

**000275 REQUEST FOR COUNCIL ACTION**  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER 54  
(FOR AUDITOR'S USE C) 9/25

TO: CITY ATTORNEY  
2. FROM (ORIGINATING DEPARTMENT): Environmental Services Department  
3. DATE: 7/3/2007

4. SUBJECT: Amend San Diego Municipal Code by adding section 54.0110 "Unauthorized Encroachments Prohibited"

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.): Nancy Lovell 573-1206 MS 1103-B  
6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.): Phil Balmanno 573-1260 MS 1103-B  
7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

**8. COMPLETE FOR ACCOUNTING PURPOSES**

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST: No Fiscal Impact
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

**10. ROUTING AND APPROVALS**

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>Chr. An</i>	7/27/07	8	DEPUTY CHIEF	<i>J. Haas</i>	8-14-07
2	DEVELOPMENT SERVICES DEPT. EAS	<i>Mark M</i>	7/31/07	9	COO	- Not required -	
3	EOC	EXEMPT		10	CITY ATTORNEY	<i>John C. Brown</i>	8-27-07
4	LIAISON OFFICE	<i>CS</i>	8/1/07	11	ORIGINATING DEPARTMENT	<i>Chr. An</i>	8-29-07
5	FINANCIAL MANAGEMENT	<i>Angela Peltz</i>	8/9/07	DOCKET COORD: <i>9/13 CS</i>		COUNCIL LIAISON: <i>CS</i>	
6	AUDITOR	<i>Joselyn Allison</i>	8/14/07	COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION		COUNCIL DATE: <i>9/25/07</i>	
7				REFER TO: <i>MS</i>			

11. PREPARATION OF:  RESOLUTION(S)  ORDINANCE(S)  AGREEMENT(S)  DEED(S)

Amending the San Diego Municipal Code by adding section 54.0110 "Unauthorized Encroachments Prohibited" to replace the repealed Municipal Code 62.0306 "Unauthorized Encroachments Prohibited" which was inadvertently deleted by revisions to the Land Development Code in November 2005.

11A. STAFF RECOMMENDATIONS:  
Adopt the ordinance.

12. SPECIAL CONDITIONS:

**COUNCIL DISTRICT(S):** Citywide

**COMMUNITY AREA(S):** Citywide

**ENVIRONMENTAL IMPACT:** This activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA guidelines section 15060(c)(3).

**HOUSING IMPACT:** N/A

**OTHER ISSUES:** None

**CITY CLERK INSTRUCTIONS:** Please send a copy of the completed resolution to Stephen Grealy, MS 1103-B



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 ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)
 

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DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 54.0110 ENTITLED "UNAUTHORIZED ENCROACHMENTS PROHIBITED" AND RELATING TO PROHIBITING UNAUTHORIZED ENCROACHMENTS ON PUBLIC PROPERTY OR IN THE PUBLIC RIGHT-OF-WAY.

WHEREAS, former San Diego Municipal Code section 62.0306, which prohibited unauthorized encroachments on public property or in the public right-of-way, was repealed in 2006 as a result of revisions to the Land Development Code; and

WHEREAS, the Solid Waste Code Enforcement Unit of the Environmental Services Department had utilized former section 62.0306 as an enforcement tool with respect to unauthorized solid waste or recycling dumpsters and bins discovered in the public right-of-way or on public property; and

WHEREAS, the Environmental Services Department believes that adding section 54.0110 to the San Diego Municipal Code is necessary in order to eliminate potential safety hazards and liability associated with these types of unauthorized encroachments; NOW THEREFORE,

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

Section 1. That Chapter 5, Article 4, Division 1 of the San Diego Municipal Code is hereby amended by adding section 54.0110 to read as follows:

**§ 54.0110 Unauthorized Encroachments Prohibited**

It is unlawful for any *person* to erect, place, allow to remain, construct, establish, plant, or maintain any vegetation or object on any public street, alley, sidewalk, highway, or other public property or public right-of-way, except as otherwise provided by this Code.

Section 2. That the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines section 15060(c)(3).

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 its 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  
07/13/07  
Or.Dept:ESD  
O-2008-3

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego, at its meeting of \_\_\_\_\_:

ELIZABETH S. MALAND, City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

NEW LANGUAGE - Underlined

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