

APR 22 1971

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 5 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING DIVISION 1 RELATING TO STREET LIGHTS AND POLES, AND BY AMENDING DIVISION 2 RELATING TO THE SAN DIEGO MAINTENANCE DISTRICT PROCEDURAL ORDINANCE OF 1969.

Section 1. That Chapter VI, Article 5 of the San Diego Municipal Code be, and the same is hereby amended by repealing Division 1 entitled, "Street Lights and Poles" and repealing the following sections:

DIVISION 1

STREET LIGHTS AND POLES

- SEC. 65.0102 STREET LIGHTING SYSTEM OPERATION ACT - PURPOSE
- SEC. 65.0103 SAME - SCOPE OF ARTICLE
- SEC. 65.0104 SAME - AUTHORITY TO CREATE THE DISTRICT
- SEC. 65.0105 SAME - THE PRELIMINARY REPORT
- SEC. 65.0106 SAME - THE RESOLUTION OF INTENTION
- SEC. 65.0107 THE STREET LIGHTING SYSTEM OPERATION ACT - PROTEST AND HEARING
- SEC. 65.0108 SAME - LIMITATION ON CONTEST OF VALIDITY
- SEC. 65.0109 SAME - LEVYING AND COLLECTING THE ASSESSMENT
- SEC. 65.0110 SAME - LOAN TO DISTRICT
- SEC. 65.0111 SAME - SALE OF DELINQUENT PROPERTY
- SEC. 65.0112 SAME - REDEMPTION OF DELINQUENT PROPERTY
- SEC. 65.0113 SAME - EXECUTION OF DEED TO PROPERTY

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Section 2. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by repealing the following sections:

SEC. 65.0223 NOTICE, MAIL

SEC. 65.0224 NOTICE, COMPLETION

Section 3. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by amending Sections 65.0203, 65.0215, 65.0216, 65.0217 and 65.0229 to read as follows:

SEC. 65.0203 COSTS ASSESSABLE

Costs assessable include the costs of maintenance, replacement, upgrading and assessment levy and collection.

"Maintenance" includes the furnishing of all labor, materials and equipment required to operate and maintain a public system or facility, including but not limited to the furnishing of electric current or other illuminating agent for a lighting system.

SEC. 65.0215 PETITION

The formation of a maintenance district or the alteration of the boundaries thereof may be proposed by petition signed by the owners of at least 60 percent of the area of assessable lands in the proposed district or territory proposed for annexation or withdrawal.

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This petition may be included in the petition for the construction of the improvement to be maintained. The petition may consist of any number of separate instruments. The petition shall be filed with the City Clerk.

SEC. 65.0216 CITY INITIATION

The City Council may by resolution order the formation of a maintenance district or the alteration of the boundaries thereof when it finds that the public interest or convenience requires that the cost of maintaining a system or facility which has been or is to be acquired, installed or constructed be assessed, partly or wholly, upon the lands within a district to be benefited by such maintenance. Any number of public properties, systems or facilities requiring similar maintenance may be included in one district.

SEC. 65.0217 PRELIMINARY REPORT

Prior to the adoption of the resolution of intention, a report shall be prepared by the City Engineer and filed with the City Council. Such report shall contain substantially the following:

- (a) A map showing the public property within which systems or facilities to be maintained have been acquired, installed or are to be installed, and each lot or parcel of land abutting such public property or

otherwise benefiting from such maintenance. Each such lot or parcel of land shall be given a separate number upon the map. The map, as approved by the City Council, shall govern for all details as to the lots or parcels of land to be benefited by such maintenance;

- (b) When the maintenance includes the supplying of energy, a statement that the entire area included within the proposed district will be served by a single public utility whose rates are subject to regulation by the Public Utilities Commission of the State of California;
- (c) The estimated cost for maintenance of the facilities for the period of time for which the proposed district is to be assessed, together with an estimate of the expenses incidental to the proceedings under this Division;
- (d) A proposed assessment of the cost of maintenance and the estimated incidental expenses upon the several lots or parcels shown on the map referred to in (a) above, in proportion to the estimated benefits to be received by each such lot. The assessment shall refer to such lots or parcels by their respective numbers on such map;

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(e) A general description of the system or facility to be operated or maintained.

SEC. 65.0229 ASSESSMENT MAP

The assessment map shall clearly indicate the extent of the territory included in the district or annexed thereto. The assessment map shall also show the boundaries and dimensions of each lot or parcel of land included in the district and each lot shall be distinctly numbered or otherwise identified. After land has been approved by the Council for inclusion in a district it shall be shown on the assessment map recorded in the City Treasurer's office, together with a suitable notation of the Council's approval. Thereafter, such land may be described in the report and elsewhere by appropriate assessment map reference and may be assessed pursuant to this Division and it need not, for that purpose, be further indicated on the assessment maps to be transmitted to the Council.

For succeeding or corrected assessments or reassessments, the parcel numbering or identification may be changed. Combinations and divisions of parcels may be shown on the assessment maps or new pages may be prepared if an inspection of such new maps will readily disclose precisely what land is covered by a particular parcel identification for the current or any prior maintenance assessment period.

All assessment maps not previously recorded and new or revised pages of previously recorded maps shall accompany the report and shall not be included in the recorded assessment map until approved by the Council and the assessment roll associated therewith is confirmed by the Council.

All lands included in a district, pursuant to the provisions of the Street Lighting System Operation Act of 1962, which are in service and operation upon the effective date of this Division are hereby approved by the Council for subsequent assessment purposes pursuant to this Division, and the Street Superintendent shall certify on the assessment map showing such lands as assessable, the date and fact of the last proceeding approval by the Council of the respective assessment map. The certificate of the Street Superintendent shall be prima facie evidence of the truth of such matters certified.

Section 4. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by adding Section 65.0219 and 65.0237 to read as follows:

SEC. 65.0219 ANNEXATION OF NEW SUBDIVISIONS - LIGHTING DISTRICTS

In the event that a subdivider installs a street lighting system which is similar to that being maintained

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by a lighting district, the Council may order, without notice or hearing, that the territory within the subdivision be annexed to that lighting district at the time of approval of the final subdivision map.

SEC. 65.0237 DISSOLUTION - LIGHTING DISTRICTS

The boundaries of a zone within a district may be changed or dissolved in the same manner that a zone may be formed within an existing lighting district.

Any lighting district may be dissolved by the Council by adoption, upon its own motion, of a resolution declaring its intention to dissolve the lighting district and fixing a time and place for a hearing thereon.

Notices of dissolution of lighting district shall be published in accordance with this Division. At the hearing the Council shall hear and pass upon the question of dissolution. If the Council determines that the lighting district shall be dissolved, the Council by resolution shall order the dissolution and the lighting district shall thereupon be dissolved.

Section 5. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by renumbering the following sections as indicated below:

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<u>OLD SECTION NO.</u>	<u>TITLE</u>	<u>NEW SECTION NO.</u>
65.0204	NOTICE - GENERAL	65.0222
65.0205	COMPLIANCE WITH DIVISION	65.0204
65.0206	NECESSARY OR CONVENIENT PROCEDURE AUTHORIZED	65.0205
65.0207	NONEXCLUSIVENESS OF REMEDIES	65.0206
65.0208	CURATIVE CLAUSES	65.0207
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65.0222	NOTICE, POST OR MAILING	65.0224
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65.0232	SURPLUS	65.0234
65.0233	ALTERNATE METHOD FOR COLLECTING THE ASSESSMENT	65.0235
65.0234	LOAN TO DISTRICT	65.0236
65.0240	NOTICE OF SALE	65.0239
65.0241	PAYMENT OF DELINQUENT ASSESSMENTS	65.0240
65.0242	SALE OF DELINQUENT PROPERTY	65.0241
65.0243	REDEMPTION	65.0242
65.0244	EXECUTION OF DEED TO PROPERTY	65.0243

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Section 6. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by amending Sections 65.0221, 65.0222, 65.0223, 65.0224, 65.0227, 65.0228, 65.0239, 65.0240, 65.0241 and 65.0243 as renumbered in Section 5 of this ordinance to read as follows:

SEC. 65.0221 SAME - CONTENTS

The resolution of intention shall refer to the map on file with the City Clerk and shall contain:

- (a) A statement of the public property to be maintained;
- (b) A general description of the system or facility to be operated or maintained;
- (c) A statement of the estimated cost of maintenance of the system or facility plus incidental expenses for the period of time for which the proposed district shall be assessed, together with a statement of the proposed assessments;
- (d) A general description of the boundaries of the district or the territory to be benefited and to be assessed to pay the costs for the maintenance of the system or facility;
- (e) A statement of the length of time that the maintenance shall be performed;
- (f) A time and place for the hearing of protests and objections to the proposed maintenance, the awarding of the contract, or the proposed assessment;

- (g) A statement that assessments will be levied pursuant to this Division;
- (h) The City Council may order that a portion of the costs of such maintenance shall be paid by the City.

SEC. 65.0222 NOTICE - GENERAL

Whenever notice is to be given pursuant to this Division and the officer to give such notice is not designated, the notice shall be given by the City Clerk. All noticing required herein shall be completed at least 15 days prior to the date of the hearing and all notices shall be clearly entitled "Notice of Maintenance District." Where mailed notice is utilized, the notice shall be mailed to each person who owns real property within the boundaries of the territory sought to be formed into a district, assessed, annexed, or withdrawn. The City Clerk shall file an affidavit setting forth the time and manner of compliance with this Section. Any notice shall not be invalidated because given or done by an officer other than the one whose duty it is to give the notice.

SEC. 65.0223 NOTICE, PUBLISH

After the passage of the resolution of intention, a notice shall be published in the City official newspaper. Such notice shall set forth the information contained in the resolution of intention.

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SEC. 65.0224 NOTICE, POST OR MAILING

The Street Superintendent shall also cause a notice to be posted not more than 300 feet apart, but not less than three in all, on all open streets within the proposed district.

As an alternate to the posting requirement, the City Clerk may cause a notice to be mailed as provided in this Division.

If the property owner is one whose land is being assessed for the first time pursuant to this Division, the City Clerk shall mail a copy of the notice to such owner.

SEC. 65.0227 PROTESTS

No later than the hour set for hearing protests, the owner of any land within the proposed district or territory may make written protests against the proposed maintenance, the amount of assessment, or the awarding of the contract, by filing his protest with the Clerk. No other protests shall be considered by the City Council.

SEC. 65.0228 HEARING

The City Council shall hear, consider and pass upon the protests, and may confirm, correct or modify the proposed assessment or the boundaries of the district. Land not within the district or territory as described in the resolution of intention may not be included. If the protests

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are sustained, the proceedings shall be abandoned, but may be renewed at any time. If the protests are denied, or if no protests were filed with the City Clerk, the City Council shall have jurisdiction to and may, by resolution order the district formed or the territory annexed or withdrawn, confirm the assessment, order the proposed maintenance, and award the contract.

SEC. 65.0239 NOTICE OF SALE

The City Treasurer shall, not less than one year, but not more than one year and 15 days after the date of delinquency, begin publication of a notice of sale of the property upon which the assessments have not been paid, which publication shall be made by two insertions in the City official newspaper. The notice of sale shall contain a description sufficient to identify each lot or parcel of delinquent property, the name of the owner, the amount of the assessment, the delinquency penalties, and the portion of the costs of sale attributable to such lot or parcel. The notice shall also contain a statement that unless each delinquent assessment, penalty and cost is paid, the land upon which the assessment is a lien will be sold to the City by operation of law at a sale to take place in the City Treasurer's office at a time specified in the notice. The City Treasurer shall also mail the same notice to the owner of each lot or parcel of delinquent property.

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SEC. 65.0240 PAYMENT OF DELINQUENT ASSESSMENTS

At any time after the delinquency but prior to the sale by operation of law of any lots or parcels of lands assessed and delinquent, any person may pay the assessment, penalties and costs thereon. The costs shall include the cost of advertising.

SEC. 65.0241 SALE OF DELINQUENT PROPERTY

At the time fixed in the notice of sale the City Treasurer shall execute a certificate of sale to the City. This certificate shall refer to the proceedings, shall state that the property was sold to the City for nonpayment of delinquent assessments which were a lien on the property, shall describe the property sold, and shall state the amount for which the property was sold to the City, which amount shall be the sum of the delinquent assessment, the penalties and costs. The certificate shall be kept on file in the City Treasurer's office.

SEC. 65.0243 EXECUTION OF DEED TO PROPERTY

If the property has not been redeemed, the City Treasurer shall, after the expiration of three years but before the expiration of four years from the date of sale, execute to the City a deed of land sold, in which shall be recited substantially the matters contained in the certificate, and the fact that no person has redeemed the land.

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The City Treasurer shall, at least 30 days before execution of the deed, cause to be served upon the owner of the land, and upon the occupant of the land, if it is occupied, a written notice setting forth:

- (a) A description of the land;
- (b) That the land has been sold for a delinquent assessment (specifying the maintenance for which the assessment was made);
- (c) The amount for which the land was sold;
- (d) The amount necessary to redeem at the time of giving notice;
- (e) The date when the City Treasurer will deed it to the City.

If the owner cannot be found, after due diligence, the notice shall be posted in a conspicuous place upon the land at least 30 days before the date for execution of the deed. The person actually serving the notice shall file with the City Treasurer an affidavit showing that the notice has been given, as required, and if the notice was not served on the owner of the land personally, that due diligence was used to find the owner. The City Treasurer shall receive and file such affidavit in his office.

If the redemption of the land is made after affidavits are filed, the person making such redemption shall pay to

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the City Treasurer, in addition to the other amounts required, \$2.00 for the service of notice and making of such affidavit. No deed for any land sold for delinquent assessments shall be executed by the City Treasurer until all the provisions of this Division have been complied with.

The deed of the City Treasurer shall be prima facie evidence of the truth of all matters recited therein, of the regularity of all proceedings prior to the execution thereof, and of the title in the grantee.

Section 7. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by adding Sections 65.0218, 65.0225, 65.0226, 65.0230 and 65.0231 as renumbered in Section 5 of this ordinance to read as follows:

SEC. 65.0218 ANNEXATIONS AND WITHDRAWALS - LIGHTING DISTRICTS

Where the maintenance consists of supplying energy, maintenance and service to lighting facilities the boundaries of any such lighting district may be altered and contiguous or noncontiguous benefited territory may be annexed thereto or any portion of the territory within the district which will not be benefited may be withdrawn therefrom.

The Council shall by resolution fix a time and place for hearing upon the question of annexation or withdrawal of territory to or from an existing lighting district. The date set for hearing shall be at least three weeks from the date of the adoption of such resolution. Notice of hearings for annexation or withdrawal shall be in accordance with this Division.

Any person may appear at the hearing and object to the annexation or withdrawal of territory to or from the lighting district and may object to the continuance of the lighting district.

The Council shall consider and pass upon all objections and if it finds that territory sought to be annexed or withdrawn will benefit from the annexation or withdrawal and that the lighting district will not be adversely affected by the annexation or withdrawal, then it shall order such annexation or withdrawal and shall specify a date upon which such annexation or withdrawal is to become effective.

SEC. 65.0225 CONTRACTS - GENERAL

All contracts for maintenance shall be let to the lowest responsible bidder. The contract shall be accompanied by such bonds as may be deemed adequate to secure the faithful performance of the contract and the payment of all claims for labor and material. The Council may reject any and all bids.

Nothing in this Division shall be construed as prohibiting the City itself from maintaining and operating any or all of the improvements or facilities when directed by the Council and from purchasing the materials and supplies and employing labor necessary for such purpose.

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SEC. 65.0226 CONTRACTS - LIGHTING DISTRICTS

Where the maintenance described in the resolution of intention includes the supplying of energy, maintenance and service of lighting systems and the district is entirely within the service area of a single public utility whose rates are subject to regulation by the Public Utilities Commission of the State of California, the City may contract directly with that public utility without the requirement to solicit bids or to secure faithful performance bonds with the contract. The contract shall be for a period of not less than one year but not more than four years; provided that contracts for more than one year may be terminated by either party upon written notice, not less than 60 days prior to the anniversary date of the contract.

The Council may, without further hearings, enter into a new contract for a period of not more than four years for service provided that none of the rates included in the new contract increase more than five percent over the rates contained in the contract last approved by Council after public hearing.

SEC. 65.0230 ASSESSMENT - LIGHTING DISTRICT

On or about the anniversary date following the formation of a lighting district and each year thereafter, the Council shall establish the costs to be assessed for the supplying of energy, maintenance and servicing of the lighting system over

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the ensuing year. The Council shall determine the portion of such cost to be assessed to the lighting district and shall by resolution approve the amounts to be assessed to the individual properties within the lighting district.

SEC. 65.0231 SPECIAL ZONES AUTHORIZED

Special zones may be formed within a maintenance district where the Council determines that an area contains facilities which require special maintenance or service in addition to those provided generally by the district. The Council shall also determine that the benefit from such special maintenance or service accrues to a limited area within the district and that the assessment levied within the special zone is commensurate with that benefit. Notice of such special zone must be included in the resolution of intention to form a district or annex territory thereto.

Special zones may be formed within a lighting district at a time other than at the formation of the district or any annexation thereto, pursuant to the same procedures of resolution, notice, and hearing as are applied under this Division to the annexation of territory.

Section 8. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By   
Clifton E. Reed, Deputy

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CER:cav  
Rev. pp. 3, 5, 7, 9,  
11, 15 and 17



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Passed and adopted by the Council of The City of San Diego on  
by the following vote:

RECEIVED  
CITY CLERK'S OFFICE

1971 MAR 26 PM 12:11

SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

**FRANK CURRAN**  
 Mayor of The City of San Diego, California.  
**EDWARD NIELSEN**  
 City Clerk of The City of San Diego, California.

(Seal)

By Elfa J. Hamel, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

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~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

**EDWARD NIELSEN**  
 City Clerk of The City of San Diego, California.

(Seal)

By Elfa J. Hamel, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 10557 Adopted APR 22 1971

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STRIKE-OUT COPY

SAN DIEGO MAINTENANCE  
DISTRICT PROCEDURAL ORDINANCE  
OF 1969

PROPOSED REVISIONS RELATING TO  
PROCEDURES GOVERNING STREET  
LIGHTING MAINTENANCE DISTRICTS

REVISED APRIL 2, 1971

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A. General

SEC. 65.02.01 PURPOSE AND INTENT

The purpose and intent of this Ordinance is to establish one method by which systems or facilities on public property may be maintained, the cost of such maintenance may be assessed to property adjacent to or in the vicinity of such systems or facilities and receiving a benefit therefrom, and such assessments may be collected.

SEC. 65.02.02 CITATION

This Ordinance may be cited as the San Diego Maintenance District Procedural Ordinance of 1969.

SEC. 65.02.03 COSTS ASSESSABLE

Costs assessable include the costs of maintenance, replacement, upgrading and assessment levy and collection.

"Maintenance" includes the furnishing of all labor, materials and equipment required to operate and maintain a public system or facility, including but not limited to the furnishing of electric current or other illuminating agent for a lighting system when the system is served by a single public utility whose rates are subject to regulation by the Public Utilities Commission of the State of California.

Relocated to  
Sec. 65.02.26

~~SEC. 65.02.04 NOTICE~~

~~Whenever notice is to be given pursuant to this Ordinance and the officer to give the notice is not designated, the notice shall be given by the City Clerk. Any notice shall not be invalidated because given or done by an officer other than the one whose duty it is to give the notice.~~

Relocated to  
Sec. 65.02.22



SEC. 65.02.05 4 COMPLIANCE WITH ORDINANCE

Any proceedings taken or assessment levied pursuant to this Ordinance shall not be held invalid for failure to comply with the provisions of this Ordinance.

SEC. 65.02.06 5 NECESSARY OR CONVENIENT PROCEDURE AUTHORIZED

Any procedure not expressly set forth in this Ordinance but deemed necessary or convenient to carry out any of its purposes is authorized.

SEC. 65.02.07 6 NONEXCLUSIVENESS OF REMEDIES

The remedies provided in this Ordinance for the enforcement of any assessment levied pursuant to this Ordinance are not exclusive, and additional remedies may be provided at any time

SEC. 65.02.08 7 CURATIVE CLAUSES

The curative clauses of this Ordinance are cumulative, and each is to be given full effect.

SEC. 65.02.09 8 ABANDONMENT OF PROCEEDINGS

Proceedings under this Ordinance may be abandoned at any time prior to the confirmation of the assessments.

SEC. 65.02.10 9 EFFECT UPON OTHER LAW

This Ordinance does not affect any other law relating to the same or any similar subject, but provides an alternative authority and procedure for the subject to which it relates.

When proceeding under this Ordinance, its provisions only need be followed.

SEC. 65.02.11 10 CONSTRUCTION

This Ordinance is to be liberally construed.

B. Formation

SEC. 65.02.15 PETITION

The formation of a maintenance district or the alteration of the boundaries thereof may be proposed by petition signed by the owners of at least sixty percent (60%) of the area of assessable lands in the proposed district or territory proposed for annexation or withdrawal. This petition may be included in the petition for the construction of the improvement to be maintained. The petition may consist of any number of separate instruments. The petition shall be filed with the City Clerk.

SEC. 65.02.16 CITY INITIATION

The City Council may by resolution order the formation of a maintenance district or the alteration of the boundaries thereof when it finds that the public interest or convenience requires that the cost of maintaining a system or facility which has been or is to be acquired, installed or constructed be assessed, partly or wholly, upon the lands within a district to be benefited by such maintenance. Any number of public properties, systems or facilities requiring similar maintenance may be included in one district.

SEC. 65.02.17 PRELIMINARY REPORT

Prior to the adoption of the resolution of intention, a report shall be prepared by the City Engineer and filed with the City Council. Such report shall contain substantially the following:

(a) A map showing the public property within which systems or facilities to be maintained have been acquired, installed or are to be installed, and each lot or parcel of land abutting such public property or otherwise benefiting from such maintenance. Each such lot or parcel of land shall be given a separate number upon the map. The map, as approved by the City Council, shall govern for all details as to the lots or parcels of land to be benefited by such maintenance;

(b) When the maintenance includes the supplying of energy, a statement that the entire area included within the proposed district will be ~~so~~ served by a single public utility whose rates are subject to regulation by the Public Utilities Commission of the State of California;

(c) The estimated cost for maintenance of the ~~district~~ facilities for the period of time for which the proposed district is to be assessed, to-be-specified in-the-resolution-of-intention together with an estimate of the expenses incidental to the proceedings under this Ordinance;

(d) A proposed assessment of the cost of maintenance and the estimated incidental expenses upon the several lots or parcels shown on the map referred to in (a) above, in proportion to the estimated benefits to be received by each such lot, ~~or-parcel-for-the-period-of-time-to-be-specified-in-the-resolution-of-intention~~. The assessment shall refer to such lots or parcels by their respective numbers on such map;

(e) A general description of the system or facility to be operated or maintained.

SEC. 65.02.18 ANNEXATIONS AND WITHDRAWALS-  
LIGHTING DISTRICTS

Where the maintenance consists of supplying energy, maintenance and service to lighting facilities the boundaries of any such lighting district may be altered and contiguous or noncontiguous benefited territory may be annexed thereto or any portion of the territory within the district which will not be benefited may be withdrawn therefrom.

The Council shall by resolution fix a time and place for hearing upon the question of annexation or withdrawal of territory to or from an existing lighting district. The date set for hearing shall be at least three weeks from the date of the adoption of such resolution. Notice of hearings for annexation or withdrawal shall be in accordance with this Division.

Any person may appear at the hearing and object to the annexation or withdrawal of territory to or from the lighting district and may object to the continuance of the lighting district.

The Council shall consider and pass upon all objections and if it finds that territory sought to be annexed or withdraw will benefit from the annexation or withdrawal and that the lighting district will not be adversely effected by the annexation or withdrawal, then it shall order such annexation or withdrawal and shall specify a date upon which such annexation or withdrawal is to become effective.

SEC. 65.02.19      ANNEXATION OF NEW SUBDIVISIONS -  
LIGHTING DISTRICTS

In the event that a subdivider installs  
a street lighting system which is similar to  
that being maintained by a lighting district,  
the Council may order, without notice or hearing,  
that the territory within the subdivision be  
annexed to that lighting district at the time  
of approval of the final subdivision map.

SEC. 65.02.20 20 COUNCIL ACTION ON THE REPORT

The report shall be presented to the City Council for its approval, and it may be modified by the City Council at any time prior to the adoption of the resolution of intention. When the report is approved by the City Council, it shall be filed with the City Clerk.

SEC. 65.02.20 21 SAME - CONTENTS

The resolution of intention shall refer to the map on file with the City Clerk and shall contain:

- (a) A statement of the public property to be maintained;
- (b) A general description of the system or facility to be operated or maintained;
- (c) A statement of the estimated cost of maintenance of the system or facility plus incidental expenses for each year the period of time for which the proposed district shall be assessed, together with a statement of the proposed assessments;
- (d) A general description of the boundaries of the district or the territory to be benefited and to be assessed to pay the costs for the maintenance of the system or facility;

(e) A statement of the length of time ~~not-to-exceed-2-years-from-the-date-of-the-formation-of-the-maintenance-district~~ that the maintenance shall be performed;

(f) A time and place for the hearing of protests and objections to the proposed maintenance, the awarding of the contract, or the proposed assessment;

(g) A statement that assessments will be levied pursuant to this Ordinance;

(h) The City Council may order that a portion of the costs of such maintenance shall be paid by the City.

SEC. 65.02.22 NOTICE - GENERAL

Whenever notice is to be given pursuant to this ordinance and the officer to give such notice is not designated, the notice shall be given by the City Clerk. All noticing required herein shall be completed at least fifteen (15) days prior to the date of the hearing and all notices shall be clearly entitled "Notice of Maintenance District". Where mailed notice is utilized, the notice shall be mailed to each person who owns real property within the boundaries of the territory sought to be formed into a district, assessed, annexed, or withdrawn. The City Clerk shall file an affidavit setting forth the time and manner of compliance with this section. Any notice shall not be invalidated because given or done by an officer other than the one whose duty it is to give the notice.

SEC. 65.02.21 23 NOTICE, PUBLISH

After the passage of the resolution of intention, ~~the City Clerk shall cause~~ a notice shall entitled "~~Notice of Maintenance District~~" to be published in the City official newspaper. Such notice shall set forth the information contained in the resolution of intention.

SEC. 65.02.22 24 NOTICE, POST OR MAILING

The Street Superintendent shall also cause a notice the "~~Notice of Maintenance District~~" to be posted not more than three hundred (300) feet apart, but not less than three in all, on all open streets within the proposed district.

SEC. 65.02.23 NOTICE, MAIL

As an alternate to the posting requirement ~~in the preceding section~~, the City Clerk may cause a notice the "~~Notice of Maintenance District~~," to be mailed to each property owner within the proposed district as provided in this ordinance.

~~The City Clerk shall mail a copy of the "Notice of Maintenance District" to each property owner whose land is being assessed for maintenance for the first time. Property owners noticed for assessment under the Street Lighting System Operation Act 1962 shall be considered to have been noticed under this Ordinance.~~

If the property owner is one whose land is being assessed for the first time pursuant to this Division, the City Clerk shall mail a copy of the notice to such owner.

SEC. 65.02.24 NOTICE, COMPLETION

~~All notices shall have been completed at least ten (10) days prior to the date of the hearing.~~

Covered Under  
Sec. 65.02.22

SEC. 65.02.25      CONTRACTS - GENERAL

All contracts for maintenance shall be let to the lowest responsible bidder. The contract shall be accompanied by such bonds as may be deemed adequate to secure the faithful performance of the contract and the payment of all claims for labor and material. The Council may reject any and all bids.

Nothing in this ordinance shall be construed as prohibiting the City itself from maintaining and operating any or all of the improvements or facilities when directed by the Council and from purchasing the materials and supplies and employing labor necessary for such purpose.

SEC. 65.02.26      CONTRACTS - LIGHTING DISTRICTS

Where the maintenance described in the Resolution of Intention includes the supplying of energy, maintenance and service of lighting systems and the district is entirely within the service area of a single public utility whose rates are subject to regulation by the Public Utilities Commission of the State of California, the City may contract directly with that public utility without the requirement to solicit bids or to secure faithful performance bonds with the contract. The contract shall be for a period of not less than one (1) year but not more than four (4) years; provided that contracts for more than one year may be terminated by either party upon written notice, not less than sixty (60) days prior to the anniversary date of the contract.



The Council may, without further hearings, enter into a new contract for a period of not more than four years for service provided that none of the rates included in the new contract increase more than five (5) percent over the rates contained in the contract last approved by Council after public hearing.

SEC. 65.02.25 27 PROTESTS

No later than the hour set for hearing protests, the owner of any land within the proposed district or territory may make written protest against the proposed maintenance, the amount of assessment, or the awarding of the contract, by filing his protest with the Clerk. No other protests shall be considered by the City Council.

SEC. 65.02.26 28 HEARING

The City Council shall hear, consider and pass upon the protests, and may confirm, correct or modify the proposed assessment of or the boundaries of the district. No Land not within the district or territory as described in the resolution of intention may not be included. If the protests are sustained, the proceedings shall be abandoned, but may be renewed at any time. If the protests are denied, or if no protests were filed with the City Clerk, the City Council shall have jurisdiction to and may, by resolution order the district formed or the territory annexed or withdrawn, confirm the assessment, order the proposed maintenance, and award the contract.

C. Assessment

SEC. 65.02.29 ASSESSMENT MAP

The assessment map shall clearly indicate the extent of the territory included in the district or annexed thereto. The assessment map shall also show the boundaries and dimensions of each lot or parcel of land included in the district and each lot shall be distinctly numbered or otherwise identified. After land has been approved by the Council for inclusion in a district it shall be shown on the assessment map recorded in the City Treasurer's Office, together with a suitable notation of the Council's approval. Thereafter, such land may be described in the report and elsewhere by appropriate assessment map reference and may be assessed pursuant to this Ordinance and it need not, for that purpose, be further indicated on the assessment maps to be transmitted to the Council.

For succeeding or corrected assessments or reassessments, the parcel numbering or identification may be changed. Combinations and divisions of parcels may be shown on the assessment maps or new pages may be prepared if an inspection of such new maps will readily disclose precisely what land is covered by a particular parcel identification for the current or any prior maintenance assessment period.

All assessment maps not previously recorded and new or revised pages of previously recorded maps shall accompany the report and shall not be included in the recorded assessment map until approved by the Council and the assessment roll associated therewith is confirmed by the Council.

All lands included in a district, pursuant to the provisions of the Street Lighting System Operation Act of 1962, which are in service and operation upon the effective date of this Ordinance are hereby approved by the Council for subsequent assessment purposes pursuant to this Ordinance, and the Street Superintendent shall certify on the assessment map showing such lands as assessable, the date and fact of the last proceeding approval by the Council of the respective assessment map. The certificate of the Street Superintendent shall be prima facie evidence of the truth of such matters certified.

SEC. 65.02.30 ASSESSMENT - LIGHTING DISTRICT

On or about the anniversary date following the formation of a lighting district and each year thereafter, the Council shall establish the costs to be assessed for the supplying of energy, maintenance and servicing of the lighting system over the ensuing year. The Council shall determine the portion of such cost to be assessed to the lighting district and shall by resolution approve the amounts to be assessed to the individual properties within the lighting district.

SEC. 65.02.31 SPECIAL ZONES AUTHORIZED

Special zones may be formed within a maintenance district where the Council determines that an area contains facilities which require special maintenance or service in addition to those provided generally by the district. The Council shall also determine that the benefit from such special maintenance or service accrues to a limited area within the district and that the assessment levied within the special zone is comensurate with that benefit. Notice of such special zone must be included in the Resolution of Intention to form a district or annex territory thereto.

Special zones may be formed within a lighting district at a time other than at the formation of the district or any annexation thereto, pursuant to the same procedures of resolution, notice, and hearing as are applied under this Division to the annexation of territory.

SEC. 65.02.90 32 ASSESSMENT RECORDED, NOTICE, PENALTY

On confirmation of the assessment, the City Clerk shall transmit to the City Treasurer the map of the assessment district and the assessment as confirmed by the City Council. The City Treasurer shall record the map and assessment in a suitable book to be kept for that purpose and shall thereupon fix a day not less than 30 nor more than 60 days from the date of the recording of said map and assessment after which all assessments remaining unpaid shall become delinquent. Upon recordation of the map and assessment the City Treasurer shall send an assessment notice to each of the property owners whose lands are liable for the assessment stating that the assessments are due and payable and that the penalty for delinquency, as specified herein, may be added. Upon delinquency the sum of \$5.00 shall be added to the amount due and thereafter the sum of \$1.00 per month or portion thereof shall be added to the amount due for each month that the assessment remains unpaid.

If a notice of assessment is sent to an incorrect address, and that assessment becomes delinquent, upon application of the property owner the City Treasurer may waive the penalty for delinquency, or he may refund the penalty if it has already been paid.

The map and assessment roll recorded by the City Treasurer shall, during all office hours, be open to inspection by any interested person without charge.

From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Upon recording, the assessments contained in the assessment roll shall become due and payable. Each assessment shall be a lien upon the land against which it is made, paramount to all other liens, except liens for prior assessments and taxation, and shall only be discharged by payment of the assessment, including penalties, if any, or by redemption of the land after sale for delinquency.

SEC. 65.02.31 33 DEFICIENCY

If there is a deficiency in the funds derived from the assessment, the City Council may meet such deficiency by an appropriation out of the General Fund of the City, or by ordering a supplemental assessment in the same manner as the initial assessment except any protests made may only be made against such supplemental assessment.

SEC. 65.02.32 34 SURPLUS

Any surplus collected shall be applied to reduce the assessments to be levied against the district for the next ensuing assessment period. When the district boundaries for the next ensuing assessment period are not the same, such reduction shall be made as nearly as possible to the lots or parcels from which such surplus were collected.

When new proceedings are not started within one year after the close of the contract period, such surplus shall become and remain a part of the General Fund of the City, except that such surplus shall be repaid pro-rata to the persons who paid such assessments upon a verified claim being made therefor within one year from the close of the contract period.

SEC. 65.02.33 35 ALTERNATE METHOD FOR COLLECTING THE ASSESSMENT

If the City, prior to the confirmation of the assessment, enters into an agreement with the County of San Diego for the collection and enforcement of special assessments pursuant to Section 51800 of the Government Code, assessments for those parcels appearing on the last equalized tax roll of the County and for which a tax bill is issued by the County Tax Collector shall be so collected and enforced. Notwithstanding any other provisions of this Ordinance, notice by the County Tax Collector of any special assessments to be included with the general tax for the City and County shall be sufficient for the assessment notice required herein. All special assessments collected by and payable to the County Tax Collector shall be subject to the same penalties and enforcement provisions relating to the general taxes.

The City Engineer shall furnish each year, in accordance with the agreement, the necessary information regarding the amounts of assessments, or installments thereof, that are to be billed for and collected by the County during the tax-paying period.

All assessments levied under this Ordinance which are not collected or enforced pursuant to the agreement with the County shall be subject to all other enforcement provisions of this Ordinance.

SEC. 65.02.34 36 LOAN TO DISTRICT

The City Council may, as necessary, order a loan to the special fund of the district from the General Fund and repayable out of assessments.

SEC. 65.02.37 DISSOLUTION - LIGHTING DISTRICTS

The boundaries of a zone within a district may be changed or dissolved in the same manner that a zone may be formed within an existing lighting district.

Any lighting district may be dissolved by the Council by adoption, upon its own motion, of a resolution declaring its intention to dissolve the lighting district and fixing a time and place for a hearing thereon.

Notices of dissolution of lighting district shall be published in accordance with this Division. At the hearing the Council shall hear and pass upon the question of dissolution. If the Council determines that the lighting district shall be dissolved, the Council by resolution shall order the dissolution and the lighting district shall there upon be dissolved.

SEC. 65.02.27 38 LIMITATION OF ACTIONS

The validity of the assessment levied under this Ordinance shall not be contested in any action or proceeding unless the same is commenced within 30 days after the time the City Council has confirmed the assessment.

D. Sale and Redemption of  
Delinquent Property

SEC. 65.02.40 39 NOTICE OF SALE

The City Treasurer shall, not less than one year, but not more than one year and 15 days after, the date of delinquency, begin publication of a notice of sale of the property upon which the assessments have not been paid, which publication shall be made by two insertions in the City official newspaper. The notice of sale shall contain a description sufficient to identify each lot or parcel of delinquent property, the name of the owner, the amount of the assessment, the delinquency penalties, and the portion of the costs of sale attributable to such lot or parcel. The notice shall also contain a statement that unless each delinquent assessment, penalties and costs is paid, the land upon which the assessment is a lien will be sold to the City by operation of law at a sale to take place in the City Treasurer's office at a time specified in the notice. The City Treasurer shall also mail the same notice to the owner of each lot or parcel of delinquent property.

SEC. 65.02.41 40 PAYMENT OF DELINQUENT ASSESSMENTS

At any time after the delinquency but prior to the sale by operation of law of any lots or parcels of lands assessed and delinquent, any person may pay the assessment, penalties and costs thereon. The costs shall include the cost of advertising.



SEC. 65.02.42 41 SALE OF DELINQUENT PROPERTY

At the time fixed in the notice of sale the City Treasurer shall execute a certificate of sale to the City. This certificate shall refer to the proceedings, shall state that the property was sold to the City for nonpayment of delinquent assessments which were a lien on the property, shall describe the property sold, and shall state the amount for which the property was sold to the City, which amount shall be the sum of the delinquent assessment, the penalties and costs. The certificate shall be kept on file in the City Treasurer's office.

SEC. 65.02.43 42 REDEMPTION

At any time after the date of sale by operation of law but prior to the issuance and delivery of a deed to the land sold, any land sold under the provisions of this Ordinance may be redeemed by payment to the City Treasurer of the amount for which the land was sold, together with a penalty of one-half of one percent of said amount per month. ~~and such other penalties as may be payable as provided in this Ordinance.~~ The one-half of one percent penalty shall be added on the first day of each month following the date of sale of the land.

Upon redemption of any parcel of land the City Treasurer shall enter that fact and the date of redemption upon the certificate of sale.

SEC. 65.02.44 43 EXECUTION OF DEED TO PROPERTY

If the property has not been redeemed, the City Treasurer shall, ~~at any time~~ after the expiration of ~~5~~ 3 years but before the expiration of 4 years from the date of sale, execute to the City a deed of land sold, in which shall be recited substantially the matters contained in the certificate, and the fact that no person has redeemed the land.

Reflects Most  
Recent Changes  
To Sec. 65.0113,  
Adopted 1-21-71.

The City Treasurer shall, at least 30 days before execution of the deed, cause to be served upon the owner of the land, and upon the occupant of the land, if it is occupied, a written notice setting forth:

- (a) A description of the land;
- (b) That the land has been sold for a delinquent assessment (specifying the maintenance for which the assessment was made);
- (c) The amount for which the land was sold;
- (d) The amount necessary to redeem at the time of giving notice;
- (e) The date when the City Treasurer will deed it to the City.

If the owner cannot be found, after due diligence, the notice shall be posted in a conspicuous place upon the land at least 30 days before the date for execution of the deed. The person actually serving the notice shall file with the City Treasurer an affidavit showing that the notice has been given, as required, and if the notice was not served on the owner of the land personally, that due diligence was used to find the owner. The City Treasurer shall receive and file such affidavit in his office.

If the ~~land is redeemed~~ redemption of the land is made after affidavits are filed, the person making such redemption shall pay to the City Treasurer, in addition to the other amounts required, \$2.00 for the service of notice and making of such affidavit. No deed for any land sold for delinquent assessments shall be executed by the City Treasurer until all the provisions of this Ordinance have been complied with.

The deed of the City Treasurer shall be prima facie evidence of the truth of all matters recited therein, of the regularity of all proceedings prior to the execution thereof, and of the title in the grantee.

ATTORNEY (S)

• City of San Diego  
202 "C" Street  
Community Concourse  
San Diego, California 92101

RECEIVED  
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1971 MAY -4 PM 4:22  
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**CERTIFICATE OF PUBLICATION**

No. Ordinance No. 10557 (New Series)

IN THE MATTER OF

**SAN DIEGO MAINTENANCE DISTRICT PROCEDURAL  
ORDINANCE OF 1969**

I, **Patricia M. Applestill** hereby certify that **The Daily Transcript** is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the **principal clerk** of said newspaper; that the

**ORDINANCE NO. 10557 (NEW SERIES)**

to a true and correct copy of which this certificate is annexed was published in said newspaper on

**April 30, 1971**

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

**April 30, 1971**

*Patricia M. Applestill*  
(Signature)

674 - 28245

**ORDINANCE NO. 10557**  
(NEW SERIES)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 5 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING DIVISION 1 RELATING TO STREET LIGHTS AND POLES, AND BY AMENDING DIVISION 2 RELATING TO THE SAN DIEGO MAINTENANCE DISTRICT PROCEDURAL ORDINANCE OF 1969.

Section 1. That Chapter VI, Article 5 of the San Diego Municipal Code be, and the same is hereby amended by repealing Division 1 entitled "Street Lights and Poles" and repealing the following sections:

**DIVISION 1**

**STREET LIGHTS AND POLES**

- SEC. 65.0102 STREET LIGHTING SYSTEM OPERATION ACT — PURPOSE
- SEC. 65.0103 SAME — SCOPE OF ARTICLE
- SEC. 65.0104 SAME — AUTHORITY TO CREATE THE DISTRICT
- SEC. 65.0105 SAME — THE PRELIMINARY REPORT
- SEC. 65.0106 SAME — THE RESOLUTION OF INTENTION
- SEC. 65.0107 THE STREET LIGHTING SYSTEM OPERATION ACT — PROTEST AND HEARING
- SEC. 65.0108 SAME — LIMITATION ON CONTEST OF VALIDITY
- SEC. 65.0109 SAME — LEVYING AND COLLECTING THE ASSESSMENT
- SEC. 65.0110 SAME — LOAN TO DISTRICT
- SEC. 65.0111 SAME — SALE OF DELINQUENT PROPERTY
- SEC. 65.0112 SAME — REDEMPTION OF DELINQUENT PROPERTY
- SEC. 65.0113 SAME — EXECUTION OF DEED TO PROPERTY

Section 2. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by repealing the following sections:

- SEC. 65.0223 NOTICE, MAIL
- SEC. 65.0224 NOTICE, COMPLETION

Section 3. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by amending Sections 65.0203, 65.0215, 65.0216, 65.0217 and 65.0229 to read as follows:

- SEC. 65.0203 COSTS ASSESSABLE
- Costs assessable include the costs of maintenance, replacement, upgrading and assessment levy and collection.
- "Maintenance" includes the furnishing of all labor, materials and equipment required to operate and maintain a public system or facility, including but not limited to the furnishing of electric current or other illuminating agent for a lighting system.

- SEC. 65.0215 PETITION
- The formation of a maintenance district or the alteration of the boundaries thereof may be proposed by petition signed by the owners of at least 60 percent of the area of assessable lands in the proposed district or territory proposed for annexation or withdrawal. This petition may be included in the petition for the construction of the improvement to be maintained. The petition may consist of any number of separate instruments. The petition shall be filed with the City Clerk.

- SEC. 65.0216 CITY INITIATION
- The City Council may by resolution order the formation of a maintenance district or the alteration of the boundaries thereof when it finds that the public interest or convenience requires that the cost of maintaining a system or facility which has been or is to be acquired, installed or constructed be assessed, partly or wholly, upon the lands within a district to be benefited by such maintenance. Any number of public properties, systems or facilities requiring similar maintenance may be included in one district.

- SEC. 65.0217 PRELIMINARY REPORT
- Prior to the adoption of the resolution of intention, a report shall be prepared by the City Engineer and filed with the City Council. Such report shall contain substantially the following:

- (a) A map showing the public property within which systems or facilities to be maintained have been acquired, installed or are to be installed, and each lot or parcel of land abutting such public property or otherwise benefiting from such maintenance. Each such lot or parcel of land shall be given a separate number upon the map. The map, as approved by the City Council, shall govern for all details as to the lots or parcels of land to be benefited by such maintenance;
- (b) When the maintenance includes the supplying of energy, a statement that the entire area included within the proposed district will be served by a single public utility whose rates are subject to regulation by the Public Utilities Commission of the State of California;
- (c) The estimated cost for maintenance of the facilities for the period of time for which the proposed district is to be assessed, together with an estimate of the expenses incidental to the proceedings under this Division;
- (d) A proposed assessment of the cost of maintenance and the estimated incidental expenses upon the several lots or parcels shown on the map referred to in (a) above, in proportion to the estimated benefits to be received by each such lot. The assessment shall refer to such lots or parcels by their respective numbers on such map;
- (e) A general description of the system or facility to be operated or maintained.

- SEC. 65.0229 ASSESSMENT MAP
- The assessment map shall clearly indicate the extent of the territory included in the district or annexed thereto. The assessment map shall also show the boundaries and dimensions of each lot or parcel of land included in the district and each lot shall be distinctly numbered or otherwise identified. After land has been approved by the Council for inclusion in a district it shall be shown on the assessment map recorded in the City Treasurer's office, together with a suitable notation of the Council's approval. Thereafter, such land may be described in the report and elsewhere by appropriate assessment map reference and may be assessed pursuant to this Division and it need not, for that purpose, be further indicated on the assessment maps to be transmitted to the Council.

For succeeding or corrected assessments or reassessments, the parcel numbering or identification may be changed. Combination and divisions of parcels may be shown on the assessment maps or new pages may be prepared if an inspection of such new maps will readily disclose precisely what land is covered by a particular parcel identification for the current or any prior maintenance assessment period.

All assessment maps not previously recorded and new or revised pages of previously recorded maps shall accompany the report and shall not be included in the recorded assessment map until approved by the Council and the assessment roll associated therewith is confirmed by the Council.

All lands included in a district, pursuant to the provisions of the Street Lighting System Operation Act of 1962, which are in service and operation upon the effective date of this Division are hereby approved by the Council for subsequent assessment purposes pursuant to this Division, and the Street Superintendent shall certify on the assessment map showing such lands as assessable, the date and fact of the last proceeding approval by the Council of the respective assessment map. The certificate of the Street Superintendent shall be prima facie evidence of the truth of such matters certified.

Section 4. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by adding Section 65.0219 and 65.0237 to read as follows:

**SEC. 65.0219 ANNEXATION OF NEW SUBDIVISIONS — LIGHTING DISTRICTS**

In the event that a subdivider installs a street lighting system which is similar to that being maintained by a lighting district, the Council may order, without notice or hearing, that the territory within the subdivision be annexed to that lighting district at the time of approval of the final subdivision map.

- SEC. 65.0237 DISSOLUTION — LIGHTING DISTRICTS
- The boundaries of a zone within a district may be changed or dissolved in the same manner that a zone may be formed within an existing lighting district.

Any lighting district may be dissolved by the Council by adoption, upon its own motion, of a resolution declaring its intention to dissolve the lighting district and fixing a time and place for a hearing thereon. Notices of dissolution of lighting district shall be published in accordance with this Division. At the hearing the Council shall hear and pass upon the question of dissolution. If the Council determines that the lighting district shall be dissolved, the Council by resolution shall order the dissolution and the lighting district shall thereupon be dissolved.

Section 5. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by renumbering the following sections as indicated below:

OLD SECTION NO.	TITLE	NEW SECTION NO.
65.0204	NOTICE — GENERAL	65.0222
65.0205	COMPLIANCE WITH DIVISION	65.0204
65.0206	NECESSARY OR CONVENIENT PROCEDURE AUTHORIZED	65.0205
65.0207	NONEXCLUSIVENESS OF REMEDIES	65.0206
65.0208	CURATIVE CLAUSES	65.0207
65.0209	ABANDONMENT OF PROCEEDINGS	65.0208
65.0210	EFFECT UPON OTHER LAW	65.0209
65.0211	CONSTRUCTION	65.0210
65.0218	COUNCIL ACTION ON THE REPORT	65.0220
65.0220	SAME — CONTENTS	65.0211
65.0221	NOTICE, PUBLISH	65.0223
65.0222	NOTICE, POST OR MAILING	65.0224
65.0225	PROTESTS	65.0227
65.0226	HEARING	65.0228
65.0227	LIMITATION OF ACTIONS	65.0229
65.0230	ASSESSMENT RECORDED, NOTICE, PENALTY	65.0232
65.0231	DEFICIENCY	65.0233
65.0232	SURPLUS	65.0234
65.0233	ALTERNATE METHOD FOR COLLECTING THE ASSESSMENT	65.0235
65.0234	LOAN TO DISTRICT	65.0236
65.0240	NOTICE OF SALE	65.0240
65.0241	PAYMENT OF DELINQUENT ASSESSMENTS	65.0240
65.0242	SALE OF DELINQUENT PROPERTY	65.0241
65.0243	REDEMPTION	65.0242
65.0244	EXECUTION OF DEED TO PROPERTY	65.0243

Section 6. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by amending Sections 65.0221, 65.0222, 65.0223, 65.0224, 65.0227, 65.0228, 65.0230, 65.0240, 65.0241 and 65.0243 as renumbered in Section 5 of this ordinance to read as follows:

- SEC. 65.0221 SAME — CONTENTS

The resolution of intention shall refer to the map on file with the City Clerk and shall contain:

- (a) A statement of the public property to be maintained;
- (b) A general description of the system or facility to be operated or maintained;
- (c) A statement of the estimated cost of maintenance of the system or facility plus incidental expenses for the period of time for which the proposed district shall be assessed together with a statement of the proposed assessments;
- (d) A general description of the boundaries of the district or the territory to be benefited and to be assessed to pay the costs for the maintenance of the system or facility;
- (e) A statement of the length of time that the maintenance shall be performed;
- (f) A time and place for the hearing of protests and objections to the proposed maintenance, the awarding of the contract, or the proposed assessment;
- (g) A statement that assessments will be levied pursuant to this Division;
- (h) The City Council may order that a portion of the costs of such maintenance shall be paid by the City.

- SEC. 65.0222 NOTICE — GENERAL
- Whenever notice is to be given pursuant to this Division and the officer to give such notice is not designated, the notice shall be given by the City Clerk. All noticing required herein shall be completed at least 15 days prior to the date of the hearing and all notices shall be clearly entitled "Notice of Maintenance District." Where mailed notice is utilized, the notice shall be mailed to each person who owns real property within the boundaries of the territory sought to be formed into a district, assessed, annexed, or withdrawn. The City Clerk shall file an affidavit setting forth the time and manner of compliance with this Section. Any notice shall not be invalidated because given or done by an officer other than the one whose duty it is to give the notice.

**SEC. 65.0223 NOTICE, PUBLISH**

After the passage of the resolution of intention, a notice shall be published in the City official newspaper. Such notice shall set forth the information contained in the resolution of intention.

**SEC. 65.0224 NOTICE, POST OR MAILING**

The Street Superintendent shall also cause a notice to be posted not more than 300 feet apart, but not less than three in all, on all open streets within the proposed district.

As an alternate to the posting requirement, the City Clerk may cause a notice to be mailed as provided in this Division.

If the property owner is one whose land is being assessed for the first time pursuant to this Division, the City Clerk shall mail a copy of the notice to such owner.

**SEC. 65.0227 PROTESTS**

No later than the hour set for hearing protests, the owner of any land within the proposed district or territory may make written protests against the proposed maintenance, the amount of assessment, or the awarding of the contract, by filing his protest with the Clerk. No other protests shall be considered by the City Council.

**SEC. 65.0228 HEARING**

The City Council shall hear, consider and pass upon the protests, and may confirm, correct or modify the proposed assessment or the boundaries of the district. Land not within the district or territory as described in the resolution of intention may not be included. If the protests are sustained, the proceedings shall be abandoned, but may be renewed at any time. If the protests are denied, or if no protests were filed with the City Clerk, the City Council shall have jurisdiction to and may, by resolution order the district formed or the territory annexed or withdrawn, confirm the assessment, order the proposed maintenance, and award the contract.

**SEC. 65.0239 NOTICE OF SALE**

The City Treasurer shall, not less than one year, but not more than one year and 15 days after the date of delinquency, begin publication of a notice of sale of the property upon which the assessments have not been paid, which publication shall be made by two insertions in the City official newspaper. The notice of sale shall contain a description sufficient to identify each lot or parcel of delinquent property, the name of the owner, the amount of the assessment, the delinquency penalties, and the portion of the costs of sale attributable to such lot or parcel. The notice shall also contain a statement that unless each delinquent assessment, penalty and cost is paid, the land upon which the assessment is a lien will be sold to the City by operation of law at a sale to take place in the City Treasurer's office at a time specified in the notice. The City Treasurer shall also mail the same notice to the owner of each lot or parcel of delinquent property.

**SEC. 65.0240 PAYMENT OF DELINQUENCY ASSESSMENTS**

At any time after the delinquency but prior to the sale by operation of law of any lots or parcels of lands assessed and delinquent, any person may pay the assessment, penalties and costs thereon. The costs shall include the cost of advertising.

**SEC. 65.0241 SALE OF DELINQUENT PROPERTY**

At the time fixed in the notice of sale the City Treasurer shall execute a certificate of sale to the City. This certificate shall refer to the proceedings, shall state that the property was sold to the City for non-payment of delinquent assessments which were a lien on the property, shall describe the property sold, and shall state the amount for which the property was sold to the City, which amount shall be the sum of the delinquent assessment, the penalties and costs. The certificate shall be kept on file in the City Treasurer's office.

**SEC. 65.0243 EXECUTION OF DEED TO PROPERTY**

If the property has not been redeemed, the City Treasurer shall, after the expiration of three years but before the expiration of four years from the date of sale, execute to the City a deed of land sold, in which shall be recited substantially the matters contained in the certificate, and the fact that no person has redeemed the land.

The City Treasurer shall, at least 30 days before execution of the deed, cause to be served upon the owner of the land, and upon the occupant of the land, if it is occupied, a written notice setting forth:

- (a) A description of the land;
- (b) That the land has been sold for a delinquent assessment (specifying the maintenance for which the assessment was made);
- (c) The amount for which the land was sold;
- (d) The amount necessary to redeem at the time of giving notice;
- (e) The date when the City Treasurer will deed it to the City.

If the owner cannot be found, after due diligence, the notice shall be posted in a conspicuous place upon the land at least 30 days before the date for execution of the deed. The person actually serving the notice shall file with the City Treasurer an affidavit showing that the notice has been given, as required, and if the notice was not served on the owner of the land personally, that due diligence was used to find the owner. The City Treasurer shall receive and file such affidavit in his office.

If the redemption of the land is made after affidavits are filed, the person making such redemption shall pay to the City Treasurer, in addition to the other amounts required, \$2.00 for the service of notice and making of such affidavit. No deed for any land sold for delinquent assessments shall be executed by the City Treasurer until all the provisions of this Division have been complied with.

The deed of the City Treasurer shall be prima facie evidence of the truth of all matters recited therein, of the regularity of all proceedings prior to the execution thereof, and of the title in the grantee.

Section 7, That Chapter VI, Article 3, Division 2 of the San Diego Municipal Code be, and the same is hereby amended by adding Sections 65.0218, 65.0225, 65.0226, 65.0230 and 65.0231 as renumbered in Section 5 of this ordinance to read as follows:

**SEC. 65.0218 ANNEXATIONS AND WITHDRAWALS — LIGHTING DISTRICTS**

Where the maintenance consists of supplying energy, maintenance and service to lighting facilities the boundaries of any such lighting district may be altered and contiguous or noncontiguous benefited territory may be annexed thereto or any portion of the territory within the district which will not be benefited may be withdrawn therefrom.

The Council shall by resolution fix a time and place for hearing upon the question of annexation or withdrawal of territory to or from an existing lighting district. The date set for hearing shall be at least three weeks from the date of the adoption of such resolution. Notice of hearings for annexation or withdrawal shall be in accordance with this Division.

Any person may appear at the hearing and object to the annexation or withdrawal of territory to or from the lighting district and may object to the continuance of the lighting district.

The Council shall consider and pass upon all objections and if it finds that territory sought to be annexed or withdrawn will benefit from the annexation or withdrawal and that the lighting district will not be adversely affected by the annexation or withdrawal, then it shall order such annexation or withdrawal and shall specify a date upon which such annexation or withdrawal is to become effective.

**SEC. 65.0225 CONTRACTS — GENERAL**

All contracts for maintenance shall be let to the lowest responsible bidder. The contract shall be accompanied by such bonds as may be deemed adequate to secure the faithful performance of the contract and the payment of all claims for labor and material. The Council may reject any and all bids.

Nothing in this Division shall be construed as prohibiting the City itself from maintaining and operating any or all of the improvements or facilities when directed by the Council and from purchasing the materials and supplies and employing labor necessary for such purpose.

**SEC. 65.0226 CONTRACTS — LIGHTING DISTRICTS**

Where the maintenance described in the resolution of intention includes the supplying of energy, maintenance and service of lighting systems and the district is entirely within the service area of a single public utility whose rates are subject to regulation by the Public Utilities Commission of the State of California, the City may contract directly with that public utility without the requirement to solicit bids or to secure faithful performance bonds with the contract. The contract shall be for a period of not less than one year but not more than four years; provided that contracts for more than one year may be terminated by either party upon written notice, not less than 60 days prior to the anniversary date of the contract.

The Council may, without further hearings, enter into a new contract for a period of not more than four years for service provided that none of the rates included in the new contract increase more than five percent over the rates contained in the contract last approved by Council after public hearing.

**SEC. 65.0230 ASSESSMENT — LIGHTING DISTRICT**

On or about the anniversary date following the formation of a lighting district and each year thereafter, the Council shall establish the costs to be assessed for the supplying of energy, maintenance and servicing of the lighting system over the ensuing year. The Council shall determine the portion of such cost to be assessed to the lighting district and shall by resolution approve the amounts to be assessed to the individual properties within the lighting district.

**SEC. 65.0231 SPECIAL ZONES AUTHORIZED**

Special zones may be formed within a maintenance district where the Council determines that an area contains facilities which require special maintenance or service in addition to those provided generally by the district. The Council shall also determine that the benefit from such special maintenance or service accrues to a limited area within the district and that the assessment levied within the special zone is commensurate with that benefit. Notice of such special zone must be included in the resolution of intention to form a district or annex territory thereto.

Special zones may be formed within a lighting district at a time other than at the formation of the district or any annexation thereto, pursuant to the same procedures of resolution, notice, and hearing as are applied under this Division to the annexation of territory.

Section 8, This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on April 8, 1971.

1971. Passed and adopted by the Council of The City of San Diego on April 22,

AUTHENTICATED BY:

FRANK CURRAN,  
Mayor of The City of San Diego, California.  
EDWARD NIELSEN,  
City Clerk of The City of San Diego, California.  
By ELFA F. HAMEL, Deputy.

(SEAL)

Published April 30, 1971

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