

ORDINANCE NUMBER O-16096 (New Series)

Adopted on JAN 3 1984

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 24, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.2401, ADDING TO THE DUTIES OF THE PLANNING DIRECTOR THE DUTY TO ENFORCE THE PROVISIONS OF CHAPTER X OF THIS CODE, AND AMENDING CHAPTER X, ARTICLE 1, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.0212 AND 101.0213, CONFERRING UPON THE PLANNING DIRECTOR, OR HIS DESIGNEES, THE AUTHORITY TO ENFORCE THE PROVISIONS OF CHAPTER X BY EXERCISING THE POWER TO ARREST AND ESTABLISHING A PROCEDURE FOR SUMMARY ABATEMENT OF ZONING VIOLATIONS.

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

Section 1. That Chapter II, Article 2, Division 24, of the San Diego Municipal Code be, and the same is hereby amended by amending Section 22.2401 to read as follows:

SEC. 22.2401 PLANNING DEPARTMENT - POWERS AND DUTIES OF OF THE PLANNING DIRECTOR

The Planning Department is a City Department. The Director is the administrative head of the department and shall be appointed by the City Council. The Planning Director may be removed by the Council. The Director, under the direction of the Planning Commission, shall:

a. through h. - No change.

In addition, the Planning Director, and such members of the Planning Department specifically authorized by the Planning Director, shall have the power and duty to enforce the provisions of Chapter X of this Code.

Section 2. That Chapter X, Article 1, Division 2, of the San Diego Municipal Code be, and the same is hereby amended by adding Sections 101.0212 and 101.0213 to read as follows:

SEC. 101.0212 PLANNING DIRECTOR - POWER TO ARREST

The Planning Director, or any representative thereof designated by the Director with the duty to enforce the provisions of this Chapter, is hereby authorized to arrest any person without a warrant whenever the Planning Director or his designated representative has reasonable cause to believe that the person to be arrested has committed a violation of this Chapter in his presence.

SEC. 101.0213 ZONING VIOLATION ABATEMENT PROGRAM

(a) Purpose. The Council declares that its purpose in adopting this section is to establish a procedure to cause the summary abatement of public nuisance zoning violations. The procedures established herein shall be in addition to any other legal remedy, criminal or civil, established by law which may be pursued to address violations of this Chapter.

(b) The City Council hereby declares to be a public nuisance any violation of the provisions of this Chapter which is injurious to health or is indecent or offensive to the senses so as to interfere with the comfortable enjoyment of life or property or which interferes with or substantially impairs the attainment of community planning goals by adversely affecting at the same time an entire community or

neighborhood or any considerable number of persons.

(c) Procedure for Abatement.

(1) The Planning Director, or any representative thereof, shall be vested with the authority to determine whether a public nuisance, as defined herein, may exist on any private property and cause a written notice to be issued to abate such nuisance.

(2) The notice required shall contain a description of the property in general terms reasonably sufficient to identify the location of the property, shall refer to this section, and shall direct compliance by removal or correction of the condition which is in violation of the provisions of this Chapter within seven days of the date of the notice. The notice shall further describe the consequences of failure to comply as herein prescribed.

(3) The notice required by the preceding paragraph shall be served by any of the following methods on the owner or agent thereof and the person in possession of the property:

A. By personal service; or

B. By certified mail addressed to the owner or agent thereof, at the address shown on the last available assessment roll, or as otherwise known and to the person in possession of the property; or

C. 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 CORRECT PUBLIC NUISANCE ZONING VIOLATION."

(4) Upon failure of the owner, agent thereof or person in possession of the property to remove or correct the conditions described in the notice within the time prescribed herein, the Planning Director shall refer the matter to the City Council for a noticed public hearing. Notice of the hearing shall be given to the owner, agent thereof or person in possession of the property and to all property owners whose property lies within 300 feet of the property in question. The notice shall be titled "Notice of Public Hearing Concerning a Public Nuisance Zoning Violation and Abatement Thereof." Such notice shall be given at least 10 days before the date of the hearing before the City Council. The notice shall be given in any of the manners provided in paragraph (3).

(5) At the noticed public hearing, the Planning Director shall present information relating to the zoning violation and the basis on

which the Planning Director determined that the conditions constitute a public nuisance as defined in this section. The owner, agent thereof or person in possession of the property or any interested person may present testimony concerning the existence of a public nuisance on the property in question. At the conclusion of the public hearing, the City Council may confirm, by resolution, the determination of the Planning Director that a public nuisance zoning violation exists on the property. If the City Council confirms the determination of the Planning Director, the City Council may order the abatement of those conditions which the City Council finds constitute a public nuisance zoning violation by City personnel or by its contractor; provided, however, that the owner, agent thereof or person in possession of the property may correct the conditions within seven days of the date on which the City Council confirms the determination of the Planning Director.

In the event the owner, agent thereof or person in possession of the property does not abate the conditions determined to be a public nuisance, the conditions shall be abated by City personnel or by its contractor.

When abatement is completed, a report of

proceedings and an accurate account of the cost of the abatement action shall be filed with the City Clerk.

The City Clerk shall, thereupon, set the report and account for hearing by the City 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. A copy of the report and account and notice of the time and place of the hearing shall be provided to the owner of the property in question, his agent and the person in possession of the property. Such notice shall be given in the manner provided by paragraph (3)(A) or (B).

The City 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,

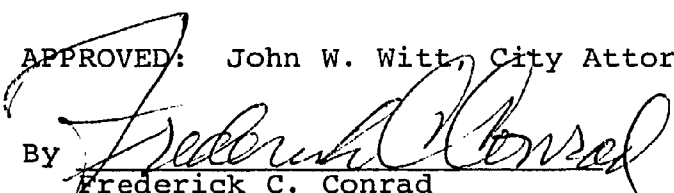
and the City Clerk shall file a certified copy of said resolution with the County Auditor of the County of San Diego.

The provisions of Sections 38773 and 38773.5 of the California Government Code are hereby incorporated by reference and made a part of this 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 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


Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:630
11/23/83
Rev.1 12/09/83
O-84-105
Form=o.none

Passed and adopted by the Council of The City of San Diego on JAN 3 1984,
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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmas	<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"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

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

DEC 5 1983

, and on JAN 3 1984

~~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

00008

Ordinance Number 16096

Adopted JAN 3 1984

RECEIVED
CITY CLERK'S OFFICE

CERTIFICATE OF PUBLICATION

1984 JAN 26 PM 2:08
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
ATTN: ELLEN BOVARD
202 C St., 12th Floor
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16096

ORDINANCE NO. O-16096
(New Series)

Adopted on January 3, 1984

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 1, DIVISION 24, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 22.2501, ADDING TO THE DUTIES OF THE PLANNING DIRECTOR THE DUTY TO ENFORCE THE PROVISIONS OF CHAPTER X OF THIS CODE, AND AMENDING CHAPTER X, ARTICLE 1, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.0212 AND 101.0213, CONFERRING UPON THE PLANNING DIRECTOR, OR HIS DESIGNEES, THE AUTHORITY TO ENFORCE THE PROVISIONS OF CHAPTER X BY EXERCISING THE POWER TO ARREST AND ESTABLISHING A PROCEDURE FOR SUMMARY ABATEMENT OF ZONING VIOLATIONS.

The ordinance amends the Municipal Code by establishing a procedure under which violations of the zoning regulations of the City of San Diego may be summarily abated following notice and a public hearing before the City Council. The ordinance provides that any fees incurred by the City of San Diego in abating the zoning violation shall become a lien on the real property involved.

The ordinance also authorizes the Planning Director to designate certain employees of the Planning Department who shall have the power to arrest any person who violates the provisions of the zoning regulations of the Municipal Code.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on December 5, 1983.
Passed and adopted by the Council of The City of San Diego on January 3, 1984.

AUTHENTICATED BY:
ROGER HEDGECOCK,
Mayor of The City of San Diego, California.
CHARLES G. ARDELNOUR,
City Clerk of The City of San Diego, California.

(SEAL)
By ELLEN BOVARD, Deputy.
Publish Jan. 25, 1984. 60-1550

I, Charlene Land, 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. O-16096
(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:

January 25, 1984

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

Dated at San Diego, California this 25th day of Jan., 1984.

Charlene Land

(Signature)

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7 1/2" x 8.87 = 66.53