

ORDINANCE NO. 11622
(New Series)

MAY 29 1975

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 5, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING DIVISION 2, SECTIONS 65.0201 THROUGH 65.0243, RELATING TO SAN DIEGO MAINTENANCE DISTRICT PROCEDURAL ORDINANCE OF 1969, AND BY ADDING DIVISION 2, SECTIONS 65.0201 THROUGH 65.0222, RELATING TO SAN DIEGO MAINTENANCE DISTRICT PROCEDURAL ORDINANCE OF 1975.

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

Section 1. That Chapter VI, Article 5, of the San Diego Municipal Code be and it is hereby amended by repealing Division 2, Sections 65.0201 through 65.0243, and all titles and subtitles thereof, indicated as follows:

DIVISION 2

SAN DIEGO MAINTENANCE DISTRICT
PROCEDURAL ORDINANCE OF 1969

A. GENERAL

- SEC. 65.0201 PURPOSE AND INTENT
- SEC. 65.0202 CITATION
- SEC. 65.0203 COSTS ASSESSABLE
- SEC. 65.0204 COMPLIANCE WITH DIVISION
- SEC. 65.0205 NECESSARY OR CONVENIENT PROCEDURE AUTHORIZED
- SEC. 65.0206 NONEXCLUSIVENESS OF REMEDIES
- SEC. 65.0207 CURATIVE CLAUSES
- SEC. 65.0208 ABANDONMENT OF PROCEEDINGS
- SEC. 65.0209 EFFECT UPON OTHER LAW
- SEC. 65.0210 CONSTRUCTION

B. FORMATION

- SEC. 65.0215 PETITION
- SEC. 65.0216 CITY INITIATION

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SEC. 65.0217 PRELIMINARY REPORT
SEC. 65.0218 ANNEXATIONS AND WITHDRAWALS--LIGHTING DISTRICTS
SEC. 65.0219 ANNEXATIONS OF NEW SUBDIVISIONS--LIGHTING DISTRICTS
SEC. 65.0220 COUNCIL ACTION ON THE REPORT
SEC. 65.0221 SAME--CONTENTS
SEC. 65.0222 NOTICE--GENERAL
SEC. 65.0223 NOTICE, PUBLISH
SEC. 65.0224 NOTICE, POST OR MAILING
SEC. 65.0225 CONTRACTS--GENERAL
SEC. 65.0226 CONTRACTS--LIGHTING DISTRICTS
SEC. 65.0227 PROTESTS
SEC. 65.0228 HEARING

C. ASSESSMENT

SEC. 65.0229 ASSESSMENT MAP
SEC. 65.0230 ASSESSMENT--LIGHTING DISTRICT
SEC. 65.0231 SPECIAL ZONES AUTHORIZED
SEC. 65.0232 ASSESSMENT RECORDED, NOTICE, PENALTY
SEC. 65.0233 DEFICIENCY
SEC. 65.0234 SURPLUS
SEC. 65.0235 ALTERNATE METHOD FOR COLLECTING THE ASSESSMENT
SEC. 65.0236 LOAN TO DISTRICT
SEC. 65.0237 DISSOLUTION--LIGHTING DISTRICTS
SEC. 65.0238 LIMITATION OF ACTIONS
SEC. 65.0239 NOTICE OF SALE
SEC. 65.0240 PAYMENT OF DELINQUENT ASSESSMENTS
SEC. 65.0241 SALE OF DELINQUENT PROPERTY
SEC. 65.0242 REDEMPTION
SEC. 65.0243 EXECUTION OF DEED TO PROPERTY

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Section 2. That Chapter VI, Article 5, of the San Diego Municipal Code be and it is hereby amended by adding Division 2, Sections 65.0201 through 65.0222, to be entitled "San Diego Maintenance District Procedural Ordinance of 1975," to read as follows:

DIVISION 2

SAN DIEGO MAINTENANCE DISTRICT
PROCEDURAL ORDINANCE OF 1975

SEC. 65.0201 PURPOSE AND INTENT

It is the purpose and intent of this Division to establish a method by which landscaping, statuary, fountains, or other ornamental structures and appurtenant facilities or public lighting systems and appurtenant facilities may be constructed, installed, and/or maintained; the costs of which are to be assessed to property which is adjacent to or in the vicinity of such systems or facilities and which is receiving benefit therefrom; and it is further the intent and purpose of this Division to establish a procedure by which such assessments may be collected.

SEC. 65.0202 TITLE

This Division may be cited as the San Diego Maintenance District Procedural Ordinance of 1975.

SEC. 65.0203 COMPLIANCE WITH DIVISION

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

SEC. 65.0204 NECESSARY OR CONVENIENT PROCEDURE AUTHORIZED

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

MAY 5 1978

SEC. 65.0205 NONEXCLUSIVENESS OF REMEDIES

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

SEC. 65.0206 ABANDONMENT OF PROCEEDINGS

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

SEC. 65.0207 EFFECT UPON OTHER LAW

This Division 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 Division, its provisions only need be followed.

SEC. 65.0208 CONSTRUCTION

This Division is to be liberally construed.

SEC. 65.0209 INCORPORATION OF THE LANDSCAPING
AND LIGHTING ACT OF 1972

The Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code of the State of California, as said Act may be amended from time to time) is incorporated in and made a part of this Division. Except as otherwise provided in this Division, the mode and manner for making improvements and for levying and collecting the assessments shall be as prescribed in said Landscaping and Lighting Act of 1972.

SEC. 65.0210 WAIVER OF POSTING

The San Diego Street Lighting District No. 1, the Downtown Street Tree Maintenance District of 1974, the Scripps/Miramar

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Open Space Maintenance District of 1974, and the Tierrasanta Open Space Maintenance District of 1974, are all in existence and all property owners have been duly notified of the creation of such districts so that the posting of notice as required in Section 22555 of the Landscaping and Lighting Act of 1972, is hereby declared unnecessary to said districts provided the districts are reformed pursuant to this Article for the fiscal year beginning July 1, 1975 and ending June 30, 1976.

SEC. 65.0211 COLLECTION OF THE ASSESSMENTS

The procedures provided for in Chapter 4 of the Landscaping and Lighting Act of 1972 are hereby deleted and the procedures set forth in Sections 62.0212 through 62.0222 herein shall apply.

SEC. 65.0212 ASSESSMENT RECORDED, NOTICE, LATE CHARGE

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 land is liable for the assessment stating that the assessment is due and payable and that the penalty for delinquency, as specified herein, may be added. Upon delinquency, a late charge equal to 50 percent of the assessment, but not to exceed \$25.00, to compensate City for its administrative

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costs incurred as a result of the delinquency shall be added to the amount due.

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 late charges, if any, or by redemption of the land after sale for delinquency.

SEC. 65.0213 WAIVER OF DELINQUENT PAYMENTS

If 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 late charge for delinquency or he may refund the late charge if it has already been paid.

Should the commencement of the maintenance proposed herein be, through circumstances beyond the control of the City, delayed past the delinquency date established by the City Treasurer as provided in this section, the Council may by resolution amend the delinquency date thus established and set a new delinquency date to be not less than 30 days from the date of commencement of the maintenance. The resolution shall order and authorize the refunding or cancellation of all late charges collected or

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due based on the delinquency date originally established by the City Treasurer and shall require a renote by the City Treasurer of each affected property owner as provided herein. This procedure for amending the delinquent date shall not be applicable where the alternate method for collecting the assessment under Section 65.0214 is used.

SEC. 65.0214 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 collection and enforcement of special assessments pursuant to the Government Code of the State of California, 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 Division, 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 the assessments, or installments thereof, that are to be billed for and collected by the County during the taxpaying period.

All assessments levied under this Division which are not collected or enforced pursuant to the agreement with the County

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shall be subject to all other enforcement provisions of this Division.

SEC. 65.0215 ALTERNATE PROVISION, RESOLUTION OF INTENTION

As an alternate to the procedures to be followed in Sections 22625 and 22629 of the Landscaping and Lighting Act of 1972, the City Clerk may schedule the hearing required in Section 22624 of said Act on any regularly-scheduled Council meeting date no later than July 31 of the fiscal year for which the assessments are to be levied or, if the hearing is scheduled for a prior date, the Council may continue the hearing to a meeting date no later than the July 31 date specified above.

SEC. 65.0216 NOTICE OF HEARING TO PROPERTY OWNERS

Proceedings under Chapter 3 of the Landscaping and Lighting Act of 1972 shall include notice by the City Clerk to property owners owning lots or parcels in the following categories:

A. Where there is an increase in the amount proposed to be assessed upon any lot or parcel by reason of a change of zone or a change in the formula or method of apportioning the net amount to be assessed upon lands within the assessment districts.

B. Where there has been a division of any lot or parcel of land assessed during the previous fiscal year and, as a result thereof, the divided lots or parcels are owned by different persons.

C. Where the assessment includes the cost and expense of new improvements to be installed or constructed.

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SEC. 65.0217 LIMITATION OF ACTIONS

The validity of the assessment levied under this Division 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.

SEC. 65.0218 NOTICE OF SALE

The City Treasurer shall, not less than one year, but not more than fourteen months 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. 65.0219 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 land assessed and delinquent, any person may pay the assessment, penalties and costs thereon. The costs shall include the cost of advertising.

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SEC. 65.0220 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. 65.0221 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 Division may be redeemed by payment to the City Treasurer of the amount for which the land was sold, together with a penalty of two-thirds of one percent of said amount per month, and such other penalties as may be payable as provided in this Division. The two-thirds 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. 65.0222 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

RECORDED

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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; and
- 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

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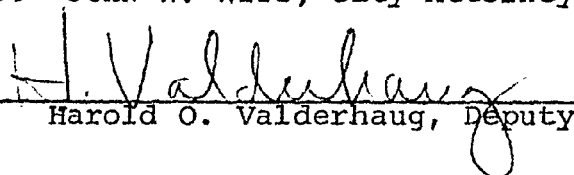
Treasurer, in addition to the other amounts required, \$15.00 for the service of notice and making of such affidavit. No deed for any land sold for delinquent assessments shall be executed by the City Treasurer until all the provisions of this Division have been complied with.

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 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


Harold O. Valderhaug, Deputy

JSW:HOV:cav

5/2/75

Or.Dept.:Enrg./Dev MAY 5 1978

002/240

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Passed and adopted by the Council of The City of San Diego on MAY 29 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 LaVerne E. Miller, 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

MAY 15 1975, and on MAY 29 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 LaVerne E. Miller, Deputy.

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MAY 5 1978

CC-1255-A (REV. 1-78)

Office of the City Clerk, San Diego, California		
Ordinance Number	11622	Adopted <u>MAY 29 1975</u>

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Paul

City of San Diego

MEMORANDUM

236-6220

ECS
RECEIVED
CITY CLERK

1981 JUL 20 PM 2:44
SAN DIEGO, CALIF.

DATE: July 16, 1981
TO: City Clerk
FROM: City Attorney
SUBJECT: Section 65.0211 of the Municipal Code

Your office has recently called to our attention that Section 65.0211 of the Municipal Code refers to procedures "set forth in Sections 62.0212 through 62.0222." The procedures actually are set forth in 65.0211 through 65.0222 and that 62 figure was a typographical error in the ordinance. Since there are no Sections 62.0212 through 62.0222, and since procedures relating to Sections 65.0211 immediately follow that section as 65.0212 et seq., it appears clear that the intent of the Council was to specify the correct number and that the typographical error can be corrected without additional Council action.

Please make the necessary changes in the ordinance and call me if you have any questions.

JOHN W. WITT, City Attorney

By *[Signature]*
Harold O. Valderhaug, Deputy

HOV:ps:002
cc: Jan Johnson
Nancy Angotti
memo(3)7/16

per conversation w/ Hal Valderhaug who said to disregard this memo + leave section as is, as it has been too long a period of time since error was made. He said this new decision was made after talking w/ Teage. A copy of this memo should go into the folder.

JJ.

00060

RECEIVED
CITY CLERK'S OFFICE
1975 JUN 10 PM 4:05
SAN DIEGO, CALIF. *ew*

ATTORNEY(S)

San Diego, City of
12th Floor City Admin. Bldg.
San Diego, Ca. 92101
POLEN

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

San Diego Maintenance District

ORDINANCE NO. 11622

(New Series)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 5, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING DIVISION 2, SECTIONS 65.0201 THROUGH 65.0243, RELATING TO SAN DIEGO MAINTENANCE DISTRICT PROCEDURAL ORDINANCE OF 1969, AND BY ADDING DIVISION 3, SECTIONS 65.0201 THROUGH 65.0222, RELATING TO SAN DIEGO MAINTENANCE DISTRICT PROCEDURAL ORDINANCE OF 1975.

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

Section 1. That Chapter VI, Article 5, of the San Diego Municipal Code be and it is hereby amended by repealing Division 2, Sections 65.0201 through 65.0243, and all titles and subtitles thereof, indicated as follows:

DIVISION 2
SAN DIEGO MAINTENANCE DISTRICT
PROCEDURAL ORDINANCE OF 1969
A. GENERAL

- SEC. 65.0201 PURPOSE AND INTENT
- SEC. 65.0202 CITATION
- SEC. 65.0203 COST: ASSESSABLE
- SEC. 65.0204 COMPLIANCE WITH DIVISION
- SEC. 65.0205 NECESSARY OR CONVENIENT PROCEDURE
- SEC. 65.0206 AUTHORITY
- SEC. 65.0207 NONEXCLUSIVENESS OF REMEDIES
- SEC. 65.0208 CURATIVE CLAUSES
- SEC. 65.0209 ABANDONMENT OF PROCEEDINGS
- SEC. 65.0210 EFFECT UPON OTHER LAW
- SEC. 65.0211 CONSTRUCTION

B. FORMATION

- SEC. 65.0215 PETITION
- SEC. 65.0216 CITY INITIATION
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- SEC. 65.0220 COUNCIL ACTION ON THE REPORT
- SEC. 65.0221 SAME - CONTENTS
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- SEC. 65.0224 NOTICE, POST OR MAILING
- SEC. 65.0225 CONTRACTS - GENERAL
- SEC. 65.0226 CONTRACTS - LIGHTING DISTRICTS
- SEC. 65.0227 PROTESTS
- SEC. 65.0228 HEARING

C. ASSESSMENT

- SEC. 65.0229 ASSESSMENT MAP
- SEC. 65.0230 ASSESSMENT - LIGHTING DISTRICT
- SEC. 65.0231 SPECIAL ZONES AUTHORIZED
- SEC. 65.0232 ASSESSMENT RECORDED, NOTICE, PENALTY
- SEC. 65.0233 DEFICIENCY
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- SEC. 65.0235 ALTERNATE METHOD FOR COLLECTING THE ASSESSMENT
- SEC. 65.0236 LOAN TO DISTRICT
- SEC. 65.0237 DISSOLUTION - LIGHTING DISTRICTS
- SEC. 65.0238 LIMITATION OF ACTIONS
- SEC. 65.0239 NOTICE OF SALE
- SEC. 65.0240 PAYMENT OF DELINQUENT ASSESSMENTS
- SEC. 65.0241 SALE OF DELINQUENT PROPERTY
- SEC. 65.0242 REDEMPTION
- SEC. 65.0243 EXECUTION OF DEED TO PROPERTY

Section 2. That Chapter VI, Article 5, of the San Diego Municipal Code be and it is hereby amended by adding Division 3, Sections 65.0201 through 65.0222, to be entitled "San Diego Maintenance District Procedural Ordinance of 1975," to read as follows:

JUN 10 1975 *ew*

RICIA M. APPLESTILL hereby certify
to Daily Transcript is a daily newspaper of general
circulation, printed and published in the City of San Diego,
California, State of California; that I am the principal
owner of said newspaper; and the

ORDINANCE NO. 11622

A true and correct copy of which this certificate is annexed
to and filed in said newspaper on

June 6, 1975

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

June 6, 1975

Ricia M. Applestill

(Signature)

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53 1/8" @ 4.42 #234.81 *ew*

**DIVISION 2
SAN DIEGO MAINTENANCE DISTRICT
PROCEDURAL ORDINANCE OF 1975**

SEC. 65.0201 PURPOSE AND INTENT

It is the purpose and intent of this Division to establish a method by which landscaping, statuary, fountains, or other ornamental structures and appurtenant facilities or public lighting systems and appurtenant facilities may be constructed, installed, and/or maintained; the costs of which are to be assessed to property which is adjacent to or in the vicinity of such systems or facilities and which is receiving benefit therefrom; and it is further the intent and purpose of this Division to establish a procedure by which such assessments may be collected.

SEC. 65.0202 TITLE

This Division may be cited as the San Diego Maintenance District Procedural Ordinance of 1975.

SEC. 65.0203 COMPLIANCE WITH DIVISION

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

SEC. 65.0204 NECESSARY OR CONVENIENT PROCEDURE AUTHORIZED

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

SEC. 65.0205 NONEXCLUSIVENESS OF REMEDIES

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

SEC. 65.0206 ABANDONMENT OF PROCEEDINGS

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

SEC. 65.0207 EFFECT UPON OTHER LAW

This Division 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 Division, its provisions only need be followed.

SEC. 65.0208 CONSTRUCTION

This Division is to be liberally construed.

SEC. 65.0209 INCORPORATION OF THE LANDSCAPING AND LIGHTING ACT OF 1972

The Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code of the State of California, as said Act may be amended from time to time) is incorporated in and made a part of this Division. Except as otherwise provided in this Division, the mode and manner for making improvements and for levying and collecting the assessments shall be as prescribed in said Landscaping and Lighting Act of 1972.

SEC. 65.0210 WAIVER OF POSTING

The San Diego Street Lighting District No. 1, the Downtown Street Tree Maintenance District of 1974, the Scripps/Miramar Open Space Maintenance District of 1974, and the Tierrasanta Open Space Maintenance District of 1974, are all in existence and all property owners have been duly notified of the creation of such districts so that the posting of notice as required in Section 22555 of the Landscaping and Lighting Act of 1972, is hereby declared unnecessary to said districts provided the districts are reformed pursuant to this Article for the fiscal year beginning July 1, 1975 and ending June 30, 1976.

SEC. 65.0211 COLLECTION OF THE ASSESSMENTS

The procedures provided for in Chapter 4 of the Landscaping and Lighting Act of 1972 are hereby deleted and the procedures set forth in Sections 62.0212 through 62.0222 herein shall apply.

SEC. 65.0212 ASSESSMENT RECORDED, NOTICE, LATE CHARGE

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 land is liable for the assessment stating that the assessment is due and payable and that the penalty for delinquency, as specified herein, may be added. Upon delinquency, a late charge equal to 50 percent of the assessment, but not to exceed \$25.00, to compensate City for its administrative costs incurred as a result of the delinquency shall be added to the amount due.

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 late charges, if any, or by redemption of the land after sale for delinquency.

SEC. 65.0213 WAIVER OF DELINQUENT PAYMENTS

If 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 late charge for delinquency or he may refund the late charge if it has already been paid.

Should the commencement of the maintenance proposed herein be, through circumstances beyond the control of the City, delayed past the delinquency date established by the City Treasurer as provided in this section, the Council may by resolution amend the delinquency date thus established and set a new delinquency date to be not less than 30 days from the date of commencement of the maintenance. The resolution shall order and authorize the refunding or cancellation of all late charges collected or due based on the delinquency date originally established by the City Treasurer and shall require a notice by the City Treasurer of each affected property owner as provided herein. This procedure for amending the delinquent date shall not be applicable where the alternate method for collecting the assessment under Section 65.0214 is used.

SEC. 65.0214 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 collection and enforcement of special assessments pursuant to the Government Code of the State of California, 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 Division, notice by the County Tax Collector of any special assessments to be included with the general tax roll 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 the assessments, or installments thereof, that are to be billed for and collected by the County during the taxing period.

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

SEC. 65.0215 ALTERNATE PROVISION, RESOLUTION OF INTENTION

As an alternate to the procedures to be followed in Sections 22625 and 22629 of the Landscaping and Lighting Act of 1972, the City Clerk may schedule the hearing required in Section 22624 if said Act on any regularly-scheduled Council meeting date no later than July 31 of the fiscal year for which the assessments are to be levied or, if the hearing is scheduled for a prior date, the Council may continue the hearing to a meeting date no later than the July 31 date specified above.

SEC. 65.0216 NOTICE OF HEARING TO PROPERTY OWNERS

Proceedings under Chapter 3 of the Landscaping and Lighting Act of 1972 shall include notice by the City Clerk to property owners owning lots or parcels in the following categories:

A. Where there is an increase in the amount proposed to be assessed upon any lot or parcel by reason of a change of zone or a change in the formula or method of apportioning the net amount to be assessed upon lands within the assessment districts.

B. Where there has been a division of any lot or parcel of land assessed during the previous fiscal year and, as a result thereof, the divided lots or parcels are owned by different persons.

C. Where the assessment includes the cost and expenses of new improvements to be installed or constructed.

SEC. 65.0217 LIMITATION OF ACTIONS

The validity of the assessment levied under this Division 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.

SEC. 65.0218 NOTICE OF SALE

The City Treasurer shall, not less than one year, but not more than fourteen months 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. 65.0219 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 land assessed and delinquent, any person may pay the assessment, penalties and costs thereon. The costs shall include the cost of advertising.

SEC. 65.0220 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. 65.0221 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 Division may be redeemed by payment to the City Treasurer of the amount for which the land was sold, together with a penalty of two-thirds of one percent of said amount per month, and such other penalties as may be payable as provided in this Division. The two-thirds 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. 65.0222 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; and
- 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, \$15.00 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 8. This ordinance shall take effect and be in force on the thirteenth day from and after its passage.

Introduced on May 15, 1975.

Passed and adopted by the Council of The City of San Diego on May 29, 1975.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By LA VERNE E. MILLER, Deputy.

(SEAL)

Published June 6, 1975.

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