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(0-86-229)

ORDINANCE NUMBER O- 16686 (NEW SERIES)

ADOPTED ON JUL 14 1986

AN EMERGENCY ORDINANCE PURSUANT TO SECTION 17
OF THE CHARTER OF THE CITY OF SAN DIEGO
LIMITING THE ISSUANCE OF BUILDING PERMITS AND
THE APPROVAL OF PROJECTS WHICH REQUIRE SEWER
HOOKUPS IN THE SEWER PUMP STATION NO. 64
SERVICE AREA WITHIN THE CITY OF SAN DIEGO.

WHEREAS, The City of San Diego, under the police power
delegated to it by the Constitution of the State of California,
has the authority to react when the potential exists for jeopardy
to the public health, safety and general welfare of its citizens;
and

WHEREAS, it is alleged that since July, 1979 there have been
58 overflows from Sewer Pump Station No. 64 resulting in the
discharge of millions of gallons of raw sewage into Penasquitos
Lagoon; and

WHEREAS, it is alleged that Sewer Pump Station No. 64 is not
operated and maintained in a manner that would provide reliable
service and prevent sewage overflows; and

WHEREAS, the Regional Water Quality Control Board at its
June 16, 1986 meeting issued a Cease and Desist Order to The City
of San Diego to immediately stop sewage overflows into the
Penasquitos Lagoon; and

WHEREAS, the Regional Water Quality Control Board at its
June 16, 1986 meeting directed The City of San Diego to return on
July 28, 1986, with an action plan to provide improvements to

Sewer Pump Station No. 64 in a timely manner to prevent sewage overflows; and

WHEREAS, in the meantime it is critically urgent and necessary that a method be established immediately to limit construction so that development does not take place without provision being made for consistently adequate and reliable public sewage handling facilities; and

WHEREAS, unless provision is made for such consistently adequate and reliable public sewage handling facilities before such construction takes place, this area of the City may be without consistently adequate and reliable public sewage facilities that are required for the continued preservation of the public peace, property, health, safety and welfare of the citizens of the City of San Diego who work or live there; and

WHEREAS, The City of San Diego is preparing an action plan which will include the following elements:

1. A second independent power source completed by December 31, 1986;
2. Replacement of smaller pumps with larger pumps by June, 1987;
3. Installation of storage facilities to capture potential overflows as soon as possible;
4. Installation of a second force main by December, 1988;
5. Installation of a second pump station as soon as possible; and

WHEREAS, the situation herein described constitutes an emergency and the City Council finds that it is necessary for the

immediate preservation of the public peace, property, health and safety to limit the further issuance of building permits and to limit the further approval of any project which requires a sewer hookup in the Sewer Pump Station No. 64 service area within the City of San Diego until the City's action plan is reviewed and approved by the Regional Water Quality Control Board at its July 28, 1986 meeting; NOW, THEREFORE,

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

Section 1. No building permit shall be issued which requires a sewer hookup in the Sewer Pump Station No. 64 service area within the City of San Diego nor shall any project be approved which requires a sewer hookup in the Sewer Pump Station No. 64 service area within the City of San Diego as delineated in that certain map filed in the office of the City Clerk as Document No.

00-16686 .

Section 2. This ordinance is declared to be an emergency measure required for the immediate preservation of the public safety, health and welfare pursuant to Section 17 of the Charter of The City of San Diego and shall take effect immediately and continue in force from the day of adoption thereof by two-thirds of the members of the City Council through and including July 29, 1986.

APPROVED: John W. Witt, City Attorney

By Ted Bromfield
Ted Bromfield
Chief Deputy City Attorney

TB:TFS:ta:400
06/26/86
Or.Dept:Atty.
O-86-229
Form=o.none

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SAN DIEGO, CALIF.

00917

Passed and adopted by the Council of The City of San Diego on JUL 14 1986
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 type="checkbox"/>	<input checked="" 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 Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" 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.

(Seal)

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

By June A. Blackwell, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on JUL 14 1986, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full~~

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.

(Seal)

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

By June A. Blackwell, Deputy.

00918

~~00917~~

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-16686</u>	Adopted <u>JUL 14 1986</u>

CERTIFICATE OF PUBLICATION

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

IN THE MATTER OF _____ NO.
AN EMERGENCY ORDINANCE PURSUANT TO SECTION 17 OF THE CHARTER
OF THE CITY OF SAN DIEGO LIMITING THE ISSUANCE OF BUILDING
PERMITS AND THE APPROVAL OF PROJECTS WHICH REQUIRE SEWER HOOK-
UPS IN THE SEWER PUMP STATION NO. 64 SERVICE AREA WITHIN THE CITY OF SAN
DIEGO

ORDINANCE NUMBER O-16686 (NEW SERIES)

AN EMERGENCY ORDINANCE PURSUANT TO SECTION 17 OF THE CHARTER OF THE CITY OF SAN DIEGO LIMITING THE ISSUANCE OF BUILDING PERMITS AND THE APPROVAL OF PROJECTS WHICH REQUIRE SEWER HOOKUPS IN THE SEWER PUMP STATION NO. 64 SERVICE AREA WITHIN THE CITY OF SAN DIEGO.

This ordinance is an emergency measure to temporarily prohibit for the term of the ordinance the issuance of building permits in the Sewer Pump Station 64 service area within the City of San Diego and prohibit the approval of any project which requires a sewer hookup in said area.

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.

Passed and adopted by the Council of the City of San Diego on JUL 14, 1986, by the following vote:

YEAS: Wolfheimer, McColl, Jones, McCarty, Martinez, O'Connor.

NAYS: Cleator, Gotch.

NOT PRESENT: Strulksma

AUTHENTICATED BY: CHARLES G. ABDELNOUR

MAUREEN O'CONNOR

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

(Seal)

By JUNE A. BLACKNELL, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. O-16686 (NEW SERIES) of The City of San Diego, California.

I FURTHER CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on JUL 14 1986, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

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 A. BLACKNELL, Deputy

Pub. July 28

55235

Thomas D. Kelleher

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

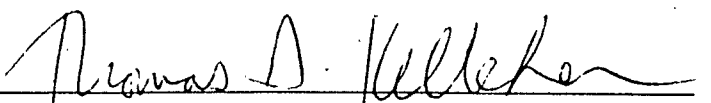
ORDINANCE NUMBER 0-16686

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


(Signature)

(x2)
4 x 9.76 = 78.08

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~~00918~~