

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

SUBJECT: GENERAL REGULATORY LEGISLATION
POLICY NO.: 000-07
EFFECTIVE DATE: November 8, 2021

PURPOSE:

- 1.1 To provide uniformity in the scope and content of regulatory ordinances.

BACKGROUND:

- 2.1 Council should memorialize in adopted regulatory ordinances the reasons why it adopted legislation within its purview.
- 2.2 Proposed ordinances should not contain administrative procedures that direct the administrative or legal branches of City government.
- 2.3 Council desires regulatory ordinances that represent, support, and serve all City residents that are drafted using gender-neutral and non-binary words to describe a person or group of people.

SCOPE:

- 3.1 This policy shall apply only to general or regulatory ordinances but shall not apply to special legislation of a temporary nature such as ordinances specifying street improvements, street grades, appropriations, elections, bond issues, opening and vacating streets, naming or changing name of streets and dedicating parks.

POLICY:

- 4.1 All general regulatory legislation shall include a preamble stating the intent of the proposed legislation, including the reasons or conditions creating the necessity for the legislation. The scope and limits of the proposed regulation shall be clearly stated. A statement of intent shall be stated in a way to facilitate the exercise of administrative discretion provided in the legislation. The statement of intent shall be made a part of the proposed legislation and published in the San Diego Municipal Code.

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- 4.2 The public's convenience will be best served if administrative detail and procedures can be adapted to meet changing conditions. Accordingly, regulatory legislation should be written to allow discretion in determining administrative details and procedures consistent with public policy and the law. The proposed general regulatory legislation should spell out the standards within which administrative discretion may be exercised, and should be so defined as to minimize the necessity for differences of opinion by the administrative staff in the application thereof. The rights of the citizens should be protected by permitting appeals from administrative determinations to appropriate municipal bodies including, if necessary, the Council.
- 4.3 Unless legally necessary, administrative details and procedures shall be omitted. The development of such administrative details and procedures shall be the responsibility of the administrative authority responsible for administering the legislation. The necessity for the inclusion of administrative details and procedures shall be determined by the City Attorney and the Mayor, as well as such other departments that are concerned with the administration of the proposed general regulatory legislation.
- 4.4 Unless otherwise required by law, all general regulatory legislation shall be drafted using gender-neutral pronouns or reusing nouns to avoid the use of gendered or binary pronouns when referring to a person or group of people.

HISTORY:

Adopted by Resolution R-171610 – 07/05/1962

Amended by Resolution R-310843 – 12/06/2016

Amended by Resolution R-313771 – 11/08/2021