

(O-89-203)

ORDINANCE NUMBER O- 17359 (NEW SERIES)

ADOPTED ON OCT 16 1989

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 6, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.0603; AMENDING CHAPTER IV, ARTICLE 4, DIVISION 1, BY AMENDING SECTIONS 44.0116, 44.0118, 44.0119 AND 44.0124; AND AMENDING CHAPTER V, ARTICLE 4, DIVISION 1 BY AMENDING SECTION 54.0105; ALL RELATING TO LITTER ABATEMENT.

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

Section 1. That Chapter II, Article 2, Division 6 of the San Diego Municipal Code be and the same is hereby amended by amending Section 22.0603, to read as follows:

SEC. 22.0603 DISPOSAL OF UNCLAIMED PROPERTY

Any unclaimed property, including unclaimed bicycles, shall be held in the possession of the Police Department of The City of San Diego for a period of at least three (3) months, and may be sold thereafter at a public auction to the highest bidder, under and pursuant to Section 2080.4 of the Civil Code of the State of California. Notice of such sale shall be given by the Chief of Police at least five days before the time fixed therefor by publication once in a newspaper of general circulation in the County of San Diego. Any unclaimed property remaining unsold thereafter may be retained by the City for public purposes, may be reoffered for sale

at subsequent auction, or may be destroyed if further retention is uneconomical.

Section 2. That Chapter IV, Article 4, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 44.0116, 44.0118, 44.0119 and 44.0124, to read as follows:

SEC. 44.0116 DEFINITIONS

Whenever the following words and phrases are used in this article, they shall have the meanings herein ascribed:

A. "City" is the City of San Diego as defined in Section 11.15 of this Code.

B. "Litter" or "littering" means or refers to the act of discarding, dropping or scattering of small quantities of waste matter carried on or about the body including, but not limited to, beverage containers and closures, packaging wrappers, wastepaper, newspapers, and magazines, in a place other than a place or container for the proper disposal thereof, and including waste matter which escapes or is allowed to escape from a container, receptacle, package or means of conveyance.

C. "Person" has the same meaning as contained in Section 66.0102 of this Code.

D. "Premises" means any real property, or improvements thereon, including that portion of any lot abutting a public street over which the City has an easement for right of way or utility service.

E. "Property" has the same meaning as premises.

F. "Public property" is any property interest owned by, or otherwise granted to, the City.

G. "Refuse" has the same meaning as "refuse" defined in Section 66.0102 of this Code.

H. "Rubbish" means non-putrescible solid wastes such as, but not limited to, ashes, paper, cardboard, tin cans, clippings, trimmings, wood, glass, bedding, crockery, plastics, rubber by-products, litter, machinery, vehicle parts, junk and other discarded items.

I. "Solid waste" means refuse, rubbish, yard and garden trimmings, brush, weeds, broken concrete or asphalt, piles of rock, dirt and other noncombustible materials, and earth fill material not otherwise authorized by permit or ordinance for land development.

J. "Waste matter" means rubbish, solid waste and any liquid wastes, including but not necessarily limited to, oil, other petroleum products, paint, chemicals and hazardous wastes. Waste matter may also include abandoned or unidentified personal property or recyclable material as defined elsewhere in this code that is left unattended on public sidewalks and rights of way or other public property.

K. "Vectors" means rodents, flies and mosquitoes capable of transmitting disease to humans.

SEC. 44.0118 LITTERING PROHIBITED

A. It shall be unlawful to litter or cause littering in or upon any public or private property. Any person violating the provisions of this section shall be guilty of an infraction.

B. No portion of this section shall be construed to restrict a private owner in the use of his or her own property, unless the littering of waste matter on such property creates a public health and safety hazard, a public nuisance, or a fire hazard, in which case the provisions of this section shall apply.

C. The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

SEC. 44.0119 PROPERTY OWNER RESPONSIBILITY

A. and B. No Change.

C. The City Manager or his designate is authorized, but not required, to collect or abate litter from small business enterprises that abut public property under the following circumstances:

1) At the request of the affected property owner if the City Manager determines that reasonable efforts were made to comply with subsections (A) or (B) hereunder; or

2) when public health or safety requires such measures. The City Manager is authorized to bill affected property owners for the costs of litter control services hereunder.

SEC. 44.0124 ENFORCEMENT

A. The Litter Control Supervisor, Litter Control Inspectors and such other personnel as may be designated by the City Manager are hereby authorized and empowered to enforce the provisions of Chapter IV, Article 4, Division 1 and those provisions of Chapter VI, Article 6, Division 1 set forth in Sections 66.0105 and 66.0106 of the San Diego Municipal Code and Section 374 of the California Penal Code. The Disposal Fee Collectors are hereby authorized and empowered to enforce Section 44.0121 of this Chapter and Section 23115 of the California Vehicle Code. Such enforcement personnel are hereby authorized to arrest without a warrant any person who, in their presence, violates any law or ordinance they are required to enforce, and to issue a notice to appear to such violator pursuant to Penal Code Section 836.5.

B. Litter control inspectors and other designated personnel are authorized to abate by collection, removal

and disposal any litter, rubbish or waste material that is upon the sidewalks or public rights of way in violation of Section 54.0105 of this code or the Vehicle Code.

C. Waste material consisting of recyclable material or unattended unidentified personal property located on public property may be presumptively considered abandoned and, pursuant to Civil Code Section 2080.7, the provisions of Section 22.0603 shall not be applicable. Wherever possible, enforcement personnel shall make a reasonable effort to ascertain whether such unattended property had not been abandoned and, if not, to thereafter cause its removal. Otherwise, waste material that is unsanitary, soiled or verminous may be summarily abated and destroyed; recyclable material shall be disposed of by the City Manager pursuant to Chapter VI, Article 6 of this Code; and material that is sanitary and saleable or useable and of a value greater than ten (\$10) dollars shall be be stored in an interim facility, if available, for at least 96 hours before it is transferred to the Chief of Police pursuant to Section 22.0603 of this Code. The City Manager is authorized to collect a storage fee not to exceed \$2.00 per day per hundredweight for each day such material is stored before it may be returned to the claimant.

Section 3. That Chapter V, Article 4, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 54.0105 to read as follows:

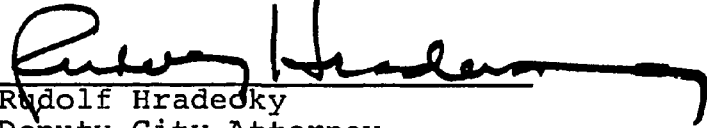
**SEC. 54.0105 WARES, MERCHANDISE OR PERSONAL PROPERTY
DISPLAYED OR PLACED ON SIDEWALK --
PROHIBITED**

Except as otherwise provided in this code, it shall be unlawful for any person, firm or corporation to set out for exhibition, show or otherwise, or to maintain, place or allow any goods, wares, baggage, personal property or merchandise upon any sidewalk or curb within the City of San Diego, between the outer edge of the sidewalk or curb and the property line, and no goods, wares, baggage, personal property or merchandise, or other thing of whatsoever nature, shall be by any person placed, or allowed to remain on any sidewalk or curb within said City, between the outer edge of the sidewalk or curb and the property line where such goods, wares, baggage, personal property or merchandise, or other thing of any kind or nature, are placed or allowed to remain, provided that nothing therein contained shall prohibit the right of any person, firm or corporation to load or unload goods, wares and merchandise in front of the place of business of the person, firm or corporation and to leave such goods, wares and merchandise upon said sidewalk or curb only for such length of time as is necessary for the purpose of loading or unloading the same, or to load or unload attended baggage and personal property into or from a means of transportation.

Section 4. 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:mb:skc
05/31/89
06/16/89 CORR.COPY
08/16/89 CORR.COPY
Or.Dept:W.Mgmt
O-89-203
Form=o.none

51
H50

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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 *Rhonda R. Barnes*, 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 2 1989

OCT 16 1989

, 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 *Rhonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
Number

0-17359

OCT 16 1989

Adopted

150

OCT 16 1989

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"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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 *Rhonda R. Barnes* Deputy.

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OCT 2 1989

OCT 16 1989

....., 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 *Rhonda R. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17359 Adopted OCT 16 1989

89 SEP 21 11:19:23

FBI MEMPHIS OFFICE
SAN DIEGO, CA

RECEIVED
FBI MEMPHIS
SEP 21 1989

TO: DIRECTOR, FBI (100-441100)
FROM: SAC, SAN DIEGO (100-100000) (P)
SUBJECT: [Illegible]

RE: [Illegible]

OUTRAGED

RECEIVED
FBI MEMPHIS
SEP 21 1989

MEMPHIS TELETYPE

- 100-441100
- 100-100000
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RECEIVED
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CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
89 NOV-9 AM 3:15
SAN DIEGO, CALIF. P-

CITY OF SAN DIEGO
202 C STREET, SECOND FLOOR
SAN DIEGO, CA 92101
ATTN: R. BARNES

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 5
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION
22.0603; AND AMENDING CHAPTER IV, ARTICLE 4, DIVISION 1
BY AMENDING SECTION 44.0116, et al . . .

NO.

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-17359 (NEW SERIES)

ORDINANCE NUMBER O- 17359 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.0603; AND AMENDING CHAPTER IV, ARTICLE 4, DIVISION 1 BY AMENDING SECTION 44.0116, 44.0118, 44.0119 AND 44.0124; AND AMENDING CHAPTER V, ARTICLE 4, DIVISION 1, BY AMENDING SECTION 54.0108; ALL RELATING TO LITTER ABATEMENT.
This ordinance provides for the disposal of unclaimed property and establishes litter enforcement procedures.
A complete copy of the Ordinance is available for inspection in the Office of the city Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101
INTRODUCED ON OCT 2 1989 Passed and Adopted by the Council of the City of San Diego on OCT 16 1989
AUTHENTICATED BY: MAUREEN O'CONNOR Mayor of The City of San Diego, CA
CHARLEWS G. ABDELNOUR City Clerk of The City of San Diego, CA
(SEAL)
BY RHONDA R. BARNES, Deputy.
Pub. Oct.30 158352

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:

OCT. 30

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

Dated at San Diego, California this 30 day of OCT., 19 89



(Signature)

4 1/2" x 2 = 51.84