

ORDINANCE NO. 0-15030
(New Series)

O. 80-43
(Rev. 9/20/79)

OCT 1 1979

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISIONS 1 AND 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SUBSECTION (k) OF SECTION 62.0102; AMENDING SECTIONS 62.0104 BY ADDING SUBSECTIONS (i) AND (j); 62.0403 BY ADDING SUBSECTION (h); AND 62.0405 BY ADDING SUBSECTIONS (c), (d) AND (e), ALL RELATING TO PUBLIC RIGHTS-OF-WAY AND LAND DEVELOPMENT.

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

Section 1. That Chapter VI, Article 2, Division 1, of the San Diego Municipal Code be and it is hereby amended by amending Subsection (k) of Section 62.0102 to read as follows:

SEC. 62.0102 DEFINITIONS

(k) "Land Development" shall mean the making of excavations and embankments on private property and the construction of slopes, drainage structures, fences, and other facilities incidental thereto, where it is necessary to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction and quality of materials. Land development shall also mean clearing and grubbing by motorized grading equipment. Clearing and grubbing shall mean the removal of vegetation, the removal of roots, and/or the clearing or breaking up of the surface of land by digging.

Section 2. That Chapter VI, Article 2, Division 1, of the San Diego Municipal Code be and it is hereby amended by amending Section 62.0104 by adding subsections (i) and (j) to read as follows:

SEC. 61.0104 ADMINISTRATION BY THE CITY ENGINEER

(i) Where land development work is undertaken without a permit, but where such permit was readily obtainable upon proper application, the City Engineer shall:

(1) Order the work to be stopped.

(2) Report the violation to the Contractors' Licensing Board.

(3) Assess a fee of double the normal City processing and inspection fee for the permit.

If a permit is not promptly obtained, the City Engineer shall suspend building permits and begin criminal prosecution.

(j) Where land development work other than soil and geologic exploration is undertaken without a permit on unsubdivided property; environmentally sensitive property without an EIR; or property in the A-1-5 or A-1-10 zone, except for a single family residence, access road, agriculture, or City required or approved weed abatement or fire preventive program, the City Engineer shall:

(1) Order the work stopped.

(2) Report the violation to the Contractors' Licensing Board.

(3) Assess a fee of double the normal City processing and inspection fee for a future land development permit which might be issued, and record this requirement against the property.

(4) Cause all administrative action toward processing of any project proposed for the property to

stop until the property is restored to its original or satisfactory condition including landscaping, or until an appeal of such requirement is heard by the Transportation and Land Use Committee.

Should restoration or such other resolution as determined by the Council committee not begin promptly, the City Engineer shall begin criminal prosecution and shall record a notice against the property prohibiting development until satisfactory resolution is obtained.

Section 3. That Chapter VI, Article 2, Division 4, of the San Diego Municipal Code be and it is hereby amended by amending Section 62.0403 by adding subsection (h), and Section 62.0405 by adding subsections (c) and (d) to read as follows:

SEC. 62.0403 EXCEPTIONS FOR LAND DEVELOPMENT

(h) Clearing and grubbing of subdivided land in all zones except A-1-5 and A-1-10.

SEC. 62.0405 APPLICATIONS FOR PERMITS

(c) Applications for agricultural permits are required one time only for lands not previously used for agriculture. The application requires a description of the area, statement of crop to be planted, and method of irrigation. Agricultural permits are limited to plowing along the natural surface only or to the making of embankments or excavations within the scope of Section 62.0403 "Exceptions for Land Development." Environmental clearance is required for endangered species and natural environmental features.

(d) Applications for clearing and grubbing to be performed as part of a City required or approved weed abatement or fire preventive program require only a description of the site and nature of the work.

(e) Applications for permit for soils and geologic exploration are required whenever land development is involved in the work. Permits may be granted in unsubdivided property provided environmental clearance is obtained for endangered species and sensitive environmental features. Soils borings or geologic trenches to be restored are not land development.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

JOHN W. WITT, City Attorney

By Janis Sammartino Gardner
Janis Sammartino Gardner
Deputy City Attorney

JSG:vl:710.3
9/6/79 Rev. 9/20/79
Or. Dept.: Chrmn. Rules Comm.

O. 80-43

SEC. 62.0102 DEFINITIONS

(k) "Land Development" shall mean the making of excavations and embankments on private property and the construction of slopes, drainage structures, fences, and other facilities incidental thereto, where it is necessary to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction and quality of materials. Land development shall also mean clearing and grubbing by motorized grading equipment. Clearing and grubbing shall mean the removal of vegetation, the removal of roots, and/or the clearing or breaking up of the surface of land by digging.

[There are no other changes to this section]

SEC. 61.0104 ADMINISTRATION BY THE CITY ENGINEER

(i) Where land development work is undertaken without a permit, but where such permit was readily obtainable upon proper application, the City Engineer shall:

(1) Order the work to be stopped.

(2) Report the violation to the Contractors' Licensing Board.

(3) Assess a fee of double the normal City processing and inspection fee for the permit.

If a permit is not promptly obtained, the City Engineer shall suspend building permits and begin criminal prosecution.

(j) Where land development work is undertaken without a permit on unsubdivided property; environmentally sensitive property without an EIR; or property in the A-1-5 or A-1-10 zone, except for a single family residence, access road, agriculture, or City required or approved weed abatement or fire preventive program, the City Engineer shall:

(1) Order the work stopped.

(2) Report the violation to the Contractors' Licensing Board.

(3) Assess a fee of double the normal City processing and inspection fee for a future land development permit which might be issued, and record this requirement against the property.

(4) Cause all administrative action toward processing of any project proposed for the property to stop until the property is restored to its original or satisfactory condition including landscaping, or until an appeal of such requirement is heard by the Transportation and Land Use Committee.

Should restoration or such other resolution as determined by the Council committee not begin promptly, the City Engineer shall begin criminal prosecution and shall record a notice against the property prohibiting development until satisfactory resolution is obtained.

[There are no other changes to this section]

SEC. 62.0403 EXCEPTIONS FOR LAND DEVELOPMENT

(h) Clearing and grubbing of subdivided land in all zones except A-1-5 and A-1-10.

[There is no other change to this section]

SEC. 62.0405 APPLICATIONS FOR PERMITS

(c) Applications for agricultural permits are required one time only for lands not previously used for agriculture. The application requires a description of the area, statement of crop to be planted, and method of irrigation. Agricultural permits are limited to plowing along the natural surface only or to the making of embankments or excavations within the scope of Section 62.0403 "Exceptions for Land Development." Environmental clearance is required for endangered species and natural environmental features.

(d) Applications for clearing and grubbing to be performed as part of a City required or approved weed abatement or fire preventive program require only a description of the site and nature of the work.

(e) Applications for permit for soils and geologic exploration are required whenever land development is involved in the work. Permits may be granted in unsubdivided property provided environmental clearance is obtained for endangered species and sensitive environmental features. Soils borings or geologic trenches to be restored are not land development.

[There are no other changes to this section]

0-15030

Passed and adopted by the Council of The City of San Diego on OCT 1 1979,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Ellen Board, 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

SEP 17 1979

OCT 1 1979

, and on

~~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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
Number

O-15030

Adopted

OCT 1 1979

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1979 OCT 17 AM 10:20
SAN DIEGO, CALIF.

San Diego, City of
12th Floor, City Admin. Bldg.
202 C Street
San Diego, CA. 92101
Att: Ellen Bovard

IN THE MATTER OF

NO.

Chapter VI, Article 2, Division 1

ORDINANCE NO. 0-15030 (New Series)
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2,
DIVISIONS 1 AND 4, OF THE SAN DIEGO
MUNICIPAL CODE BY AMENDING SUBSECTION (K)
OF SECTION 62.0102; AMENDING SECTIONS
62.0104 BY ADDING SUBSECTIONS (I) AND (J);
62.0403 BY ADDING SUBSECTION (H); AND 62.0405
BY ADDING SUBSECTIONS (C), (D) AND (E), ALL RELATING
TO PUBLIC RIGHTS-OF-WAY AND LAND DEVELOPMENT.

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

Section 1: That Chapter VI, Article 2, Division 1, of the San Diego Municipal Code be and it is hereby amended by amending Subsection (K) of Section 62.0102 to read as follows:

SEC. 62.0102 DEFINITIONS

(K) "Land Development" shall mean the making of excavations and embankments on private property and the construction of slopes, drainage structures, fences, and other facilities incidental thereto, where it is necessary to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction and quality of materials and development; shall also mean clearing and grubbing by motorized grading equipment. Clearing and grubbing shall mean the removal of vegetation, the removal of roots, and/or the clearing or breaking up of the surface of land by digging.

Section 2: That Chapter VI, Article 2, Division 1, of the San Diego Municipal Code be and it is hereby amended by amending Section 62.0104 by adding subsections (I) and (J) to read as follows:

SEC. 61.0104 ADMINISTRATION BY THE CITY ENGINEER

(I) Where land development work is undertaken without a permit, but where such permit was readily obtainable upon proper application, the City Engineer shall:

- (1) Order the work to be stopped.
- (2) Report the violation to the Contractors' Licensing Board.
- (3) Assess a fee of double the normal City processing and inspection fee for the permit.

If a permit is not promptly obtained, the City Engineer shall suspend building permits and begin criminal prosecution.

(J) Where land development work other than soil and geologic exploration is undertaken without a permit on un subdivided property, environmentally sensitive property without an EIR, or property in the A-1-S or A-1-10 zone, except for a single family residence, access road, agriculture, or City required or approved weed abatement or fire preventive program, the City Engineer shall:

- (1) Order the work stopped.
- (2) Report the violation to the Contractors' Licensing Board.
- (3) Assess a fee of double the normal City processing and inspection fee for a future land development permit which might be issued, and record this requirement against the property.
- (4) Cause all administrative action toward processing of any project proposed for the property to stop until the property is restored to its original or satisfactory condition including landscaping, or until an appeal of such requirement is heard by the Transportation and Land Use Committee.

Should restoration or such other resolution as determined by the Council committee not begin promptly, the City Engineer shall begin criminal prosecution and shall record a notice against the property prohibiting development until satisfactory resolution is obtained.

Section 3: That Chapter VI, Article 2, Division 4, of the San Diego Municipal Code be and it is hereby amended by amending Section 62.0403 by adding subsection (H), and Section 62.0405 by adding subsections (C) and (D) to read as follows:

Paula J. Santonocito

I, _____, 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. 0-15030 (New Series)

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:

October 15, 1979

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

Dated at San Diego, California this 15th day of Oct., 19 79.

Paula J. Santonocito
(Signature)

17 1/2" - \$116.73

SEC. 82.0405 EXCEPTIONS FOR LAND DEVELOPMENT.
(h) Clearing and grubbing of subdivided land in all zones except
and 4-1-10.
SEC. 82.0405 APPLICATIONS FOR PERMITS.
(c) Applications for agricultural permits are required one time on
lands not previously used for agriculture. The application shall
include a description of the area, statement of crop to be planted, and
method of irrigation. Agricultural permits are limited to plowing of the
natural surface only or to the making of embankments or exclosures
within the scope of Section 82.0403. "Exceptions for Land
Development." Environmental clearance is required for endangered
species and natural environmental features.
(d) Applications for clearing and grubbing to be performed as
part of a City required or approved weed abatement or fire preventive
program require only a description of the site and nature of the work.
(e) Applications for permit for soils and geologic exploration are
required whenever land development is involved in the work. Permits
may be granted in unsubdivided property provided environmental
clearance is obtained for endangered species and sensitive en-
vironmental features. Soils borings or geologic trenches to be
excavated are not land development.
Section 4. This ordinance shall take effect and be in force on the
fifteenth day from and after its passage.
Introduced on September 17, 1979.
Passed and adopted by the Council of The City of San Diego on
October 1, 1979.
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 ELLEN BOVARD,
Deputy.
Pete Oct. 18, 1979

page 2 of 2