

## SDMC SECTION 121.0205 AUTHORITY TO ISSUE STOP ORDERS

*The City Manager or designated Code Enforcement Official may issue a Stop Work Order or a Stop Use Order in accordance with Sections 121.0309 or 121.0310.*

## SDMC SECTION 121.0309 PROCEDURE FOR ISSUING A STOP WORK ORDER

- (a) Issuing a Stop Work Order. *Whenever any work is being performed that is contrary to the provisions of the Land Development Code, the City Manager may order the work stopped by issuing a Stop Work Order. The Stop Work Order shall be in writing and shall be served on any person engaged in the work or causing the work to be performed. The person served with the Stop Work Order shall stop the work until authorized by the City manager to proceed.*
- (b) *City Attorney Review. Where a permit has been issued, the City Attorney shall approve all Stop Work Orders before issuance except where irreparable harm is imminent so as to warrant an emergency Stop Work Order. Where emergency circumstances exist, the order shall be issued according to the discretion of the City Manager or designated Code Enforcement Official with immediate subsequent review by the City Attorney.*

## SDMC SECTION 121.0310 PROCEDURE FOR ISSUING A STOP USE ORDER

*Whenever any structure or equipment regulated by the Land Development Code is being used contrary to the provisions of the Land Development Code, the City Manager may order the use discontinued and the structure, or portion thereof, vacated by issuing a Stop Use Order. The Stop Use Order shall be in writing and shall be served on any person engaged in the use to be discontinued. The person served with the Stop Use Order shall discontinue the use within the time stated in the Stop Use Order until authorized by the City Manager to proceed.*

## SECTION 260(b) OF SAN DIEGO CITY CHARTER

Under the Strong Mayor Form of Government, “All executive *authority*, power, and responsibilities *conferred upon the City Manager in Article V...* shall be transferred to, assumed, and carried out by the Mayor...”

## ARTICLE V, SECTION 28 OF SAN DIEGO CITY CHARTER

It is the *duty of the City Manager* “...to see that the ordinances of the City and the laws of the State are enforced” and “all other administrative powers conferred by the laws of the State upon any municipal official shall be exercised by the Manager or persons designated by him.”

In addition, “The Manager may direct any Department or Division to perform work for any other Department or Division.”

**SECTION 265(b)(2) OF SAN DIEGO CITY CHARTER**

*“In addition* to exercising the authority, power, and responsibilities formally conferred upon the City Manager as described in section 260(b), the *Mayor shall* have...the additional rights, powers, and *duties...[t]o execute and enforce all laws, ordinances,* and policies *of the City....”*