

(O-87-20)

ORDINANCE NUMBER O- 16694 (NEW SERIES)

ADOPTED ON AUG 4 1986

AN EMERGENCY ORDINANCE PURSUANT TO SECTION 17 OF THE CHARTER OF THE CITY OF SAN DIEGO LIMITING THE ISSUANCE OF BUILDING PERMITS 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 continues to monitor the operation of Sewer Pump Station No. 64 and the proposed improvements to said pump station; and

WHEREAS, the Council of The City of San Diego adopted Emergency Ordinance No. O-16686 (New Series) on July 14, 1986, to prohibit the issuance of any building permits and the approval of projects which required a sewer hookup in the Sewer Pump Station No. 64 service area through and including July 29, 1986; and

WHEREAS, it remains critically urgent and necessary to limit sewer hookups in the Sewer Pump Station No. 64 service area; 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 continue to limit the further issuance of building permits which require a sewer hookup in the Sewer Pump Station No. 64 service area within the City of San Diego should any of the events hereinafter listed occur; NOW, THEREFORE,

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

Section 1. Notwithstanding any other provision of law to the contrary, no building permits, except as otherwise provided herein, shall be issued which require 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 if any of the events listed in (a) through (d) occur.

(a) Any failure to accomplish or complete the work as scheduled for improvements to Sewer Pump Station No. 64 as outlined in City Manager's Report No. 86-334.

(b) Any sewage spill from Sewer Pump Station No. 64 that causes environmental damage to the Los Penasquitos Lagoon.

(c) Any failure to conform to the requirements imposed on Sewer Pump Station No. 64 by the Regional Water Quality Control Board and said failure is confirmed by the Board.

(d) Failure to comply with any cease and desist order issued by the Regional Water Quality Control Board regarding Pump Station 64 and such failure is confirmed by the Board.

Section 2. Upon the occurrence of any of the foregoing events, the City Manager shall be responsible for causing the immediate cessation of the issuance of building permits, except for those types of permits such as remodeling, interior or exterior building completion. Thereafter, at the next regularly scheduled meeting of the City Council, the City Manager shall report the basis for his actions. The City Council shall, by resolution after conducting a hearing, approve or reject the City Manager's action.

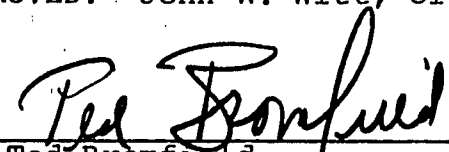
Section 3. This ordinance is declared to be an emergency measure required for the immediate preservation of the public safety, health and welfare pursuant to Section 17 of the Charter

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 until Ordinance

No. O-16695 (New Series) takes effect.

APPROVED: John W. Witt, City Attorney

By



Ted Bromfield  
Chief Deputy City Attorney

TB:TFS:ls:mem:ta:400

07/23/86

Or.Dept:Atty.

O-87-20

Form=o.none

**AUG 4 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 Struiksma	<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.

(Seal)

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

By *June G. Blacknell*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on **AUG 4 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.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By *June G. Blacknell*, Deputy.

Office of the City Clerk, San Diego, California

RECEIVED  
CITY CLERK  
1995 AUG -3 PM 2:08  
SAN DIEGO, CALIF.

00966

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
202 C STREET, 12th FLOOR  
SAN DIEGO, CA. 92101

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

NO.

**ORDINANCE NUMBER 0-16694 (NEW SERIES)**

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

This emergency ordinance triggers a ban on all building permits in  
the Pump Station 64 service area in the event of any of the four (4) ar-  
ticulated events; Such a ban, if triggered, would be reviewed by the  
City Council in a public hearing.

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 Ad-  
ministration Building, 202 "C" Street, San Diego, CA 92101.

Passed and adopted by the Council of The City of San Diego on  
AUG 4 1986, by the following vote:

YEAS: Wolfshelmer, Cleator, McCall, Jones, Gotch, McCarty,  
Martinez, O'Connor.

NAYS: None.

NOT PRESENT: Strulikama.

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.

I HEREBY CERTIFY that the foregoing ordinance was passed on  
the day of its introduction, to wit, on AUG 4 1986, said ordinance be-  
ing of the kind and character authorized for passage on its in-  
troduction by Section 16 of the Charter.

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

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

By JUNE A. BLACKNELL, Deputy.

Pub. August 18

56327

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 0-16694 (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:

August 18

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

Dated at San Diego, California this 18th day of Aug., 19 86.

3x2x10. 25 = 61.44

Thomas D. Kelleher

(Signature)

00967