

ORDINANCE NUMBER O- 17408 (NEW SERIES)

ADOPTED ON JAN 8 1990

AN ORDINANCE AMENDING CHAPTER I OF THE SAN DIEGO MUNICIPAL CODE BY ADDING ARTICLE 1, DIVISION 1, RENUMBERING AND RETITLING SECTIONS 11.01 AND 11.08, AND RENUMBERING SECTIONS 11.02 AND 11.05; ADDING DIVISION 2, RENUMBERING AND RETITLING SECTION 11.14 AND RENUMBERING SECTIONS 11.03, 11.04, 11.06, 11.07 AND 11.11; ADDING DIVISION 3 AND RENUMBERING SECTION 11.15; ADDING ARTICLE 2, DIVISION 1 AND RENUMBERING SECTIONS 11.09, 11.10 AND 11.18; ADDING ARTICLE 3, DIVISION 1 AND RENUMBERING SECTIONS 11.12 and 11.13; ADDING DIVISION 2 AND RENUMBERING SECTIONS 11.12.1 AND 11.17; ADDING DIVISION 3 AND RENUMBERING AND AMENDING SECTION 11.16; AND AMENDING SECTIONS 29.0115, 33.0105(b), 44.0300(b), 62.0402.1, 63.08, 63.17.15, 63.17.16(b), 84.1609, 84.1709, 86.2014(a), 86.2014(d), 95.0110C, 98.0106(b), 101.0212D, 101.0304B, 101.0406C.12, 101.0462A, 101.1309B, 102.0700, 44.0116, 55.0311.0412(d)(1), 55.0311.0412(d)(14)(h), 95.0127(a), 55.0311.0412(d)(2), 55.0311.0412(d)(12) 95.0127(d) TO REFLECT THE RENUMBERING.

WHEREAS, Chapter I of the San Diego Municipal Code sets forth general provisions that apply to the interpretation and enforcement of the Municipal Code; and

WHEREAS, renumbering Chapter I of the San Diego Municipal Code will provide for greater organization of the Municipal Code and allow for easier computer access; NOW, THEREFORE,

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

Section 1. That Chapter I of the San Diego Municipal Code be amended by adding Article 1, Division 1, renumbering and

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retitling sections 11.01 and 11.08, and renumbering sections 11.02 and 11.05 to read as follows:

CHAPTER I [No change in title]

ARTICLE 1

GENERAL PROVISIONS

DIVISION 1

GENERAL PROVISIONS

<u>Change Existing Section</u>	<u>To read</u>
11.01	11.0101 SHORT TITLE - REFERENCE TO MUNICIPAL CODE [no change in text]
11.02	11.0102 [no change in title or text]
11.05	11.0103 [no change in title or text]
11.08	11.0104 JURISDICTION - SCOPE OF MUNICIPAL CODE [no change in text]

Section 2. That Chapter I, Article 1 of the San Diego Municipal Code be amended by adding Division 2, renumbering and retitling section 11.14, and renumbering sections 11.03, 11.04, 11.06, 11.07 and 11.11 to read as follows:

DIVISION 2

CONSTRUCTION AND INTERPRETATION

<u>Change Existing Section</u>	<u>To read</u>
11.03	11.0201 [no change in title or text]
11.04	11.0202 [no change in title or text]
11.06	11.0203 [no change in title or text]
11.07	11.0204 [no change in title or text]
11.11	11.0205 [no change in title or text]
11.14	11.0206 CONFLICTING ORDINANCES [no change in text]

Change Existing Section

To read

11.12.1 13.0101 [no change in title or text]

11.13 13.0102 [no change in title or text]

Section 6. That Chapter I, Article 3 of the San Diego Municipal Code be amended by adding Division 2 and renumbering sections 11.12 and 11.17 to read as follows:

DIVISION 2

JUDICIAL REMEDIES

Change Existing Section

To read

11.12 13.0201 [no change in title or text]

11.17 13.0202 [no change in title or text]

Section 7. That Chapter I, Article 3 of the San Diego Municipal Code be amended by adding Division 3, by renumbering and amending section 11.16 to become sections 13.0301, 13.0302, 13.0303, 13.0304, 13.0305, and 13.0306; by renumbering and amending section 11.16.1 to become section 13.0320; and, by renumbering and amending section 11.19 to become sections 13.0330, 13.0331, 13.0332, 13.0333, 13.0334, 13.0335, 13.0336, 13.0337, and 13.0338, to read as follows:

DIVISION 3

ADMINISTRATIVE REMEDIES

SEC. 13.0301 NUISANCE VIOLATIONS - SUMMARY AND ADMINISTRATIVE ABATEMENT

Sections 13.0301 through 13.0320 shall govern procedures relating to summary and administrative abatement of public nuisances.

SEC. 13.0302 DECLARATION AND PURPOSE

The Council declares that its purpose in adopting sections 13.0301 through 13.0320 is to establish a procedure to cause the summary and administrative abatement of Municipal Code violations. The procedures established in these sections shall be in addition to any other legal remedy, criminal or civil, established by law which may be pursued to address violations of this Municipal Code. These sections do not affect or alter nuisance abatement procedures established in other chapters of this Code.

SEC. 13.0303 DEFINITIONS

For purposes of sections 13.0301 through 13.0320, the following definitions shall apply:

(a) The term "imminent life safety hazard" shall mean any condition which creates a present, extreme and immediate danger to life, property, health or public safety.

(b) The term "Director" shall include the Directors of the following Departments: Planning, Building Inspection, Engineering & Development, General Services, Animal Control, Health, and the Fire and Police Chiefs and any of their designated agents or representatives.

SEC. 13.0304 ABATEMENT OF PUBLIC NUISANCES

The City Council declares that any condition caused, maintained or permitted to exist in violation of

any provision of this Code which constitutes a threat to the public's health, safety and welfare or which significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood, community or to any considerable number of persons, shall be deemed a public nuisance and may be abated consistent with the procedures provided for in sections 13.0301 through 13.0320.

SEC. 13.0305 PROCEDURE FOR ADMINISTRATIVE ABATEMENT

(a) Whenever the Director determines that public or private property or any portion thereof is a public nuisance, as defined in sections 13.0301 through 13.0320, a written notice may be issued to the record owner or the person in possession of the property to abate this public nuisance.

(b) The notice shall contain a description of the property in general terms reasonably sufficient to identify the location of the property. It shall refer to sections 13.0301 through 13.0320 and the violations(s) of the Municipal Code which render(s) the property a public nuisance. It shall direct compliance by removal or correction of the conditions in violation of this Code within a minimum of seven (7) calendar days and a maximum of thirty (30) calendar days from the date of the notice. The notice shall further describe the consequences of failure to comply as prescribed in this section.

(c) The notice required by the preceding paragraph shall be served by any of the following methods on the owner or his agent or the person in possession of the property:

(1) Personal service; or

(2) Certified mail, postage prepaid, return receipt requested (service by certified mail in the manner described above shall be effective on the date of mailing); or

(3) Posting the notices conspicuously on or in front of the property, with at least one notice per each parcel of fifty feet of frontage. The notice when posted shall be headed in bold-faced type, not less than one inch in height, "NOTICE TO CORRECT PUBLIC NUISANCE MUNICIPAL CODE VIOLATION."

(d) The failure to receive the notice shall not impair the validity of any proceedings taken under this section.

(e) Failure to Comply: Upon failure of the owner or his agent or the person in possession of the property to remove or correct the conditions described in the notice by the date specified, the Director shall refer the matter to the City Council for a noticed public hearing. Notice of the hearing shall be given to the owner or his agent or the person in possession of the

property and to all property owners whose property lies within 300 feet of the property in question. The notice shall be titled "Notice of Public Hearing:

Administrative Abatement of Public Nuisance Municipal Code Violation." Such notice shall be given at least ten (10) calendar days before the date of the hearing before the City Council. The notice shall be given in any of the manners provided in paragraph 13.0305(c).

(f) Abatement Hearing: At the noticed public hearing, the Director shall present evidence of the Municipal Code violations, the conditions which constitute a public nuisance, and the necessary means of abatement. The owner or his agent or person in possession of the property or any interested person may present testimony concerning the existence of a public nuisance on the property and proposed methods of abatement. At the conclusion of the public hearing, the City Council may confirm, by resolution, the determination of the Director that a public nuisance Municipal Code violation exists on the property. If the City Council confirms the determination of the Director, the City Council may order the abatement of those conditions which constitute a public nuisance by City personnel or by its private contractor. The owner or agent or person in possession of the property, however,

may correct the conditions within seven (7) days of the date on which the City Council orders the abatement and confirms the determination of the public nuisance.

(g) In the event the owner or his agent or person in possession of the property does not abate the conditions determined to be a public nuisance, the conditions shall be abated by personnel designated by the City Manager or by contract.

(h) Costs: All administrative and actual costs incurred by the Director in the implementation of the notice and abatement can be assessed against the owner of the property as a personal obligation or against the property pursuant to Government Code section 38773.5.

(i) Accounting Report: When abatement is completed, a report describing the work performed and an itemized account of the total abatement cost shall be filed with the City Clerk. The report shall contain the names and addresses of all owners of each parcel, the tax assessors parcel number and a legal description of the property.

(j) Confirmation of Costs Hearing: The Director shall request the City Clerk to set a public hearing before the City Council within a reasonable time to consider the report and post a notice of the date, time and place of the hearing in a conspicuous place at or

near the entrance to the Council Chambers. A copy of the report and itemized account and notice of the date, time and place of the hearing shall be provided to the owner of the property, his agent or the person in possession of the property at least ten (10) calendar days prior to the scheduled hearing. Such notice shall be served in the same manner as provided by paragraph 13.0305(c).

The City Council shall consider the report and itemized account at the hearing, together with any objections to its accuracy by any interested persons. The City Council may make such revisions, corrections or modifications in the report or the account as it may deem just. At the conclusion of the hearing, the report (as submitted, revised, corrected or as modified), together with the charge shall be confirmed or rejected by resolution. This decision of the City Council on the reports, itemized account and all protests or objections shall be final.

(k) Personal Obligation or Special Assessment:

The City Council may order that this charge shall be made a personal obligation of the property owner or assess it against the property involved pursuant to Government Code section 38773.5.

(1) Personal Obligation:

If the City Council orders that the charge shall be a personal obligation of the property owner, the Council shall direct the Director to collect this obligation by use of all appropriate legal means. If unable to collect this obligation, the Director shall refer the case to the City Attorney to file a court action to recover the costs.

(2) Special Assessment:

If the City Council orders that the charge shall be assessed against the property it shall confirm the assessment, record a notice of assessment and cause the same to be placed on the County Assessment Roll pursuant to Government Code section 38773.5.

(1) Recordation of Notice: After the City Council determines that the charge will be assessed against the property, the Director shall record a notice describing the abatement action and the total costs with the County Recorder to place any subsequent purchasers or owners on notice about this abatement action.

The Director shall file a withdrawal of this notice with the County Recorder when: (1) the owner or person responsible pays in full the abatement cost; or (2) the County Auditor or Tax Collector posts the lien on the property pursuant to Government Code section 38773.5.

(m) Report to Assessor and Tax Collector: After confirmation of the report and recordation of notice, certified copies of the report, itemized account and resolution shall be given to the County Auditor or Assessor who shall add the amount of the assessment to the next regular tax bill levied against the parcel in the same manner as ordinary municipal taxes.

(n) Collection of Assessment-Penalties for Foreclosure: The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes; and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment. The provisions of Government Code sections 38772 through 38773.5 are hereby incorporated by reference and made a part of this section.

(o) Repayment to Nuisance Abatement Superfund: All monies recovered by payment of the charge or assessment or from the sale or transfer of the property shall be paid to the City Treasurer who shall credit the same to the Nuisance Abatement Superfund.

SEC. 13.0306 SUMMARY ABATEMENT

(a) Whenever the Director determines that an imminent life safety hazard exists that requires immediate correction or elimination without prior notice to the owner, agent or persons in possession, the Director shall cause the premises, or portion thereof to be secured, demolished or removed, as appropriate under the circumstances.

The Director shall pursue only the minimum level of correction or abatement as shall be necessary to eliminate the immediacy of the hazard. The costs of such abatement, to the extent that they are not part of any regularly provided City service, shall be recoverable against the property owner through the steps outlined in section 13.0305 above. The abatement of any remaining public nuisance can proceed in accordance with the administrative procedures outlined in section 13.0305.

(b) The City Manager may, by Administrative Regulation provide for the use of City equipment or forces to mitigate such imminent public nuisance pending complete abatement pursuant to section 13.0305.

SEC. 13.0320 NUISANCE ABATEMENT SUPERFUND

There is hereby established a revolving fund to be known as the Nuisance Abatement Superfund to defray

costs of administrative and judicial abatements. The fund shall be reimbursed by collection from the property or property owner as specified in this Code and by the courts. The City Manager shall establish accounting procedures to ensure proper account identification, credit and collection. This fund may be operated and used in conjunction with procedures ordered or authorized under any other abatement provision of this Code.

SEC. 13.0330 CIVIL PENALTIES -- PROCEDURES

Sections 13.0330 through 13.0338 shall govern civil penalties for violations of the Municipal Code.

SEC. 13.0331 DECLARATION AND PURPOSE

The Council finds and determines that there is a need for alternative methods of enforcement of the San Diego Municipal Code. The Council further finds and declares that the imposition of civil penalties upon violators of provisions of this Code is a necessary alternative method of enforcement.

The procedures established in sections 13.0330 through 13.0338 shall be in addition to any other legal remedy established by law which may be pursued to address violations of this Municipal Code.

SEC. 13.0332 DEFINITIONS

For purposes of sections 13.0330 through 13.0338, the following definitions shall apply:

(a) The term "Director" shall include the Directors of the following Departments: Planning, Building Inspection, Engineering & Development, General Services, Animal Control, Health, and the Fire and Police Chiefs and any of their designated agents or representatives.

(b) The term "person" means any natural person, firm, association, club, organization, corporation, partnership, business, trust, company or any other entity which is recognized by law as the subject of rights or duties.

(c) The term "Hearing Officer" means any person appointed by the City Manager to preside over the administrative hearings provided for by this section.

SEC. 13.0333 PROCEDURES-GENERALLY

(a) Any person violating any provision of the Municipal Code may be subject to civil penalties as provided in sections 13.0330 through 13.0338.

(b) Each and every day a violation of any provision of the Municipal Code exists constitutes a separate and distinct offense.

(c) Civil penalties may be directly assessed by means of a Notice and Order issued by the Director or Hearing Officer and may be recovered by assessment of a lien or legal action brought by the City Attorney.

(d) Civil penalties assessed by means of a Notice and Order shall be collected in accordance with the administrative procedures specified in this section or shall be collected in the same manner as judgments in civil actions.

(e) A civil penalty for a violation of any provision of the Municipal Code shall be assessed at a daily rate determined by the Hearing Officer up to a maximum of \$2,500 per day per violation, except that the maximum civil penalty shall not exceed \$100,000 for any related series of violations.

(f) In determining the amount of the civil penalty to be imposed, the Hearing Officer may consider some or all of the following factors:

- (1) The duration of the violation.
- (2) The frequency or reoccurrence of the violation.
- (3) The seriousness of the violation.
- (4) The history of such violation.
- (5) The violator's conduct after issuance of the Notice and Order.

(6) The good faith effort by the violator to comply.

(7) The economic impact of the penalty on the violator.

(8) The impact of the violation upon the community.

(9) Any other factors which justice may require.

(g) Civil penalties shall begin to accrue ten (10) days from the date the Notice and Order is issued and shall cease to accrue on the date the violation is deemed corrected by the Director.

(h) If compliance is not achieved within ten (10) days from the date the Notice and Order is issued, the Director shall automatically set an administrative hearing.

SEC. 13.0334 PROCEDURES-NOTICE AND ORDER

(a) Whenever the Director determines that a violation of one or more provisions of the Municipal Code has occurred or exists, a written Notice and Order may be issued to the violator(s) or any property owner(s) of record.

(b) The Notice and Order shall refer to the Municipal Code section violated and describe how the section is or has been violated.

(c) The Notice and Order shall refer to the date(s) and location(s) of the violation(s).

(d) The Notice and Order shall describe the action required to correct the violation(s).

(e) The Notice and Order shall require the violator(s) or property owner(s) to immediately correct the violations. The Notice and Order shall explain that civil penalties shall begin to immediately accrue if compliance is not achieved within ten (10) days from the date the Notice and Order is issued.

(f) The Notice and Order shall also explain the consequences should the violator(s) or property owner(s) fail to comply with the terms of the Notice and Order prescribed in this section.

(g) The Notice and Order shall identify all hearing rights.

(h) The Notice and Order shall be served upon the violator(s) or the property owner(s) or their agent(s) by any one of the following means:

(1) Personal service;

(2) Certified mail, postage prepaid, return receipt requested; or

(3) Posting the Notice and Order conspicuously on or in front of the property on which the violation is located.

(i) The failure of any person with an interest in the property to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner described above shall become effective on the date of mailing.

SEC. 13.0335 HEARING

(a) If the violation is not corrected within ten (10) days from the date the Notice and Order is issued, the Director shall request the City Manager to appoint a Hearing Officer and to fix a date, time and place for the hearing. Written notice of the time and place of the hearing shall be served at least ten (10) days prior to the date of the hearing to the violator(s) or each party having a legal interest in the property by any of the methods listed in subsection 13.0334(h).

(b) Scope of Hearing

(1) Existence of Violation: The Hearing Officer shall consider any written or oral evidence consistent with its rules and procedures for public hearings regarding the existence of the violation. The violator(s) or record owner(s) or agent(s) or person(s) in possession of the property on which the violation is located or any other interested persons may present testimony or evidence concerning the existence of the violation, and the means and time frame for correcting the violation.

(2) Civil Penalties: The Hearing Officer shall identify the time frame involved in assessing the civil penalty and shall explain all factors considered in determining the amount of the civil penalty to be imposed. In determining the amount of the civil penalty to be imposed, the Hearing Officer shall consider those factors outlined in subsection 13.0333(f). The violator(s) or record owner(s) or agent(s) or person(s) in possession of the property on which the violation is located or any other interested person may present testimony or evidence relating to civil penalties and those factors outlined in Subsection 13.0333(f)).

(c) Procedures for Conducting Hearings: The City Manager shall establish and promulgate all appropriate rules and procedures for conducting hearings and rendering decisions pursuant to sections 13.0330 through 13.0338.

(d) Failure to Attend Hearing: Failure of the violator(s) or any party having a legal interest in the property shall constitute a waiver of his or her rights to an administrative hearing and adjudication of the Notice and Order or any portion thereof.

SEC. 13.0336 FAILURE TO COMPLY WITH ADMINISTRATIVE ORDER

(a) Failure to Pay Civil Penalties: Upon the failure of the violator(s) or property owner(s) or their agent(s) to pay the assessed civil penalties by the date specified in the Hearing Officer's decision, the unpaid amount shall constitute:

(1) a personal obligation of the violator(s) or property owner(s); or

(2) a lien upon the real property upon which the violation is located if the civil penalties have been assessed as to the property owner(s). The lien shall continue until the civil penalties are fully paid or the property is sold or transferred.

(b) Failure to Correct Violation: Upon the failure of the violator(s) or property owner(s) or their agents to correct the violations as specified in the Hearing Officer's decision, civil penalties may continue to accrue on a daily basis until the violation is corrected except that such amount shall not exceed \$100,000.

SEC. 13.0337 RECOVERY OF CIVIL PENALTIES

(a) Personal Obligation: If collected as a personal obligation, the Director shall collect this obligation by the use of all appropriate legal means.

If unable to collect the obligation, the Director shall refer the obligation to the City Attorney to file a court action to recover these costs.

(b) Lien: If collected as a lien, the Director shall refer the lien to the County Auditor for collection in the same manner that ordinary municipal taxes are collected. The Director shall also cause a notice to be recorded with the County Recorder. The Director shall inform the County Auditor and County Recorder of the amount of the obligation, a description of the real property upon which the lien is to be recovered and the name of the agency to which the obligation is to be paid. The Director shall file a withdrawal of the notice with the County Recorder once the property owner or person responsible pays the civil penalties in full.

(c) Continuing Non-compliance: When a violation continues after the Hearing Officer renders a decision, the Director shall recover the civil penalties in the following manner:

(1) Review Schedule: The Director shall set up a schedule to monitor the violation and determine if the violation has been corrected.

(2) Accounting Report: The Director shall keep an itemized account of the daily rate and amount of civil penalties accruing.

(3) Subsequent Compliance: If the violation is subsequently corrected, the Director shall establish a hearing in the same manner as provided for in section 13.0335 and provide a notice to the violator(s) or property owner(s). The notice shall identify the responsible parties and state the outstanding amount of civil penalties which have accrued.

(4) Recovery of Civil Penalties: The subsequent civil penalties accrued shall be collected in the same manner provided in this section. If unable to collect any obligation, the Director shall refer the obligation to the City Attorney to recover these costs.

SEC. 13.0338 ALLOCATION OF CIVIL PENALTIES COLLECTED

Civil penalties collected in the manner described by this section shall be deposited in a fund established by the City Auditor to reimburse investigative costs. Civil penalties deposited in this fund shall be appropriated and allocated in a manner determined by the City Manager. The City Auditor shall establish accounting procedures to ensure proper account identification, credit and collection.

Section 8. That wherever the number 11.12 appears in San Diego Municipal Code sections 29.0115, 33.0105(b), 44.0300(b), 62.0402.1, 63.08, 63.17.15, 61.17.16(b), 84.1609, 84.1709, 86.2014(a), 86.02014(d), 95.0110C, 98.0106(b), 101.0212D,

101.0304B, 101.0406C.12, 101.0462A, 101.0309B and 102.0700, these sections shall be amended to read 13.0201.

Section 9. That wherever the number 11.15 appears in San Diego Municipal Code section 44.0116, this section shall be amended to read 11.0301.

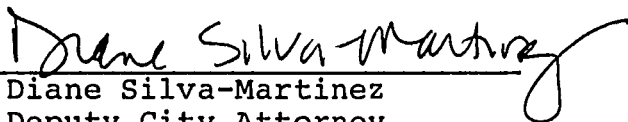
Section 10. That wherever the number 11.16 appears in 55.0311.0412(d)(1), 55.0311.0412(d)(14)(h) and 95.0127(a), these sections shall be amended to read 13.0301 through 13.0320.

Section 11. That wherever the numbers 11.16, 11.16(d) or 11.16(d)(3) appear in 55.0311.0412(d)(2), 55.0311.0412(d)(12) and 95.0127(d), these sections shall be amended to read 13.0305(c).

Section 12. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Section 13. Approval of this action is made contingent upon a determination of exemption from SB-255 by the Airport Land Use Commission.

APPROVED: John W. Witt, City Attorney

By 
Diane Silva-Martinez
Deputy City Attorney

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JAN 8 1990

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"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
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.

(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 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

DEC 11 1989, and on JAN 8 1990

~~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 A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-17408</u>	Adopted <u>JAN 8 1990</u>

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SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

CITY CLERK OFFICE
CITY ADM. BLDG., 2ND FLOOR
SAN DIEGO, CA. 92101
ATTN: JUNE A. BLACKNELL

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER 1 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING ARTICLE 1, DIVISION 1, RENUMBERING AND RETITLING SECTIONS... et al

ORDINANCE NUMBER O-17408 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER 1 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING ARTICLE 1, DIVISION 1, RENUMBERING AND RETITLING SECTIONS 11.01 AND 11.05 AND RENUMBERING SECTIONS 11.02 AND 11.05; ADDING DIVISION 2, RENUMBERING AND RETITLING SECTION 11.14 AND RENUMBERING SECTIONS 11.03, 11.04, 11.06, 11.07 AND 11.11; ADDING DIVISION 3 AND RENUMBERING SECTIONS 11.15; ADDING ARTICLE 2, DIVISION 1 AND RENUMBERING SECTIONS 11.09, 11.10 AND 11.18; ADDING ARTICLE 3, DIVISION 1 AND RENUMBERING SECTIONS 11.12 AND 11.13; ADDING DIVISION 2 AND RENUMBERING SECTIONS 11.12.1 AND 11.17; ADDING DIVISION 3 AND RENUMBERING AND AMENDING SECTION 11.16; AND AMENDING SECTIONS 29.0116, 33.0105(b), 44.0300(b), 62.0402.1, 63.08, 63.17.15, 63.17.16(b), 84.1609, 84.1709, 86.2014(a), 86.2014(d), 95.0110C, 98.0106(b), 101.0212D, 101.0304B, 101.0406C.12, 101.0462A, 101.0309B, 102.0700, 44.0116, 55.0311.0412(d) (1), 55.0311.0412(d) (14) (h), 55.0127(a), 55.0311.0412(d) (2), 55.0311.0412(d) (12) 95.0127(d) TO REFLECT THE RENUMBERING.

This ordinance renumbers Chapter 1 of the San Diego Municipal Code relating to the interpretation and enforcement of the Municipal Code. The renumbering does not substantively change or affect the law or procedures set forth in the existing ordinances found in Chapter 1. This ordinance will allow for better organization of the Municipal Code and will allow for easier access by computer.

This ordinance adds Article 1, Divisions 1 through 3; Article 2, Division 1; and Article 3, Division 1 to Chapter 1 of the San Diego Municipal Code and also lists how each Section of Chapter 1 is renumbered. Specific titles of sections contained in Chapter 1 are also changed by this ordinance.

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 DEC 11 1989 Passed and adopted by the Council of the City of San Diego on JAN 8 1990.

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 A. BLACKNELL, Deputy.

Pub. Jan. 29

167885

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

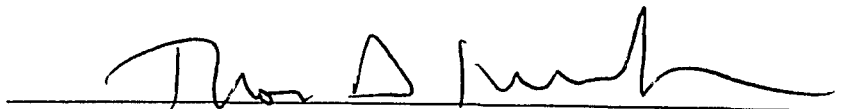
ORDINANCE NUMBER O-17408 (NEW SERIES)

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:

JAN. 29

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

Dated at San Diego, California this 29 day of JAN, 19 90.



(Signature)

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