

ORDINANCE NO. O- 15174
(New Series)

(O. 80-186)

JAN 28 1980

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 4, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING THERETO DIVISION 2, SECTIONS 54.0201 THROUGH 54.0206 RELATING TO THE ESTABLISHMENT OF A WEED AND RUBBISH ABATEMENT PROGRAM AND INCORPORATING THE EXISTING PROVISIONS OF SAID ARTICLE INTO A NEW DIVISION 1 ENTITLED GENERAL PROVISIONS.

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

Section 1. That Chapter V, Article 4, of the San Diego Municipal Code be and the same is hereby amended by adding Division 2 to read as follows:

DIVISION 2

WEED AND RUBBISH ABATEMENT PROGRAM

SEC. 54.0201 PURPOSE

The Council declares that its purpose in adopting this ordinance is to designate the responsibility of owners of real property in the City of San Diego in the elimination of the public nuisance created by weed, rubbish, and refuse on or about their property.

SEC. 54.0202 DEFINITIONS

(a) "Weeds," as referred to herein, includes
(i) weeds which bear seeds of a downy or wingy nature;
(ii) sagebrush, chaparral and any other brush or weeds which attain such large growth as to become when dry a fire menace; (iii) poison oak and poison ivy when the conditions of growth are such as to constitute a menace

to the public health, and weeds that are otherwise noxious or dangerous; (iv) dry grass, stubble, brush, or other flammable material which endangers the public safety by creating a fire hazard.

(b) "Rubbish," as referred to herein, includes trash or refuse consisting of uncontained paper, wood, dry grass or brush, dirt, plastic, rubber, metal or ceramic wreckage, or any other discarded material deleterious to the public health, safety, or welfare. "Rubbish," as referred to herein, further includes matter in violation of Section 44.0349 or defined in Section 66.0123(2) of the San Diego Municipal Code.

SEC. 54.0203 DECLARATION

The Council hereby declares as a public nuisance adversely affecting the public health, safety, and general welfare:

(a) All weeds growing upon the streets, sidewalks, and private property located in the City of San Diego.

(b) All rubbish upon or in front of streets, sidewalks, and private property in the City of San Diego.

SEC. 54.0204 PROCEDURE FOR ABATEMENT NOTICE

(a) The Chief of the Fire Department, or any agent thereof, shall be vested with authority to determine whether a public nuisance, as herein defined, may exist on any street, sidewalk, or private property subject to these provisions, and shall cause a written notice to be issued to abate such nuisance.

(b) The notice requires shall contain a description of the property in general terms reasonably sufficient to identify the location of said property, and shall refer to this ordinance and direct compliance herewith by removal or destruction of the weeds and/or rubbish. Said notice shall further describe the consequences of failure to comply as herein prescribed.

(c) The notice required in Section 54.0204(b) shall be served by any of the following methods:

(i) By personal service on the owner or agent thereof; or

(ii) By regular mail addressed to the owner or agent thereof, at the address shown on the last available assessment roll, or as otherwise known; or

(iii) By posting said notices conspicuously on or in front of the property, with at least one notice per each parcel of fifty feet frontage. The notice when posted shall be headed in bold-faced type, not less than one inch in height, NOTICE TO CLEAN PREMISES.

SEC. 54.0205 APPEAL FROM REQUIREMENTS OF NOTICE

(a) Within five (5) days from the date of service of the required notice, the owner or agent thereof of premises affected by such notice may appeal to the independent hearing officer, who shall hear and consider all objections or protests to the proposed abatement.

(b) Upon conclusion of the hearing, the Officer shall allow or overrule any or all objections, whereupon the

Council shall particularly describe the property upon which or in front of which the nuisance exists and order abatement. Written appeal to the Public Services and Safety Committee of the Council may be made within five (5) days of the Officer's determination, and the decision of the Committee shall be final and conclusive, subject to the permanent rules of the Council.

(c) At the time it orders noticed property to be abated, the Council may also find and declare that weeds on specified parcels of property are seasonal and recurrent nuisances, which shall be abated pursuant to the provisions of this ordinance. Upon the second and any subsequent occurrence of such nuisance on the same parcel within the same calendar year, no further hearings need be held, and it shall be sufficient to mail a postcard notice to the owners of the property at the address shown on the last available assessment roll.

SEC. 54.0206 ABATEMENT PROCEDURE

(a) Upon the Council's declaration and order of abatement pursuant to Section 54.0205(b) or (c), the Manager or designated representative shall cause such nuisance to be abated, either by City personnel or by contract, provided however that any property owner shall have the right to destroy or remove the weeds or rubbish before the arrival of said personnel or contractor.

(b) When abatement is completed, a report of the proceedings and an accurate account of the cost on each separate parcel shall be filed with the City Clerk.

(c) The City Clerk shall thereupon set the report and account for hearing by the Council, and shall post a copy of said report and account and notice of the time and place of hearing in a conspicuous place at or near the entrance to the Council chambers.

(d) The Council shall consider the report and account at the time set for hearing, together with any objections to the accuracy of said account. At the conclusion of the hearing, the Council shall either approve the report and account as submitted, or as modified and corrected by the Council. The amounts so approved shall be charged to the property owner on the next regular tax bill, and shall be a lien upon the property involved. The Council shall confirm such assessment and cause the same to be recorded on the assessment roll. The Council shall adopt a resolution assessing such amounts, and the City Clerk shall file a certified copy of said resolution with the County Auditor of the County of San Diego.

(e) The provisions of Sections 39580 to 39585, inclusive, of the Government Code, are hereby incorporated by reference, and made a part of the ordinance. The County Auditor shall enter each assessment in the County Tax Roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of

ordinary municipal taxes; and if delinquent the amount is subject to the same penalties and procedure of foreclosure and sale as is provided for ordinary municipal taxes.

Section 2. The existing provisions of Article 4 are hereby incorporated in Division 1 entitled as follows:

DIVISION 1

GENERAL PROVISIONS

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 Thomas F. Steinke
Thomas F. Steinke, Deputy

TFS:lco:556.1
12/18/79
Or.Dept.:TL&U

Passed and adopted by the Council of The City of San Diego on JAN 28 1980,
 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"/>
Bill Cleator	<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 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"/>
Mike Gotch	<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 Barbara Berridge, 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

JAN 14 1980, and on JAN 28 1980

~~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 Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	<u>O - 15174</u> Adopted <u>JAN 28 1980</u>

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1980 FEB 20 AM 9:20
SAN DIEGO, CALIF.

San Diego, City of
12th floor, City Admin. Bldg.
202 C St.
San Diego, CA 92101
Attn: Barbara Berridge

IN THE MATTER OF

NO.

ESTABLISHMENT OF A WEED AND RUBBISH
ABATEMENT PROGRAM

Camille Simpson

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

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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:

February 11, 1980

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

Dated at San Diego, California this 11th day of Feb., 1980

Camille Simpson
(Signature)

6" - \$40.02

ORDINANCE NO. 0-15174
(New Series)
AN ORDINANCE AMENDING CHAPTER V, ARTICLE 4, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING THERETO DIVISION 1, SECTIONS 54.0201 THROUGH 54.0208, RELATING TO THE ESTABLISHMENT OF A WEED AND RUBBISH ABATEMENT PROGRAM AND INCORPORATING THE EXISTING PROVISIONS OF SAID ARTICLE INTO A NEW DIVISION 1 ENTITLED GENERAL PROVISIONS.
This Ordinance declares that weeds and rubbish, as defined in a Public Nuisance. The Chief of the Fire Department is designated as the authority who is charged with the responsibility of inspecting properties to determine if, in fact, a nuisance exists and to provide notices to the property owner to abate the nuisance. An appeal procedure from the Fire Chief's determination is provided for in the ordinance. This ordinance provides for an abatement procedure which can be implemented by the City, or its contractor, if the property owner does not timely abate the nuisance. If the City abates the nuisance the ordinance provides for a procedure whereby a special assessment is made against the parcel where the nuisance was abated. After the assessment is confirmed by the Council of The City of San Diego it becomes a lien on the parcel pursuant to Sections 3900 thru 3955 California Government Code.
Introduced on January 14, 1980.
Passed and adopted by the Council of The City of San Diego on January 28, 1980.
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 BARBARA BERRIDGE, Deputy
Published February 11, 1980 80-2100-1