

(0-93-181)

ORDINANCE NUMBER 0- 17958 (NEW SERIES)

ADOPTED ON AUG 10 1993

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 62.0103; ADDING SECTION 62.0103; AMENDING SECTION 62.0104; ADDING SECTION 62.0116; REPEALING SECTION 62.0119; AND AMENDING DIVISION 2 BY ADDING SECTION 62.0210; AND AMENDING DIVISION 3 BY ADDING SECTION 62.0306; AND AMENDING DIVISION 4 BY AMENDING SECTION 62.0402; RETITLING AND AMENDING SECTION 62.0403; REPEALING SECTION 62.0404; AMENDING SECTION 62.0405; AND AMENDING ARTICLE 6, DIVISION 1 BY AMENDING SECTION 66.0122 RELATING TO CODE ENFORCEMENT AUTHORITY, REMEDIES AND PROCEDURES FOR REGULATING GRADING, PRIVATE ENCROACHMENTS ON PUBLIC RIGHTS-OF-WAY OR PUBLIC PROPERTY AND CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY.

WHEREAS, the City Council adopted Council Policy No. 900-10, A Comprehensive Code Enforcement Program and Policy (City Manager's Report No. 91-387) which established the objective of consolidating and streamlining enforcement powers, remedies and procedures in Chapter I of the Municipal Code; and

WHEREAS, the City Manager and City Attorney presented a preliminary consolidation plan to the Committee on Transportation and Land Use on February 26, 1992 (City Manager's Report Nos. 92-74 and 92-66 of February 20, 1992 and City Attorney Report dated February 21, 1992); and

WHEREAS, the Committee on Transportation and Land Use on November 23, 1992, approved the City Attorney's plan to streamline and unify code enforcement powers, remedies and

procedures in Chapters I, IV, V, VI, IX and X of the Municipal Code and also approved the City Manager's Administrative Regulations for administrative hearings; and

WHEREAS, the Committee on Transportation and Land Use approved the City Attorney's draft ordinances on April 21, 1993 and unanimously referred these amendments to the City Council for adoption; NOW THEREFORE,

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

Section 1. That Chapter VI, Article 2, Division 1 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 62.0103.

Section 2. That Chapter VI, Article 2, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Section 62.0103 to read as follows:

SEC. 62.0103 Enforcement Authority and Remedies

(a) Enforcement Authority. The City Engineer, Building Official and the Director of the Neighborhood Code Compliance Department or any other Director are authorized to administer and enforce the provisions of this Article. The City Engineer, Building Official, Directors, or their designated Enforcement Officials, may exercise any enforcement powers as provided in Division 1, Article 2 of Chapter I of this Code.

(b) Enforcement Remedies. Violations of this Article may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201, unless a specific

section of this Code expressly limits enforcement as an infraction. The Directors may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy set forth in this Division as well as in Chapter I of this Code.

(c) **Strict Liability Offenses.** Legal responsibility for violations of this Article shall be treated as strict liability offenses regardless of intent.

Section 3. That Chapter VI, Article 2, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 62.0104 to read as follows:

SEC. 62.0104 Administration

(a) **Permit Issuing Authority.** For purposes of Chapter VI, Article 2, the City Engineer and Building Official each are designated as the Permit Issuing Authorities for Grading, Encroachments, and Public Improvements.

(b) A permit for the work under Divisions 1, 2, 3 and 4 of this Article may be approved when all applicable requirements and provisions of this Municipal Code have been met.

(c) The Permit Issuing Authority, based on applicable ordinances, policies and standards, shall determine the extent, type and nature of the work to be done under Divisions 1, 2, 3 and 4 of this Article, the type of application and permit required and the applicable fees.

(d) When the nature of the work requested is subject to other requirements of this Municipal Code, to other administrative regulations issued pursuant thereto, or affects the operations of any other department of the City, the Permit Issuing Authority shall adhere to those other requirements and shall be guided by the recommendations of other City departments in determining the disposition of the application. Applications that are not consistent with the various requirements shall be denied.

(e) A valid grading or public improvement permit shall expire and become void 365 calendar days after the date the permit is issued, except as otherwise provided by Sections 111.1128(c) and 111.1129(c) of this Code.

(f) The Permit Issuing Authority shall inspect all work done under Divisions 1, 2, 3 and 4 of this Article to ensure compliance with the provisions of the applicable regulations and conditions of approval and shall certify when the work is properly completed.

(g) The Permit Issuing Authority may cancel a permit or may require the plans to be amended when it is in the interest of public health, safety or general welfare and under any of the following situations:

1. Upon the request of the permittee;
2. When the site conditions or operative facts upon which the permit was sought were not accurately presented in the application;

3. When work as constructed or as proposed to be constructed creates a hazard to public health, safety, or general welfare; or

4. When the permit violates other provisions of the Municipal Code or other state codes.

(h) Where work subject to the provisions of this Article is undertaken without a permit, the Permit Issuing Authority or the Director of the Neighborhood Code Compliance Department may:

1. Order the work to be stopped;
2. Report the violation to the Contractors' Licensing Board or other appropriate agency;
3. Assess a fee of double the normal City processing and inspection fee for the permit;
4. Order the reasonable restoration of the site and any adjacent and affected site to its lawful condition, at the sole cost of the violator;
5. Order mitigation of the violation where the Permit Issuing Authority or the Director of the Neighborhood Code of Compliance Department determines that reasonable restoration of the site to its lawful condition is not feasible or that irreparable damage has been done to an environmentally sensitive area, habitat or structure. Mitigation requirements may include purchase or exchange by the violator of like-kind real property of similar or

greater quality and quantity. Mitigation shall be at the sole cost of the violator;

6. Order a combination of restoration and mitigation of the site and any adjacent affected site as the Permit Issuing Authority or Director of the Neighborhood Code Compliance Department, depending upon the circumstances, at the sole cost of the violator;

7. Cause the suspension of any permits relating to the same property or the withholding of certificates of occupancy for the property until the pre-requisite permit is obtained; and

8. Promulgate additional administrative guidelines and regulations to implement and clarify the authority to require restoration and mitigation.

Section 4. That Chapter VI, Article 2, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Section 62.0116 to read as follows:

SEC. 62.0116 Public Improvement, Grading, Encroachment Requirements

(a) All work done under this Article shall be done in accordance with the approved plans and the conditions of the required permits, City contract, or franchise. The work shall conform to the standards of the City of San Diego as set forth and contained in standard drawings, specifications and general conditions, on file in the office of the City Clerk.

(b) This Article shall not affect the requirements of any other Division of this Code requiring other permits, fees, charges, including those for water and sewer mains and services, or affect any provisions concerning the granting of franchises.

(c) Any person or entity performing work covered by this Article shall provide a bond as described in Sections 62.0111 and 62.0112 of this Municipal Code and shall comply with the requirements of those sections.

Section 5. That Chapter VI, Article 2, Division 1 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 62.0119.

Section 6. That Chapter VI, Article 2, Division 2 of the San Diego Municipal Code be and the same is hereby amended by adding Section 62.0210 to read as follows:

SEC. 62.0210 Unauthorized Public Improvements Prohibited

It is unlawful to do, cause to be done, or maintain any public improvement contrary to this Division without first obtaining a permit, City contract or franchise authorizing the public improvement.

Section 7. That Chapter VI, Article 2, Division 3 of the San Diego Municipal Code be and the same is hereby amended by adding Section 62.0306 to read as follows:

SEC. 62.0306 Unauthorized Encroachments Prohibited

(a) It is unlawful to erect, place, construct, establish, plant or maintain any structure, vegetation or

object on Public Property or Public Rights-of-Way without a permit, City contract or franchise.

Section 8. That Chapter VI, Article 2, Division 4 of the San Diego Municipal Code be and the same is hereby amended by amending Section 62.0402 to read as follows:

SEC. 62.0402 Administration

The Permit Issuing Authority shall administer and enforce this Division in accordance with the provisions of Division 1 of this Article and shall do all things necessary to effect its purpose and intent, including:

- (a) Establish standards and promulgate regulations;
- (b) Accept applications and impose conditions of approval;
- (c) Issue permits when all applicable conditions are met;
- (d) Cause the work to be inspected and certify completion by the City Engineer;
- (e) Suspend or cancel permits whenever the Permit Issuing Authority determines the permit was improperly issued based on any of the following grounds:
 - 1. Facts are not as presented in the application;
 - 2. Work is inconsistent with approved plans;
 - 3. Protection of the public's health, safety or general welfare; or

4. Permit violates other provisions of the Municipal Code or applicable state codes; and

(f) Cause unauthorized grading to be stopped by all appropriate legal means.

Section 9. That Chapter VI, Article 2, Division 4 of the San Diego Municipal Code be and the same is hereby amended by retitling and amending Section 62.0403 to read as follows:

SEC. 62.0403 Unauthorized Grading

It is unlawful to do, cause to be done, or maintain any work covered under this Division without first obtaining a grading permit.

The provisions of this Section shall apply to all persons who do, cause to be done, or maintain any work covered by this Division without benefit of a permit including:

- (a) Property owners or lessees;
- (b) Contractors who perform the work;
- (c) Truckers who transport fill material to the site or the excavated material from the site.

Compliance with the provisions of this Division shall be evidenced by the availability on the site of approved plans and a copy of a valid grading permit.

Section 10. That Chapter VI, Article 2, Division 4 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 62.0404.

Section 11. That Chapter VI, Article 2, Division 4 of the San Diego Municipal Code be and the same is hereby amended by amending Section 62.0405 to read as follows:

SEC. 62.0405 Site Restoration

Restoration of grading work undertaken without a permit is required and shall occur prior to any further development on the site. Restoration requires:

(a) Submittal to and acceptance by the Permit Issuing Authority of a restoration plan which may include necessary monitoring by the City or a City designated party, both at the cost of the violator;

(b) Obtaining a grading permit and receiving inspection approval from the Permit Issuing Authority; and

(c) Compliance with any other reasonable requirements of the Permit Issuing Authority including those set forth in Section 62.0104(h) of this Code.

Section 12. That Chapter VI, Article 6, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 66.0122 to read as follows:

SEC. 66.0122 Refuse Containers

(a) It is unlawful for any Responsible Person in lawful possession, charge, or control of any boarding house, lodging house, bungalow court, hotel, motel, inn, apartment, residence, or any other dwelling, or public or private campground, or any restaurant, business, commercial or manufacturing establishment to fail to provide containers

which are adequate to contain the amount of refuse ordinarily accumulated at such place during the intervals between collection.

(b) It is unlawful for any Responsible Person in lawful possession, charge, or control of any boarding house, lodging house, bungalow court, hotel, motel, inn, apartment, residence, or any other dwelling, or public or private campground, or any restaurant, business, commercial or manufacturing establishment to fail to maintain covered refuse containers.

(c) It is unlawful for any Responsible Person in lawful possession, charge, or control of any boarding house, lodging house, bungalow court, hotel, motel, inn, apartment, residence, or any other dwelling, or public or private campground, or any restaurant, business, commercial or manufacturing establishment to fail to maintain the area surrounding the containers clear of waste.

(d) All refuse shall be placed out for collection in containers that are in good condition, clean and free of putrescible residue, leakproof, and waterproof, except as otherwise provided in Sections 66.0122(e) and (h).

(e) All containers placed out for manual collection shall be designed for the express purpose of refuse storage and collection. Reusable containers shall be equipped with tight-fitting lids or closures. Such containers shall be tapered with the larger diameter at the top to facilitate

emptying of the refuse by gravity. The interior of the containers shall be smooth without interior projections which would interfere with the emptying of the containers.

(f) Single-use waterproof paper and plastic bags designed expressly for the storage of solid wastes are acceptable for the disposal of refuse. The amount of refuse placed in such bags shall be limited so the bags will not rip or tear when handled. Such bags shall not weigh more than forty (40) pounds filled and shall be tied or sealed at all times.

(g) No container placed out for manual collection shall weigh more than fifty (50) pounds filled, nor shall it have a capacity of more than forty-five (45) gallons. Fifty-five (55) gallon oil drums and other heavy gauge reusable petroleum or chemical containers are not acceptable for City refuse collection.

(h) Brush, landscape, trimmings, crushed cardboard boxes, and similar materials shall be tied securely in bundles weighing not more than fifty (50) pounds and shall be not more than four (4) feet long.

(i) Reusable containers supplied by a licensee which are used for mechanized collection, including stationary compactors, and used for putrescibles or similar waste matter shall be equipped with close-fitting lids and be leakproof and rodentproof. Containers which are used expressly for dry wastes (construction, demolition,

industrial, etc.) may be kept uncovered except as required under applicable provisions of the California Vehicle Code and this Code while being transported upon any street or highway. Containers shall be sanitary and in good repair and shall be clearly identified with the name and telephone number of the licensee.

(j) Containers which fail to comply with the requirements of this Section, or which have deteriorated to the point where they are no longer in compliance, will be marked by the City of San Diego and will not be collected.

(k) Recyclable waste material placed out for collection at designated locations shall be in containers designated by the City Manager for such purpose.

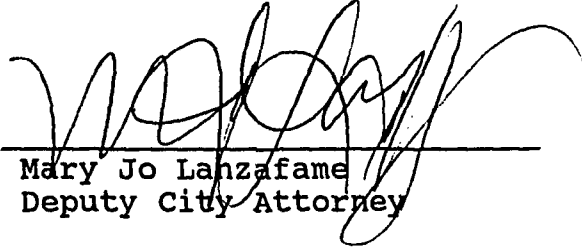
Section 13. The enforcement powers, procedures and remedies enacted in this ordinance shall apply to violations that existed before the effective date of this ordinance. The new administrative hearing and notice procedures enacted in this ordinance shall apply to pending administrative enforcement actions and hearings and shall supersede prior enforcement procedures. This ordinance shall have retroactive effect since it provides the participants with greater due process protection than existing enforcement hearing and notice procedures.

Section 14. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however,

the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If the Coastal Commission does not certify this ordinance, or suggests modifications, the provisions of this ordinance shall be null and void within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

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STRIKEOUT ORDINANCE

Old Language: ~~Struckout~~
New Language: ~~Shaded~~

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 62.0103; ADDING SECTION 62.0103; AMENDING SECTION 62.0104; ADDING SECTION 62.0116; REPEALING SECTION 62.0119; AND AMENDING DIVISION 2 BY ADDING SECTION 62.0210; AND AMENDING DIVISION 3 BY ADDING SECTION 62.0306; AND AMENDING DIVISION 4 BY AMENDING SECTION 62.0402; RETITLING AND AMENDING SECTION 62.0403; REPEALING SECTION 62.0404; AMENDING SECTION 62.0405; AND AMENDING ARTICLE 6, DIVISION 1 BY AMENDING SECTION 66.0122 RELATING TO CODE ENFORCEMENT AUTHORITY, REMEDIES AND PROCEDURES FOR REGULATING GRADING, PRIVATE ENCROACHMENTS ON PUBLIC RIGHTS-OF-WAY OR PUBLIC PROPERTY AND CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY.

~~§ 62.0103 — General Requirements~~

~~(a) No person shall do or cause to be done any public improvement, grading or encroachment without first having obtained a permit, City contract, or City franchise to do such work.~~

~~(b) All work done under this Article shall be done in accordance with the approved plans and the conditions of the required permits, City contract, or franchise. The work shall conform to the standards of the City of San Diego as set forth and contained in standard drawings, specifications and general conditions, on file in the office of the City Clerk.~~

~~(c) This Article shall not affect the requirements of any other Division of this Code requiring other permits, fees, charges, including those for water and sewer mains and services, or affect any provisions concerning the granting of franchises.~~

~~(d) Any person or entity performing work covered by this Article shall provide a bond as described in Sections 62.0111 and 62.0112 of this Municipal Code and shall comply with the requirements of those sections.~~

SEC. 62.0103 Enforcement Authority and Remedies

(a) Enforcement Authority. The City Engineer, Building Official and the Director of the Neighborhood Code Compliance Department or any other Director are authorized to administer and enforce the provisions of this Article. The City Engineer, Building Official, Directors, or their designated Enforcement Officials, may exercise any enforcement powers as provided in Division 1, Article 2 of Chapter I of this Code.

(b) Enforcement Remedies. Violations of this Article may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201, unless a specific section of this Code expressly limits enforcement as an infraction. The Directors may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy set forth in this Division as well as in Chapter I of this Code.

(c) Strict Liability Offenses. Legal responsibility for violations of this Article shall be treated as strict liability offenses regardless of intent.

SEC. 62.0104 Administration

(a) Permit Issuing Authority. For purposes of Chapter VI, Article 2, the City Engineer and Building Official each are designated and hereinafter referred to as the Permit Issuing Authorities for Grading, Encroachments, and Public Improvements.

(b) A permit for the work under Divisions 1, 2, 3 and 4 of this Article may be approved when all applicable requirements and provisions of this Municipal Code have been met.

(c) The Permit Issuing Authority, based on applicable ordinances, policies and standards, shall determine the extent, type, and nature of the work to be done under Divisions 1, 2, 3 and 4 of this Article, the type of application and permit required and the applicable fees.

(d) When the nature of the work requested is such that it is subject to other requirements of this Municipal Code, or to other administrative regulations issued pursuant thereto, or affects the operations of any other department of the City, the Permit Issuing Authority shall adhere to such those other requirements and shall be guided by the recommendations of such other City departments in determining the disposition of the application. Applications which that are not consistent with the various requirements shall be denied.

(e) A valid grading or public improvement permit shall expire and become void 365 calendar days after the date the permit is issued, except as otherwise provided by Sections 111.1128(c) and 111.1129(c) of this Code.

(f) The Permit Issuing Authority shall inspect all work done under Divisions 1, 2, 3 and 4 of this Article to insure compliance with the provisions of the applicable regulations and conditions of approval and shall certify when such the work is properly completed.

(g) The Permit Issuing Authority may cancel a permit or may require the plans to be amended when it is in the interest of public health, safety or general welfare and under any of the following situations:

1. Upon the request of the permittee; or
2. When the site conditions or operative facts upon which the permit was sought were not accurately presented in the application; or
3. When work as constructed or as proposed to be constructed creates a hazard to public health, safety, or general welfare; or
4. When the permit violates other provisions of the Municipal Code or other state codes.

(h) Where work subject to the provisions of this Article is undertaken without a permit, the Permit Issuing Authority or the Director of the Neighborhood Code Compliance Department may shall:

1. Order the work to be stopped;
2. Report the violation to the Contractors' Licensing Board or other appropriate agency;
3. Assess a fee of double the normal City processing and inspection fee for the permit.

~~If a permit is not promptly obtained, the Permit Issuing Authority shall cause building permits to be suspended or certificates of occupancy withheld, and shall cause to be stopped all administrative action toward processing of any project for which the issuance of a permit pursuant to this Article is a prerequisite until the property is restored to its original condition or to a condition satisfactory to the Permit Issuing Authority at sole cost of the applicant.~~

~~Should restoration or such other resolution as determined by the Permit Issuing Authority not begin promptly, the City Attorney shall begin prosecution and shall record a notice against the property prohibiting development until satisfactory resolution is attained.~~

4. Order the reasonable restoration of the site and any adjacent and affected site to its lawful condition, at the sole cost of the violator;

5. Order mitigation of the violation where the Permit Issuing Authority or the Director of the Neighborhood Code Compliance Department determines that reasonable restoration of the site to its lawful condition is not feasible or that irreparable damage has been done to an environmentally sensitive area, habitat or structure. Mitigation requirements may include purchase or exchange by the violator of like-kind real property of similar or greater quality and quantity. Mitigation shall be at the sole cost of the violator;

6. Order a combination of restoration and mitigation of the site and any adjacent affected site as the Permit Issuing Authority or Director of the Neighborhood Code Compliance Department, depending upon the circumstances, at the sole cost of the violator;

7. Cause the suspension of any permits relating to the same property or the withholding of certificates of occupancy for the property until the pre-requisite permit is obtained; and

8. Promulgate additional administrative guidelines and regulations to implement and clarify the authority to require restoration and mitigation.

~~(i) Deputies. In accordance with prescribed procedures, the City Engineer and Building Official may appoint deputies, as shall be authorized from time to time, provided they have the necessary training and experience to enforce the provisions of this section.~~

SEC. 62.0116 Public Improvement, Grading, Encroachment Requirements

(a) All work done under this Article shall be done in accordance with the approved plans and the conditions of the required permits, City contract, or franchise. The work shall conform to the standards of the City of San Diego as set forth and contained in standard drawings, specifications and general conditions, on file in the office of the City Clerk.

(b) This Article shall not affect the requirements of any other Division of this Code requiring other permits, fees, charges, including those for water and sewer mains and services, or affect any provisions concerning the granting of franchises.

(c) Any person or entity performing work covered by this Article shall provide a bond as described in Sections 62.0111 and 62.0112 of this Municipal Code and shall comply with the requirements of those sections.

~~§ 62.0119 Permit Issuing Authority Power to Arrest~~

~~The Permit Issuing Authority, or any designated representative thereof with the duty to enforce the provisions of Divisions 1, 2, 3 and 4 of this Article, is hereby authorized to arrest any person without a warrant whenever there is reasonable cause to believe that the person to be arrested has committed a violation of this Division in his or her presence.~~

SEC. 62.0210 Unauthorized Public Improvements Prohibited

It is unlawful to do, cause to be done, or maintain any public improvement contrary to this Division without first obtaining a permit, City contract or franchise authorizing the public improvement.

SEC. 62.0306 Unauthorized Encroachments Prohibited

(a) It is unlawful to erect, place, construct, establish, plant or maintain any structure, vegetation or object on Public Property or Public Rights-of-Way without a permit, City contract or franchise.

SEC. 62.0402 Administration

The Permit Issuing Authority shall administer and enforce this Division in accordance with the provisions of Division 1 of this Article and shall do all things necessary to effect its purpose and intent, including:

- (a) Establish standards and promulgate regulations;
- (b) Accept applications and impose conditions of approval;
- (c) Issue permits when all applicable conditions are met;

(d) Cause the work to be inspected and certify completion by the City Engineer;

(e) Suspend or cancel permits whenever the Permit Issuing Authority determines the permit was improperly issued based on any of the following grounds:

1. Facts are not as presented in the application;
2. Work is inconsistent with approved plans;
3. Necessary to safeguard Protection of the public's health, safety or general welfare; or
4. Permit violates other provisions of the Municipal Code or applicable state codes; and

(f) Cause unauthorized grading to be stopped by all appropriate legal means.

SEC. 62.0403 ~~Penalties for~~ Unauthorized Grading

~~No person shall~~ It is unlawful to do, or cause to be done, or maintain any work covered under this Division without having first obtained a grading permit. ~~Where grading is undertaken without a permit, the Permit Issuing Authority shall initiate administrative penalties in accordance with the provisions of Section 62.0104.~~

~~In addition to the administrative penalties imposed by the Permit Issuing Authority, persons violating the provisions of this Division shall be guilty of a misdemeanor and shall be subject to the same penalty provisions as set forth in Chapter I, Article 3, Division 2 of this Code.~~

The provisions of this section shall apply to all persons who do, or cause to be done, or through action or inaction allow maintain any work covered by this Division without benefit of a permit including, but not limited to:

- (a) Property owners or lessees;
- (b) Contractors who perform the work;
- (c) Truckers who transport fill material to the site or the excavated material from the site.

Compliance with the provisions of this Division shall be evidenced by the availability on the site whenever work is being

performed on of approved plans and a copy of a valid grading permit.

~~5-62.0404~~ Enforcement

~~The Permit Issuing Authority or his designated representatives, in addition to law enforcement personnel who are otherwise empowered to enforce the provisions of the San Diego Municipal Code, are hereby authorized and empowered to enforce the provisions of this Division.~~

SEC. 62.0405 Site Restoration

Restoration of grading work undertaken without a permit ~~is shall be required and shall occur prior to any further development on the site. Restoration shall require a grading permit and approval by inspection of the City Engineer. The permit for restoration work is subject to the penalties set forth in Section 62.0104(h) and Section 62.0403 of this Article. Site Restoration shall also include City plan acceptance, including necessary monitoring, prior to permitting any further development on the site. Restoration requires:~~

~~(a) Submittal to and acceptance by the Permit Issuing Authority of a restoration plan which may include necessary monitoring by the City or a City designated party, both at the cost of the violator;~~

~~(b) Obtaining a grading permit and receiving inspection approval from the Permit Issuing Authority; and~~

~~(c) Compliance with any other reasonable requirements of the Permit Issuing Authority including those set forth in Section 62.0104(h) of this Code.~~

SEC. 66.0122 Refuse Containers

~~(a) It shall be is the responsibility of unlawful for every owner, tenant, occupant or any Responsible Pperson in lawful possession, charge, or control of any boarding house, lodging house, bungalow court, hotel, motel, inn, apartment, residence, or any other dwelling, or public or private campground, or any restaurant, business, commercial or manufacturing establishment to fail to provide containers which are adequate to contain the amount of refuse ordinarily accumulated at such place during the intervals between collection.~~

~~(b) It is unlawful for any Responsible Person in lawful possession, charge, or control of any boarding house, lodging house, bungalow court, hotel, motel, inn, apartment, residence, or any other dwelling, or public or private campground, or any~~

restaurant, business, commercial or manufacturing establishment to fail to maintain covered refuse containers.

(c) It is unlawful for any Responsible Person in lawful possession, charge, or control of any boarding house, lodging house, bungalow court, hotel, motel, inn, apartment, residence, or any other dwelling, or public or private campground, or any restaurant, business, commercial or manufacturing establishment to fail to maintain the area surrounding the containers clear of waste.

(bd) All refuse shall be placed out for collection in containers that are in good condition, clean and free of putrescible residue, leakproof, and waterproof, except as otherwise provided in Section 66.0122 paragraphs (e) and (h) of this section.

(ee) All containers placed out for manual collection shall be designed for the express purpose of refuse storage and collection. Reusable containers shall be equipped with tight-fitting lids or closures. Such containers shall be tapered with the larger diameter at the top to facilitate emptying of the refuse by gravity. The interior of the containers shall be smooth without interior projections which would interfere with the emptying of the containers.

(f) Single-use waterproof paper and plastic bags designed expressly for the storage of solid wastes are acceptable for the disposal of refuse. The amount of refuse placed in such bags shall be limited so that the bags will not rip or tear when handled. Such bags shall not weigh more than forty (40) pounds filled and shall be tied or sealed at all times.

(dg) No container placed out for manual collection shall weigh more than fifty (50) pounds filled, nor shall it have a capacity of more than forty-five (45) gallons. Fifty-five (55) gallon oil drums and other heavy gauge reusable petroleum or chemical containers are not acceptable for City refuse collection.

(eh) Brush, landscape, trimmings, crushed cardboard boxes, and similar materials shall be tied securely in bundles weighing not more than fifty (50) pounds and shall be not more than four (4) feet long.

(fi) Reusable containers supplied by a licensee which are used for mechanized collection, including stationary compactors, and used for putrescibles or similar waste matter shall be equipped with close-fitting lids and be leakproof and rodentproof. Containers which are used expressly for dry wastes (construction, demolition, industrial, etc.) may be kept

uncovered except as required under applicable provisions of the California Vehicle Code and this Code while being transported upon any street or highway. Containers shall be sanitary and in good repair and shall be clearly identified with the name and telephone number of the licensee.

(g) Containers which fail to comply with the requirements of this section, or which have deteriorated to the point where they are no longer in compliance, will be marked by the City of San Diego and will not be collected.

(h) Recyclable waste material placed out for collection at designated locations shall be in containers designated by the City Manager for such purpose.

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Passed and adopted by the Council of The City of San Diego on AUG 10 1993
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 Mary Cepeda 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 13 1993

AUG 10 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.

(Seal)

By Mary Cepeda Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 17958 Adopted AUG 10 1993

15028

RECEIVED
93 JUN 17 AM 11:34
CITY CLERKS OFFICE
SAN DIEGO, CA

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

93 AUG 26 AM 11:03

SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
CITY ADMIN. BLDG.
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2,...

ORDINANCE NUMBER O-17958 NEW SERIES

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 62.0103; ADDING SECTION 62.0103; AMENDING SECTION 62.0104; ADDING SECTION 62.0116; REPEALING SECTION 62.0119; AND AMENDING DIVISION 2 BY ADDING SECTION 62.0210; AND AMENDING DIVISION 3 BY ADDING SECTION 62.0306; AND AMENDING DIVISION 4 BY AMENDING SECTION 62.0402; RETITLING AND AMENDING SECTION 62.0403; REPEALING SECTION 62.0404; AMENDING SECTION 62.0405; AND AMENDING ARTICLE 6, DIVISION 1 BY AMENDING SECTION 66.0122; ALL RELATING TO CODE ENFORCEMENT AUTHORITY, REMEDIES AND PROCEDURES FOR REGULATING GRADING, PRIVATE ENCROACHMENTS ON PUBLIC RIGHTS-OF-WAY OR PUBLIC PROPERTY AND CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY.

San Diego Municipal Code Sections 62.0103 and 62.0104 streamline enforcement authority and remedies as they related to grading, private encroachments on public rights-of-way or public property and construction within the public right-of-way. These amendments are consistent with new enforcement procedures enacted in Chapter I of the Municipal Code. Section 62.0104 mandates that violations of this Article be treated as strict liability offenses.

San Diego Municipal Code Section 62.0116 sets forth the requirements for construction within the public right-of-way, private encroachments on public rights-of-way or public property and grading.

San Diego Municipal Code Sections 62.0210 and 62.0306 prohibit unauthorized public improvements and encroachments. The sections make it unlawful to do the work without a permit as well as maintain a public improvement or encroachment without a permit.

San Diego Municipal Code Sections 62.0402 through 62.0405 set forth the enforcement authority and requirements for land development and specifies certain requirements where unauthorized grading has occurred. The amendments clarify the authority to compel restoration or mitigation where appropriate.

San Diego Municipal Code section 66.0122 incorporates parts of former Section 44.0120 which regulated refuse containers.

A copy of the full text of the ordinance is on file in the office 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, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON JUL 13 1993
Passed and adopted by the Council of the City of San Diego on AUG 10 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

SEAL

By MARY CEPEDA, Deputy

Pub. Aug. 24

277782

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 O-17958 (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:

AUG. 24

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

Dated at San Diego, California this 24th day of AUG., 1993.

Corey Donahue
(Signature)

5 1/8" x 2 = \$ 140.80