

Article 1: Public Improvement and Assessment Proceedings

Division 4: San Diego Parking and Improvement District Procedural Ordinance No. 1

*(“San Diego Parking and Improvement District Procedural Ordinance No. 1”
added 12-20-1966 by O-9558 N.S.)*

A. Purpose and Intent

The purpose and intent of this ordinance is to establish one method by which public parking places and adjacent improvements might be acquired, constructed and operated in areas of the City of San Diego through the creation of a special assessment district or districts. The method is not exclusive. The ordinance incorporates the Vehicle Parking District Law of 1943 (California Streets and Highways Code Sections 31500, et seq.) with certain express exceptions and modifications. It also supplements the 1943 law with certain other provisions. In any case of conflict between this ordinance and the law incorporated herein, however, the language of this ordinance controls.

(“Purpose and Intent” added 12-20-1966 by O-9558 N.S.)

B. General Provisions and Incorporations

§61.0401 Citation of Division

This division may be cited as the San Diego Parking and Improvement District Procedural Ordinance No. 1.

(“Citation of Division” added 12-20-1966 by O-9558 N.S.)

§61.0402 Rules of Construction

This Division shall be liberally construed in order to effectuate its purposes. No error, irregularity, informality and no neglect or omission of any officer, in any procedure taken under this Division which does not directly affect the jurisdiction of the Council to order the work or improvement, shall void or invalidate such proceeding or any assessment or the cost of the work done thereunder. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the Council in accordance with the provisions of this Division and so much of the Act as may be incorporated herein.

(“Rules of Construction” added 12-20-1966 by O-9558 N.S.)

§61.0403 Incorporation of the Vehicle Parking District Law of 1943

The Vehicle Parking District Law of 1943, herein called the “Act,” is hereby adopted and referred to and made part of this Division with the same force and effect as if specifically set forth in full with the additions, deletions and changes as may be herein set forth.

(“Incorporation of the Vehicle Parking District Law of 1943” added 12–20–1966 by O–9558 N.S.)

§61.0404 General Powers

The whole or any part or parts of the City may be created and operated as a district or districts for the acquisition, improvement, administration, maintenance, operation and disposal of public motor vehicle parking places; bonds to pay the cost thereof may be issued and paid; revenues from on and off–street parking facilities may be allocated and pledged; assessments and annual taxes for repair, maintenance, operation and improvements may be levied and collected; contributions may be made; covenants and agreements with the bondholders for the security and payment of such bonds may be made; and the Board of Parking Place Commissioners shall have the powers, jurisdiction and authority, all as now or hereafter provided in the Vehicle Parking District Law of 1943, excepting as herein otherwise provided.

(“General Powers” added 12–20–1966 by O–9558 N.S.)

§61.0405 Division Superior

The provisions of this Division shall be controlling to the extent that they are in conflict with any of the provisions of the Act.

(“Division Superior” added 12–20–1966 by O–9558 N.S.)

§61.0406 Nonexclusiveness of Division

The Division is not exclusive. The Council shall have the power to adopt other procedures or to follow procedures now in effect and hereinafter provided for or prescribed by the General Laws of the State. The procedures set forth herein are alternative to any other procedure established by ordinance or by the General Law.

(“Nonexclusiveness of Division” added 12–20–1966 by O–9558 N.S.)

(6-2000)

§61.0407 Incorporation Effect

When provisions of the General Law or acts are incorporated in this Division, such incorporation shall be interpreted to mean the wording of the General Law or acts then in effect at the time the Council adopts the resolution declaring its intention to form a parking district under this Division, unless the Council shall provide otherwise.

(“Incorporation Effect” added 12–20–1966 by O–9558 N.S.)

§61.0408 Definition of Ordinance

Wherever the term “ordinance” is used in the Act or General Law, it shall be interpreted to mean resolution.

(“Definition of Ordinance” added 12–20–1966 by O–9558 N.S.)

§61.0409 Severability Clause

If any section or part of this Division be for any reason held unconstitutional or invalid by a court of competent jurisdiction, that holding shall not affect the validity of the remaining portions of this ordinance, but such remaining portion shall be and remain in full force and effect.

(“Severability Clause” added 12–20–1966 by O–9558 N.S.)

C. Modification of Provisions of the Act

§61.0410 Application of Special Assessment Investigation, Limitation, and Majority Protest Act of 1931

Notwithstanding any sections of the Act, all Parts of the Special Assessment Investigation, Limitation, and Majority Protest Act of 1931 apply to proceedings taken under this Division.

(“Application of Special Assessment Investigation, Limitation, and Majority Protest Act of 1931” added 12–20–1966 by O–9558 N.S.)

§61.0411 Initiation of Proceedings by Council

The Council may initiate proceedings under this Division for the formation of a vehicle parking district by adopting a resolution declaring its desire to form such district, and not sooner than ten (10) days following the adoption of such resolution, adopt its resolution of intention to form the district in the form and in the manner and

(6-2000)

following the procedures prescribed in the Act. Such procedures may be initiated even though no petition or inadequate petitions have been received from the owners of assessable land within the proposed district.

(“Initiation of Proceedings by Council” added 12–20–1966 by O–9558 N.S.)

§61.0412 Additional Matter Authorized

In addition to the matters authorized to be done under Section 31506 of the Act, the following are authorized:

- (a) The improvement of areas of ingress to and egress from the parking places, including but not limited to landscaping and the installation of functional or ornamental lighting facilities.
- (b) The acquisition of lands, property and rights-of-way necessary or convenient for the construction of malls adjacent to the parking places.
- (c) The construction of such malls on lands acquired as hereinabove authorized.

(“Additional Matter Authorized” added 12–20–1966 by O–9558 N.S.)

§61.0413 Assessment Limitation

The amount of the assessment levied to pay the cost of the acquisition and improvement ordered by the Council in its resolution shall not exceed one hundred percent (100%) of the assessed valuation of all land and improvements in the district subject to assessment, as shown by the last equalized county assessment roll at the date the assessment is confirmed.

(“Assessment Limitation” added 12–20–1966 by O–9558 N.S.)

§61.0414 Assessed Value

For all purposes, “assessed value” wherever used or referred to under this Division and the Act shall mean the total assessed value of both land and improvements.

(“Assessed Value” added 12–20–1966 by O–9558 N.S.)

§61.0415 Specific Exclusions

Sections 31569, 31569.1, 31569.3, and 31850 through 31851.5 of the Act are hereby specifically excluded from this Division and shall be of no force or effect.

(“Specific Exclusions” added 12–20–1966 by O–9558 N.S.)

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§61.0416 Disposal of District Property

The Council may sell or lease any property acquired for parking district purposes whenever it has determined that the property is no longer needed for that public use. Before making such determination, the Council shall hold a public hearing thereon and shall give notice of such hearing published pursuant to Section 6061 of the Government Code in a newspaper circulated in the City at least ten (10) days before such hearing. The notice shall contain a general description of the property as to which the determination is proposed to be made. The determination shall not be made if prior to the hour fixed for the hearing the owners of more than one-half of the area of the lands within the district have filed with the City Clerk written objections to the proposed determination.

The proceeds of such sale or lease shall be used for only the following purposes and in the following order of priority:

- (a) For the purchase of other off-street parking places within the district, or for the improvement, addition or extension of existing parking places in the district;
- (b) For making refunds to the then owner of each parcel of real property included within the district and which has been assessed in the proportion which the total assessment levied upon such parcel bears to the total of all such assessments. The aggregate amount of any such refund, however, shall in no event exceed the total payments made by such owner or his predecessor in interest on any assessment or reassessment levied in proceedings taken under this Division and creating such district. Any such proceeds remaining after the appropriate distribution shall be credited to the General Fund of The City of San Diego.

(“Disposal of District Property” added 12-20-1966 by O-9558 N.S.)