

ORDINANCE NUMBER O- 19670 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 18 2007

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Code section 62.0306, which prohibited unauthorized encroachments on public property or in the public right-of-way, was repealed in 2006 as a result of revisions to the Land Development Code; and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 OCT - 9 2007.

ELIZABETH S. MALAND, City Clerk

By [Signature]
Deputy City Clerk

Approved: 10-18-07
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor