

(O-2008-109)

ORDINANCE NUMBER O- **19733** (New Series)

DATE OF FINAL PASSAGE **APR 08 2008**

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING
CHAPTER 1, ARTICLE 2, DIVISION 2 OF THE MUNICIPAL CODE
BY AMENDING SECTION 12.0204 RELATING TO JUDICIAL
ABATEMENT; AND FINDING NO ENVIRONMENTAL IMPACT.

WHEREAS, the Council of the City of San Diego wishes to clarify that maintaining
or allowing the existence of a public nuisance is a violation of the San Diego Municipal Code;
NOW, THEREFORE,

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

Section 1. That Chapter 1, Article 2, Division 2 of the San Diego Municipal Code relating
to Judicial Abatement is hereby amended by amending Section 12.0204 to read as follows:

§ 12.0204 Judicial Abatement

- (a) It is unlawful to maintain or allow the existence of any condition that
creates a *public nuisance*.
- (b) Pursuant to California Government Code section 38773, the City has
the authority to judicially abate *public nuisances* by filing criminal
or civil actions. The City also has the authority to make the expense
of abatement of the *public nuisance* a special assessment, or a lien
against the property on which it is maintained and a personal
obligation against the *property owner*, in accordance with California
Government Code section 38773.1 or 38773.5.

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Section 2. That this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines section 15060(c)(2) because this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Grace C. Lowenberg
Grace C. Lowenberg
Deputy City Attorney

GCL:mb
02/27/08
Or.Dept: ESD
O-2008-109

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego, at its meeting of MAR 25 2008.

ELIZABETH S. MALAND, City Clerk

By Debbie Swanson-Cruz
Deputy City Clerk

Approved: 4-8-08
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

OLD LANGUAGE - ~~STRICKEN~~
NEW LANGUAGE - UNDERLINED

STRIKEOUT ORDINANCE

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§ 12.0204 **Judicial Abatement**

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- (b) Pursuant to California Government Code section 38773, the City has the authority to judicially abate ~~nuisanees~~ public nuisances by filing criminal or civil actions. The City also has the authority to make the expense of abatement of the ~~nuisancee~~ public nuisance a special assessment, or a lien against the property on which it is maintained and a personal obligation against the property owner, in accordance with California Government Code ~~S~~section 38773.1 or 38773.5.

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