

(O-93-144)

ORDINANCE NUMBER O- 17925 (NEW SERIES)

ADOPTED ON JUN 01 1993

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1,
DIVISION 86, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 91.8604 RELATING TO
DEMOLITION OF STRUCTURES.

WHEREAS, May 18, 1993, has been declared "Regulatory Relief Day"; and

WHEREAS, one purpose of Regulatory Relief Day is to streamline and consolidate, where appropriate, the City's land use and environmental regulatory procedures; and

WHEREAS, the Building Inspection Department has reviewed San Diego Municipal Code section 91.8604 having to do with demolition of structures, and has suggested several amendments to this code section to streamline the regulatory process; NOW, THEREFORE,

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

Section 1. That Chapter IX, Article 1, Division 86, of the San Diego Municipal Code be and the same is hereby amended by amending Section 91.8604, to read as follows:

SEC. 91.8604 Demolition of Structures -- Surety and Insurance Required

(a) Surety Bond. Except as otherwise provided in Section 91.8604(a) no person may demolish a building or structure within the City, or cause the same to be done, unless they have first filed a security with The City of San

Diego in the form of a surety bond issued by a surety company authorized to do business in the State of California, or cash or equivalent security approved by the Building Official. The bond or surety amount required for buildings over 6000 square feet in floor area shall be \$10,000,00. A bond or other surety shall not be required for the demolition of a building or structure that is less than 6000 square feet in floor area.

The surety bond or other security shall be joint and several in form and inure to the benefit of The City of San Diego, conditioned upon the completion of the demolition and associated work in accordance with the terms of the sections regulating wrecking of structures, and within the period of time or extension thereof as provided in Section 91.8602. A surety bond or other security shall be conditioned upon the payment to the City of any costs incurred by it in completing such work in accordance with the terms of the sections regulating wrecking of structures or in employing a private contractor to complete such work. Whenever the City Manager shall find that a default has occurred in the performance of any term or condition of the work authorized by the permit, the City Manager shall give written notice thereof to the principal and the surety on the bond, or any other party standing in the capacity of a surety to the principal. The notice shall state the work remaining to be done, the estimated cost of completion thereof and the period of time deemed by the City Manager to be reasonably necessary for the completion of such work. After receipt of

such notice, the principal or the surety on the bond must, within the time specified, either cause the required work to be performed or deposit with The City of San Diego the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to ten percent of such cost, however, this amount shall not exceed the amount of the bond that was posted. The principal and any surety shall be jointly and severally liable for the cost of completing such work.

In the event that the principal or surety fails to complete such work within the time specified in the notice the City Manager shall proceed by such method as deemed convenient to cause the required work to be performed and completed.

Any unexpended deposits shall be returned to the depositor at the completion of such work, together with an itemized accounting of the cost.

The principal and surety on the bond shall hold the City harmless from any liability in connection with the work so performed by the City, its authorized agent or contractor employed by the City. The City shall not be liable in connection with such work other than for the expenditure of said money.

If a cash deposit or equivalent security has been posted, notice of default as provided above shall be given to the principal and, if compliance is not had within the time specified, the City Manager shall proceed without delay and without further notice of proceedings whatever to use

the cash deposit or equivalent to cause the required work to be done by contract or otherwise in the City Manager's discretion. The balance, if any, of such cash deposit or equivalent shall, upon completion of the work, be returned or released to the depositor or to its successors or assigns after deducting the cost of the work.

No performance bond shall be required from the State of California, any political subdivision thereof, any governmental agency or from any owner required to demolish a structure not exceeding two stories in height, declared by governmental authority to be unsafe or a public nuisance.

(b) [No changes to this subsection]

Section 2. 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 Ann Y. Moore
Ann Y. Moore
Deputy City Attorney

AYM:ps
04/29/93
Or.Dept:Bldg.Insp.
0-93-144
Form=o+t

OLD LANGUAGE STRUCKOUT
NEW LANGUAGE UNDERLINED

(O-93-144)

STRIKEOUT ORDINANCE

SEC. 91.8604 Demolition of Structures -- Surety and
Insurance Required

(a) Surety Bond. Except as otherwise provided in
Section 91.8604(a) ~~N~~No person may demolish a building or
structure within the City, or cause the same to be done,
unless they have first filed a security with The City of San
Diego in the form of a surety bond issued by a surety
company authorized to do business in the State of
California, or cash or equivalent security approved by the
Building Official, ~~in principal amounts as follows:~~

Floor Area of Structure	Amount of Bond
Up to 2000 square feet.....	\$ 2,000.00
2000 -- 6000 square feet.....	\$ 5,000.00
Over 6000 square feet.....	\$10,000.00

The bond or surety amount required for buildings over 6000
square feet in floor area shall be \$10,000.00. A bond or
other surety shall not be required for the demolition of a
building or structure that is less than 6000 square feet in
floor area.

The surety bond or other security shall be joint and
several in form and inure to the benefit of The City of San
Diego, conditioned upon the completion of the demolition and
associated work in accordance with the terms of the sections
regulating wrecking of structures, and within the period of

time or extension thereof as provided in Section 91.8602. A surety bond or other security shall be conditioned upon the payment to the City of any costs incurred by it in completing such work in accordance with the terms of the sections regulating wrecking of structures or in employing a private contractor to complete such work. Whenever the City Manager shall find that a default has occurred in the performance of any term or condition of the work authorized by the permit, the City Manager shall give written notice thereof to the principal and the surety on the bond, or any other party standing in the capacity of a surety to the principal. The notice shall state the work remaining to be done, the estimated cost of completion thereof and the period of time deemed by the City Manager to be reasonably necessary for the completion of such work. After receipt of such notice, the principal or the surety on the bond must, within the time specified, either cause the required work to be performed or deposit with The City of San Diego the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to ten percent of such cost, however, this amount shall not exceed the amount of the bond that was posted. The principal and any surety shall be jointly and severally liable for the cost of completing such work.

In the event that the principal or surety fails to complete such work within the time specified in the notice the City Manager shall proceed by such method as deemed convenient to cause the required work to be performed and

completed.

Any unexpended deposits shall be returned to the depositor at the completion of such work, together with an itemized accounting of the cost.

The principal and surety on the bond shall hold the City harmless from any liability in connection with the work so performed by the City, its authorized agent or contractor employed by the City. The City shall not be liable in connection with such work other than for the expenditure of said money.

If a cash deposit or equivalent security has been posted, notice of default as provided above shall be given to the principal and, if compliance is not had within the time specified, the City Manager shall proceed without delay and without further notice of proceedings whatever to use the cash deposit or equivalent to cause the required work to be done by contract or otherwise in the City Manager's discretion. The balance, if any, of such cash deposit or equivalent shall, upon completion of the work, be returned or released to the depositor or to its successors or assigns after deducting the cost of the work.

No performance bond shall be required from the State of California, any political subdivision thereof, any governmental agency or from any owner required to demolish a structure not exceeding two stories in height, declared by governmental authority to be unsafe or a public nuisance.

(b) [No changes to this subsection]

Passed and adopted by the Council of The City of San Diego on JUN 01 1993
 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.
 By *Yvonne Liu*, 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

MAY 18 1993

JUN 01 1993

, 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.
 By *Yvonne Liu*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California	
Ordinance <u>0-17925</u>	JUN 01 1993
Number	Adopted

RECEIVED
CITY CLERK'S OFFICE
93 MAY -5 PM 4: 53
SAN DIEGO, CALIF.

MAY 18 1963

MAY 17 1963

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

93 JUN 16 AM 9:46
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
2ND FLOOR
CITY ADMINISTRATION BUILDING
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1...

I, Corey Donahue, 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 0-17925 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, DIVISION 86, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 91.8604 RELATING TO DEMOLITION OF STRUCTURES.
This ordinance amends Chapter IX, Article 1, Division 86, of the San Diego Municipal Code by amending section 91.8604 by increasing the exemption from bond requirements for buildings being demolished. A copy of the full text of the ordinance is on file in the office of the City Clerk and available for public inspection.
A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, second floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
INTRODUCED ON MAY 18 1993
Passed and adopted by the Council of the City of San Diego on JUN 01 1993.
AUTHENTICATED BY:
SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By Suzanne Oliva, Deputy
Pub. June 15 274800

ORDINANCE NUMBER 0-17925 (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:

JUNE 15

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

Dated at San Diego, California this 15th day of JUNE, 1993.

Corey Donahue

(Signature)

2 3/8" x 2 = \$ 61.44