

(0-87-11)

ORDINANCE NUMBER O- 16695 (NEW SERIES)

ADOPTED ON AUG 11 1986

AN ORDINANCE 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

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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.

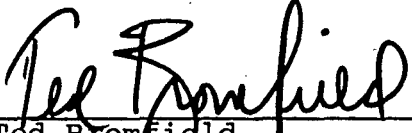
(d) Failure to comply with any cease and desist order issued by the Regional Water Quality Control Board regarding Pump Station 64 and such failure is confirmed by the Board.

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 shall take effect and be in force on the thirtieth day from and after its passage and shall continue in force until June 30, 1987.

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

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O-16695

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

AUG 1 1 1986

| 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 Struiksmma | <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"/> |
| 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 *Barbara Carter*, 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

JUL 29 1986

AUG 1 1 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 *Barbara Carter*, Deputy.

Office of the City Clerk, San Diego, California

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Ordinance Number **0-16695** Adopted **AUG 1 1 1986**

CERTIFICATE OF PUBLICATION

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

NO.

IN THE MATTER OF
AN ORDINANCE LIMITED THE ISSUANCE OF BUILDING PERMITS WHICH
REQUIRE SEWER HOOKUPS IN THE SEWER PUMP STATION NO. 64 SERVICE
AREA WITHIN THE CITY OF SAN DIEGO

ORDINANCE NUMBER O-16695 (NEW SERIES)

AN ORDINANCE LIMITED 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 18, 1980 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-16688 (New Series) on July 14, 1980, 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 herein after 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. 00-16695 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.

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 O-16695

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 25

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

Dated at San Diego, California this 25 day of August 1986.

Thomas D. Kelleher

(Signature)

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6 5/8" x 2 x 10.24 = 136.68

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(b) Any sewage spill from Sewer Pump Station No. 64 that causes environmental damage to the Los Pinos 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 shall take effect and be in force on the thirtieth day from and after its passage and shall continue in force until June 30, 1987.

Introduced on JUL 29 1986

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

AUG 11 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 BARBARA BAXTER, Deputy

Pub. August 25

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