

ORDINANCE NUMBER O- 18924 (NEW SERIES)

ADOPTED ON FEB 27 2001

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.0301 AND 62.0302 TO PERMIT THE CONSIDERATION OF WALLS AND FENCES IN THE PUBLIC RIGHT-OF-WAY.

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

Section 1. That Chapter VI, Article 2, Division 3 of the San Diego Municipal Code is amended by amending Sections 62.0301 and 62.0302, to read as follows:

**SEC. 62.0301 Applications**

This division applies to encroachments in the public right-of-way maintained by the Property Owner.

Applications submitted by the Property Owner for permits authorizing encroachment structures in the public right-of-way shall be made in accordance with section 62.0105 of this Article.

No encroachment application shall be approved when it is determined by the Permit Issuing Authority that the encroachment structures will adversely affect the public health, safety, or general welfare.

All encroachment applications within Centre City shall be subject to the review of the Centre City Advisory Committee.

A decision on an encroachment application for a wall or fence in the public right-of-way shall be made in accordance with Process Two, as defined in Chapter 11 of the Land Development Code.

Any encroachment that constitutes "development", as defined in Section 113.0103 of the Land Development Code, is subject to all applicable regulations of the Land Development Code.

**SEC. 62.0302 Encroachment Removal Agreement**

[No change in first paragraph.]

(a) [No change.]

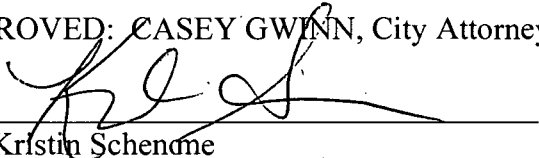
(b) The Property Owner shall agree to indemnify the City with an indemnification agreement satisfactory to the City Manager and City Attorney.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By

  
Kristin Schenme

Deputy City Attorney

KS:cdk

01/17/2001

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Or.Dept: Plan. & Dev. Rev.

O-2001-44

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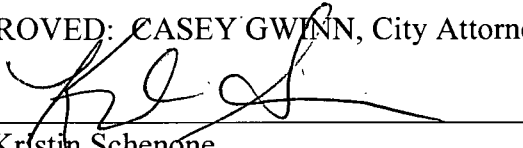
(a) [No change.]

(b) The Property Owner shall agree to indemnify the City with an indemnification agreement satisfactory to the City Manager and City Attorney.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

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OLD LANGUAGE: Struck Out  
NEW LANGUAGE: Underlined

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Applications submitted by the Property Owner for permits authorizing encroachment structures in the public right-of-way shall be made in accordance with section 62.0105 of this Article.

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**SEC. 62.0302 Encroachment Removal Agreement**

[No change in first paragraph.]

(a) [No change.]

(b) ~~The property owner shall agree to at all times indemnify and save the City free and harmless from and pay in full, any and all claims, demands, losses, damages or expenses that the City may sustain or incur in any manner resulting from the construction, maintenance, state of use, repair or presence of the structure installed hereunder, including any loss, damage or expense arising out of (1) loss of or damage to property, and (2) injury to or death of persons; excepting any loss, damage or expense and claims for loss, damage or expense resulting in any manner from the negligent act or acts of the City, its contractors, officers, agents or employees.~~ The Property Owner shall agree to indemnify the City with an indemnification agreement satisfactory to the City Manager and City Attorney.

(e) through (f) No change.

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Of. Dept. Plan. & Dev. Rev.  
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