

(O. 79-22)

ORDINANCE NO. 12420  
(New Series)

AUG 21 1978

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2,  
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING  
SECTION 62.0413(b) RELATING TO APPEALS OF  
THE CITY ENGINEER.

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

Section 1. That Chapter VI, Article 2, of the San Diego  
Municipal Code be, and it is hereby amended by amending  
Section 62.0413(b) to read as follows:

SEC. 62.0413(b)

(b) In the event that anyone is dissatisfied  
with any decision of the City Engineer, an appeal  
as provided for herein may be directed to the Public  
Facilities and Recreation Committee of the City  
Council by filing a notice thereof with the City  
Clerk within fifteen (15) days following such action.  
Appeals shall be filed in writing with and on forms  
provided by the City Clerk. Such appeals shall state  
the nature and basis of the appeal. The City Clerk  
shall immediately transmit a copy of said notice to  
the Committee Consultant who shall place the matter  
on the Committee docket for a hearing within fifteen  
(15) days or at the next succeeding regular Committee  
meeting unless the applicant consents to a continuance.

At the hearing, the Committee shall hear testimony of the appellant or any other persons desiring to be heard. Upon the conclusion of the hearing, unless the Committee and the appellant mutually agree that additional time is needed for further consideration, the Committee shall, within seven (7) days, declare its findings based on the testimony and documents placed before it. The Committee may sustain, modify, reject or overrule the recommendations or the rulings of the City Engineer and shall make findings that

(1) the proposed work is not inconsistent with state or local laws;

(2) the proposed work or deferment of the work is not detrimental to the public health, safety and general welfare;

(3) the work will not constitute an unreasonable use of the land as indicated by the existing zoning or approved land use plan;

(4) the work, if required, would cause no unreasonable burden upon the property or its owner.

The action of the committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

Section 2. 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 Paul E. Robinson  
Paul E. Robinson, Deputy

PER:lco  
7/21/78  
Or.Dept.:Councilman Stirling  
Chairman:PF&R Comm.

STRIKE OUT ORDINANCE -- O. 79-22

Strike out type: Old Language  
Underlined: New Language

SEC. 62.0413(b)

(b) In the event that anyone is dissatisfied with any decision of the City Engineer, an appeal as provided for herein may be directed to the Public Facilities and Recreation Committee of the City Council by filing a notice thereof with the City Clerk within fifteen (15) days following such action. Appeals shall be filed in writing with and on forms provided by the City Clerk. Such appeals shall state the nature and basis of the appeal. The City Clerk shall immediately transmit a copy of said notice to the Committee Consultant who shall place the matter on the Committee docket for a hearing within fifteen (15) days or at the next succeeding regular Committee meeting unless the applicant consents to a continuance.

At the hearing, the Committee shall hear testimony of the appellant or any other persons desiring to be heard. Upon the conclusion of the hearing, unless the Committee and the appellant mutually agree that additional time is needed for further consideration, the Committee shall, within seven (7) days, declare its findings based on the testimony and documents placed before it. The Committee may sustain, modify, reject or overrule the recommendations or the rulings of the City Engineer and may shall make such findings as are not-incosistent-with-State-or-local-laws: that

(1) the proposed work is not inconsistent with state or local laws;

(2) the proposed work or deferment of the work is not detrimental to the public health, safety and general welfare;

(3) the work will not constitute an unreasonable use of the land as indicated by the existing zoning or approved land use plan;

(4) the work, if required, would cause no unreasonable burden upon the property or its owner.

The action of the committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

Passed and adopted by the Council of The City of San Diego on AUG 21 1978  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<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"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Gooding, 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

AUG 7 1978

AUG 21 1978

~~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.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Gooding, Deputy.

1978 JUL 31 11 11 AM

Office of the City Clerk, San Diego, California	
Ordinance Number <u>12420</u>	Adopted <u>AUG 21 1978</u>

*h*

ATTORNEYS:

San Diego, City of  
12th Floor, City Admin. Bldg.  
202 C St.  
San Diego, Ca 92101  
Attn: Betty Goldberg

RECEIVED  
CITY CLERK'S OFFICE

1978 SEP 18 AM 10:45

SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

No 12420

IN THE MATTER OF

APPEALS OF THE CITY ENGINEER

ORDINANCE NO. 12420

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 02.0419(h) RELATED TO APPEALS OF THE CITY ENGINEER. BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 2, of the San Diego Municipal Code be, and it is hereby amended by amending Section 02.0419(h) to read as follows:

SEC. 02.0419(h)

(h) In the event that anyone is dissatisfied with any decision of the City Engineer, an appeal as provided for herein may be directed to the Public Facilities and Recreation Committee of the City Council by filing a notice thereof with the City Clerk within fifteen (15) days following such action. Appeals shall be filed in writing and on forms provided by the City Clerk. Such appeals shall state the nature and basis of the appeal. The City Clerk shall immediately transmit a copy of said notice to the Committee Consultant who shall place the matter on the Committee docket for a hearing within fifteen (15) days or at the next succeeding regular Committee meeting unless the applicant consents to a continuance.

At the hearing, the Committee shall hear testimony of the applicant or any other persons desiring to be heard. Upon the conclusion of the hearing, unless the Committee and the applicant mutually agree that additional time is needed for further consideration, the Committee shall, within seven (7) days, declare its findings based on the testimony and documents placed before it. The Committee may sustain, modify, reject or overrule the recommendations or the rulings of the City Engineer and shall make findings that:

- (1) the proposed work is not inconsistent with state or local laws;
- (2) the proposed work or deferment of the work is not detrimental to the public health, safety and general welfare;
- (3) the work will not constitute an unreasonable use of the land as indicated by the existing zoning or approved land use plan;
- (4) the work, if required, would cause no unreasonable burden upon the property or its owner.

The action of the committee shall be final unless a hearing is set before the City Council pursuant to Section 02.0420, Sub 4.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on August 7, 1978.

Passed and adopted by the Council of The City of San Diego on August 21, 1978.

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES W. ALLEN

City Clerk of The City of San Diego, California.

(SEAL)

By BETTY GOLDBERG, Deputy, Pub. Sept. 4, 1978. 02-5197

I, EVE C. LASH, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 12420

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

September 4, 1978

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 7th day of Sept., 1978.

(Signature)

12420

9 1/2" x 57.67