

(O-86-180)

ORDINANCE NUMBER O- 16685 (NEW SERIES)

ADOPTED ON JUL 14 1986

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 4,
DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 54.0205 AND 54.0206 RELATING
TO WEED AND RUBBISH ABATEMENT PROGRAM.

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

Section 1. That Chapter V, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending sections 54.0205 and 54.0206 to read as follows:

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 an independent hearing officer designated by the City Manager who shall hear and consider all objections or protests to the proposed abatement.

(b) Upon conclusion of the hearing, the hearing officer shall allow or overrule any or all objections. The decision of the hearing officer shall be final and conclusive.

SEC. 54.0206 ABATEMENT PROCEDURE

(a) After the Chief of the Fire Department makes a determination of which specific properties constitute a public nuisance and the conclusion of any appeals filed pursuant to section 54.0205, the Council shall, by

resolution, particularly describe the property upon which or in front of which the nuisance exists and order its abatement.

(b) Upon the Council's declaration and order of abatement, by resolution, 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 without any assessment of costs.

(c) 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. The report shall contain the following information; i) names and addresses of all owners of each separate parcel; ii) the Tax Assessors parcel number; iii) the legal description of the property.

(d) 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.

(e) 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 Council shall confirm such amount as a special assessment and cause the same to be recorded on the assessment roll. The amounts so approved shall be charged to the property owner on the next regular tax bill, and shall further be a lien upon the property involved. 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 and the County Recorder of the County of San Diego. The resolution shall include the information contained in section 54.0206(c) and the dates the abatement was ordered and the date of confirmation thereof. The City Clerk shall provide a certified abstract to the County Recorder relative to each separate parcel to record as a special assessment lien against each parcel.

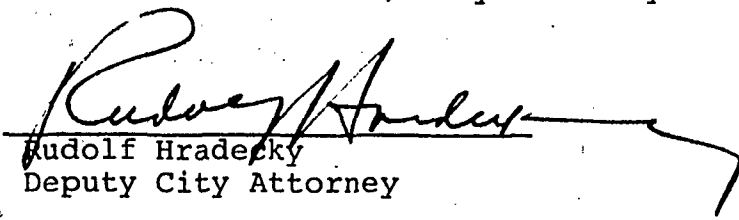
(f) The provisions of sections 39577 and 39580 to 39585, inclusive, of the Government Code, are hereby incorporated by reference, and made a part of the ordinance. The County Auditor shall enter each assessment in the County Tax Roll opposite the parcel of land. The amount of the assessment shall be 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.

(g) Administering departments shall adopt account identification for billing purposes. The property owner shall be provided a satisfaction of lien or account upon payment in full of the costs of abatement.

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


Rudolf Hradecky
Deputy City Attorney

RH:mem
05/26/86
Or.Dept:Fire
O-86-180
Form=o.code

JUL 14 1986

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 Struiksmā	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<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 Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

(Seal)

By *June G. 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

JUN 30 1986

JUL 14 1986

....., 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 *June G. Blackwell* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16685 Adopted JUL 14 1986

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER V., ARTICLE 4, DIVISION
2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS
54.0206 RELATING TO WEED AND RUBBISH ABATEMENT PROGRAM

ORDINANCE NUMBER O-16685 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 4, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 54.0205 AND 54.0206 RELATING TO WEED AND RUBBISH ABATEMENT PROGRAM.

This ordinance amends Chapter V, Article 4, Division 2 to provide for the recording of a lien against real property for the costs of abating weeds and rubbish after the City Council has confirmed and allowed such costs.

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 JUN 30 1986

Passed and adopted by the Council of The City of San Diego on JUL 14 1986

AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By JUNE A. BLACKNELL, Deputy

55238

Pub. July 28

I, Thomas D. Kelleher, 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-16685

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:

July 28

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

Dated at San Diego, California this 28 day of July, 19 86

Thomas D. Kelleher

(Signature)

00912

2.11 x 9.76 = \$36.60