

(O-85-19)

ORDINANCE NUMBER O- 16317 (NEW SERIES)

ADOPTED ON NOV 5 1984

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.0301, 62.0302, 62.0303 and 62.0304, RELATING TO ENCROACHMENTS ON PUBLIC RIGHTS-OF-WAY OR PUBLIC PROPERTY.

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 the same is hereby amended by amending Sections 62.0301, 62.0302, 62.0303 and 62.0304, to read as follows:

SEC. 62.0301 APPLICATIONS

Applications for permits authorizing encroachment structures shall be made in accordance with Section 62.0105 of this Article.

No encroachment application shall be approved when it is determined by the City Engineer that the encroachment structures will adversely affect the public health, safety, or general welfare.

All encroachment applications within Centre City shall be subject to the review of the Centre City Review Board.

SEC. 62.0302 ENCROACHMENT REMOVAL AGREEMENT

Applications for encroachment permits shall be accompanied by an encroachment maintenance and removal

agreement signed by the property owner. This agreement shall be prepared by the City Engineer and shall contain the following provisions and such other provisions as may, in the opinion of the City Engineer, be necessary to afford protection to the property owner, City, and public utilities.

(a) The encroachment shall be installed and maintained in a safe and sanitary condition at the sole cost, risk and responsibility of the owner and successors in interest.

(b) The property owner shall agree to at all times indemnify and save the City free and harmless from and pay in full, any and all claims, demands, losses, damages or expenses that the City may sustain or incur in any manner resulting from the construction, maintenance, state of use, repair or presence of the structure installed hereunder, including any loss, damage or expense arising out of (1) loss of or damage to property, and (2) injury to or death of persons; excepting any loss, damage or expense and claims for loss, damage or expense resulting in any manner from the negligent act or acts of the City, its contractors, officers, agents or employees.

(c) The property owner must remove or relocate an encroachment within 30 days after notice by the City Engineer or the City Engineer

may cause such work to be done, and the costs thereof shall be a lien upon said land.

(d) For structures encroaching over or under the public right-of-way, the owner agrees to provide an alternate right-of-way and/or to relocate said City facility to a new alignment, all without cost or expense to the City, whenever it is determined by the City Engineer that the City facility cannot be economically placed, replaced, or maintained due to the presence of the encroaching structure.

(e) Whatever rights and obligations were acquired by the City with respect to the rights-of-way shall remain and continue in full force and effect and shall in no way be affected by the City's grant of permission to construct and maintain the encroachment structure.

(f) The property owner shall maintain a policy of liability insurance in an amount satisfactory to the City Engineer in order to protect the City from any potential claims which may arise from the encroachments.

Removal agreements for approved encroachment permits shall be recorded in the office of the County Recorder as an obligation upon the land involved.

SEC. 62.0303 ENCROACHMENTS REQUIRING CITY COUNCIL  
AUTHORIZATION

(a) Underground structures which extend into the public right-of-way farther than the ultimate curb line.

(b) Structures built over the public right-of-way.


(c) Other encroachments which, in the opinion of the City Engineer, are of sufficient public interest to require City Council approval.

SEC. 62.0304 RAMPED ENTRIES/EXITS IN CENTRE CITY

Ramped entries and/or exits used for vehicular access to buildings in Centre City where ramps would extend into the public right-of-way in such a manner as to render any portion of the existing travel way unusable for public street purposes are hereby prohibited on any street identified as an Activity Corridor in the Urban Design Program. The Urban Design Program is defined in Section 62.0102 of this Article, and any action in denial shall be considered a decision of the City Engineer and, therefore, shall be subject to appeal in accordance with Section 62.0115 of this Article.

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   
\_\_\_\_\_  
John K. Riess  
Deputy City Attorney

JKR:ta:mem:710.2  
7/23/84  
Or. Dept: Plan.  
O-85-19  
Form=().none

NOV 5 1984

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, 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 Struikma	<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 *Paul A. Blackwell*, 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

OCT 23 1984

NOV 5 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 *Paul A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16317 Adopted NOV 5 1984

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
SAN DIEGO, CALIF.  
1984 NOV 21 AM 9:58 Z

CITY OF SAN DIEGO  
202 C Street, 12th Floor  
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NUMBER O-16317

**ORDINANCE NUMBER O-16317  
(NEW SERIES)**

**AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.0301, 62.0302, 62.0303 AND 62.0304, RELATING TO ENCROACHMENTS ON PUBLIC RIGHTS-OF-WAY OR PUBLIC PROPERTY.**  
This ordinance makes several revisions to the procedures for the issuance of encroachment permits. Insurance will be required before a permit could be issued. Other changes are made to the overhead and underground encroachment permits regarding the conditions requiring removal. Encroachments for ramps for vehicular access which are inconsistent with the activity corridors of the urban design program are prohibited.  
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 OC/ 23 1984.  
Passed and adopted by the Council of The City of San Diego on NOV 9 1984.  
**AUTHENTICATED BY:**  
**ROBERT HEDGECOCK,**  
Mayor of The City of San Diego, California.  
**CHARLES G. ABDELNOUR,**  
City Clerk of The City of San Diego, California.  
(SEAL)  
By **JUNE A. BLACKNELL,** Deputy.  
Pub. Nov. 19 8729

I, Linda S. Lawson, 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 NUMBER O-16317  
(NEW SERIES)

5 1/2" X 9.76 = 53.68

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:

November 19, 1984

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

Dated at San Diego, California this 19th day of Nov., 19 84.

Linda S. Lawson

01825 (Signature)

NOV 2 1984

RECEIVED  
CITY CLERK'S OFFICE  
1984 AUG 15 PM 3:07  
SAN DIEGO, CALIF.

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CERTIFICATE OF PUBLICATION

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SAN DIEGO, CALIF.  
1984 NOV 21 AM 9 58 Z

CITY OF SAN DIEGO  
202 C Street, 12th Floor  
San Diego, CA 92101

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Passed and adopted by the Council of The City of San Diego on NOV 5 1984.

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 JUNE A. BLACKNELL, Deputy.

Pub. Nov. 19

6729

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*Linda S. Lawson*

(Signature)

01825