

ORDINANCE NO. 11473  
(New Series)

JAN 9 1975

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 8, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 98.0101 AND BY AMENDING OR ADDING SECTIONS 98.01, 98.02, 98.02.0202, 98.02.0203, 98.02.0501, 98.02.0503, 98.03, 98.04, 98.05, 98.06, 98.07 AND 98.07.1, ALL RELATING TO HOUSING REQUIREMENTS.

WHEREAS, the Uniform Housing Code, 1973 Edition, has been published by the <sup>International</sup> ~~Internation~~ Conference of Building Officials and adopted in Title 25, California Administrative Code; and

WHEREAS, Sections 17922 and 17958 of the California Health and Safety Code provide that the governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as those contained in the Uniform Housing Code; and

WHEREAS, Sections 17958.5 and 17958.7 of the California Health and Safety Code provide that a city or county may make such changes or modifications in the requirements contained in the Uniform Housing Code as it determines are reasonably necessary because of local conditions; and

WHEREAS, the Council of The City of San Diego finds and declares in accordance with Section 17958.5 of the California Health and Safety Code that the changes and modifications contained in the Uniform Housing Code, 1973 Edition, are reasonably necessary because of local conditions; and

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WHEREAS, the Council of The City of San Diego expressly finds and declares that each amendment or change to the Uniform Housing Code, 1973 Edition, contained in this ordinance is needed to provide for local conditions; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IX, Article 8, of the San Diego Municipal Code be, and the same is hereby amended by repealing Section 98.0101.

Section 2. That Chapter IX, Article 8, of the San Diego Municipal Code be, and the same is hereby amended by amending or adding Sections 98.01, 98.02, 98.02.0202, 98.02.0203, 98.02.0501, 98.02.0503, 98.03, 98.04, 98.05, 98.06, 98.07 and 98.07.1 to read as follows:

SEC. 98.01 HOUSING DEPARTMENT AND DIRECTOR ESTABLISHED

Under and pursuant to the provisions of Division 13, Part 1.5, Chapter 5, Article 1 of the Health and Safety Code of the State of California, Section 17964, the Department of Building Inspection of The City of San Diego be and the same is hereby established as the Housing Department for the City of San Diego and the Director of Building Inspection be, and he is hereby appointed as Director of said Housing Department.

SEC. 98.02 THE UNIFORM HOUSING CODE ADOPTED

That certain document, three copies of which are on file in the office of the City Clerk of The

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City of San Diego, California, being marked and designated as "Uniform Housing Code, 1973 Edition, published by the International Conference of Building Officials," excluding chapters 11, 12, 13, 14, 15, and 16, is hereby adopted as the Housing Code of the City of San Diego, California, regulating the maintenance, use, and occupancy of residential buildings.

SEC. 98.02.0202 SEC. H-202 OF THE UNIFORM HOUSING  
CODE AMENDED

Sec. H-202 Abatement of Substandard Buildings.

a) All buildings or portions thereof which are determined to be substandard as defined herein, are hereby declared to be public nuisances and may be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified for the abatement of unsafe buildings in Sec. 91.02.0203 of the San Diego Municipal Code.

b) Where the Building Official determines by inspection that any existing building premises, or portion thereof, which is used, or designed, or intended to be used, for human habitation, is substandard, he may order the building or portion thereof to be immediately vacated, and he shall initiate proceedings to cause the repair, rehabilitation, demolition, or removal of the building.

SEC. 98.02.0203 SEC. H-203 OF THE UNIFORM HOUSING  
CODE AMENDED

Sec. H-203 Housing Advisory and Appeals Board.

a) General Provisions. There is hereby created a Housing Advisory and Appeals Board consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to the safety and adequacy of housing. The members of the Board shall be appointed in accordance with Section 43 of the Charter of The City of San Diego, for two-year terms and until their successors have been appointed and qualified. The tenure of appointees shall be so scheduled that no more than three terms shall expire in any year. The Board shall select a chairman from its membership annually, unless a chairman is appointed by the Mayor. The Building Official or his appointed representative shall act as secretary to the Board but shall have no vote.

b) Duties of the Board. The Board shall advise on reasonable interpretations of the provisions of this code and shall hear appeals regarding the application of the provisions of this code. The Board may recommend to the City Council such new legislation as is consistent with its purposes. The Board shall adopt reasonable rules and regulations for conducting its investigations and hearings and shall render all decisions and findings in writing to the appellant and to the City Manager.

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SEC. 98.02.0501 SEC. H-501 OF THE UNIFORM HOUSING  
CODE AMENDED

Sec. H-501 Location on Property. Use zone requirements, building setback, side and rear yard requirements, allowable lot coverage, and property line requirements shall be as required in Chapter X of the San Diego Municipal Code.

SEC. 98.02.0503 SEC. H-503 OF THE UNIFORM HOUSING  
CODE AMENDED

Sec. H-503 Room Dimensions. Subsections a) and b) no change.

c) Width. No habitable room other than a kitchen shall be less than seven feet (7') in any dimension. Every water closet compartment shall be at least thirty inches (30") in width and shall provide a clear space in front of the toilet stool not less than twenty-four inches (24").

SEC. 98.03 HOUSING PERMITS REQUIRED

No person or owner shall conduct, manage, operate, engage or work in any Housing Department Regulated Business unless there shall have been procured and be then in effect, a Housing Permit therefor. A separate Housing Permit shall be required for each establishment in every calendar year. The Housing Permit may be issued to either the owner(s) or the operator, as permittee.

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Housing Department Regulated Businesses shall include the operation of hotels and apartment houses as defined in Chapter 4 of the Uniform Building Code as adopted herein.

SEC. 98.04 APPLICATIONS FOR HOUSING PERMIT

Every applicant for a Housing Permit shall file with the Housing Department an application which shall state the name and address of the applicant, description of the property, its location, street and number wherein and whereon it is proposed to conduct the Housing Department Regulated Business and such other information as the department may require.

At the time of filing such application, the applicant shall pay the fee hereinafter established.

SEC. 98.05 ISSUANCE OF HOUSING PERMITS

Upon receipt of the application and fee, the Housing Director shall issue a Housing Permit therefor if the Housing Department's investigation and inspection discloses that the facts set forth in such application are true, the conditions in and about the place wherein and whereon it is proposed to conduct the Housing Department Regulated Business, and the business or activity itself conforms to the requirements of this code, to the rules and regulations

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of the Housing Department and to the requirements of the housing laws of the State of California and any regulations issued pursuant thereto pertaining to particular activities subject to regulation therein; that the activity shall not result in a violation of such codes, laws and regulations; otherwise, such Housing Permit shall be denied, or, if previously issued, shall be suspended or revoked.

**SEC. 98.06 HOUSING PERMITS, DURATION AND TRANSFER**

A Housing Permit may be issued at any time during the year, but all Housing Permits shall expire on December 31 in the year in which the same are issued.

Housing Permits shall not be transferable from one establishment to another or from one location to another; however, the permittee for a Housing Permit may be changed without charge, upon notification to the Housing Director.

**SEC. 98.07 HOUSING PERMIT FEES**

a) The annual fee for a Housing Permit required by Sec. 98.05 shall be computed as follows:

- (1) For each apartment house or hotel containing not more than six (6) units . . . . . \$10.00

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(2) For each apartment house or hotel containing not less than seven (7), but no more than ten (10) units . \$13.00

(3) For each apartment house or hotel containing not less than eleven (11), but no more than fifteen (15) units . . . . . \$15.00

(4) For each apartment house or hotel containing more than fifteen (15) units . . . . . \$15.00 plus  
.40 for each unit in excess of 15

For the purpose of this section, a "unit" shall mean each apartment in an apartment house, each sleeping room in a hotel, and each apartment and each hotel sleeping room in a building containing both apartments and hotel sleeping rooms.

Separate apartment house buildings and separate hotel buildings, or combinations thereof, located upon a single parcel of land or contiguous parcels of land under the same ownership, shall be treated as one apartment house or hotel for the purpose of computing the fee prescribed by this section.

b) The fee for a Housing Permit shall be charged on a prorated, quarterly basis and shall

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run from the quarter of the year during which it is issued through December 31. The fee for a permit shall include the charge for the full quarter during which it is issued. The fee for a Housing Permit shall never be less than five dollars (\$5.00), however.

c) In any case, where the operator of a Housing Department Regulated Business has failed for a period of thirty (30) days to file the application and obtain a Housing Permit, there shall be added to and collected with the permit fee, a penalty equal to ten percent (10%) of the fee. The imposition of or payment of the penalty imposed by this section shall not prevent the imposition of any other penalty prescribed by this code, or to prosecution for violation of this code.

SEC. 98.07.1 HOUSING PERMITS AND FEES - POWER  
OF HOUSING DIRECTOR TO ADJUST

The Housing Director shall have, in addition to all other powers conferred upon him, the power to extend the time for filing the application herein described for a period not to exceed thirty (30) days, and in such case, waive any penalty that may have accrued; and with the written approval of the City Attorney in those cases in which good cause is shown to exist, to compromise any claim for housing fees amounting to less than one hundred

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dollars (\$100.00); and with the approval of the City Attorney and the City Council to compromise any claim for housing fees amounting to one hundred dollars (\$100.00) or more.

Section 3. 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

  
Ted Bromfield, Deputy

TB:lc:551  
12/5/74

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Passed and adopted by the Council of The City of San Diego on JAN 9 1975  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Hubbard	<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"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<del>Jim Bates</del>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

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

(Seal)

By Kathleen Martiny, 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

**DEC 26 1974**

**JAN 9 1975**

~~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 Kathleen Martiny, Deputy.

**MICROFILMED MAY 4 1978**

Office of the City Clerk, San Diego, California

Ordinance Number 11473 Adopted JAN 9 1975