbish, or trash not stored in trash receptacles;

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25. Abandoned, discarded, broken, wrecked, inoperable or discarded household furnishings, appliances, machines and tools, or similar objects or equipment;

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26. Discarded building materials or machinery;

27. Any rubble, asphalt, concrete, plaster, tile, rubbish, crate, carton, or metal or glass container that, by reason of its location and character materially hampers or interferes with the prevention or suspension or suppression of fire on any lot, property or premises:

TT. Signs which are a traffic hazard not created by relocation of streets or highways or by acts of the city or county.

UU. Unpaved or deteriorated parking lots containing uneven surfaces, drainage problems or that are hazardous to the public.

VV. Continuation of a use of a property for which a temporary use permit was issued after the expiration of the temporary use permit.

WW. Features installed or constructed to provide disabled access in conjunction with the requirements of a building permit issued by the city which are not maintained in such a manner as to continue to provide proper access to persons with disabilities and therefore have become hazardous to persons with disabilities and others. This does not include enforcement of the requirements of the Americans with Disabilities Act (ADA) which are not the enforcement responsibility of the local jurisdiction.

XX. Maintenance of premises in such conditions as to be detrimental to the public health, safety, or general welfare or in such manner as to constitute a public nuisance as defined by Section 3480 of the California Civil Code.

YY. Graffiti on private or public property creates a condition tending to reduce the value of private or public property, to promote blight and deterioration, to reflect badly on the community, and may be injurious to health, safety and general welfare. Furthermore, graffiti has been used as a forum for gang-related activities and can lead to an increase in crime in the city. Therefore, the presence of graffiti on private or public property is declared to constitute a public nuisance which may be abated as such in accordance with provisions of this chapter, or any other applicable provision of law. (Ord. 311, 1993)

1.10.040 Declaration of nuisance – notice to abate – service of notice to abate.

ZZ. Whenever the director of development services, or when the violation relates to a fire hazard, the fire chief, or an authorized representative of either, finds that a nuisance exists in accordance with this code on any premises located within the city, he or she must cause, including through the use of a third party contractor, a notice to be issued to the property owner, lessee or occupant of the property on which the nuisance is located of the nuisance and direct that the nuisance be abated; provided, however, that .

AAA. This notice to abate may be sent by first class mail, postage prepaid and need not be served in accordance with Section 1.10.080. The notification must detail the violations and establish a reasonable abatement period which is not less than ten days.

1.10.050 Voluntary abatement of nuisances.

The owner, lessee or occupant of any building, structure or property alleged to be a nuisance

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under the provisions of this chapter may abate the nuisance at any time within the abatement period provided in Section 1.10.040 of this chapter by rehabilitation, repair, removal, or demolition. The owner, lessee, or occupant must advise the development services department or, when applicable, the fire department of the abatement. Once advised, the development services or the fire department or authorized representative of either must inspect, or cause to be inspected, the premises to insure that the nuisance has been abated.

1.10.060 Failure to voluntarily abate a declared nuisance – notice of intent to abate.

If an alleged nuisance is not properly abated within the period established under the provisions of Sections 1.10.040 and 1.10.050, the property owner, lessee or occupant must be served with a written notice of intention to abate the nuisance in accordance with Sections 1.10.070 and 1.10.080 of this chapter by the director of development services, the fire chief, or an authorized representative of either.

1.10.070 Notice of intention to abate public nuisance – contents.

The notice of intention to abate public nuisance described in Section 1.10.060 of this chapter must provide all of the following:

BBB. contain a description of the property in general terms reasonably sufficient to identify the location of the property;

CCC. include a reference to the applicable code or statutory provision rendering the property a public nuisance;

DDD. describe and demand the action required to abate the public nuisance, which may include corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or other appropriate action;

EEE. establish time frames by which each action must occur, which will not be less than ten days;

FFF. explain the consequences of failing to comply with the terms of the notice;

GGG. identify all applicable hearing and appeal rights as set forth in Section 1.10.100.

1.10.080 Service of notices and order to abate.

Service of notice of intent to abate must be made in accordance with the following methods:

HHH. By posting at a conspicuous place on the lot, property or premises or abutting public right-of-way for five consecutive days. Service is deemed complete on the day after the fifth day after posting; and

III. By personal service on the owner, occupant or person in charge or control of the lot, property or premises. Service is complete upon such personal service; or

JJJ. By registered mail addressed to the owner or person in charge and control of the lot, property or premises, at the address shown on the last available property assessment roll.

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or as otherwise known. Service is deemed complete upon the deposit of said notice, postage prepaid, in the United States mail.

1.10.090 Authority to enter upon land.

The enforcement officer or a duly authorized representative of the development services department or the fire department may enter upon the land for posting or serving notice.

1.14.060 1.10.100 Right to appeal of citation.

KKK. The responsible person may appeal the notice of intent to abate issued under Section 1.10.060 and request a hearing in accordance with the procedures set forth in chapter 1.14; provided however, that the written request for a hearing must be filed with the Office of the City Clerk within the following times:

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1. For weed and rubbish abatement activities, pursuant to Section 1.10.030, within five (5) calendar days after the date of service of the notice of intent to abate.

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+2. For all other abatement activities, within ten (10) calendar days after the date of service of the notice of intent to abate.

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OO.LLL. Upon receiving a written request for a hearing on a notice of intent to abate, the hearing officer must follow the procedures set forth in Chapter 1.14, with the exception of appeals, which must be taken in accordance with this chapter, and hear any objections as to why abatement should not be ordered and effected. If the notice of intent to abate includes the assessment of any monetary penalties, the hearing officer must also consider evidence that is relevant to the following issues: (1) whether the responsible person caused or maintained a public nuisance on the dates specified in the notice and order; and (2) whether the amount of monetary penalties is reasonable.

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—A. Any recipient of an administrative citation may contest that there was a violation of the municipal code, condition of approval of a permit or establishment, condition or provision of an environmental review, or term or condition of any site agreement, or that he or she is the responsible person by completing a request for hearing form and returning it to the city within thirty days from the date of service of the administrative citation.

—B. The request for hearing form must be accompanied by either an advanced deposit of the fine or a request for hardship waiver pursuant to Section 1.14.070 of this chapter. Any administrative citation fine which has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation. (Ord. 463 § 2-2007)

1.14.070 Hardship waiver.

—A. A person who files a request for a hearing pursuant to Section 1.14.060 of this chapter may also request at the same time a hardship waiver of the fine deposit and obtain a separate hearing on the hardship waiver request. In order to initiate a hardship waiver request, the responsible person must check the box indicating this request on the administrative citation appeal form and attach a statement of the grounds for the request. To be effective, the form requesting the waiver

and the hearing on the waiver request must be received by the city manager's office within no more than thirty days of the date of service of the administrative citation.

—B.— The waiver request will be decided at a hearing before the city manager, who shall issue the advance deposit hardship waiver only if the responsible person submits to the city manager a sworn affidavit, together with any supporting documentation or materials, demonstrating to the satisfaction of the city manager the person's actual financial inability to deposit with the city the full amount of the fine in advance of the hearing.

—C.— The city manager shall inform the responsible person in writing of whether the waiver was approved by serving the responsible person personally or by mail at the address provided in the waiver application. The city manager's determination is final and is not subject to appeal or judicial review.

—D.— If the waiver is denied, the responsible person shall pay the fine amount within ten days of service of the denial. Failure to pay the fine by the time required shall be deemed an abandonment of the contest and results in the fine delinquent. (Ord. 463 § 2, 2007)

1.14.080 Preliminary hearing.

—A.— No hearing to contest an administrative citation shall be held unless and until a request for administrative hearing form has been completed and submitted, and the fine has been deposited in advance of a hardship waiver application has been approved.

—B.— Within fifteen days of receipt of a request for an administrative hearing and accompanying deposit or waiver and prior to any hearing before a hearing officer, a preliminary hearing on the contest shall be held before the city manager. The responsible person or his or her representative and any other interested party may attend the preliminary hearing. The city manager may consolidate preliminary hearings on administrative citations issued to the same responsible person.

—C.— At or before the preliminary hearing, the responsible person must submit to the city manager copies of the citations, reports and other documents submitted or relied upon by the enforcement officer, and may submit any reasonable evidence relevant to whether the violation occurred and whether the responsible person has earned or forfeited the violation. No other discovery is permitted, and rules of evidence shall not apply.

—D.— The city manager may issue an oral decision on the contest at the conclusion of the preliminary hearing, and must issue a written decision, which may be on a city form. If the city manager determines that basic amendment rights are involved, the decision shall be issued orally at the conclusion of the preliminary hearing and shall be effective immediately. The written decision shall be provided to the responsible person within ten days of the hearing and shall either affirm the issuance of the administrative citation and assess the administrative citation and the decision shall briefly state the reasons for the city manager's conclusion.

—E.— If the city manager affirms the issuance of the administrative citation, then the deposit with the city shall be retained by the city. If a hardship waiver was granted, the decision shall set forth a payment schedule for the fine.

—F.— If the city manager determines that the administrative citation should be canceled and the fine was deposited with the city, then the city shall refund the deposit within ten days of the city manager's decision.

—G.— The city manager shall not have the power to reduce the fine. The city manager may impose conditions and deadlines to correct any violations or require payment of any outstanding penalties.

~~—H. The decision of the city manager shall be final unless, within ten days of the occurrence of the city manager's decision in the preliminary hearing, the responsible person files a request for a hearing before the hearing officer on such form as the city may prescribe. (Ord. 463 § 2, 2007)~~

1.14.0901.10.110 Decision of the hearing officer.

MMM. In the case of weed and rubbish nuisances pursuant to Section 1.10.030, the decision of the hearing officer regarding the notice of intent to abate is the final and conclusive determination of the city, and no further administrative appeal of the notice of intent to abate is available.

NNN. In the case of all other nuisance abatement proceedings, if the hearing officer determines that a public nuisance exists and that there is sufficient cause to abate the nuisance, the city may abate the public nuisance pursuant to the procedures of this chapter if no appeal has been filed within the time specified for an appeal to the city council in Section 1.10.190. The decision of the hearing officer is final unless an appeal is filed in accordance with this section.

OOO. In the event a responsible person files an appeal pursuant to Section 1.10.100 or 1.10.110, abatement may not proceed until the time for filing an administrative appeal passes, unless the city manager concludes that an imminent threat to the public's health and safety exists and justifies summary abatement pursuant to Government Code section 38773.

1.10.120 Service of the abatement order.

Within five days after issuance of the hearing officer's decision pursuant to Section 1.10.100, the property owner, lessee, occupant or the person having charge or control of the property must be served with a copy of the written order in the manner provided in Section 1.10.080. Failure to serve the decision does not affect the validity of the decision or actions taken in reliance thereon.

1.10.130 Abatement by property owner.

The property owner, lessee, occupant, or person having care or control of the property may, at his or her own expense, abate the nuisance as prescribed by the enforcement officer or hearing officer at any time prior to abatement by the city. If the nuisance has been inspected by a representative of the city and has been abated in accordance with the requirements, proceedings will be terminated. (Ord. 375 § 2, 1998)

1.10.140 Abatement by the city.

~~—A. If the responsible person requests a hearing before a hearing officer as set forth in Section 1.14.100 of this chapter, the city manager shall first select a fair and impartial hearing officer from a panel selected by city council. The hearing officer shall not be a Santee City employee, but may be a disinterested member of the community or such other disinterested individual determined to be competent by the city council in its reasonable discretion.~~

If a declared nuisance is not completely abated by the owner, lessee, occupant, or person having charge or control of the property within the time prescribed by the enforcement officer or hearing officer, the code enforcement officer, or any designated city official, is authorized and directed to cause the nuisance to be abated by city forces or private contract. In furtherance of this section, the code enforcement officer or any designated agent is expressly authorized to enter upon the

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premises for the purpose of abating the nuisance. (Ord. 375 § 2, 1998)

1.10.150 Record of cost for abatement.

~~B.~~ The employment, performance evaluation, compensation and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer. (Ord. 463 § 2, 2007)

PPP. The code enforcement officer or such other city official or private contractor as may be designated, must keep an account of the costs of abating a nuisance on each separate lot or parcel of land where the work is done and render an itemized report, in writing, to the director of development services or the fire chief, showing the cost of abatement and the rehabilitation, demolition or repair of the premises, building or structures, less any salvage value relating thereto. The costs must include the city's administrative costs, which may be twenty-five percent of the other costs and which include the expense and costs of the city in preparing notices, specifications and contracts, in inspecting the work, legal fees, and other related costs required hereunder. Before the report is submitted to the director of development services or the fire chief, a copy of the same must be served on the responsible person in accordance with the provision of Section 1.10.080, together with a notice of the time when the report will be heard by the director of development services or the fire chief or in the case of weed abatement, by the city council, for confirmation.

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PP-000. The director of development services or the fire chief, when applicable, must set the matter for hearing to determine the correctness and reasonableness of such costs. (Ord. 379 § 3, 1998; Ord. 375 § 2, 1998)

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1.14.1001.10.160 Report—Hearing procedures before hearing officer and proceedings.

RRR. At the time and place fixed for receiving and considering the report in Section 1.10.150, the director of development services, the fire chief, or an authorized representative of either, or in the case of a weed and rubbish nuisances pursuant to Section 1.10.030, the city council, hears the report of such costs of abatement, together with any objections or protests. Thereupon, the director of development services, the fire chief, or the authorized representative or the city council may make such revision, correction or modification in the report deemed just, after which, the report, as submitted or as revised, corrected or modified, will be confirmed.

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SSS. The decision of the city council is final and conclusive. The decision of the director of development services, fire chief, or the authorized representative of either, is final and conclusive unless appealed in accordance with Section 1.10.190.

1.10.170 Assessment of costs against property.

When the total cost for abating a nuisance, as confirmed by a final decision of the city, is received by the finance department of the city, the total cost constitutes either a special assessment or a lien pursuant to Chapter 1.12 against the respective lot or parcel of land to which it relates.

1.10.180 Violations.

TTT. Any owner, lessee, occupant, or other person having charge or control of any such buildings, or premises, who maintains any public nuisance defined in this chapter, and who fails to comply with the order of abatement served as provided in Section 1.10.080 of this chapter violates this code and is guilty of a misdemeanor.

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UUU. Any person who removes any notice or order posted as required in this chapter, for the purposes of interfering with the enforcement of the provisions of this chapter, violates this code and is guilty of a misdemeanor.

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VVV. Any person who obstructs, impedes or interferes with any representative of the city or with any person who owns, leases or occupies property when any of the aforementioned individuals are lawfully engaged in proceedings involving the abatement of a nuisance under this chapter violates this code and is guilty of a misdemeanor.

1.10.190 Grievance with final order – Appeal to city council.

~~—A. Upon timely receipt of a request for hearing before the hearing officer, a hearing before the hearing officer shall be set for a date that is not less than fifteen and not more than sixty days from the date of receipt of the request. No hearing before the hearing officer shall be held unless and until a request form has been completed and submitted, and the fine has been deposited in advance or a hardship waiver application has been approved, the city manager has issued a final decision in the preliminary hearing, and a separate request for a hearing before the hearing officer has been completed and submitted. The hearing officer may consolidate hearings on administrative citations issued to the same owner or responsible person. The responsible person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.~~

WWW. Except as otherwise provided in this chapter for weed abatement proceedings, whenever any person is aggrieved by any final order of the hearing officer issued pursuant to Section 1.10.110 or of the confirmation of the costs of abatement pursuant to Section 1.10.160 of this chapter, such person may appeal to the city council the issuance of said order or confirmation by filing a written notice of appeal with the city council no later than two days after the date of the hearing under Section 1.10.110 or ten days after the hearing under Section 1.10.160.

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XXX. The written notice of appeal must be filed with the city clerk and state the grounds for the appeal and the specific factual and/or legal errors committed by the director of development services, the fire chief, or the authorized representative in issuing its order or confirmation.

+YYY. The city clerk must transmit one copy of said notice of appeal to the director of development services, fire chief, or authorized representative.

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~~—B. At least ten days prior to the hearing before the hearing officer, the recipient of an administrative citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the enforcement officer. If, after copies of documents have been provided to the responsible person, the city determines to submit to the hearing officer additional documents then, whenever possible, a copy of such documents shall be provided to the responsible person prior to the hearing. No other discovery is permitted. Formal rules of evidence shall not apply.~~

ZZZ. The director of development services, fire chief, or the authorized representative of either, must transmit to the city council, no later than twenty days after receiving a notice of appeal, and copies of all other papers constituting the record upon which the decision was taken, including, but not limited to, the minutes of all hearings thereon, a written report, prepared from the record upon which the final determination was made, stating the factual and legal basis on which the director, fire chief or the authorized representative reached his or her decision.

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AAAA. The city council may affirm, reverse or modify, in whole or in part, any final determination, assessment, or order of the hearing officer, director, fire chief or authorized representative which is subject to an appeal pursuant to this section. After reviewing the proceedings relating to the decision appealed from, including, but not limited to, minutes of hearings, notice of appeal and the report of the director, fire chief, or authorized representative, the city council, by resolution, may affirm without further action the determination, assessment, or order appealed from.

2-BBBB. On the date a notice of appeal is filed under this section, all proceedings in furtherance of the determination or order appealed from must be stayed until the final determination by the city council of the appeal.

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~~—C. The hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the hearing officer determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing officer in accordance with the fundamentals of due process. The hearing officer may limit the total length of the hearing to one hour, and shall allow the responsible person at least as much time to present its case as is allowed the city.~~

~~—D. At the hearing before the hearing officer, the responsible person shall be given the opportunity to present, either themselves or through a representative, evidence and testimony concerning the administrative citation. The city's case shall be presented by an enforcement officer or by any other authorized agent of the city.~~

~~—E. The failure of the responsible person, either personally or through a representative, to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.~~

3-CCCC. — F. All decisions of the hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision, director of development services, fire chief, or the authorized representative of either are final unless appealed within the time prescribed herein. (Ord. 463375 § 2, 2007/1998)

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1.10.200 Summary Abatement

DDDD. Notwithstanding other provisions in this code, whenever the city manager determines that an imminent life safety hazard exists that requires immediate correction or elimination, the city manager may exercise the following powers without prior notice to the responsible person:

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3. Order the immediate vacation of any tenants and prohibit occupancy until all repairs are completed;
4. Post the premises as unsafe, substandard or dangerous;
5. Board, fence or secure the building or site;
6. Raze and grade that portion of the building or site to prevent further collapse and remove any hazard to the general public;
7. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
8. Take any other action as appropriate under the circumstances.

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EEEE. The city manager may pursue only the minimum level of correction or abatement necessary to eliminate the immediacy of the hazard. Costs incurred by the city during the summary abatement process will assessed and recovered against the Responsible Person through the procedures established in Sections 1.10.150 through 1.10.170 of this Chapter.

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FFFF. The city manager may also pursue any administrative or judicial remedy to abate any remaining public nuisance

1.10.210 Limitation on filing judicial action.

Any owner, lessee, occupant, or other interested person having any objections or being aggrieved by any final decision of the city in ordering the abatement of any public nuisance under the provision of this chapter, must bring an action to contest such decision within thirty days after the date of such decision of the city council. Otherwise, all objections to such decision are deemed waived. (Ord. 375 § 2, 1998)

1.14.110 Hearing officer's decision 1.10.220 Alternatives

GGGG. Nothing in the foregoing sections prevent the city council from ordering the city attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein.

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HHHH. In any action, administrative proceeding, or special proceeding to abate a public nuisance, the prevailing party is entitled to recover reasonable attorneys' fees. Notwithstanding the foregoing, recovery of attorneys' fees is available only in those actions or proceedings in which the city elects, at the initiation of such action or proceeding, to seek recovery of its own attorneys' fees, if it prevails in the action or proceeding. Prior to invoking such a right to recover attorneys' fees, the city attorney must obtain authorization from the city council. In no action, administrative proceeding, or special proceeding may an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding. (Ord. 483 § 1, 2009; Ord. 375 § 2, 1998)

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Chapter 1.12 COST AND PENALTY RECOVERY

—A. After considering all of the testimony and evidence submitted at the hearing before the hearing officer, the hearing officer may announce a decision orally, but in any event, shall prepare a written decision. If the hearing officer determines that First Amendment rights are involved, the decision shall be issued orally at the conclusion of the hearing and shall be effective immediately. The written decision shall be provided to the responsible party and the city within ten days of the hearing and shall either affirm the issuance of the administrative citation or dismiss the administrative citation. The decision shall briefly state the reasons for the hearing officer's conclusion. The city shall personally deliver a copy of the decision to the responsible person. The decision of the hearing officer shall be final and is not appealable to the city council.

—B. If the hearing officer affirms the issuance of the administrative citation, then the deposit with the city shall be retained by the city. If a hardship waiver was granted, the decision shall set forth a payment schedule for the fine.

—C. If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the city, then the city shall refund the deposit within ten days of the hearing officer's decision.

—D. The hearing officer shall not have the power to reduce the fine. The hearing officer may impose conditions and deadlines to correct any violations or require payment of any outstanding penalties. (Ord. 463 § 2, 2007)

1.14.120 Failure to pay 1.12.010 Payment of fines, penalties and costs.

III. To the extent permitted by law, the city may collect any unpaid monetary fines, civil penalties and costs imposed pursuant to this code as a personal obligation of the responsible person or a lien or special assessment against the real property on which the violation occurred.

III. Notwithstanding subdivision A, the city, in its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid fines, interest and penalties relating to any administrative citation. The use of one recovery method does not preclude the use of any other recovery method. (Ord. 463 § 2, 2007)

1.12.020 Recovery as a personal obligation

KKKK. Any fines, costs, or penalties subject to collection under this code may be recovered as a personal obligation against the responsible person. The enforcement officer must keep an itemized account of the fines, costs, penalties and abatement and/or enforcement costs incurred by the city.

LLLL. Invoice. The enforcement officer may submit an invoice the responsible person for the costs incurred by the city and for any unpaid fines and penalties associated with the enforcement action. The invoice must notify the responsible person of the following:

+28. A description of the abatement or enforcement action taken by the city, a description of the property subject to the abatement or enforcement, and the total amount of the fines, penalties and costs incurred by the city;

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29. That if the responsible person fails to pay the fines, penalties, and costs within thirty days from the date of service of the invoice in accordance with the service procedures set forth in Section 1.08.030, the fines, penalties, and costs may be collected in any or all of the following ways: by a collection agency as a personal obligation, by the city attorney through judicial action, as a lien attached to the subject property, as a special assessment on the subject property; or in any other manner authorized by law.

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MMMM. Collection agency. The enforcement officer may refer to a collection agency or the city attorney all costs incurred by the city and fines and penalties associated with the enforcement action which remain unpaid for ten (10) days past the due date. Upon referral, the collection agency or the city attorney may seek collection through any legal means provided to them, including judicial action.

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NNNN. —Judicial action. The failure of any person to pay the civil fines, penalties and costs imposed by an administrative citation within the time specified on the citation may result in the filing of a claim with the small claims court or the superior court for recovery of the fine. The only issue to be adjudicated by the court shall be whether or not the fines were paid. A person cited may only obtain judicial review of the validity of the administrative citation by writ of mandate after exhausting their administrative remedies by requesting and participating in a preliminary hearing and a hearing before a hearing officer. In the court action, the city may also recover its collection costs, including costs relating to the hearing before the hearing officer, and any court fees, according to proof.

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1.12.030 Confirmation of costs

The city may collect fines, costs and penalties under the procedures provided for liens or special assessments in this chapter after such fines, costs or penalties are confirmed by a hearing officer under the procedures and requirements found in Sections 1.10.150 through 1.10.160.

1.12.040 Recovery as a lien

OOOO. To the extent permitted by law, the city may establish a lien in the amount of the fine, penalty, and costs plus interest and late charges as set forth in Section 1.12.100 of this code, against the real property upon which a violation occurs after confirming the costs in accordance with Section 1.12.030.

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PPPP. Notice of lien prior to recording. Prior to recording a lien, notice must be served on the owner of record based on the last equalized assessment roll or the supplemental roll, whichever is more current, in the same manner as summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record cannot be found after a diligent search, the notice may be served by posting copy of the notice in a conspicuous place on the property for a period of ten (10) days and publishing the notice in a newspaper of general circulation published in San Diego County pursuant to Government Code section 6062.

QQQQ. Content of notice. The notice of lien for recordation must be in a form substantially as follows:

NOTICE OF LIEN

(Claim of City of Santee)

Pursuant to the authority vested by the provisions of Section 1.10.140 of the City of Santee Municipal Code, the Director of Development Services of the City of Santee, the Fire Chief, or an authorized representative of either of the above did, on or about the _____ day of _____, 20____, cause the premises hereinafter described, to be rehabilitated, or the building or structure of the property hereafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the Director of Development Services, the Fire Chief, or the authorized representative of either of the above or the city council, did on the _____ day of _____, 20____, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described and that said City of Santee does hereby claim a lien on such rehabilitation, repair or demolition in the amount of said assessment, to wit: the sum of \$ _____ and the same is a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Santee, County of San Diego, State of California, and particularly described as follows:

(Description)

Assessor's Parcel No. _____

Street Address: _____

Name of owner of record: _____

DATED: This _____ day of _____, 20____.

City Clerk of the City of Santee, California

(ACKNOWLEDGMENT)

1.12.050 Recovery as a special assessment.

~~1.RRRR.~~ B. In lieu of or in addition to the filing of a court action to recover the civil fines imposed by an administrative citation To the extent permitted by law, the city may establish a special assessment, in the amount of the fine, penalty, and costs plus interest and late charges as set forth in Section 1.14.1401.12.100 of this chapter code, against the real property upon which the violation occurs after confirming the costs in accordance with Sections 1.12.030.

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~~1.30.~~ ~~1.~~—The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and ~~shall be~~ subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes ~~shall be~~ applicable to the special assessment.

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~~QQ.1.~~ ~~2.~~—If the identity of the owner of the real property can be determined, the city ~~shall~~ must make its best effort to provide notice of the special assessment to the owner by certified mail at the time of imposing the assessment. Such notice will specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale ~~shall~~ is not be affected by the failure of the property owner to receive notice. Assessment of administrative fines as provided hereunder does not preclude assessment of other costs of abatement of any nuisance against the same property at a later date.

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~~RR.2.~~ ~~3.~~—If any real property against which the special assessment relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement ~~shall~~ will not result in a lien against the real property but instead ~~shall~~ will be transferred to the unsecured roll for collection.

~~SS.3.~~ ~~4.~~—A sale of vacant residential developed property for which the payment of a special assessment imposed pursuant to this chapter is delinquent may be conducted, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code.

~~TT.4.~~ ~~5.~~—Notices or instruments relating to the special assessment ~~shall be~~ are entitled to recordation.

1.12.060 Recovery of weed and rubbish abatement costs

~~SSSS.~~ For weed and rubbish abatement procedures, the provisions of Government Code sections 39580 through 39585, inclusive, are incorporated into this chapter by reference; provided, however, that the authority for this chapter is Government Code section 39502, and provided, further, that the city does not adopt the alternative provisions established by Government Code section 39560 et seq., except as expressly provided herein.

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9. After confirmation of costs in accordance with Section 1.12.030 and recordation of a notice of lien, a copy must be filed with the assessor and tax collector of San Diego County, acting for the city in order that the county officials may add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels or land, and thereafter said amounts will be collected at the same time and in the same manner as ordinary municipal taxes are collected and be subject to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or

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10. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law;

11. Such notice of lien for recordation must be in form substantially as provided in Section 1.12.040.

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1.12.070 Recovery of graffiti abatement costs

TTTT. Application. This section is intended to implement the provisions of Sections 38772, 38773.2, and 38773.6 of the California Government Code making the costs of abatement of a nuisance caused by graffiti of personal or real property a lien or special assessment on the real property of a minor or other person causing the graffiti or the parent or guardian of the minor.

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UUUU. Definitions. For purposes of this section the terms "graffiti," "expense of abatement," "minor," and "responsible person" have the same meaning as specified in this code and in Government Code Sections 38772, 38773.2, and 38773.6.

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VVVV. Procedures. The procedures to assess or lien property under this section are those provided in this section and Section 1.12.030 relating to confirmation of costs, unless otherwise provided in Government Code Sections 38772, 38773.2, and 38773.6.

WWWW. Notices. All notices required or allowed under this section must be provided to all record owners of the real property that will be subject to the special assessment or lien. A notice of lien or special assessment must notify the minor or other person causing the graffiti, or the parent or guardian of the minor that caused the graffiti, that if costs go unpaid under this section, the property owned by them will be subject to a lien or special assessment.

XXXX. Form of Notice of Graffiti Abatement Lien. The Notice of Graffiti Abatement Lien must be in substantially the following form:

NOTICE OF GRAFFITI ABATEMENT LIEN

~~—C.—Attorneys' fees shall be recoverable by the prevailing party in any action, administrative proceeding, or special proceeding authorized under this chapter. The collection of attorneys' fees by the city under the authority of this subdivision may be in any manner specified under this chapter for the collection of any fine or cost relating to administrative citations issued hereunder. The city may, but is not required to state its election, at the initiation of any individual action or proceeding, to seek recovery of its own attorneys' fees relating to such action or proceeding. The city is not precluded from seeking its own attorneys' fees as the prevailing party in any action or proceeding under this chapter by any failure to state its election to do so at the initiation of such action or proceeding. In no action, administrative proceeding, or special proceeding hereunder shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.~~

Pursuant to the authority vested in the City of Santee by the City of Santee Municipal Code Chapter _____ and Government Code Sections 38772 and 53069.3, the city did on or about the _____ day of _____, 20____, cause the

abatement of graffiti on public or private, real or personal property, _____ / _____ / _____ is/are the record owner(s) of the premises described below ("Subject Property") and is the minor/person causing graffiti/parent or guardian of the minor who caused the graffiti. The City did, on the _____ day of _____, 20____, confirm the costs of the graffiti abatement, and the costs have not been paid, and the said City of Santee claims a lien on the Subject Property in the amount of _____ Dollars (\$ _____) under Government Code Section 38773.2. The lien is on the property until the amount is paid, plus legal rate of interest to be accrued from the date of recording this lien, and any and all administrative costs to file and record the lien. The claimed lien having been imposed to collect for graffiti abatement costs has the priority of a judgment lien and attaches upon the recording of this Notice. The Subject Property upon which the lien is claimed is located at _____ in the City of Santee, County of San Diego, State of California, and is more particularly described as APN # _____ and:

[LEGAL DESCRIPTION OF PROPERTY]

~~D. The city at its discretion may pursue any and all legal and equitable remedies for the collection of unpaid fines, interest and penalties relating to any administrative violation. The use of one recovery method does not preclude the use of any other recovery method. (Code of Civil Procedure, Section 20027.)~~

The record owner(s) of the Subject Property is/are _____ who reside(s) at: _____

Dated: This _____ day of _____, 20____.

YYYY. Form of Graffiti Abatement Special Assessment. The form for a special assessment for graffiti abatement must be in substantially the following form:

NOTICE OF GRAFFITI ABATEMENT SPECIAL ASSESSMENT

Pursuant to the authority vested in the City of Santee by the City of Santee Municipal Code Chapter _____ and Government Code Sections 38772 and 53069.3, the city did on or about the _____ day of _____ / _____ / _____, 20____, cause the abatement of graffiti on public or private, real or personal property, _____ / _____ / _____ is/are the record owner(s) of the premises described below ("Subject Property") and is the minor/person causing graffiti/parent or guardian of the minor who caused the graffiti. The City did, on the _____ day of _____, 20____, confirm the costs of the graffiti abatement, and the costs have not been paid, and the said City of Santee claims a lien on the Subject Property in the amount of _____ Dollars (\$ _____) under Government Code Section 38773.6, and the assessment has not been paid, and the City of Santee claims a lien on the Subject Property in the amount of _____ Dollars (\$ _____). The claimed amount having been assessed to collect for graffiti abatement costs has the

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priority of a tax lien and attaches upon the recording of this Notice. The assessment will be on the property until the amount is paid, plus legal rate of interest to be accrued from the date of recording this assessment, and any and all administrative costs to file and record the lien. The Subject Property may be sold after three years pursuant to Revenue and Tax Code § 3691 for unpaid delinquent assessments. The Subject Property upon which the lien is claimed is located at _____ in the City of Santee, County of San Diego, State of California, and is more particularly described as APN # _____ and:

[LEGAL DESCRIPTION OF PROPERTY]

The record owner(s) of the Subject Property is/are _____ who reside(s) at _____.

Dated: This _____ day of _____ / _____ / _____, 20_____.

1.12.080 Release of special assessment and lien

In the event a special assessment or lien is discharged, released, or satisfied, through payment, foreclosure or forgiveness, notice of the discharge containing the information specified below must be recorded by the city or be provided by the city to the responsible party to be recorded. The notice of discharge must specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

1.14.1301.12.090 Reduction of cumulative fines.

If the violation is corrected within a reasonable time after the date of the administrative citation or the decision of the city manager or the hearing officer, as applicable, the city manager ~~shall have~~has the discretion to reduce any cumulative fines to a total of not less than one thousand dollars ~~upon~~on good cause shown by the responsible person. The determination of the city manager ~~shall be~~is final and ~~shall not be~~is subject to appeal or judicial review. Fines ~~shall~~must not otherwise be reduced. (Ord. 463 § 2, 2007)

1.14.1401.12.100 Late payment charges.

Any responsible person who fails to pay a fine imposed by this chapter on or before the date that payment is due, ~~shall~~is also be liable for the payment of a late payment charge of twenty-five percent of the fine. In addition, delinquent fines ~~shall~~accrue interest at the rate of ten percent per month, excluding penalties, from the due date. (Ord. 463 § 2, 2007)

Chapter 1.14 ADMINISTRATIVE HEARING AND JUDICIAL REVIEW

1.14.010 Appeal of citation.

ZZZZ. Any recipient of an administrative citation may contest that there was a violation of the municipal code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any city agreement, or that he or she is the responsible person by completing a request for hearing form and returning it to the office of the city clerk within thirty days from the date of service of the administrative citation, unless a different time is specified in this code or in the administrative citation. A citation may specify a different time to appeal and seek a hardship waiver if a consideration of the factors in Section 1.08.020 justifies a different time to appeal.

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AAAAA. The request for hearing form must be accompanied by either an advanced deposit of the fine or a request for hardship waiver pursuant to Section 1.14.020 of this chapter. To be effective, the form requesting the hearing and hardship waiver, if any, together with all supporting documentation must be received by the city clerk's office, unless a different time is specified in the citation in accordance with Section 1.14.010A, no later than one day prior to the compliance deadline in the administrative citation, or if the administrative citation does not specify a deadline, within no more than twenty-five days after the date of service of the administrative citation in accordance with Section 1.08.030 or within thirty (30) days after the date of the administrative citation, whichever is later.

BBBBB. Any administrative citation fine which has been deposited must be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

1.14.020 Hardship waiver.

CCCCC. A person who files a request for a hearing pursuant to Section 1.14.010 may also request at the same time a hardship waiver of the fine deposit. In order to initiate a hardship waiver request, the responsible person must check the box indicating this request on the administrative citation appeal form and attach a sworn affidavit stating the grounds for the request, together with any supporting documents or materials, demonstrating the person's actual financial inability to deposit with the city the full amount of the fine.

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DDDDD. The city manager will consider the sworn affidavit and supporting documents or materials, determine whether the information demonstrates that advanced deposit of the fine constitutes a financial hardship and will inform the responsible person in writing of whether the waiver was approved, by serving a determination on the responsible person in accordance with Section 1.08.0300. The city manager's determination is final and is not subject to appeal or judicial review.

EEEEE. If the hardship waiver is denied, the responsible person must pay the fine amount within ten days of service of the denial. Failure to pay the fine by the time required is deemed an abandonment of the contest and renders the fine delinquent.

1.14.030 Hearing procedures.

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FFFF. No hearing to contest an administrative citation may be held unless and until a request for administrative hearing form has been completed and submitted, and the fine has been deposited in advance, or a hardship waiver application has been approved.

GGGGG. Within fifteen days after receipt of a request for an administrative hearing and accompanying deposit or waiver, the hearing officer will schedule a hearing on the contest. The responsible person or his or her representative and any other interested party may attend the hearing. The hearing officer may consolidate hearings on multiple administrative citations issued to the same responsible person.

HHHHH. At or before the hearing, the responsible person must submit to the hearing officer copies of the citations, reports and other documents submitted or asked upon by the enforcement officer, and may submit any reasonable evidence relevant to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s). No other discovery is permitted. Formal rules of evidence do not apply.

IIIII. The hearing officer may issue an oral decision on the contest at the conclusion of the hearing, and must issue a written decision, which may be on a city form. If the hearing officer determines that First Amendment rights are involved, the decision must be issued orally at the conclusion of the hearing and will be effective immediately. The written decision will be provided to the responsible person within ten days after the hearing and either affirm the issuance of the administrative citation, or modify or dismiss the administrative citation. The decision must briefly state the reasons for the hearing officer's conclusion.

JJJJ. If the hearing officer affirms the issuance of the administrative citation, then the City will retain the deposit. If a hardship waiver was granted, the decision may set forth a payment schedule for the fine.

KKKKK. If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the city, then the city will refund the deposit within ten days after the decision.

LLLLL. The hearing officer may recommend reduction of a fine to the city but does not have the power to reduce the fine. The hearing officer may impose conditions and deadlines to correct any violations or require payment of any outstanding penalties.

MMMMM. The decision of the hearing officer is final unless within ten days of the issuance of the hearing officer's written decision, the responsible person files a request for a hearing before the city council on such form as the city may prescribe. No appeal to the city council is available where otherwise provided in this code. (Ord. 463 § 2, 2007)

14.1501.14.040 Judicial review.

Any responsible party may obtain review of the final administrative decision of the hearing officer on the city on an administrative citation by filing a petition with the superior court of San Diego in accordance with the timelines and provisions set forth in California Government Code Section 53069.4. Judicial review shall not be available without first participating in all hearing procedures as provided in this chapter code. (Ord. 463 § 2, 2007)

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1.14.1601.14.050 Procedural compliance.

Failure to comply with any procedural requirement of this chapter, to receive any notice or decision specified in this chapter, or to receive any copy required to be provided by this chapter ~~shall~~does not affect the validity of proceedings conducted hereunder unless the responsible person is denied constitutional due process thereby. (Ord. 463 § 2, 2007)

Chapter 1.16 JUDICIAL REVIEW

1.16.010 Definitions:

— A. As used in this chapter, “decision” means any adjudicatory administrative decision made, after hearing, suspending, demoting, or dismissing an officer or employee, revoking or denying an application for a permit or license, or denying an application for any retirement benefit or allowance.

— B. As used in this chapter, “party” means an officer or employee who has been suspended, demoted or dismissed; a person whose permit or license has been revoked or whose application for a permit or license has been denied; or a person whose application for a retirement benefit or allowance has been denied. (Prior code § 11.120(e))

1.16.020 Statutory authority—Petition requirement.

— Judicial review of any decision of the city of Santee, or of any commission, board, officer or agent of the city, may be had pursuant to Code of Civil Procedure Section 1094.5 only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this chapter. (Prior code § 11.120(a))

1.16.030 Final decision on petition.

— Any such petition shall be filed not later than the ninetieth day following the date on which the decision becomes final. If there is no provision for reconsideration of the decision in any applicable provision of any statute, charter, ordinance, or rule, for the purposes of this chapter, the decision is final on the date it is made. If there is such provision for reconsideration, the decision is final for the purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided, that if reconsideration is sought pursuant to any such provision, the decision is final for the purposes of this section on the date that reconsideration is rejected. (Prior code § 11.120(b))

1.16.040 Record of proceedings.

— The complete record of the proceedings shall be prepared by the city or its commission, board, officer, or agent which made the decision and shall be delivered to the party requesting such record within ninety days after he has filed a written request therefor. A request for the preparation of the record of the proceedings shall be filed with the person designated in the final decision. Such person shall, within ten days of such request, notify the party of the estimated cost of the preparation of the requested record. The party requesting such record shall, within ten days of such notification, deposit with the person designated in the decision an amount sufficient to cover the estimated cost. If during the preparation of the record it appears that additional costs will be incurred, the party requesting such record may be notified and, if requested, shall deposit such additional amounts before the record will be completed. If the cost of the preparation of the record exceeds the amount deposited, the party requesting such record shall pay this additional amount. If the amount deposited exceeds the cost, the difference shall be returned to the party requesting such record. Upon receiving the required deposit, the person designated in the decision shall promptly prepare such record in accordance with the request. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the city or its commission, board, officer, or agent, all written evidence, and any other papers in the case. (Prior code § 11.120(c))

1.16.050 Filing extension.

—If the party files a request for the record as specified in Section 1.16.040 within ten days after the date the decision becomes final as provided in Section 1.16.030, the time within which a petition pursuant to the Code of Civil Procedure Section 1094.5 may be filed shall be extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the party or his attorney of record, if he has one. (Prior code § 11.120(d))

1.16.060 Notice of decision.

—In making a final decision as defined in Section 1.16.010, the city of Santee shall provide notice to the party that the time within which judicial review must be sought is governed by this chapter. Upon giving notice of any decision subject to this chapter, the person responsible to issue such decision shall include in the decision a statement substantially as follows:

The time within which judicial review of this decision must be sought is governed by the Code of Civil Procedure Section 1094.6, which has been made applicable in the city of Santee by Santee Municipal Code Chapter 1.16. Any petition or other paper seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision becomes final; however, if within 10 days after the decision becomes final a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with (Name and address of designated person).

(Prior code § 11.120(f))

Chapter 1.20 CITY SEAL

1.20.010 Adopted—Description—Example on file.

The official city seal of the city has been adopted by city resolution. The resolution describes the city seal in the following manner:

A. Two concentric circles separated by a narrow black border is contained within the outer circle on the words "City of Santa Clarita" at the top and "Incorporated 1984" at the bottom. The inner circle shall consist of an artistic rendering of a river, a busy river in the foreground, a brown tree with green leaves in the right foreground, a brown knoll on the left foreground, a strip of blue water in the background, representation shall consist of a green bank of bushes, a range of brown hills and mountains. The inner circle sky is blue.

B. Exhibit "A", as attached to the ordinance codified in this chapter and on file in the office of the city clerk, is a faithful rendering of the city seal.

C. For the purposes of this chapter any black and white or other two-tone representation of the above described city seal shall be considered as the official city seal. (Ord. 126-B § 1, 1984)

1.20.020 Unlawful use of seal.

No person shall use or allow to be used any reproduction or facsimile of the seal of the city for any purpose other than official business of the city, without prior city council authorization. (Ord. 126-B § 2, 1984)

1.20.030 Unlawful use of imitation.

No person shall use or allow to be used any colorable imitation of the seal of the city, when such use is likely to lead the ordinary observer to believe that the imitation is, in fact, the city seal. (Ord. 126-B § 3, 1984)

1.20.040 Exemption.

This chapter shall not apply to reproductions or facsimiles of the city seal made prior to the effective date of the ordinance codified in this chapter. (Ord. 126-B § 4, 1984)

1.20.050 Violation—Penalty.

Violation of this chapter shall be a misdemeanor, and punishable by fine not exceeding five hundred dollars, or imprisonment for a term not exceeding six months, or by both such fine and imprisonment. (Ord. 126-B § 5, 1984)

Summary report:	
Litéra® Change-Pro 7.5.0.135 Document comparison done on 2/28/2017 12:13:32 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: SANTEE@ Municipal Code Update - Title 1_22776218_1.DOCX	
Modified filename: 22776218_3.docx	
Changes:	
Add	618
Delete	372
Move From	101
Move To	101
Table Insert	0
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	1192

TITLE 2 ADMINISTRATION AND PERSONNEL

CHAPTER 2.01 GENERAL PROVISIONS

2.01.010 Form of Government

In accordance with the city charter, city has a “Council-Manager” form of government. The city council establishes the policy of the city and the city manager carries out that policy.

CHAPTER 2.02 CITY COUNCIL

2.02.010 City council

The city council consists of five elected members: four members elected at large, and one elected mayor. All powers of the city are vested in the city council except as otherwise provided by law, the city charter, or this code.

2.02.020 Meetings

The city council may establish by resolution or minute order the time and location of regular meetings of the city council. Any regular meeting may be canceled by a vote of the city council.

2.02.030 Mayor

The mayor is the presiding officer at all meetings of the city council. The mayor is the official head of the city for all ceremonial purposes. The mayor has the primary but not exclusive responsibility for interpreting the policies, programs and needs of the city government. The mayor advises the city council on all matters of policy and public relations and performs such other duties as may be prescribed by the city charter, this code, or the city council.

2.02.040 Appointment

The city council appoints the city manager, city attorney, and city clerk, who, subject to limitations provided by law, serve at the pleasure of the city council.

2.02.050 Salaries and reimbursement.

A. The salary of council members must be established periodically by resolution of the city council in accordance with the provisions of the city charter.

B. The directly-elected Mayor will be paid a salary in addition to any salary received as a council member. The amount of such additional salary must be established periodically by resolution of the city council in accordance with the provisions of the city charter.

CHAPTER 2.03 PLANNING COMMISSION

2.03.010 City council designated as planning agency.

The city council is designated as the planning agency for the city. (Ord. 304 § 2, 1993)

2.03.020 Term “planning commission” defined.

Wherever the term “planning commission” appears in this code or any regulation of the city, such term means the city council. (Ord. 304 § 2, 1993)

CHAPTER 2.04 CITY MANAGER

2.04.010 Created.

The office of the city manager is created and established. The city manager is appointed by the city council on the basis administrative and executive ability and qualifications and holds office for and during the pleasure of the city council. (Ord. 10 § 1, 1981)

2.04.020 Eligibility.

No member of the city council is eligible for appointment as city manager until one year has elapsed after the council member ceases to be a member of the city council. (Ord. 10 § 3, 1981)

2.04.030 Bond.

The city manager and acting city manager must furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the city council, and must be conditioned upon the faithful performance of the duties imposed on the city manager and acting city manager as herein prescribed. Any premium for the bond is a proper charge against the city. (Ord. 10 § 4, 1981)

2.04.040 Designation of acting city manager.

The city manager, by letter filed with the city clerk or deputy city clerk, may designate a qualified city employee to exercise the powers and perform the duties of city manager during any temporary absence or disability of the city manager. In case of the absence or disability of the city manager and a failure to appoint someone to perform the duties of the city manager, the council may designate a duly qualified person to perform the duties of the city manager during the period of absence or disability of the city manager,

2.04.050 Compensation.

The city manager will receive compensation, benefits and expense reimbursements as the city council determines from time to time.

2.04.060 Powers and duties generally.

The city manager is the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this chapter. The city manager is responsible for the efficient administration of all the affairs of the city under the control of the city manager. To the extent allowed by law, the city manager may contract with any qualified person or public or private agency for the performance of all or any of the responsibilities and duties imposed by this chapter. In addition to general powers as administrative head, and not as a limitation thereon, the city manager has the duties and powers set forth below:

A. Enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed;

B. Appoint, remove, promote, and demote any and all officers and employees of the city except the city clerk and the city attorney who shall serve at the pleasure of the city council, subject to all applicable personnel rules and regulations which may be adopted;

C. Control, order and give directions to all department heads who are subject to the city manager's appointment and removal authority and to subordinate officers and employees of the city under the city manager's jurisdiction through their department heads;

D. Conduct studies and effect such organization and reorganization of offices, positions or units under his or her direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business;

E. Recommend to the city council for adoption such measures and ordinances as the city manager deems necessary;

F. Attend all meetings of the city council unless excused therefrom by the Mayor individually or the city council as a whole, except when the city manager's removal is under consideration;

G. Prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval;

H. Keep the city council at all times fully advised as to the financial condition and needs of the city;

I. Make investigations into the affairs of the city and any department or division thereof and any contract or other obligation of the city; and further to investigate all complaints in relation to matters concerning the administration of the city government.

J. Exercise general supervision over all public buildings, public parks, and all other public properties which are under the control and jurisdiction of the city;

K. Have the same authority as the mayor, as the convenience of the parties may dictate, to sign documents specified in Section 40602 of the California Government Code whenever such documents have been approved by the city council for execution by resolution, motion, minute order or other appropriate action; and

L. Perform such other responsibilities and exercise such other powers as may be delegated to the city manager from time to time by ordinance or resolution or other official action of the city council

(Ord. 10 § 7, 1981)

2.04.070 Removal from office.

Notwithstanding the provisions of Section 2.04.010 of this chapter, the city manager must not be removed from office, other than for misconduct in office, during or within a period of ninety days after any general municipal election held in the city at which a member of the city council is elected or when a new city council member is appointed; the purpose of this provision is to allow any newly elected or appointed member of the city council or a reorganized city council to observe the actions and ability of the city manager in the performance of the powers and duties of the office. After the expiration of the ninety-day period aforementioned, the provisions of this chapter as to the removal of the city manager will apply and be effective. The removal of the city manager shall be effected only by a majority vote of the whole council.

2.04.080 Limitations.

Nothing in this chapter may be construed as a limitation on the power or authority of the city council to enter into any agreement with the city manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter.

CHAPTER 2.06 CITY ATTORNEY

2.06.010 Created.

The office of the city attorney is created and established. The city attorney is appointed by the city council on the basis of ability and qualifications and holds office for and during the pleasure of the city council.

2.06.020 Duties.

The city attorney advises city officials in legal matters pertaining to city business, frames ordinances and resolutions required by the city council, and performs other legal services as required by the city council.

2.06.030 Compensation.

The city attorney will receive compensation and benefits as the city council determines from time to time.

CHAPTER 2.08 CITY CLERK

2.08.010 Created.

The office of the city clerk is created and established. The city clerk is appointed by the city council on the basis of ability and qualifications and holds office for and during the pleasure of the city council. (Ord. 10 § 1, 1981)

2.08.020 Duties.

The city clerk administers elections, maintains the official records of the proceedings of the city council, serves as the compliance officer for federal, state and local statutes, serves as the custodian of the city seal, and performs other duties as required by the city council.

2.08.030 Compensation.

The city clerk will receive compensation and benefits as the city council determines from time to time.

CHAPTER 2.16 CITY DEPARTMENTS

2.16.010 Generally.

A. There are in the city the following departments, which are under the general supervision of the city manager and whose directors are appointed by the city manager:

1. department of community services;
2. department of development services;
3. department of fire and life safety services;
4. department of human resources; and
5. finance department.

B. There are in the city the following departments, which are under the general supervision of the city manager, but whose directors are appointed by the city council:

1. the city manager; and
2. the city clerk.

2.16.020 Duties.

The duties of the city departments include those required by the Constitution of the State of California and the laws of the United States and the State of California. The city manager may organize and reorganize the city departments as necessary to accomplish the duties of the city, subject to the city council's authority to approve the city budget.

CHAPTER 2.18 INTERNAL RELATIONS

2.18.010 Council-manager relations.

A. The city council and its members may deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and no member of the city council is permitted to give orders or instructions to any subordinates of the city manager. The city manager takes orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual council member may give any orders or instructions to the city manager.

B. The city manager may attend any and all meetings of commissions, boards, or committees created by the city council, upon the manager's own volition or upon direction of the city council. At such meetings which the city manager attends, the manager must be heard by such commissions, boards or committees as to all matters upon which the city manager wishes to address the members thereof. The city manager must inform the members as to the status of any matter being considered by the city council pertaining to that body, and the city manager must cooperate to the fullest extent with the members of all the commissions, boards, or committees appointed by the city council. (Ord. 350 § 1, 1996; Ord. 347 § 6, 1996; Amended during 1989 supplement; Ord. 10 § 8, 1981)

2.18.020 Departmental cooperation.

It is the duty of all department heads and the city clerk, and city attorney to assist the city manager in administering the affairs of the city efficiently, economically and cooperatively.

CHAPTER 2.20 REDEVELOPMENT AGENCY

Repealed.

CHAPTER 2.22 COMMUNITY DEVELOPMENT COMMISSION

Repealed.

CHAPTER 2.24 PERSONNEL

2.24.010 Adoption of personnel system.

In order to establish an equitable and uniform system for dealing with personnel matters, the following personnel system is adopted as set out in this chapter. (Ord. 228 § 1, 1989)

2.24.020 Personnel officer.

The city manager is the personnel officer. The city manager may delegate any powers and duties as personnel officer to any other officer or employee of the city. Specific duties of the personnel officer may be performed by others under contract to the city.

The personnel officer or delegate must:

- A. Act as the appointing authority for the city in accordance with section _____ of this code;
- B. Prepare, or cause to be prepared personnel rules and procedures and any revisions to the rules or procedures;
- C. Recommend to the city council personnel policy issues involving financial commitments such as, but not limited to, pay rates;
- D. Administer all provisions of this chapter and the personnel rules not specifically reserved to the city council;
- E. Prepare and revise, or cause to be prepared and revised, a position classification and compensation plan, including class specifications;
- F. Have the authority to discipline employees in accordance with this chapter and the personnel rules of the city;
- G. Provide for the recruitment and selection of city employees and perform any other duty that may be required to administer the personnel system; and
- H. Request from the State Department of Justice a copy of the State Summary Criminal History Information for any position — regular or part-time — involving the care or supervision of children, minors, the elderly, the handicapped, or the mentally impaired, or for any other position with the city wherein such information is deemed important to the selection process. The city manager or designee shall utilize the process and procedure set forth in article 3 or chapter 1 of title 1 of part 4 of the Penal Code (commencing with section 11100).

2.24.030 Competitive service.

The provisions of this chapter apply to all offices, positions and employees in the service of the city except:

- A. Members of the city council
- B. The city manager;
- C. The city attorney and any assistant or deputy city attorney;
- D. The city clerk;
- E. The city treasurer;
- F. All city management;
- G. Members of appointive boards, commissions and committees;
- H. Persons engaged under contract to supply expert professional, technical, or any other services;
- I. Volunteer personnel, such as volunteer firefighters;
- J. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property;
- K. Employees, other than those listed elsewhere in this section, who are not regularly employed in permanent positions. "Regularly employed in permanent positions" means an employee hired for an indefinite term into a budgeted position, and who has successfully completed the probationary period and been retained as provided in this chapter and personnel rules;
- L. Any position primarily funded under a state or federal employment program.

2.24.040 Adoption and amendment of personnel rules.

The city manager is authorized to amend the City of Santee Personnel Rules adopted on or about July 26, 1989; provided, however, that any policy matters involving the commitment of financial resources must be recommended to and approved by the city council prior to implementation. The policies governing the personnel system must include but not be limited to:

- A. Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class;
- B. Preparation, revision and administration of a plan of compensation directly correlated with the position classification plan providing a rate or range of pay for each class;
- C. Recruitment and selection procedures;
- D. Certification and appointment of persons from employment lists, and the making of provisional appointments;

- E. Establishment of probationary testing periods;
- F. Evaluation of employees during the probationary testing period and thereafter;
- G. Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service;
- H. Separation of employees from the city service;
- I. Establishment and maintenance of adequate personnel records for purposes of accounting and legal requirements; and
- J. The establishment of any necessary appeal procedures.

2.24.050 Appointments.

A. Appointments to vacant positions in the competitive service must be made in accordance with the personnel rules. Appointments and promotions must be based on merit and fitness to be ascertained so far as practicable by competitive examination.

B. The appointing authority of employees in the competitive service is the city manager. The city manager may delegate the appointing authority to any other employee of the city.

C. In any examination, the appointing authority may include a qualifying test or tests and set minimum standards therefor, in addition to including competitive tests. (Ord. 228 § 6, 1989)

2.24.060 Probationary period.

All regular appointments, including promotional appointments, are for a probationary period in accordance with applicable provisions of the personnel rules. Determinations as to satisfactory completion or extension of the probationary period, and/or rejection of an employee during the probationary period, must be consistent with the applicable provisions of the personnel rules.

2.24.070 Status of present employees.

A. Any person holding a position included in the competitive service who, on the effective date of the ordinance codified in this chapter, shall have served continuously in such position, or in some other position in the competitive service, for a period equal to the probationary period prescribed in the personnel rules for his/her class, will assume regular status in the competitive service in the position held on such effective date, and will thereafter be subject in all respects to the provisions of this chapter and the personnel rules.

B. Any other persons holding positions in the competitive service will be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the

rules before obtaining regular status. The probationary period will be computed as set forth in the personnel rules.

C. No position in the competitive service has been removed from the competitive service through enactment of these revisions to the competitive service.

2.24.080 Employee Discipline.

The city manager or any appointing power has the authority to discipline any regular employee for cause in accordance with procedures included in the personnel rules or current memorandum of understanding, including any right to appeal discipline as established in the rules or memorandum of understanding. (Ord. 228 § 9, 1989)

2.24.090 At-will employees.

Employees not included in the competitive service under Section 2.24.030 of this chapter serve at the will of their appointing authority. (Ord. 228 § 10, 1989)

2.24.100 Abolition of positions.

Except as the city council may otherwise provide, the city council may abolish any position or employment in the competitive service and the employee holding such position for employment may be laid off, demoted or transferred without right of appeal. (Ord. 228 § 11, 1989)

2.24.110 Layoff and reemployment.

Layoff and reemployment actions follow the process outlined in the personnel rules or the applicable memorandum of understanding. (Ord. 228 § 13, 1989)

2.24.120 Political activity.

The political activities of city employees must conform to pertinent provisions of state law and any local provisions adopted pursuant to state law. (Ord. 228 § 14, 1989)

CHAPTER 2.32 EMERGENCY SERVICES

2.32.010 Purpose and intent.

A. The purpose of this chapter is to provide for the preparation and execution of plans designed for the protection of persons and property in an emergency or disaster. It provides for direction of emergency services in the city and for the coordination, with all other city departments, public agencies, corporations, organizations, and affected private persons. situated in whole, or in part, within the San Diego County operational area, including incorporated cities which have acted voluntarily to accept such coordination, unification and consolidation, and with other affected persons, corporations and organizations. It also provides:

1. A description of the Unified San Diego County Emergency Services Organization in the San Diego County Operational Area and the city of Santee's participation therein;
2. Authorization for activities which will mitigate hazardous conditions, the preparation of citywide plans, and the development and execution of joint agreements in the San Diego County Operational Area for such services that are county wide;
3. That all city expenditures made in connection with such emergency services activities, including mutual aid activities, are deemed conclusively to be for the direct protection and benefit of all the inhabitants and property in the city of Santee. (Ord. 344 (§ 1 part), 1996)

2.32.020 Definitions.

“Annex” means those documents that are appendices to the city's Emergency Preparedness Plan, which identify operational procedures for various agencies.

“Board of supervisors” means the board of supervisors of San Diego County, California.

“Curfew” means an order establishing a time in which certain regulations apply, especially that no unauthorized person or persons may be outdoors or that places of public assembly must be closed.

“Director” means the director of fire and life safety of the city of Santee, California.

“Emergency” means an actual incident or threatened existence of conditions of incidents or of extreme peril to the safety of persons and property within the city caused by such conditions as air pollution, fire, flood, storm, epidemic, civil disorder, or earthquake, or other conditions which may be or are beyond control of the services, personnel, equipment, and facilities of the city.

“Emergency council” means the emergency services council of the city of Santee, California.

“Emergency operations plan” means the plan that identifies the actual operational procedures for mitigating emergency incidents within the city.

“Emergency preparedness plan” means the plan approved by the city council which determines the authority and responsibilities for the mitigation of emergency incidents within the city.

“Emergency services agreement” means the San Diego County Unified Emergency Services Agreement, to which the city is a party.

“ICS” means the Incident Command System which is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure with responsibility for the management of assigned resources to effectively accomplish stated objectives pertaining to an emergency.

“Local emergency” means the duly proclaimed existence within the city of conditions of emergency or disaster or of extreme peril to the safety of persons and property within the city caused by such conditions as air pollution, civil disorder, earthquake, epidemic, fire, flood, storm, or other conditions.

“Marshal law” means the laws that are invoked and administered by military forces in an emergency when civilian law enforcement agencies are unable to maintain public order and safety.

“SEMS” means the Standardized Emergency Management System as required by Government Code § 8607(a) for management of responses to emergency incidents in California.

“State of emergency” means the duly proclaimed existence within the state of conditions of emergency or disaster or of extreme peril to the safety of persons and property within the city caused by such conditions as air pollution, civil disorder, earthquake, epidemic, fire, flood, storm, or other conditions.

“State of war emergency” means the condition which exists immediately, with or without a proclamation thereof by the governor whenever the state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

“Unified disaster council” means the group which serves as the policy making body of the Unified Emergency Services Organization.

“Unified emergency services organization” means the group created for the purpose of coordinating and facilitating operational area plans and programs for the preservation and safety of life and property in the event of emergencies. (Ord. 344 (§ 1 part), 1996)

2.32.030 Emergency council.

- A. The emergency council is created and consists of the following:

1. The mayor, who is the chairperson;
2. The director of emergency services, who is vice-chairperson;
3. The assistant director of emergency services;
4. Such department heads and/or chiefs of emergency services as are provided for in the current emergency operations and/or preparedness plan of the city, adopted pursuant to this chapter:
5. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and approval of the city council.

2.32.040 Emergency council—Powers and duties.

It is the duty of the emergency council, and it is empowered, to develop and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The emergency council must meet once a year and upon the call of the chairperson or, in the chairperson's absence from the city or inability to call such meeting, upon the call of the vice chairperson. (Ord 344 (§ 1 part), 1996)

2.32.050 Director and assistant director of emergency services.

- A. The city manager is the director of emergency services.
- B. The director of fire and life safety serves as the assistant director of emergency services. (Ord. 344 (§ 1 part), 1996)

2.32.060 Director and assistant director of emergency services—Powers and duties.

- A. The director is empowered to:
 1. Request the city council to proclaim the existence or threatened existence of a local emergency if the city council is in session, or to issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council must take action to ratify the proclamation within seven days thereafter or the proclamation will have no further notice or effect;
 2. Request the governor to proclaim a state of emergency when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;
 3. Control and direct the efforts of the emergency organization of the city for the accomplishment of the purposes of this chapter;

4. Direct cooperation between the coordination of services and staff of the emergency organization of the city, and resolve questions of authority and responsibility that may arise between them;

5. Represent the city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;

6. In the event of a proclamation of a local emergency as herein provided, the proclamation of a state of emergency by the governor or by the director of the state Office of Emergency Services, or the existence of a state of war emergency, the director is hereby empowered:

- (a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;
- (b) To obtain vital supplies, equipment, services, and such other properties found lacking and needed for the protection of life and property and to bind the city for fair value thereof and, if required immediately, to commandeer the same for public use;
- (c) To require emergency services of any city employee, and, in the event of the proclamation of a state of emergency in the county in which the city is located or the existence of a state of war emergency, to commandeer the aid of as many citizens of the community as the director may deem necessary in the execution of the director's duties; such persons will be entitled to all privileges, benefits, and immunities as are provide by state law for registered disaster service workers.
- (d) To requisition necessary personnel or material of any city department or agency; and
- (e) To execute all ordinary powers as city manager, all of the special powers conferred upon the director by this chapter or by resolution or emergency plan pursuant hereto adopted by the city council, and by any other lawful authority.

B. The director of emergency services must designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform duties during an emergency. Such order of succession must be approved by the city council.

C. The assistant director is empowered to:

1. Develop emergency plans, and manage the emergency programs and services of the city;
2. Attend and represent the city at all meetings of the unified disaster council;
3. Attend and represent the city at meetings of local, state, and federal emergency services, and disaster services organizations;
4. Act for and have all the powers and duties of the director in the director's absence;
5. Serve as the incident manager for all emergency incidents within the city;
6. Such other powers and duties as may be assigned by the director. (Ord. 344 § 1, 1996)

2.32.070 Emergency organization.

All employees of the city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 2.32.060 (A)(6)(c), charged with the duties incident to the protection of life and property in the city during such emergency, constitute the emergency organization of the city. (Ord. 344 § 1, 1996)

2.32.080 Emergency preparedness plan.

The director of fire and life safety is responsible for the development of the city Emergency Preparedness Plan, which must provide for the effective mobilization of all resources of the city, both public and private, to meet any condition constituting a local emergency, and for the organization, powers and duties, services, and staff of the emergency organization. Such plan takes effect upon adoption of a resolution by the city council. (Ord. 344 § 1, 1996)

2.32.090 Emergency operational plan.

A. The director of fire and life safety is responsible for the development of the city Emergency Operational Plan, which must provide for the effective mobilization of all resources of the city, both public and private, to meet any condition constituting a local emergency, and for the organization, powers and duties, services, and staff of the emergency organization.

B. The fire and life safety director has the authority by this chapter to update this plan as necessary, in order to meet the latest emergency management operational guidelines. (Ord. 344 § 1, 1996)

2.32.100 Incident command system.

The city's Emergency Preparedness Plan and Emergency Operational Plan must conform to the Incident Command System and its definitions. (Ord. 344 § 1, 1996)

2.32.110 Standardized emergency management system.

The city's Emergency Preparedness Plan and Emergency Operational Plan must conform to the Standardized Emergency Management System (SEMS) as required by Government Code section 8607(a) for management of response to emergency incidents. (Ord. 344 § 1, 1996)

2.32.120 Curfew.

During a local emergency, the director of emergency services, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof must be in writing and be given widespread publicity and notice. (Ord. 344 § 1, 1996)

2.32.130 Price stabilization.

The director of emergency services may, in the event of an emergency, order all business within the city to not increase prices on goods sold to citizens of the city, pursuant to chapter _____. Furthermore it is a violation of this chapter for businesses within the city to knowingly and maliciously raise prices of goods such as, fuel, food items, emergency survivor items, etc. (Ord. 344 § 1, 1996)

2.32.140 Violations.

A. It is a misdemeanor for any person, during a state of war emergency, state of emergency or local emergency, to:

1. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him/her by virtue of this chapter;
2. Perform any act forbidden by lawful rule or regulation issued pursuant to this chapter, if such act is likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of the city, or to prevent, hinder, or delay the defense or protection thereof. (Ord. 344 § 1, 1996)

CHAPTER 2.36 GENERAL ELECTIONS

2.36.010 Consolidation with state election.

The general municipal elections of the city of Santee are consolidated with the day of the Statewide General Election. (Ord. 45, 1982; Ord. 37, 1982)

CHAPTER 2.40 ELECTION CAMPAIGN FINANCE AND CONTROL

2.40.010 Purpose and intent.

Inherent in the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the Santee city council in enacting this chapter:

- A. To preserve an orderly political forum in which individuals may express themselves effectively, and to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in county elections;
- B. To prohibit contributions by organizations in order to develop a broader base of political efficacy within the community;
- C. To limit the use of loans and credit in the financing of city election campaigns;
- D. To provide full and fair enforcement of all the provisions of this chapter; and
- E. To encourage the public to participate as candidates in elections by simplifying the local regulations as much as possible in matters adequately regulated by state law. (Ord. 419 § 1, 2002)

2.40.020 Citation.

This chapter may be cited as the "City of Santee Election Campaign Finance and Control Ordinance." (Ord. 419 § 1, 2002)

2.40.030 Definitions.

The terms and phrases in this chapter are defined as those terms and phrases are defined in the Political Reform Act of 1974, as amended (Government Code § 81000, et seq.), unless otherwise specified in this chapter:

"Broadcast station" means a person who engages in the dissemination of radio communication as defined in the Federal Communications Act of 1934. "Broadcast station" includes each cable television system franchised or otherwise licensed by the county of San Diego or any city within the county of San Diego.

"Candidate" means an individual who is listed on the ballot, who has qualified to have write-in votes on that individual's behalf counted by election officials, or who has begun to circulate nominating petitions or authorized others to circulate nominating petitions on the individual's behalf for nomination for or election to any elective city office, or who receives a contribution or makes an expenditure or gives consent for any other person to receive a contribution or makes an expenditure with a view to bringing about the individual's nomination or election to any elective city office, whether or not the specific elective office for which the candidate will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not the candidate has announced the candidacy or filed a declaration of

candidacy at such time. “Candidate” also includes any holder of an elective city office who is the subject of a recall election. “Candidate” does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

An individual who becomes a candidate retains status as a candidate until such time as that status is terminated pursuant to Government Code Section 84214.

“City election” means any primary, general, or special election, including a recall election held within the city for elective city office or on a city measure. Each primary, general or special election is a separate election for purposes of this chapter.

“City measure” means:

1. Any proposition for the issuance of funding or refunding of bonds of the city, or any other question or proposition submitted to the voters of the city at any election held throughout the entire city.
2. “City measure” includes any measure under subdivision (1) of this subsection which is submitted to a popular vote at an election by action of the city council or which is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum, or recall procedure, whether or not it qualified for the ballot.

“Enforcement authority” means the district attorney of the county of San Diego. Nothing in this chapter may be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this chapter under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so. (Ord. 419 § 1, 2002)

2.40.050 Campaign statements.

Each candidate and committee must file campaign statements in the time and manner required by the Political Reform Act of 1974 as amended (Gov. Code § 84100, et seq.). Compliance with the requirements of that act are deemed to be in compliance with this chapter. (Ord. 419 § 1, 2002)

2.40.060 Campaign contributions—Limitations.

A. No person other than the candidate is permitted to make, and no campaign treasurer may solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed seven hundred dollars (\$700).

B. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in prior campaigns, or otherwise.

C. The dollar limitation set forth in subdivision (A) of this section may be adjusted by an ordinance adopted by the Santee city council to reflect changes in the Consumer Price Index, rounded to the nearest fifty dollars, on or after January 2 of the year 2003 and on or after January 2 of every odd-numbered year thereafter. (Ord. 532 § 2, 2015; Ord. 485 § 1, 2009; Ord. 476 § 1, 2008; Ord. 448 § 1, 2005; Ord. 419 § 1, 2002)

2.40.070 Organizational contributions.

A. No person, other than an individual or a professional corporation that includes only one individual, may make a contribution to any candidate or committee; provided, however, that this section does not apply to contributions made to a committee which is organized solely for the purpose of supporting or opposing the qualification for the ballot or adoption of one or more city measures. If the contribution is made by a professional corporation that includes only one individual, that individual may not make any contribution in that person's individual capacity which, if combined with the contributions made as a professional corporation, would exceed the individual contribution limit as set forth in Section 2.40.060.

B. No employee, agent or attorney or other representative of a person covered by this division may aid, abet, advise or participate in a violation of this section.

C. No person may knowingly accept a payment or contribution made in violation of this section.

D. If a campaign treasurer is offered a contribution which would be in excess of the limitation, the treasurer must refuse the contribution. If, however, a contribution which is in violation of this section is deposited into the campaign trust account, the campaign treasurer must report in writing within five days of the receipt of the contribution to the enforcement authority the facts surrounding such payment or contribution. (Ord. 419 § 1, 2002)

2.40.080 Candidate's loans to campaign.

A. The provisions of this section regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

B. A candidate for elective city office may not personally loan to the candidate's campaign an amount, the outstanding balance of which exceeds one hundred thousand dollars. A candidate may not charge interest on any loan the candidate made to the candidate's campaign. (Ord. 419 § 1, 2002)

2.40.090 Advertising rates—Service fees and charges.

To the extent that any person sells space in any newspaper or magazine or sells time on a broadcast station to a candidate or committee or performs other services in connection with the campaign of the candidate or for or against the measure, the charges made for the use of such space or time may not exceed the charges normally made to comparable use of such space or time by other users thereof. (Ord. 419 § 1, 2002)

2.40.100 Suppliers of good and services—Disclosure of records required.

No person who supplies goods or services or both goods and services to a candidate or committee for use in connection with the campaign of the candidate or for or against the measure may refuse knowingly to divulge or disclose to the enforcement authority that person's record of any expenditures made by the candidate or committee in payment for such goods or services or both. (Ord. 419 § 1, 2002)

2.40.110 Duties of city clerk.

In addition to other duties required of the city clerk under the terms of this chapter, the city clerk must:

A. Supply appropriate forms and manuals prescribed by the California Fair Political Practices Commission. These forms and manuals must be furnished to all candidates and committees, and to all other persons required to report;

B. Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of state law;

C. Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law;

D. Report apparent violations of this chapter and applicable state law to the enforcement authority;

E. Compile and maintain a current list of all statements or parts of statements filed with the clerk's office pertaining to each candidate and each measure;

F. Cooperate with the enforcement authority in the performance of the duties of the enforcement authority as prescribed in this chapter and applicable state laws. (Ord. 419 § 1, 2002)

2.40.120 Enforcement authority—Duties, complaints, legal action, investigatory powers.

A. The enforcement authority must enforce the provisions of this chapter.

B. Any person who believes that a violation of any portion of this chapter has occurred may file a complaint with the enforcement authority. If the enforcement authority determines that there is reason to believe a violation of this chapter has occurred, it must make an investigation. Whenever the enforcement authority has reason to believe a willful violation of this chapter has occurred or is about to occur, it may institute such legal action at such time as it deems necessary to prevent further violations.

C. The enforcement authority has such investigative powers as are necessary for the performance of the duties prescribed in this chapter and may demand and be furnished records of campaign contributions and expenses at any time.

D. The enforcement authority must determine whether required statements and declarations have been filed as required and, if so, whether they conform with the requirement of this chapter. (Ord. 419 § 1, 2002)

2.40.130 Penalties.

Any person who knowingly or willfully violates any provisions of this chapter is guilty of a misdemeanor. In addition to any other penalty provided by law, any willful or knowing failure to report contributions, done with intent to mislead or deceive, is punishable by a fine of not less than five hundred dollars. (Ord. 419 § 1, 2002)

2.40.140 Rules of construction.

This chapter will be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any person in any procedure taken under this chapter which does not directly affect the jurisdiction of the city to control campaign contributions and expenditures voids the effect of this chapter. (Ord. 419 § 1, 2002)

CHAPTER 2.44 MANUFACTURED HOME FAIR PRACTICES COMMISSION

No change

TITLE 2 ADMINISTRATION AND PERSONNEL

CHAPTER 2.01 GENERAL PROVISIONS

2.01.010 Form of Government

In accordance with the city charter, city has a "Council-Manager" form of government. The city council establishes the policy of the city and the city manager carries out that policy.

CHAPTER ~~1.20~~ 2.02 CITY SEAL-COUNCIL

~~1.20.010 Adopted—Description—Example on file.~~

2.02.010 City council

The city council consists of five elected members: four members elected at large, and one elected mayor. All powers of the city are vested in the city council except as otherwise provided by law, the city charter, or this code.

—The official city seal of the city has been adopted by city resolution. The resolution describes the city seal in the following manner:

2.02.020 Meetings

The city council may establish by resolution or minute order the time and location of regular meetings of the city council. Any regular meeting may be canceled by a vote of the city council.

—A. Two concentric circles separated by a narrow black border. Contained within the outer circle are the words "City of Santee, California" at the top and "Incorporated 1980" at the bottom. The inner circle shall consist of an artistic rendering of a green, grassy area in the foreground; a brown tree with green leaves in the right foreground; a brown knoll or rock in the left foreground; a strip of blue water. The background representation shall consist of a green bank of bushes; a range of brown hills and mountains. The background sky is blue.

2.02.030 Mayor

The mayor is the presiding officer at all meetings of the city council. The mayor is the official head of the city for all ceremonial purposes. The mayor has the primary but not exclusive responsibility for interpreting the policies, programs and needs of the city government. The mayor advises the city council on all matters of policy and public relations and performs such other duties as may be prescribed by the city charter, this code, or the city council.

—B. Exhibit "A", as attached to the ordinance codified in this chapter and on file in the office of the city clerk, is a faithful rendering of the city seal.

2.02.040 Appointment

The city council appoints the city manager, city attorney, and city clerk, who, subject to limitations provided by law, serve at the pleasure of the city council.

—C. For the purposes of this chapter any black and white or other two-tone representation of the above described city seal shall be considered as the official city seal. (Ord. 126-B § 4, 1984)

1.20.020 Unlawful use of seal.

~~—No person shall use or allow to be used any reproduction or facsimile of the seal of the city for any purpose other than official business of the city, without prior city council authorization. (Ord. 126-B § 2, 1984)~~

1.20.030 Unlawful use of imitation.

~~—No person shall use, or allow to be used, any colorable imitation of the seal of the city, when such use is likely to lead the ordinary observer to believe that the imitation is, in fact, the city seal. (Ord. 126-B § 3, 1984)~~

1.20.040 Exemption2.02.050 Salaries and reimbursement.

A. The salary of council members must be established periodically by resolution of the city council in accordance with the provisions of the city charter.

B. The directly-elected Mayor will be paid a salary in addition to any salary received as a council member. The amount of such additional salary must be established periodically by resolution of the city council in accordance with the provisions of the city charter.

CHAPTER 2.03 PLANNING COMMISSION

2.03.010 City council designated as planning agency.

The city council is designated as the planning agency for the city. (Ord. 304 § 2, 1993)

~~—This chapter shall not apply to reproductions or facsimiles of the city seal made prior to the effective date of the ordinance codified in this chapter. (Ord. 126-B § 4, 1984)~~

2.03.020 Term "planning commission" defined.

Whenever the term "planning commission" appears in this code or any regulation of the city, such term means the city council. (Ord. 304 § 2, 1993)

1.20.050 Violation—Penalty.

~~—Violation of this chapter shall be a misdemeanor and punishable by fine not exceeding five hundred dollars, or imprisonment for a term not exceeding six months, or by both such fine and imprisonment. (Ord. 126-B § 5, 1984)~~

CHAPTER 2.04 CITY MANAGER

2.04.010 Created.

The office of the city manager is created and established. The city manager ~~shall be~~ appointed by the city council ~~wholly~~ on the basis of his administrative and executive ability and qualifications and ~~shall hold~~ office for and during the pleasure of the city council. (Ord. 10 § 1, 1981)

2.04.0302.04.020 Eligibility.

No member of the city council ~~shall be~~ eligible for appointment as city manager until one year has elapsed after ~~such~~ the council member ~~shall have ceased~~ ceases to be a member of the city council. (Ord. 10 § 3, 1981)

2.04.0402.04.030 Bond.

The city manager and acting city manager ~~shall~~ must furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the city council, and ~~shall~~ must be conditioned upon the faithful performance of the duties imposed ~~upon~~ the city manager and acting city manager as herein prescribed. Any premium for ~~such~~ the bond ~~shall be~~ a proper charge against the city. (Ord. 10 § 4, 1981)

2.04.0502.04.040 Designation of acting city manager.

The city manager ~~may appoint, by letter filed with the city clerk or deputy city clerk, may~~ designate a qualified city employee to ~~serve~~ exercise the powers and perform the duties of city manager ~~pro tempore~~ during any temporary absence or disability of the city manager. (Amended during 1989 supplement; Ord. 10 § 5, 1981) In case of the absence or disability of the city manager and a failure to appoint someone to perform the duties of the city manager, the council

may designate a duly qualified person to perform the duties of the city manager during the period of absence or disability of the city manager.

2.04.0602.04.050 Compensation.

A. The city manager ~~shall~~will receive ~~such~~ compensation, benefits and expense reimbursements as the city council ~~shall~~determines from time to time ~~determine~~.

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B. ~~—~~ In addition, the city manager shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties.

C. ~~—~~ On termination of employment of the city manager by reason of involuntary removal from service other than for willful misconduct in office, the city manager shall receive cash severance pay in a lump sum in an amount to be determined by the city council, if any. (Ord. 10 § 6, 1981)

2.04.0702.04.060 Powers and duties generally.

The city manager ~~shall be~~ the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this chapter. ~~He shall be the city manager is~~ responsible for the efficient administration of all the affairs of the city ~~which are under his control~~under the control of the city manager. To the extent allowed by law, the city manager may contract with any qualified person or public or private agency for the performance of all or any of the responsibilities and duties imposed by this chapter. In addition to his general powers as administrative head, and not as a limitation thereon, ~~it shall be his duty and he shall have the~~ city manager has the duties and powers set forth in Sections 2.04.080 through 2.04.190. (Ord. 10 §-7, 1981) below:

2.04.080 Duties—Law enforcement.

A. ~~—~~ It shall be the duty of the city manager ~~to~~ Enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed. (Ord. 10 § 7.1, 1981)

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B. ~~—~~ Appoint, remove, promote, and demote any and all officers and employees of the city ~~except the city clerk and the city attorney who shall serve~~ at the pleasure of the city council, subject to all applicable personnel rules and regulations which may be adopted;

B-C. ~~—~~ Control, order, and give directions to all department heads who are subject to the city manager's appointment and removal authority and to subordinate officers and employees of the city under the city manager's jurisdiction through their department heads;

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2.04.090 Duties—Authority over employees.

~~—~~ It shall be the duty of the city manager, and he/she shall have the authority to control, order, and give directions ~~to~~ all heads of departments and to subordinate officers and employees of the city under his/her jurisdiction through their department heads. (Ord. 350 § 4, 1996; Ord. 347 § 4, 1996; Ord. 10 § 7.2, 1981)

2.04.100 Duties—Power of appointment and removal.

~~—It shall be the duty of the city manager to, and he/she shall appoint, remove, promote and demote any and all officers and employees of the city, subject to all applicable personnel ordinances, rules and regulations except for the city attorney, city clerk and the city treasurer, who shall serve at the pleasure of the city council. (Ord. 350 § 2, 1996; Ord. 317 § 2, 1996; Ord. 40 § 7.3, 1981)~~

2.04.110 Duties—Administrative reorganization of offices.

~~C.D. —It shall be the duty and responsibility of the city manager to Conduct studies and effect such administrative reorganization and reorganization of offices, positions or units under his or her direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business. (Ord. 40 § 7.4, 1981)~~

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2.04.120 Duties—Ordinances.

~~D.E. —It shall be the duty of the city manager and he shall Recommend to the city council for adoption such measures and ordinances as he/the city manager deems necessary. (Ord. 40 § 7.5, 1981)~~

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2.04.130 Duties—Attendance at council meeting.

~~E.F. —It shall be the duty of the city manager to Attend all meetings of the city council unless at his request he is excused therefrom by the Mayor individually or the city council. (Ord. 40 § 7.6, 1981) as a whole, except when the city manager's removal is under consideration.~~

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2.04.140 Duties—Financial reports.

~~—It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial condition and needs of the city. (Ord. 350 § 4, 1996; Ord. 317 § 5, 1996; Ord. 40 § 7.7, 1981)~~

2.04.150 Duties—Budget.

~~F.G. —It shall be the duty of the city manager to Prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval. (Ord. 40 § 7.8, 1981)~~

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~~G.H. —Keep the city council at all times fully advised as to the financial condition and needs of the city;~~

2.04.160 Duties—Expenditure control and purchasing.

~~—It shall be the duty of the city manager to see that no expenditures shall be submitted or recommended to the city council except on approval of the city manager or the city manager's authorized representative. The city manager or the city manager's authorized representative shall be responsible for the purchase of all supplies for all the departments or divisions of the city. (Amended during 1989 supplement; Ord. 40 § 7.9, 1981)~~

H.I. Make investigations into the affairs of the city and any department or division thereof and any contract or other obligation of the city; and further to investigate all complaints in relation to matters concerning the administration of the city government.

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2.04.170 Investigations and complaints.

— It shall be the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract for the proper performance of any obligations of the city. Further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city. (Ord. 10 § 7.10, 1981)

2.04.180 Duties—Public buildings.

H.J. — It shall be the duty of the city manager and the city manager shall Exercise general supervision over all public buildings, public parks, and all other public property/properties which are under the control and jurisdiction of the city council. (Amended during 1989 supplement; Ord. 10 § 7.11, 1981)

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H.K. Have the same authority as the mayor, as the convenience of the parties may dictate, to sign documents specified in Section 40602 of the California Government Code whenever such documents have been approved by the city council for execution by resolution, motion, minute order or other appropriate action; and

2.04.190 Additional duties.

K.L. — It shall be the duty of the city manager to Perform such other duties/responsibilities and exercise such other powers as may be delegated to him or her/the city manager from time to time by ordinance or resolution or other official action of the city council. (Amended during 1989 supplement; Ord. 10 § 7.12, 1981)

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(Ord. 10 § 7, 1981)

2.04.200 Internal relations.

A. — Council-Manager Relations. The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry and neither the city council nor any member thereof shall give orders or instructions to any subordinate of the city manager. The city manager shall take his or her orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual council member shall give any orders or instructions to the city manager.

B. — Departmental Cooperation. It shall be the duty of all subordinate officers and the city clerk, city treasurer, and city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously.

C.A. — Attendance at Commission Meetings. The city manager may attend any and all meetings of commissions, boards, or committees created by the city council upon

the manager's own written representation of the city council. At such meetings which the city manager attends, the manager shall be heard by such commissions, boards or committees as to all matters upon which he or she wishes to address the members thereof, and the manager shall inform the members as to the status of any matter being considered by the city council, and he or she shall cooperate to the fullest extent with the members of all the commissions, boards or committees appointed by the city council. (Ord. 350 § 4, 1996; Ord. 347 § 7, 1996; Ord. 40 § 9, 1984) ~~Amended during 1999 supplements (Ord. 40 § 9, 1984)~~

2.04.2102.04.070 Removal from office.

Notwithstanding the provisions of Section ~~2.04.0602.04.010~~ of this chapter, the city manager ~~shall~~ must not be removed from office, other than for misconduct in office, during or within a period of ninety days ~~next succeeding~~ after any general municipal election held in the city at which ~~election~~ a member of the city council is elected or when a new city council member is appointed; the purpose of this provision is to allow any newly elected or appointed member of the city council or a reorganized city council to observe the actions and ability of the city manager in the performance of the powers and duties of the office. After the expiration of the ninety-day period aforementioned, the provisions of this section ~~chapter~~ as to the removal of the city manager ~~shall~~ will apply and be effective. (Ord. 350 § 4, 1996; Ord. 347 § 7, 1996; Ord. 40 § 9, 1984) The removal of the city manager shall be effected only by a majority vote of the whole council.

2.04.2202.04.080 Limitations.

Nothing in this chapter ~~shall~~ may be construed as a limitation on the power or authority of the city council to enter into any ~~supplemental~~ agreement with the city manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter. (Ord. 350 § 4, 1996; Ord. 347 § 8, 1996; Ord. 40 § 10, 1984)

CHAPTER 2.082.06 CITY COUNCIL ATTORNEY

2.08.010 Salaries and reimbursement 2.06.010 Created.

The office of the city attorney is created and established. The city attorney is appointed by the city council on the basis of ability and qualifications and holds office for and during the pleasure of the city council.

~~D. The salary of council members shall be \$1,529.47 per month effective July 1, 2013.~~

2.06.020 Duties.

The city attorney advises city officials in legal matters pertaining to city business, frames ordinances and resolutions required by the city council, and performs other legal services as required by the city council.

~~E. The salary of council members shall be \$1,605.94 per month effective July 1, 2014. (Ord. 524 § 1, 2013)~~

2.08.020 Mayor's 2.06.030 Compensation.

~~F. The directly elected Mayor shall be paid a salary of \$1,048.16 per month in addition to any salary received as a council member, effective July 1, 2013.~~

~~G. The directly elected Mayor shall be paid a salary of \$1,100.57 per month in addition to any salary received as a council member, effective July 1, 2014. (Ord. 524 § 2, 2013)~~

The city attorney will receive compensation and benefits as the city council determines from time to time.

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CHAPTER 2.12 PLANNING COMMISSION 2.08 CITY CLERK

2.12.010 City council designated as planning agency 2.08.010 Created.

~~The city council is designated as the planning agency for the city. (Ord. 304 § 2, 1975)~~

2.12.020 Term "planning commission" defined.

~~Whenever the term "planning commission" appears in this code or any regulation of the city, such term shall mean the city council. (Ord. 304 § 2, 1975)~~

The office of the city clerk is created and established. The city clerk is appointed by the city council on the basis of ability and qualifications, and holds office for and during the pleasure of the city council. (Ord. 10 § 1, 1981)

2.08.020 Duties.

The city clerk administers elections, maintains the official records of the proceedings of the city council, serves as the compliance officer for federal, state and local statutes, serves as the custodian of the city seal, and performs other duties as required by the city council.

2.08.030 Compensation.

The city clerk will receive compensation and benefits as the city council determines from time to time.

**CHAPTER 2.16 DEPARTMENT OF PLANNING AND COMMUNITY
DEVELOPMENT CITY DEPARTMENTS**

2.16.010 Generally.

A. ~~There are in the city a department of planning and community development, hereinafter in this chapter referred to as the department, which shall be the following departments, which are under the general supervision of the city manager. (Ord. 350 § 4, 1996; Ord. 347 § 9, 1996; Ord. 50, 1982) and whose directors are appointed by the city manager:~~

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1. ~~department of community services;~~
2. ~~department of development services;~~
3. ~~department of fire and life safety services;~~
4. ~~department of human resources; and~~
5. ~~finance department.~~

B. ~~There are in the city the following departments, which are under the general supervision of the city manager, but whose directors are appointed by the city council:~~

1. ~~the city manager; and~~
2. ~~the city clerk.~~

2.16.020 Duties.

~~The department shall each have all of the powers, duties and functions established for such department by the ordinances of the city and state law. (Ord. 350 § 4, 1996; Ord. 347 § 9, 1996; Ord. 50, 1982)~~

~~The duties of the city departments include those required by the Constitution of the State of California and the laws of the United States and the State of California. The city manager may organize and reorganize the city departments as necessary to accomplish the duties of the city, subject to the city council's authority to approve the city budget.~~

CHAPTER 2.18 INTERNAL RELATIONS

2.18.010 Council-manager relations.

A. The city council and its members may deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and no member of the city council is permitted to give orders or instructions to any subordinates of the city manager. The city manager takes orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual council member may give any orders or instructions to the city manager.

B. The city manager may attend any and all meetings of commissions, boards, or committees created by the city council, upon the manager's own volition or upon direction of the city council. At such meetings which the city manager attends, the manager must be heard by such commissions, boards or committees as to all matters upon which the city manager wishes to address the members thereof. The city manager must inform the members as to the status of any matter being considered by the city council pertaining to that body, and the city manager must cooperate to the fullest extent with the members of all the commissions, boards, or committees appointed by the city council. (Ord. 350 § 1, 1996; Ord. 347 § 6, 1996. Amended during 1989 supplement; Ord. 10 § 8, 1981)

2.18.020 Departmental cooperation.

It is the duty of all department heads and the city clerk, and city attorney to assist the city manager in administering the affairs of the city efficiently, economically and cooperatively.

CHAPTER 2.20 REDEVELOPMENT AGENCY

2.20.010 Need declared—Agency created.

~~—It is found and declared, pursuant to Section 33101 of the Community Redevelopment Law, that there is a need for the redevelopment agency created by Section 33100 of said law to function in the city of Santee. Agency is authorized to transact business and exercise its powers under the Community Redevelopment Law, and shall be known as the "Santee redevelopment agency." (Ord. 29 § 1, 1981)~~

2.20.020 Authority Repealed.

~~—Pursuant to Section 33200 of the Community Redevelopment Law, the city council does declare itself to be the agency, and all the rights, powers, duties, privileges and immunities, vested by law in a redevelopment agency, shall be vested in the city council, except as otherwise provided by law. (Ord. 29 § 2, 1981)~~

CHAPTER 2.22 COMMUNITY DEVELOPMENT COMMISSION

2.22.010 Community development commission—Need declared.

—Pursuant to the provisions of Article 2 of Chapter 2 of Part 4.7 of Division 24 of the Health and Safety Code of the State of California (commencing with Section 34145 of the Code), this city council, as the legislative body of the city of Santee, declares that there is a need for a community development commission to function in the city. (Ord. 312 § 4, 1993)

2.22.020 City council—Designated as commission.

—Pursuant to the provisions of Article 3 of Chapter 2 of Part 4.7 of Division 24 of the code (commencing with Section 34120 of the code), this city council declares itself to be the community development commission of the city. (Ord. 312 § 4, 1993)

2.22.030 Commission to function as redevelopment agency and housing authority.

—Pursuant to Section 34145.5 of Article 2 of Chapter 2 of Part 4.7 of Division 24 of the code, this city council declares the need for the community development commission of the city to function as a redevelopment agency and housing authority, vested with all the powers, responsibilities and duties applicable thereto. (Ord. 312 § 4, 1993)

2.22.040 Community development committee—Appointment of members.

—Pursuant to the provisions of Article 3 of Chapter 2 of Part 4.7 of Division 24 of the code (commencing with Section 34120 of the code), this city council determines to create a community development committee of not more than nine members, which shall include tenant appointments made pursuant to Section 34120. The terms of office, qualifications, and method of appointment, and removal shall be provided as follows:

B. Committee Membership Repealed.

1. Term of Office. The term of office shall be determined by the commission pursuant to the provisions of subdivisions (b) and (c) of Section 34120 of the code.

2. Qualifications. The term of office shall be determined by the commission pursuant to the provisions of subdivisions (b) and (c) of Section 34120 of the code.

3. Method of Appointment. The appointment of committee members shall be determined by nominations by the chair, with concurrence by a majority vote of the commission.

4. Removal. Removal of committee members shall be determined by a majority vote of the commission.

C. Committee Functions. The functions of the committee shall be to review and make recommendations on all matters to come before the commission prior to commission action, except emergency matters, and other matters which are specifically excluded from committee review and recommendation. The city council shall provide for procedures for review and recommendation, and for further functions of the committee by ordinance. (Ord. 312 § 4, 1993)

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CHAPTER 2.24 PERSONNEL

2.24.010 Adoption of personnel system.

In order to establish an equitable and uniform system for dealing with personnel matters, the following personnel system is adopted as set out in this chapter. (Ord. 228 § 1, 1989)

2.24.020 Definitions.

~~The terms in this chapter, and personnel rules adopted under this chapter, shall be defined in the personnel rules, are the same as adopted from time to time. (Ord. 228 § 2, 1989)~~

2.24.030 2.24.020 Personnel officer.

The city manager shall be the personnel officer. The city manager may delegate any of his or her powers and duties as personnel officer to any other officer or employee of the city. Specific duties of the personnel officer may be performed by others under contract to the city.

The personnel officer or delegate shall ~~must~~:

~~A. Act as the appointing authority for the city in accordance with section _____ of this code;~~

~~B. Prepare, or cause to be prepared, personnel rules and procedures and any revisions to the rules or procedures;~~

~~C. Recommend to the city council personnel policy issues involving financial commitments such as, but not limited to, pay rates;~~

D. Administer all provisions of this chapter and the personnel rules not specifically reserved to the city council;

~~E. Prepare, or cause to be prepared, in accordance with the provisions of this chapter, personnel rules and any revisions to the rules which shall establish regulations for personnel in the competitive service. Such rules and revisions thereof shall become effective upon approval of the city council;~~

~~F. Prepare and revise, or cause to be prepared and revised, a position classification and compensation plan, including class specifications. The personnel officer is empowered to revise and amend the class specifications without council approval;~~

~~G. Provide for the publication, posting, or other dissemination of notices of vacant positions in the competitive service; the conducting and grading of competitive examinations; the establishment of eligibility lists, and the certification of such lists for consideration and possible appointment to vacant positions in the competitive service. (Ord. 228 § 3, 1989)~~

~~F. Have the authority to discipline employees in accordance with this chapter and the personnel rules of the city;~~

G. Provide for the recruitment and selection of city employees and perform any other duty that may be required to administer the personnel system; and

H. Request from the State Department of Justice a copy of the State Summary Criminal History Information for any position -- regular or part-time -- involving the care or supervision of children, minors, the elderly, the handicapped, or the mentally impaired, or for any other position with the city wherein such information is deemed important to the selection process. The city manager or designee shall utilize the process and procedure set forth in article 3 or chapter J of title 1 of part 4 of the Penal Code (commencing with section 11100).

2.24.0402, 24.030 Competitive service.

The provisions of this chapter shall apply to all offices, positions and employees in the service of the city except:

~~—A. Elective officers:~~

~~A. Members of the city council~~

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~~B. The city manager, the assistant city manager and any assistants to The city manager;~~

~~C. The city attorney and any assistant or deputy city attorney;~~

~~D. The city clerk but not any deputies or assistants;~~

~~E. The city treasurer;~~

~~F. All city management;~~

~~F.G. Members of appointive boards, commissions and committees;~~

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~~—F. All department and division heads, as follows:~~

~~1. Director of community services;~~

~~2. Director of planning and community development;~~

~~3. Director of project management;~~

~~4. Director of public works;~~

~~5. Finance director/treasurer;~~

~~6. Public safety director;~~

~~7. Personnel manager;~~

~~8. Support services manager, and any other personnel, present or future, designated as management;~~

~~G.H. Persons engaged under contract to supply expert professional, technical, or any other services;~~

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~~H.I. Volunteer personnel, such as volunteer firefighters;~~

~~—I. All council appointed city officers;~~

~~I.J.~~ — ~~J.~~ — Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property;

~~I.K.~~ — ~~K.~~ — Employees, other than those listed elsewhere in this section, who are not regularly employed in permanent positions. “Regularly employed in permanent positions” means an employee hired for an indefinite term into a budgeted position, and who has successfully completed the probationary period and been retained as provided in this chapter and personnel rules;

~~K.L.~~ — ~~L.~~ — Any position primarily funded under a state or federal employment program. (Ord. 350 § 1, 1996; Ord. 347 § 10, 1996; Ord. 228 § 4, 1989)

2.24.0502.24.040 Adoption and amendment of personnel rules.

~~— Personnel rules shall be adopted by resolution of the city council. The rules may establish regulations governing the personnel system, including:~~

The city manager is authorized to amend the City of Santee Personnel Rules adopted on or about July 26, 1989; provided, however, that any policy matters involving the commitment of financial resources must be recommended to and approved by the city council prior to implementation.

The policies governing the personnel system must include but not be limited to:

A. Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class;

~~B. Preparation, revision and administration of a plan of compensation directly correlated with the position classification plan providing a rate or range of pay for each class;~~

~~B.C. Appropriate announcement of the Recruitment and selection process and acceptance of applications for employment procedures;~~

~~C. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;~~

D. Certification and appointment of persons from employment lists, and the making of provisional appointments;

E. Establishment of probationary testing periods;

F. Evaluation of employees during the probationary testing period and thereafter;

G. Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service;

H. Separation of employees from the city service;

I. The Establishment and maintenance of adequate personnel records for purposes of accounting and legal requirements; and

J. The establishment of any necessary appeal procedures. (Ord. 252 § 4, 4991)

2.24.0602.24.050 Appointments.

A. Appointments to vacant positions in the competitive service ~~shall~~must be made in accordance with the personnel rules. Appointments and promotions ~~shall~~must be based on merit and fitness to be ascertained so far as practicable by competitive examination. ~~Examinations may be used and conducted to aid the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates such as achievement and aptitude tests, written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combination of these or other tests. The probationary period shall be considered an extension of the examination process. Physical, medical and psychological tests may be given as a part of any examination.~~

B. ~~In any examination the city manager or his/her designee may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefor.~~

C. ~~B. The appointing authority of employees in the competitive service is the city manager. The city manager may delegate the appointing authority to any other officer or employee of the city.~~

D. ~~C. In any examination, the appointing authority may include a qualifying test or tests and set minimum standards therefor, in addition to including competitive tests. (Ord. 228 § 6, 1989)~~

2.24.0702.24.060 Probationary period.

E. All regular appointments, including promotional appointments, ~~shall be~~are for a probationary period of not less than one year. ~~The appointing authority may extend such probationary period up to six additional months in accordance with applicable provisions of the personnel rules. Determinations as to satisfactory completion or extension of the probationary period shall commence from the date of appointment. In the event of illness or injury requiring absence from work the number of days absent shall be added to the length of the probationary period, and/or rejection of an employee during the probationary period, the employee may be rejected at any time without the right of appeal, hearing or any grievance procedure must be consistent with the applicable provisions of the personnel rules.~~

F. ~~If the service of the probationary employee has not been satisfactory to the appointing authority, then the appointing authority should file with the personnel officer, two weeks prior to the end of said probationary period, a statement in writing to such effect and stating that the termination of such employee is desired. If such a statement is not filed prior to the last day of his/her probationary period, the employee will be deemed to be satisfactory and his or her probationary period will be considered complete. Where a statement of unsatisfactory service has been filed, notice of the termination shall be served on the terminated employee by the personnel officer before the expiration of the probationary period.~~

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~~G. An employee rejected during the probationary period from a position to which he/she has been promoted shall be reinstated to a position in the class from which he/she was promoted unless he/she is discharged from the city service as provided in the personnel rules. If no vacancy exists in such position, he/she shall be placed on a reemployment list as provided in the personnel rules. (Ord. 228 § 7, 1989)~~

~~2.24.080~~**2.24.070 Status of present employees.**

A. Any person holding a position included in the competitive service who, on the effective date of the ordinance codified in this chapter, shall have served continuously in such position, or in some other position in the competitive service, for a period equal to the probationary period prescribed in the personnel rules for his/her class, ~~shall~~will assume regular status in the competitive service in the position held on such effective date ~~without qualifying test, and shall~~will thereafter be subject in all respects to the provisions of this chapter and the personnel rules.

B. Any other persons holding positions in the competitive service ~~shall~~will be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period ~~shall~~will be computed ~~from the date of appointment or employment. (Ord. 228 § 8, 1989)~~as set forth in the personnel rules.

~~2.24.090 Demotion, dismissal, reduction in pay, suspension, reprimand.~~

~~C. No position in the competitive service has been removed from the competitive service through enactment of these revisions to the competitive service.~~

2.24.080 Employee Discipline.

The city manager or any appointing power ~~shall have~~has the authority to demote, discharge, reprimand, reduce in pay, or suspend, ~~discipline~~ any regular employee for cause in accordance with procedures included in the personnel rules or current memorandum of understanding, ~~including any right to appeal discipline as established in the rules or memorandum of understanding. (Ord. 228 § 9, 1989)~~

~~2.24.100~~**2.24.090 At-will employees.**

Employees not included in the competitive service under Section ~~2.24.040~~2.24.030 of this chapter ~~shall~~ serve at the will of their appointing authority. (Ord. 228 § 10, 1989)

~~2.24.110 Deletion~~**2.24.100 Abolition of positions.**

~~Except as the city council may otherwise provide,~~ the city council may abolish any position or employment in the competitive service and the employee holding such position for employment may be laid off, demoted or transferred without right of appeal. (Ord. 228 § 11, 1989)

2.24.120 Right of appeal.

C. Any regular employee in the competitive service shall have the right to appeal a demotion, reduction in pay, suspension, or discharge for disciplinary or medical reasons, except in those instances where the right of appeal is specifically prohibited by this chapter, applicable memorandum of understanding or the rules adopted thereunder.

D. All appeals shall be processed in accordance with the requirements and procedures as set forth in the personnel rules adopted pursuant to this chapter. (Ord. 228 § 12, 1989)

2.24.130 2.24.110 Layoff and reemployment.

Layoff and reemployment actions shall follow the process outlined in the personnel rules or the applicable memorandum of understanding. (Ord. 228 § 13, 1989)

2.24.140 2.24.120 Political activity.

The political activities of city employees shall conform to pertinent provisions of state law and any local provisions adopted pursuant to state law. (Ord. 228 § 14, 1989)

2.24.150 Contracts for special service.

E. The city manager shall consider and make recommendations to the city council regarding the extent to which the city should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The city council may contract with any qualified person or public or private agency for the performance of all or any of the following responsibilities and duties imposed by this chapter:

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1. The preparation of personnel rules and subsequent revisions and amendments thereof;
2. The preparation of a position classification plan and subsequent revisions and amendments thereof;
3. The preparation, conduct and grading of competitive tests;
4. The conduct of employee training programs;
5. Special and technical services of advisory or informational character on matters relating to personnel administration. (Ord. 228 § 15, 1989)

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2.24.160 Nondiscrimination.

No person in the competitive service, or seeking admission thereto, shall be employed, promoted, demoted, discharged or in any way favored or discriminated against because of political opinions or affiliations, race, color, ancestry, national origin, age, marital status, religious creed, sex or because of the exercise of an employee's right to participate in employee organizations. (Ord. 228 § 17, 1989)

2.24.170 Personnel rules.

~~—The personnel rules of July 26, 1989, attached to the ordinance codified in this chapter as Exhibit A and by this reference entitled “The City of Santee Personnel Rules”, incorporated within are adopted as the personnel rules of the city. (Ord. 228 § 18, 1989)~~

CHAPTER 2.32 EMERGENCY SERVICES

2.32.010 Purpose and intent.

A. The purpose of this chapter is to provide for the preparation and execution of plans designed for the protection of persons and property in an emergency or disaster. It provides for direction of emergency services in the city and for the coordination, with all other city departments, public agencies, corporations, organizations, and affected private persons, situated in whole, or in part, within the San Diego County operational area, including incorporated cities which have acted voluntarily to accept such coordination, unification and consolidation, and with other affected persons, corporations and organizations. It also provides:

1. A description of the Unified San Diego County Emergency Services Organization in the San Diego County Operational Area and the city of Santee's participation therein;
2. Authorization for activities which will mitigate hazardous conditions, the preparation of citywide plans, and the development and execution of joint agreements in the San Diego County Operational Area for such services that are county wide;
3. That all city expenditures made in connection with such emergency services activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of all the inhabitants and property in the city of Santee. (Ord. 344 (§ 1 part), 1996)

2.32.020 Definitions.

"Annex" means those documents that are appendices to the city's Emergency Preparedness Plan, which identify operational procedures for various agencies.

"Board of supervisors" means the board of supervisors of San Diego County, California.

~~"City" means the city of Santee, California.~~

~~"City council" means the city council of the city of Santee, California.~~

~~"City manager" means the city manager of the city of Santee, California.~~

~~"County" means the county of San Diego, California.~~

"Curfew" means an order establishing a time in which certain regulations apply, especially that no unauthorized person or persons may be outdoors or that places of public assembly must be closed.

"Director" means the director of ~~public~~ fire and life safety of the city of Santee, California.

~~"Disaster council" means the unified disaster council of San Diego County, California.~~

"Emergency" means an actual incident or threatened existence of conditions of incidents or of extreme peril to the safety of persons and property within the city caused by such conditions as

air pollution, fire, flood, storm, epidemic, civil disorder, or earthquake, or other conditions which may be or are beyond control of the services, personnel, equipment, and facilities of the city.

“Emergency council” means the emergency services council of the city of Santee, California.

“Emergency operations plan” means the plan that identifies the actual operational procedures for mitigating emergency incidents within the city.

“Emergency preparedness plan” means the plan approved by the city council which determines the authority and responsibilities for the mitigation of emergency incidents within the city.

“Emergency services agreement” means the San Diego County Unified Emergency Services Agreement, to which the city is a party.

“ICS” means the Incident Command System which is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure with responsibility for the management of assigned resources to effectively accomplish stated objectives pertaining to an emergency.

“Local emergency” means the duly proclaimed existence within the city of conditions of emergency or disaster or of extreme peril to the safety of persons and property within the city caused by such conditions as air pollution, civil disorder, earthquake, epidemic, fire, flood, storm, or other conditions.

“Marshal law” means the laws that are invoked and administered by military forces in an emergency when civilian law enforcement agencies are unable to maintain public order and safety.

“SEMS” means the Standardized Emergency Management System as required by Government Code § 8607(a) for management of responses to emergency incidents in California.

“State of emergency” means the duly proclaimed existence within the state of conditions of emergency or disaster or of extreme peril to the safety of persons and property within the city caused by such conditions as air pollution, civil disorder, earthquake, epidemic, fire, flood, storm, or other conditions.

“State of war emergency” means the condition which exists immediately, with or without a proclamation thereof by the governor whenever the state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

“Unified disaster council” means the group which serves as the policy making body of the Unified Emergency Services Organization.

“Unified emergency services organization” means the group created for the purpose of coordinating and facilitating operational area plans and programs for the preservation and safety of life and property in the event of emergencies. (Ord. 344 (§ 1 part), 1996)

2.32.030 Emergency council.

A. The emergency council is created and ~~shall consist~~consists of the following:

1. The mayor, who ~~shall be~~is the chairperson;
2. The director of emergency services, who ~~shall be~~is vice-chairperson;
3. The assistant director of emergency services;

4. Such ~~departments~~department heads and/or chiefs of emergency services as are provided for in the current emergency operations and/or preparedness plan of the city, adopted pursuant to this chapter:

5. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and approval of the city council.

2.32.040 Emergency council—Powers and duties.

B. It ~~shall be~~is the duty of the emergency council, and it is empowered, to develop and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The emergency council ~~shall~~must meet once a year and upon the call of the chairperson or, in the chairperson’s absence from the city or inability to call such meeting, upon the call of the vice chairperson. (Ord 344 (§ 1 part), 1996)

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2.32.050 Director and assistant director of emergency services.

A. The city manager ~~shall be~~is the director of emergency services.

B. The director of ~~public~~fire and life safety ~~shall serve~~serves as the assistant director of emergency services. (Ord. 344 (§ 1 part), 1996)

2.32.060 Director and assistant director of emergency services—Powers and duties.

A. The director is empowered to:

1. Request the city council to proclaim the existence or threatened existence of a local emergency if the city council is in session, or to issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council ~~shall~~must take action to ratify the proclamation within seven days thereafter or the proclamation ~~shall~~will have no further notice or effect;

2. Request the governor to proclaim a state of emergency when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;

3. Control and direct the efforts of the emergency organization of the city for the accomplishment of the purposes of this chapter;

4. Direct cooperation between the coordination of services and staff of the emergency organization of the city, and resolve questions of authority and responsibility that may arise between them;

5. Represent the city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;

6. In the event of a proclamation of a local emergency as herein provided, the proclamation of a state of emergency by the governor or by the director of the state Office of Emergency Services, or the existence of a state of war emergency, the director is hereby empowered:

- (a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;
- (b) To obtain vital supplies, equipment, services, and such other properties found lacking and needed for the protection of life and property and to bind the city for fair value thereof and, if required immediately, to commandeer the same for public use;
- (c) To require emergency services of any city officer or employee, and, in the event of the proclamation of a state of emergency in the county in which the city is located or the existence of a state of war emergency, to commandeer the aid of as many citizens of the community as he or she the director may deem necessary in the execution of the director's duties; such persons shall will be entitled to all privileges, benefits, and immunities as are provide by state law for registered disaster service workers.
- (d) To requisition necessary personnel or material of any city department or agency; and
- (e) To execute all of his or her ordinary power powers as city manager, all of the special powers conferred upon the director by this chapter or by resolution or emergency plan pursuant hereto adopted by the city council, and by any other lawful authority.

B. The director of emergency services ~~shall~~must designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his or her duties during an emergency. Such order of succession ~~shall~~must be approved by the city council.

C. The assistant director is empowered to:

1. Develop emergency plans, and manage the emergency programs and services of the city;

2. Attend and represent the city at all meetings of the unified disaster council;

3. Attend and represent the city at meetings of local, state, and federal emergency services, and disaster services organizations;

4. Act for ~~the~~ and have all the powers and duties of the director in his or her ~~the~~ director's absence;

5. Serve as the incident manager for all emergency incidents within the city;

6. ~~Shall have~~Such other powers and duties as may be assigned by the director. (Ord. 344 § 1, 1996)

2.32.070 Emergency organization.

~~D.~~ All officers and employees of the city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section ~~2.31.060~~2.32.060 (A)(6)(c), be charged with the duties incident to the protection of life and property in the city during such emergency, ~~shall~~ constitute the emergency organization of the city. (Ord. 344 § 1, 1996)

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2.32.080 Emergency preparedness plan.

E. The director of ~~public fire and life~~ safety ~~shall~~be responsible for the development of the city Emergency Preparedness Plan, which ~~shall~~must provide for the effective mobilization of all resources of the city, both public and private, to meet any condition constituting a local emergency, and ~~shall~~provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan ~~shall~~take effect upon adoption of a resolution by the city council. (Ord. 344 § 1, 1996)

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2.32.090 Emergency operational plan.

A. The director of ~~public fire and life~~ safety ~~shall~~be responsible for the development of the city Emergency Operational Plan, which ~~shall~~must provide for the effective mobilization of all resources of the city, both public and private, to meet any condition

constituting a local emergency, and ~~shall provide~~ for the organization, powers and duties, services, and staff of the emergency organization.

B. The ~~public fire and life safety~~ director ~~shall have~~ has the authority by this chapter to update this plan as necessary, in order to meet the latest emergency management operational guidelines. (Ord. 344 § 1, 1996)

2.32.100 Incident command system.

C. The city's Emergency Preparedness Plan and Emergency Operational Plan ~~shall~~ must conform to the Incident Command System and its definitions. (Ord. 344 § 1, 1996)

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2.32.110 Standardized emergency management system.

D. The city's Emergency Preparedness Plan and Emergency Operational Plan ~~shall~~ must conform to the Standardized Emergency Management System (SEMS) as required by Government Code section 8607(a) for management of response to emergency incidents. (Ord. 344 § 1, 1996)

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2.32.120 Curfew.

E. During a local emergency, the director of emergency services, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof ~~shall~~ must be in writing and ~~shall~~ be given widespread publicity and notice. (Ord. 344 § 1, 1996)

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2.32.130 Price stabilization.

F. The director of emergency services may ~~at his or her discretion,~~ in the event of an emergency, order all business within the city to not increase prices on goods sold to citizens of the city, pursuant to chapter _____. Furthermore it ~~shall be~~ is a violation of this chapter for businesses within the city to knowingly and maliciously raise prices of goods such as, fuel, food items, emergency survivor items, etc. (Ord. 344 § 1, 1996)

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2.32.140 Violations.

A. It ~~shall be~~ is a misdemeanor for any person, during a state of war emergency, state of emergency or local emergency, to:

1. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him/her by virtue of this chapter;

2. Perform any act forbidden by lawful rule or regulation issued pursuant to this chapter, if such act is likely to give assistance to the enemy, or to imperil the lives or

property of inhabitants of the city, or to prevent, hinder, or delay the defense or protection thereof. (Ord. 344 § 1, 1996)

CHAPTER 2.36 GENERAL ELECTIONS

2.36.010 Consolidation with state election.

| The general municipal elections of the city of Santee ~~shall be~~are consolidated with the day of the Statewide General Election. (Ord. 45, 1982; Ord. 37, 1982)

CHAPTER 2.40 ELECTION CAMPAIGN FINANCE AND CONTROL

2.40.010 Purpose and intent.

Inherent in the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the Santee city council in enacting this chapter:

- A. To preserve an orderly political forum in which individuals may express themselves effectively, and to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in county elections;
- B. To prohibit contributions by organizations in order to develop a broader base of political efficacy within the community;
- C. To limit the use of loans and credit in the financing of city election campaigns;
- D. To provide full and fair enforcement of all the provisions of this chapter; and
- E. To encourage the public to participate as candidates in elections by simplifying the local regulations as much as possible in matters adequately regulated by state law. (Ord. 419 § 1, 2002)

2.40.020 Citation.

This chapter ~~shall~~ may be cited as the "City of Santee Election Campaign Finance and Control Ordinance." (Ord. 419 § 1, 2002)

2.40.030 Definitions.

The terms and phrases in this chapter ~~shall be~~ are defined as those terms and phrases are defined in the Political Reform Act of 1974, as amended (Government Code § 81000, et seq.), unless otherwise specified in this chapter:

"Broadcast station" means a person who engages in the dissemination of radio communication as defined in the Federal Communications Act of 1934. "Broadcast station" includes each cable television system franchised or otherwise licensed by the county of San Diego or any city within the county of San Diego.

"Candidate" means an individual who is listed on the ballot, who has qualified to have write-in votes on ~~his~~ that individual's behalf counted by election officials, or who has begun to circulate nominating petitions or authorized others to circulate nominating petitions on ~~his~~ the individual's behalf, for nomination for or election to any elective city office, or who receives a contribution or makes an expenditure or gives ~~his~~ consent for any other person to receive a contribution or makes an expenditure with a view to bringing about ~~his~~ the individual's nomination or election to any elective city office, whether or not the specific elective office for which ~~he~~ the candidate will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not ~~he~~ the candidate has announced ~~his~~ the candidacy or filed a

declaration of candidacy at such time. "Candidate" also includes any holder of an elective city office who is the subject of a recall election. "Candidate" does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

An individual who becomes a candidate ~~shall retain his or her~~retains status as a candidate until such time as that status is terminated pursuant to Government Code Section 84214.

"City election" means any primary, general, or special election, including a recall election held within the city for elective city office or on a city measure. Each primary, general or special election is a separate election for purposes of this chapter.

"City measure" means:

1. Any proposition for the issuance of funding or refunding of bonds of the city, or any other question or proposition submitted to the voters of the city at any election held throughout the entire city.
2. "City measure" includes any measure under subdivision (1) of this subsection which is submitted to a popular vote at an election by action of the city council or which is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum, or recall procedure, whether or not it qualified for the ballot.

"Enforcement authority" means the district attorney of the county of San Diego. Nothing in this chapter ~~shall~~may be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this chapter under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so. (Ord. 419 § 1, 2002)

2.40.050 Campaign statements.

Each candidate and committee ~~shall~~must file campaign statements in the time and manner required by the Political Reform Act of 1974 as amended (Gov. Code § 84100, et seq.). Compliance with the requirements of that act ~~shall be~~are deemed to be in compliance with this ~~section~~chapter. (Ord. 419 § 1, 2002)

2.40.060 Campaign contributions—Limitations.

A. No person other than the candidate ~~shall~~is permitted to make, and no campaign treasurer ~~shall~~may solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed seven hundred dollars (\$700).

B. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in prior campaigns, or otherwise.

C. The dollar limitation set forth in subdivision (A) of this section may be adjusted by an ordinance adopted by the Santee city council to reflect changes in the Consumer Price Index, rounded to the nearest fifty dollars, on or after January 2 of the year 2003 and on or after January 2 of every odd-numbered year thereafter. (Ord. 532 § 2, 2015; Ord. 485 § 1, 2009; Ord. 476 § 1, 2008; Ord. 448 § 1, 2005; Ord. 419 § 1, 2002)

2.40.070 Organizational contributions.

A. No person, other than an individual or a professional corporation that includes only one individual, ~~shall~~may make a contribution to any candidate or committee; provided, however, that this section ~~shall~~does not apply to contributions made to a committee which is organized solely for the purpose of supporting or opposing the qualification for the ballot or adoption of one or more city measures. If the contribution is made by a professional corporation that includes only one individual, that individual ~~shall~~may not make any contribution in that person's individual capacity which, if combined with the contributions made as a professional corporation, would exceed the individual contribution limit as set forth in Section 2.40.060.

B. No ~~officer~~-employee, agent or attorney or other representative of a person covered by this division ~~shall~~may aid, abet, advise or participate in a violation of this section.

C. No person ~~shall~~may knowingly accept a payment or contribution made in violation of this section.

D. If a campaign treasurer is offered a contribution which would be in excess of the limitation, the treasurer must refuse the contribution. If, however, a contribution which is in violation of this section is deposited into the campaign trust account, the campaign treasurer ~~shall~~must report in writing within five days of the receipt of the contribution to the enforcement authority the facts surrounding such payment or contribution. (Ord. 419 § 1, 2002)

2.40.080 Candidate's loans to campaign.

A. The provisions of this section regarding loans apply to extensions of credit, but ~~do~~ not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

B. A candidate for elective city office may not personally loan to ~~his or her~~the ~~candidate's~~ campaign an amount, the outstanding balance of which exceeds one hundred thousand dollars. A candidate may not charge interest on any loan ~~he or she~~the candidate made to ~~his or her~~the candidate's campaign. (Ord. 419 § 1, 2002)

2.40.090 Advertising rates—Service fees and charges.

To the extent that any person sells space in any newspaper or magazine or sells time on a broadcast station to a candidate or committee or performs other services in connection with the campaign of the candidate or for or against the measure, the charges made for the use of such space or time ~~shall~~may not exceed the charges normally made to comparable use of such space or time by other users thereof. (Ord. 419 § 1, 2002)

2.40.100 Suppliers of good and services—Disclosure of records required.

No person who supplies goods or services or both goods and services to a candidate or committee for use in connection with the campaign of the candidate or for or against the measure shall ~~may~~ refuse knowingly to divulge or disclose to the enforcement authority ~~his~~ that person's record ~~to~~ of any expenditures made by the candidate or committee in payment for such goods or services or both. (Ord. 419 § 1, 2002)

2.40.110 Duties of city clerk.

In addition to other duties required of ~~him or her~~ the city clerk under the terms of this chapter, the city clerk shall ~~may~~ must:

A. Supply appropriate forms and manuals prescribed by the California Fair Political Practices Commission. These forms and manuals shall ~~may~~ must be furnished to all candidates and committees, and to all other persons required to report;

B. Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of state law;

C. Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law;

D. Report apparent violations of this chapter and applicable state law to the enforcement authority;

E. Compile and maintain a current list of all statements or parts of statements filed with the clerk's office pertaining to each candidate and each measure;

F. Cooperate with the enforcement authority in the performance of the duties of the enforcement authority as prescribed in this chapter and applicable state laws. (Ord. 419 § 1, 2002)

2.40.120 Enforcement authority—Duties, complaints, legal action, investigatory powers.

A. The enforcement authority shall ~~may~~ must enforce the provisions of this chapter.

B. Any person who believes that a violation of any portion of this chapter has occurred may file a complaint with the enforcement authority. If the enforcement authority determines that there is reason to believe a violation of this chapter has occurred, it shall ~~may~~ must make an investigation. Whenever the enforcement authority has reason to believe a ~~willful~~ willful violation of this chapter has occurred or is about to occur, it may institute such legal action at such time as it deems necessary to prevent further violations.

C. The enforcement authority shall ~~have~~ have such investigatory powers as are necessary for the performance of the duties prescribed in this chapter and may demand and be furnished records of campaign contributions and expenses at any time.

D. The enforcement authority ~~shall~~must determine whether required statements and declarations have been filed as required and, if so, whether they conform with the requirement of this chapter. (Ord. 419 § 1, 2002)

2.40.130 Penalties.

Any person who knowingly or willfully violates any provisions of this chapter is guilty of a misdemeanor. In addition to any other penalty provided by law, any willful or knowing failure to report contributions, done with intent to mislead or deceive, ~~shall be~~is punishable by a fine of not less than five hundred dollars. (Ord. 419 § 1, 2002)

2.40.140 Rules of construction.

This chapter ~~shall~~will be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any ~~officer~~person in any procedure taken under this chapter which does not directly affect the jurisdiction of the city to control campaign contributions and expenditures ~~shall void~~voids the effect of this chapter. (Ord. 419 § 1, 2002)

2.40.150 Severability.

~~If any section, subsection, subdivision, sentence, clause, phrase or portion of this chapter, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter or its application to other persons. The Santee city council hereby declares that it would have adopted this chapter, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions, or the application thereof to any person, be declared invalid or unconstitutional. (Ord. 419 § 1, 2002)~~

CHAPTER 2.44 MANUFACTURED HOME FAIR PRACTICES COMMISSION

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Summary report:	
Litéra® Change-Pro 7.5.0.135 Document comparison done on 3/3/2017 2:17:37 PM	
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Delete	401
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Move To	47
Table Insert	0
Table Delete	0
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Table moves from	0
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Embedded Excel	0
Format changes	0
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