ORDINANCE NO. 5041 (New Series)

AN ORDINANCE ESTABLISHING THE GRADE OF 46TH STREET, IN THE CITY OF SAN DIEGO, CALIFORNIA, BETWEEN THE SOUTH LINE OF OCEAN VIEW BOULEVARD AND THE NORTH LINE OF OCEAN VIEW BOULEVARD.

BE IT ORDAINED By the Council of the City of San Diego, California, as follows:

SECTION 1. That the grade of 46th Street, in the City of San Diego, California, between the south line of Ocean View Boulevard and the north line of Ocean View Boulevard, be, and the same is hereby established as follows:

At the intersection of the east line of 46th Street with the south line of Ocean View Boulevard, the grade elevation toremain at 95.46 feet.

At the intersection of the east line of 46th Street with the north line of Ocean View Boulevard, establish the grade elevation at 94.75 feet.

At the intersection of the west line of 46th Street with the south line of Ocean View Boulevard, the grade elevation to remain at 95.10 feet.

At the intersection of the northwesterly line of 46th Street with the north line of Ocean View Boulevard, establish the grade elevation at 94.25 feet.

SECTION 2. And the grade of 46th Street between the points hereinbefore mentioned, shall have a uniform ascent and descent; all of said grade elevations to be above the datum line of levels as fixed by Ordinance No. 3950 of the ordinances of said City.

SECTION 3. This Ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by
A. K. Fogg
City Engineer

Approved as to form

J. F. DU PAUL
City Attorney

By Douglas W. Draper
Deputy City Attorney

City Manager

00001

I HEREBY CERTIFY that the money required for the appropriation made and/or indebtedness and/or obligation incurred by reason of the provisions of the foregoing ordinance is in the Treasury, and that it is otherwise unencumbered.

Dated.....

.....
Auditor and Comptroller of The City of San Diego, California.

By.....Deputy.

Passed and adopted by the Council of the City of San Diego, California, this 10th day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Schneider, Kerrigan, Dail, Godfrey, Mayor Butler.

NAYS—Council men: None.

ABSENT—Council men: None.

(ATTEST):

John D. Butler
Mayor of The City of San Diego, California.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 10th day of January, 1952.

~~I FURTHER CERTIFY that the final reading of such ordinance was in full.~~

I FURTHER CERTIFY that, prior to the final reading of such ordinance, a written or printed copy thereof was furnished to each member of the Council.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until it had been read on two separate calendar days of the Council, to-wit: on the.....day of....., and on the.....day of.....

I FURTHER CERTIFY that the final reading of such ordinance was in full.

I FURTHER CERTIFY that, prior to the final reading of such ordinance, a written or printed copy thereof was furnished to each member of the Council.

~~(SEAL)~~

.....
City Clerk of The City of San Diego, California.

By.....Deputy.

Form 1255

JAN 7 2 37 PM 1952

00002

443290

DOCUMENT No.

Filed JAN -8 1952

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

Ordinance No. 5041

Establishing grade of 46th Street, between south and north lines of Ocean View Boulevard.

PASSED FIRST READING
JAN 10 1952

Moved by Schneider

Seconded by Wincote

ADOPTED BY COUNCIL
JAN 10 1952

Moved by Swan

Seconded by Dail

GOES INTO EFFECT

Recorded on Film No. 46 190

00003

ORDINANCE NO. 5042 (New Series)

AN ORDINANCE ESTABLISHING THE GRADE OF INGRAHAM STREET, IN THE CITY OF SAN DIEGO, CALIFORNIA, BETWEEN THE NORTHERLY BOUNDARY LINE OF CROWN POINT, ACCORDING TO MAP NO. 1891 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, AND THE NORTHERLY LINE OF MOORLAND DRIVE.

BE IT ORDAINED By the Council of the City of San Diego, California, as follows:

SECTION 1. That the grade of Ingraham Street in the City of San Diego, California, between the northerly boundary line of Crown Point, according to Map No. 1891 on file in the Office of the County Recorder of San Diego County, California, and the northerly line of Moorland Drive, be, and the same is hereby established as follows:

At the intersection of the easterly line of Ingraham Street with the northerly boundary line of said Crown Point, the grade elevation to remain at 33.00 feet.

At a point on the easterly line of Ingraham Street distant 5.00 feet southerly from the intersection of the easterly line of Promontory Street with the northerly boundary line of said Crown Point, establish the grade elevation at 33.42 feet; at a point on the easterly line of Ingraham Street, distant 90.00 feet southerly of the last named point, establish the grade elevation at 33.85 feet.

At the intersection of the northeasterly line of Ingraham Street with the northerly line of Moorland Drive, establish the grade elevation at 33.85 feet.

At the intersection of the westerly line of Ingraham Street with the northerly boundary line of said Crown Point, the grade elevation to remain at 33.00 feet.

At a point on the westerly line of Ingraham Street distant 5.00 feet southerly from the intersection of the westerly line of Ingraham Street with the northerly boundary line of said Crown Point, establish the grade elevation at 33.68 feet; at a point on the westerly line of Ingraham Street distant 90.00 feet southerly of the last named point, establish the grade elevation at 33.85 feet.

At the intersection of the northwesterly line of Ingraham Street with the northerly line of Moorland Drive, establish the grade elevation at 34.17 feet.

SECTION 2. And the grade of Ingraham Street between the points hereinbefore mentioned, shall have a uniform ascent and descent; all of said grade elevations to be above the datum line of levels as fixed by Ordinance No. 3950 of the ordinances of said City.

SECTION 3. This Ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by

A. K. Fogg

City Engineer

Approved as to form

J. F. DU PAUL
City Attorney

By Douglas W. Harper
Deputy City Attorney

City Manager

00005

I HEREBY CERTIFY that the money required for the appropriation made and/or indebtedness and/or obligation incurred by reason of the provisions of the foregoing ordinance is in the Treasury and that it is otherwise unencumbered.

Dated.....

.....
Auditor and Comptroller of The City of San Diego, California.

By.....Deputy.

Passed and adopted by the Council of the City of San Diego, California, this 10th day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Schneider, Kerrigan, Dail, Godfrey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilmen: None.

(ATTEST):

John D Butler
Mayor of The City of San Diego, California.

(SEAL)

FRED W. SICK
City Clerk of The City of San Diego, California.

By Donald L Steinert Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 10th day of January, 1952.

~~I FURTHER CERTIFY that the final reading of such ordinance was in full.~~

I FURTHER CERTIFY that, prior to the final reading of such ordinance, a written or printed copy thereof was furnished to each member of the Council.

(SEAL)

FRED W. SICK
City Clerk of The City of San Diego, California.

By Donald L Steinert Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until it had been read on two separate calendar days of the Council, to-wit: on the.....day of....., and on the.....day of.....

I FURTHER CERTIFY that the final reading of such ordinance was in full.

I FURTHER CERTIFY that, prior to the final reading of such ordinance, a written or printed copy thereof was furnished to each member of the Council.

~~(SEAL)~~

.....
City Clerk of The City of San Diego, California.

By.....Deputy.

Form 1255

JAN 7 2 57 PM 1952

H.m.w.

DOCUMENT No. 443291

Filed JAN -8 1952

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

Ordinance No. 5042

Estab. grade of Ingraham Street, between northerly line of Crown Point and Moorland Drive.

PASSED FIRST READING
JAN 10 1952

Moved by Wincote

Seconded by Swan

ADOPTED BY COUNCIL
JAN 10 1952

Moved by Dail

Seconded by Godfrey

GOES INTO EFFECT

00007

Recorded on Film No. 46 191

ORDINANCE NO. 5043 (New Series)

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA, CHANGING THE NAME OF A PORTION OF WABASKA DRIVE TO WARRINGTON STREET, CHANGING THE NAME OF A PORTION OF WARRINGTON STREET TO WABASKA DRIVE AND CHANGING THE NAME OF A PORTION OF TENNYSON STREET TO WABASKA DRIVE.

BE IT ORDAINED By the Council of the City of San Diego, California, as follows:

SECTION 1. That the name of that portion of Wabaska Drive in the City of San Diego, California, bounded and described as follows:

Beginning at a point on the northwesterly line of Lot 7, Block 33, Point Loma Heights, according to the map thereof No. 1106 filed in the Office of the County Recorder of San Diego County, California, distant therealong 21.38 feet, S 36° 05' 47" W, from the most northerly corner of said Lot 7; thence S 8° 34' 06" E a distance of 8.23 feet to the beginning of a tangent curve concaved northerly having a radius of 20.00 feet, the TRUE POINT OF BEGINNING: thence southeasterly, easterly and northeasterly along the arc of said curve through a central angle of 135° 20' 09" a distance of 47.24 feet to a point of tangency on the original southeasterly line of said Lot 7, said last named point being distant therealong 126.78 feet, N 36° 05' 45" E, from the original most southerly corner of said Lot 7 and being also on the northwesterly line of Warrington Street; thence S 36° 05' 45" W along said original southeasterly line a distance of 48.69 feet to a point; thence N 8° 34' 06" W a distance of 48.69 feet to the true point of beginning,

be, and the same is hereby changed to WARRINGTON STREET.

SECTION 2. That the name of that portion of Warrington Street in the City of San Diego, California, bounded and described as follows:

Beginning at a point on the original southeasterly line of Lot 7, Block 33, Point Loma Heights, according to the map thereof No. 1106 filed in the Office of the County Recorder of San Diego County, California, distant therealong 78.09 feet, N 36° 05' 45" E from the original most southerly corner of said Lot 7; thence southerly in a direct line to a point on the original northwesterly line of Lot 1, Block 20 of said Point Loma Heights, distant therealong 30.02 feet, N 36° 05' 45" E, from the original most westerly corner of said Lot 1; thence S 36° 05' 45" W along said northwesterly line a distance of 30.02 feet to said westerly corner; thence northwesterly in a direct line to a point on the original southeasterly line of said Lot 7 distant therealong 10.00 feet, N 36° 05' 45" E, from the original most southerly corner of said Lot 7; thence N 36° 05' 45" E along said southeasterly line a distance of 68.09 feet to the point of beginning,

be, and the same is hereby changed to WABASKA DRIVE.

SECTION 3. That the name of that portion of Tennyson Street in the City of San Diego, California, bounded and described as follows:

> Beginning at the original most westerly corner of Lot 1, Block 20, Point Loma Heights, according to the map thereof No. 1106 filed in the Office of the County Recorder of San Diego County, California; thence southeasterly in a direct line to the most westerly corner of Block H, Resubdivision of Blocks 21 to 32, inclusive, and a portion of Block 40 of Point Loma Heights, according to the map thereof No. 1523 filed in the Office of said County Recorder; thence northwesterly in a direct line to a point on the original southwesterly line of said Lot 1 distant therealong 30.02 feet southeasterly from said most westerly corner; thence northwesterly along said original southwesterly line a distance of 30.02 feet to the point of beginning,

be, and the same is hereby changed to WABASKA DRIVE.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That this ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Approved as to form

J. F. Du PAUL
City Attorney
By Douglas U. Weaper
Deputy City Attorney

Recommended by Harry L. Harling
For City Planning Commission

Presented by A. K. Fogg
City Engineer

Recommended by C. W. Campbell
City Manager

Recommended by R. Courser
For City Fire Department

I HEREBY CERTIFY that the money required for the appropriation made and/or indebtedness and/or obligation incurred by reason of the provisions of the foregoing ordinance is in the Treasury, and that it is otherwise unencumbered.

Dated.....

.....
Auditor and Comptroller of The City of San Diego, California.

By.....Deputy.

Passed and adopted by the Council of the City of San Diego, California, this 15th day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Kerrigan, Dail, Godfrey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilman: Schneider.

(ATTEST):

John D. Butler
Mayor of The City of San Diego, California.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 15th day of January, 1952.

~~I FURTHER CERTIFY that the final reading of such ordinance was in full.~~

~~I FURTHER CERTIFY that, prior to the final reading of such ordinance, a written or printed copy thereof was furnished to each member of the Council.~~

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until it had been read on two separate calendar days of the Council, to-wit: on the.....day of.....,

and on the.....day of.....

I FURTHER CERTIFY that the final reading of such ordinance was in full.

I FURTHER CERTIFY that, prior to the final reading of such ordinance, a written or printed copy thereof was furnished to each member of the Council.

~~(SEAL)~~

.....
City Clerk of The City of San Diego, California.

By.....Deputy.

Form 1255

A.M.W

DOCUMENT No. 443506

Filed JAN 11 1952

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

Ordinance No. 5043

Changing name of portion Wabaska Dr. & Tennyson St.

PASSED FIRST READING
JAN 15 1952

Moved by Godfrey

Seconded by Swan

ADOPTED BY COUNCIL
JAN 15 1952

Moved by Wincote

Seconded by Kerrigan

GOES INTO EFFECT

00011

Recorded on Film No. 46 253

Affidavit of Publication of

Affidavit of Publication

STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO,
CITY OF SAN DIEGO. } ss.

2681

ORDINANCE NO. 5043
(NEW SERIES)

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA, CHANGING THE NAME OF A PORTION OF WABASKA DRIVE TO WARRINGTON STREET, CHANGING THE NAME OF A PORTION OF WARRINGTON STREET TO WABASKA DRIVE AND CHANGING THE NAME OF A PORTION OF TENNYSON STREET TO WABASKA DRIVE.

BE IT ORDAINED By the Council of the City of San Diego, California:

SECTION 1. That the name of that portion of Wabaska Drive in the City of San Diego, California, bounded and described as follows:

Beginning at a point on the northwesterly line of Lot 7, Block 33, Point Loma Heights, according to the map thereof No. 1106 filed in the Office of the County Recorder of San Diego County, California, distant thereon along 21.38 feet, S 36° 05' 47" W, from the most northerly corner of said Lot 7; thence S 8° 34' 06" E a distance of 8.23 feet to the beginning of a tangent curve concaved northerly having a radius of 20.00 feet, the TRUE POINT OF BEGINNING; thence southeasterly, easterly and northeasterly along the arc of said curve through a central angle of 135° 20' 05" a distance of 47.24 feet to a point of tangency on the original southeasterly line of said Lot 7, said last named point being distant thereon along 126.78 feet, N 36° 05' 45" E, from the original most southerly corner of said Lot 7 and being also on the northwesterly line of Warrington Street; thence S 36° 05' 45" W along said original southeasterly line a distance of 48.69 feet to a point; thence N 8° 34' 06" W a distance of 48.69 feet to the true point of beginning, be, and the same is hereby changed to WARRINGTON STREET.

SECTION 2. That the name of that portion of Warrington Street in the City of San Diego, California, bounded and described as follows:

Beginning at a point on the original southeasterly line of Lot 7, Block 33, Point Loma Heights, according to the map thereof No. 1106 filed in the Office of the County Recorder of San Diego County, California, distant thereon along 78.03 feet, N 36° 05' 45" E from the original most southerly corner of said Lot 7; thence southerly in a direct line to a point on the original northwesterly line of Lot 1, Block 20 of said Point Loma Heights, distant thereon along 20.02 feet, N 36° 05' 45" E, from the original most westerly corner of said Lot 1; thence S 36° 05' 45" W along said northwesterly line a distance of 30.02 feet to said westerly corner; thence northwesterly in a direct line to a point on the original southeasterly line of said Lot 7 distant thereon along 10.00 feet, N 36° 05' 45" E, from the original most southerly corner of said Lot 7; thence N 36° 05' 45" E along said southeasterly line a distance of 68.09 feet to the point of beginning.

be, and the same is hereby changed to WABASKA DRIVE.

SECTION 3. That the name of that portion of Tennyson Street in the City of San Diego, California, bounded and described as follows:

Beginning at the original most westerly corner of Lot 1, Block 20, Point Loma Heights, according to the map thereof No. 1106 filed in the Office of the County Recorder of San Diego County, California; thence southeasterly in a direct line to the most westerly corner of Block H, Resubdivision of Blocks 21 to 32, inclusive, and a portion of Block 40 of Point Loma Heights, according to the map thereof No. 1523 filed in the Office of said County Recorder; thence northwesterly in a direct line to a point on the original southwesterly line of said Lot 1 distant thereon 30.02 feet southeasterly from said most westerly corner; thence northwesterly along said original southwesterly line a distance of 30.02 feet to the point of beginning.

be, and the same is hereby changed to WABASKA DRIVE.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That this ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Passed and adopted by the Council of the City of San Diego, California, this 15th day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Kerrigan, Dail, Godfrey, Mayor Butler.

NAYS—Councilman: None.

ABSENT—Councilman: Schneider.

JOHN D. BUTLER,
(Attest): Mayor of The City of San Diego, California.

FRED W. SICK,
(Seal) City Clerk of The City of San Diego, California.

By DONALD L. STEINERT, Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 15th day of January, 1952.

FRED W. SICK,
(Seal) City Clerk of The City of San Diego, California.

By DONALD L. STEINERT, Deputy.

1/24

In the matter of the publication of ORDINANCE NO 5043 (NEW SERIES)

J. A. DENTON, being duly sworn, deposes and says: That he is a resident of the County of San Diego, State of California, over twenty-one years of age, and not interested as a party or otherwise in the above-named matter.

That he is the principal clerk of the printers of The San Diego Union, a newspaper published daily in the City of San Diego, County of San Diego, State of California, and of general circulation in said City; that as such principal clerk he has charge of all the advertisements published in said newspaper; that the said ORDINANCE

of which the annexed clipping is a copy, has been published in said newspaper for the period of ONE days, to-wit: upon the 24th

days of JANUARY, 1952, and upon the

days of

19....., and that said publication was made in the said newspaper proper, and not in a supplement thereof.

J. A. Denton

Subscribed and sworn to before me, this 28 day of Jan. A. D. 1952

Fred W. Sick

City Clerk of the City of San Diego, California

(Seal)

By

Deputy.

00012

DOCUMENT NO. 444079

Filed JAN 28 1952

City Clerk.

By

Deputy.

Affidavit of Publication

OF

Ord. 3043

00013

ORDINANCE NO. 5044
(New Series)

AN ORDINANCE APPROPRIATING THE SUM OF $58,000.00 FROM THE CAPITAL OUTLAY FUND OF THE CITY OF SAN DIEGO, FOR THE PURPOSE OF PROVIDING FUNDS FOR RESURFACING NATIONAL AVENUE, MAIN STREET AND 47th STREET, IN SAID CITY.

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

Section 1. That the sum of Fifty-eight Thousand Dollars ($58,000.00), or so much thereof as may be necessary, be, and the same is hereby set aside and appropriated out of the Capital Outlay Fund of The City of San Diego, for the purpose only and exclusively of providing funds for the improvement by resurfacing of the following streets in said City by city contracts:

National Avenue, from 12th Avenue to 26th Street;
Main Street, from Sigsbee Street to 28th Street;
47th Street, from Federal Boulevard to approximately 2000 feet south of the south line of Logan Avenue.

Section 2. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by O. W. Campbell

Approved as to form by J. F. DuPaul
City Attorney.

I HEREBY CERTIFY that the money required for the appropriation made and/or indebtedness and/or obligation incurred by reason of the provisions of the foregoing ordinance is in the Treasury, and that it is otherwise unencumbered.

Dated Jan. 16, 1952

John McCulloch
Auditor and Comptroller of The City of San Diego, California.

By Lee Gerwig Deputy.

Passed and adopted by the Council of the City of San Diego, California, this 17th day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Schneider, Kerrigan, Dail, Godfrey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilmen: None.

John D. Butler
Mayor of The City of San Diego, California.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 17th day of January, 1952.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until it had been read on two separate calendar days of the Council, to-wit: on the ____ day of ____, and on the ____ day of ____.

~~(SEAL)~~

City Clerk of The City of San Diego, California.

By ____ Deputy.

FORM 1255

00015

DOCUMENT No. 443612

Date JAN 16 1952

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

ORDINANCE No. 5044

appr. $58,000.00 from Capital Outlay for Resurfacing National Ave, main st. + 47th St

FIRST READING
JAN 17 1952

Moved by Schneider

Seconded by Dail

ADOPTED BY COUNCIL
JAN 17 1952

Moved by Schneider

Seconded by Dail

GOES INTO EFFECT

Recorded on Film Roll
No. 46 300

00016

THE FOLLOWING DOCUMENT IS THE BEST COPY AVAILABLE FOR FILMING

ORDINANCE NO. 5045
(New Series)

AN ORDINANCE REPEALING CERTAIN ORDINANCES AS LISTED HEREIN.

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

Section 1. That ordinances as listed herein be, and each of them is, hereby repealed:

Ordinance 16, Series A, adopted June 29, 1850;
Ordinance 21, Series A, adopted July 29, 1850;
Ordinance 24, Series A, adopted July 29, 1850;
Ordinance 30, Series A, adopted August 17, 1850;
Ordinance 37, Series A, adopted September 30, 1850;
Ordinance 38, Series A, adopted August 26, 1850;
Ordinance 41, Series A, adopted August 31, 1850;
Ordinance 44, Series A, August 31, 1850;
Ordinance 46, Series A, adopted September 9, 1850;
Ordinance 53, Series A, adopted September 30, 1850;
Ordinance 54, Series A, adopted September 30, 1850;
Ordinance 55, Series A, adopted September 30, 1850;
Ordinance 57, Series A, adopted October 10, 1850;
Ordinance 2, Series B, adopted January 23, 1851;
Ordinance 3, Series B, adopted January 23, 1851;
Ordinance 5, Series B, adopted February 20, 1851;
Ordinance 6, Series B, adopted February 20, 1851;
Ordinance 7, Series B, adopted February 20, 1851;
Ordinance 8, Series B, adopted February 27, 1851;
Ordinance 9, Series B, adopted February 27, 1851;
Ordinance 23, Series B, September 18, 1851;
Ordinance 24, Series B, adopted September 15, 1851;
Ordinance 53, Series B, adopted December 18, 1851;
Ordinance 2, Series C, adopted March 16, 1869;
Ordinance 1, Series C, adopted March 16, 1869
Ordinance 3, Series C, adopted March 20, 1869;
Ordinance 5, Series C, adopted July 9, 1869;
Ordinance 15, Series C, adopted October 26, 1870;
Ordinance 2, Series D, adopted June 11, 1872;
Ordinance 5, Series D, adopted August 19, 1872;
Ordinance 21, Series D, adopted January 21, 1873;
Ordinance 37, Series D, adopted May 12, 1873;
Ordinance 44, Series D, adopted October 13, 1873;
Ordinance 54, Series D, adopted March 16, 1874;
Ordinance 55, Series D, adopted March 23, 1874;
Ordinance 61, Series D, adopted September 7, 1874;
Ordinance 63, Series D, adopted September 7, 1874;
Ordinance 67, Series D, adopted October 5, 1874;
Ordinance 68, Series D, adopted October 5, 1874;
Ordinance 75, Series D, adopted January 5, 1876;
Ordinance 76, Series D, adopted January 5, 1876;
Ordinance 77, Series D, adopted February 7, 1876;
Ordinance 7, Series E, adopted August 7, 1876;
Ordinance 15, Series E, adopted February 5, 1877;
Ordinance 17, Series E, adopted April 7, 1877;
Ordinance 26, Series E, adopted January 26, 1878;
Ordinance 29, Series E, adopted February 4, 1878;
Ordinance 33, Series E, adopted September 16, 1878;
Ordinance 40, Series E, adopted February 6, 1879;
Ordinance 44, Series E, adopted July 7, 1879;

~~Ordinance 44, Series E, adopted July 7, 1879;~~
Ordinance 52, Series E, adopted February 25, 1880;
Ordinance 61, Series E, adopted September 21, 1880;
Ordinance 65, Series E, adopted January 31, 1881;
Ordinance 67, Series E, adopted April 15, 1881;
Ordinance 68, Series E, adopted June 7, 1881;
Ordinance 71, Series E, adopted August 27, 1881;
Ordinance 72, Series E, adopted August 30, 1881;
Ordinance 94, Series E, adopted December 29, 1883;
Ordinance 98, Series E, adopted October 25, 1884;
Ordinance 104, Series E, adopted April 6, 1885;
Ordinance 107, Series E, adopted August 11, 1885;
Ordinance 114, Series E, adopted October 14, 1885;
Ordinance 116, Series E, adopted November 10, 1885;
Ordinance 117, Series E, adopted November 10, 1885;
Ordinance 124, Series E, adopted March 6, 1886;
Ordinance 2, Series F, adopted June 21, 1886;
Ordinance 6, Series F, adopted July 6, 1886;
Ordinance 7, Series F, adopted July 6, 1886;
Ordinance 21, Series F, adopted September 27, 1886;
Ordinance 23, Series F, adopted October 18, 1886;
Ordinance 28, Series F, adopted November 8, 1886;
Ordinance 29, Series F, adopted November 15, 1886;
Ordinance 39, Series F, adopted December 27, 1886;
Ordinance 45, Series F, adopted January 6, 1887;
Ordinance 85, Series F, adopted June 23, 1887;
Ordinance 85, Series F, adopted June 23, 1887;
Ordinance 86, Series F, adopted June 23, 1887;
Ordinance 87, Series F, adopted June 23, 1887;
Ordinance 126, Series F, adopted September 8, 1887;
Ordinance 174, Series F, adopted January 5, 1888;
Ordinance 188, Series F, adopted February 7, 1888;
Ordinance 191, Series F, adopted February 7, 1888;
Ordinance 193, Series F, adopted February 20, 1888;
Ordinance 213, Series F, adopted February 28, 1888;
Ordinance 226, Series F, adopted March 27, 1888;
Ordinance 227, Series F, adopted March 29, 1888;
Ordinance 256, Series F, adopted June 2, 1888;
Ordinance 258, Series F, adopted June 13, 1888;
Ordinances 261, 262, 263, and 266, Series F, adopted June 27, 1888;
Ordinance 267, Series F, adopted July 13, 1888;
Ordinance 268, Series F, adopted July 20, 1888;
Ordinance 272, Series F, adopted August 10, 1888;
Ordinance 273, Series F, adopted August 14, 1888;
Ordinance 278, Series F, adopted September 12, 1888;
Ordinance 289, Series F, adopted November 16, 1888;
Ordinance 297, Series F, adopted December 14, 1888;
Ordinance 298, Series F, adopted December 18, 1888;
Ordinance 301, Series F, adopted January 22, 1889;
Ordinance 306, Series F, adopted February 9, 1889;
Ordinance 308, Series F, adopted February 7, 1889;
Ordinance 313, Series F, adopted February 18, 1889;
Ordinance 315, Series F, adopted February 18, 1889;
Ordinance 317, Series F, adopted February 18, 1889;
Ordinance 324, Series F, adopted March 19, 1889;
Ordinance 326, Series F, adopted March 21, 1889;
Ordinance 327, Series F, adopted April 2, 1889;
Ordinance 328, Series F, adopted April 3, 1889;
Ordinance 332, Series F, adopted April 16, 1889;
Ordinance 335, Series F, adopted May 2, 1889.

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OLD SERIES

Ordinance 4, adopted June 1, 1887;
Ordinance 16, adopted July 16, 1889;
Ordinance 18, adopted August 10, 1889;
Ordinance 19, adopted August 10, 1889;
Ordinance 22, adopted August 15, 1889;
Ordinance 23, adopted August 15, 1889;
Ordinance 24, adopted August 15, 1889;
Ordinance 29, adopted September 10, 1889;
Ordinance 36, adopted October 22, 1889;
Ordinance 37, adopted October 22, 1889;
Ordinance 42, adopted November 22, 1889;
Ordinance 52, adopted December 24, 1889;
Ordinance 53, adopted December 24, 1889;
Ordinance 58, adopted January 30, 1890;
Ordinance 61, adopted February 14, 1890;
Ordinance 64, adopted February 25, 1890;
Ordinance 77, adopted April 23, 1890;
Ordinance 81, adopted May 14, 1890;
Ordinance 83, adopted July 12, 1890;
Ordinance 92, adopted September 16, 1890;
Ordinance 102, adopted November 25, 1890;
Ordinances 109, adopted December 9, 1890;
121, adopted April 15, 1891; and
131, adopted July 27, 1891;
Ordinance 149, adopted January 20, 1892;
Ordinance 158, adopted April 6, 1892;
Ordinance 159, adopted April 6, 1892;
Ordinance 166, adopted June 15, 1892;
Ordinance 174, adopted August 3, 1892;
Ordinance 191, adopted January 24, 1893;
Ordinance 194, adopted February 7, 1893;
Ordinance 212, adopted May 24, 1893;
Ordinance 216, adopted June 29, 1893;
Ordinance 226, adopted August 15, 1893;
Ordinance 227, adopted August 22, 1893;
Ordinance 230, adopted September 5, 1893;
Ordinance 231, adopted September 18, 1893;
Ordinance 233, adopted September 27, 1893;
Ordinance 244, adopted January 17, 1894;
Ordinance 246, adopted January 17, 1894;
Ordinance 251, adopted April 3, 1894;
Ordinance 252, adopted April 24, 1894;
Ordinance 260, adopted May 29, 1894;
Ordinance 274, adopted November 20, 1894;
Ordinance 278, adopted December 22, 1894;
Ordinance 280, adopted December 27, 1894;
Ordinance 306, adopted June 30, 1895;
Ordinance 307, adopted June 31, 1895;
Ordinance 310, adopted August 25, 1895;
Ordinance 325, adopted August 26, 1895;
Ordinance 328, adopted September 4, 1895;
Ordinance 329, adopted September 4, 1895;
Ordinance 333, adopted October 8, 1895;
Ordinance 336, adopted December 15, 1895;
Ordinance 345, adopted January 17, 1896;
Ordinance 347, adopted January 20, 1896;
Ordinance 349, adopted February 11, 1896;
Ordinance 359, adopted March 28, 1896;
Ordinance 372, adopted June 3, 1896;
Ordinance 375, adopted June 3, 1896;
Ordinance 383, adopted June 25, 1896;

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Ordinance 397, adopted September 29, 1896;
Ordinance 399, adopted November 10, 1896;
Ordinance 404, adopted December 24, 1896;
Ordinance 406, adopted December 24, 1896;
Ordinance 407, adopted December 24, 1896;
Ordinance 413, adopted February 1, 1897;
Ordinance 441, adopted June 8, 1897;
Ordinance 443, adopted June 24, 1897;
Ordinance 446, adopted July 20, 1897;
Ordinance 448, adopted August 6, 1897;
Ordinance 453, adopted August 16, 1897;
Ordinance 454, adopted August 16, 1897;
Ordinance 466, adopted November 2, 1897;
Ordinance 470, adopted November 16, 1897;
Ordinance 472, adopted November 17, 1897;
Ordinance 479, adopted December 6, 1897;
Ordinance 487, adopted January 18, 1898;
Ordinance 488, adopted January 18, 1898;
Ordinance 501, adopted February 25, 1898;
Ordinance 502, adopted April 5, 1898;
Ordinance 504, adopted April 5, 1898;
Ordinance 506, adopted April 5, 1898;
Ordinance 508, adopted April 5, 1898;
Ordinance 538, adopted July 12, 1898;
Ordinance 541, adopted August 2, 1898;
Paragraph 2 of Section One, Ordinance 546, adopted August 3, 1898;
Ordinance 572, adopted December 6, 1898;
Ordinance 614, adopted April 11, 1899;
Ordinance 620, adopted April 18, 1899;
Ordinance 638, adopted June 1, 1899;
Ordinance 645, adopted July 10, 1899;
Ordinance 646, adopted July 10, 1899;
Ordinance 658, adopted September 6, 1899;
Ordinance 659, adopted September 8, 1899;
Ordinance 661, adopted September 8, 1899;
Ordinance 667, adopted November 7, 1899;
Ordinance 668, adopted November 7, 1899;
Ordinance 676, adopted December 12, 1899;
Ordinance 682, adopted December 18, 1899;
Ordinance 694, adopted January 3, 1900;
Ordinance 696, adopted January 6, 1900;
Ordinance 710, adopted February 6, 1900;
Ordinance 711, adopted February 6, 1900;
Ordinance 729, adopted March 20, 1900;
Ordinance 730, adopted March 20, 1900;
Ordinance 741, adopted April 24, 1900;
Ordinance 751, adopted May 11, 1900;
Ordinance 762, adopted June 5, 1900;
Ordinance 765, adopted June 19, 1900;
Ordinance 787, adopted July 17, 1900;
Ordinance 800, adopted August 5, 1900;
Ordinance 810, adopted August 22, 1900;
Ordinance 819, adopted September 18, 1900;
Ordinance 820, adopted October 4, 1900;
Ordinance 860, adopted January 15, 1901;
Ordinance 896, adopted March 18, 1901;
Ordinance 904, adopted April 8, 1901;
Ordinance 945, adopted July 16, 1901;
Ordinance 958, adopted July 23, 1901;
Ordinance 998, adopted October 7, 1901;
Ordinance 1004, adopted July 23, 1901;
Ordinance 1011, adopted October 21, 1901;
Ordinance 1035, adopted December 17, 1901;

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Ordinance 1052, adopted December 20, 1901;
Ordinance 1054, adopted December 20, 1901;
Ordinance 1072, adopted January 20, 1902;
Ordinance 1073, adopted January 24, 1902;
Ordinance 1099, adopted February 24, 1902;
Ordinance 1100, adopted March 18, 1902;
Ordinance 1104, adopted March 18, 1902;
Ordinance 1109, adopted April 7, 1902;
Ordinance 1128, adopted June 3, 1902;
Ordinance 1129, adopted June 3, 1902;
Ordinances 1137, 1138, 1139, and 1141, adopted June 20, 1902;
Ordinance 1142, adopted June 16, 1902;
Ordinance 1144, adopted June 17, 1902;
Ordinance 1187, adopted September 16, 1902;
Ordinance 1212, adopted November 18, 1902;
Ordinance 1220, adopted December 2, 1902;
Ordinance 1278, adopted January 19, 1903;
Ordinance 1292, adopted February 25, 1903;
Ordinance 1294, adopted February 28, 1903;
Ordinance 1296, adopted February 28, 1903;
Ordinance 1305, adopted March 10, 1903;
Ordinance 1306, adopted March 10, 1903;
Ordinance 1324, adopted April 6, 1903;
Ordinance 1375, adopted June 22, 1903;
Ordinance 1393, adopted July 27, 1903;
Ordinance 1403, adopted September 11, 1903;
Ordinance 1408, adopted September 22, 1903;
Ordinance 1413, adopted September 2, 1903;
Ordinance 1421, adopted October 12, 1903;
Ordinance 1440, adopted November 3, 1903;
Ordinance 1456, adopted December 15, 1903;
Ordinance 1467, adopted January 6, 1904;
Ordinance 1483, adopted January 26, 1904;
Ordinance 1499, adopted February 9, 1904;
Ordinance 1541, adopted March 21, 1904;
Ordinance 1556, adopted April 4, 1904;
Ordinance 1558, adopted April 11, 1904;
Ordinance 1561, adopted April 19, 1904;
Ordinance 1617, adopted June 21, 1904;
Ordinance 1644, adopted July 12, 1904;
Ordinance 1655, adopted July 19, 1904;
Ordinance 1667, adopted September 7, 1904;
Ordinance 1799, adopted November 21, 1904;
Section One of Ordinance 1837, adopted December 20, 1904;
Ordinance 1838, adopted December 20, 1904;
Ordinance 1996, adopted April 11, 1905;
Ordinance 1998, adopted April 11, 1905;
Ordinance 1999, adopted April 11, 1905;
Ordinance 2057, adopted June 2, 1905;
Ordinance 2127, adopted August 10, 1905;
Ordinance 2133, adopted August 14, 1905;
Ordinance 2151, adopted September 20, 1905;
Ordinance 2157, adopted September 22, 1905;
Ordinance 2173, adopted October 6, 1905;
Ordinance 2187, adopted October 23, 1905;
Ordinance 2230, adopted November 9, 1905;
Ordinance 2341, adopted January 31, 1906;
Ordinance 2360, adopted February 8, 1906;
Ordinance 2379, adopted February 21, 1906;
Ordinance 2426, adopted March 21, 1906;
Ordinance 2463, adopted March 28, 1906;

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Ordinance 2553, adopted July 2, 1906;
Ordinance 2574, adopted July 23, 1906;
Ordinance 2576, adopted July 23, 1906;
Ordinance 2585, adopted August 6, 1906;
Ordinance 2593, adopted August 27, 1906;
Ordinance 2627, adopted September 17, 1906;
Ordinance 2628, adopted September 17, 1906;
Ordinance 2688, adopted January 27, 1907;
Ordinance 2723, adopted January 21, 1907;
Ordinance 2740, adopted February 4, 1907;
Ordinance 2746, adopted February 11, 1907;
Ordinance 2748, adopted February 11, 1907;
Ordinance 2761, adopted February 11, 1907;
Ordinance 2873, adopted May 20, 1907;
Ordinance 2965, adopted July 8, 1907;
Ordinance 2978, adopted July 16, 1907;
Ordinance 3003, adopted August 15, 1907;
Ordinance 3054, adopted September 27, 1907;
Ordinance 3066, adopted October 10, 1907;
Ordinance 3113, adopted December 11, 1907;
Ordinance 3171, adopted February 4, 1908;
Ordinance 3180, adopted February 19, 1908;
Ordinance 3235, adopted March 20, 1908;
Ordinance 3257, adopted April 30, 1908;
Ordinance 3264, adopted May 14, 1908;
Ordinance 3295, adopted May 28, 1908;
Ordinance 3296, adopted May 28, 1908;
Ordinance 3300, adopted June 10, 1908;
Ordinance 3304, adopted June 15, 1908;
Ordinance 3313, adopted June 22, 1908;
Ordinance 3323, adopted July 6, 1908;
Ordinance 3340, adopted July 20, 1908;
Ordinance 3348, adopted July 20, 1908;
Ordinance 3367, adopted August 3, 1908;
Ordinance 3408, adopted September 8, 1908;
Ordinance 3436, adopted September 30, 1908;
Ordinance 3438, adopted October 6, 1908;
Ordinance 3447, adopted October 12, 1908;
Ordinance 3454, adopted October 12, 1908;
Ordinance 3481, adopted November 9, 1908;
Ordinance 3485, adopted November 10, 1908;
Ordinance 3492, adopted November 12, 1908;
Ordinance 3530, adopted December 4, 1908;
Ordinance 3620, adopted March 10, 1909;
Ordinance 3707, adopted May 10, 1909;
Ordinance 3794, adopted July 17, 1909;
Ordinance 3817, adopted July 30, 1909;
Ordinance 3823, adopted August 6, 1909;
Ordinance 3899, adopted November 4, 1909;
Ordinance 3909, adopted November 18, 1909;
Ordinance 3959, adopted January 24, 1910;
Ordinance 3962, adopted January 27, 1910;
Ordinance 3984, adopted January 31, 1910;
Ordinance 3985, adopted February 10, 1910;
Ordinance 3996, adopted February 21, 1910;
Ordinance 4005, adopted February 24, 1910;
Ordinance 4045, adopted March 31, 1910;
Ordinance 4204, adopted August 22, 1910;
Ordinance 4280, adopted November 14, 1910;
Ordinance 4345, adopted January 16, 1911;
Ordinance 4371, adopted February 8, 1911;
Ordinance 4376, adopted February 17, 1911;
Ordinance 4403, adopted March 15, 1911;
Ordinance 4407, adopted March 20, 1911;
Ordinance 4428, adopted May 10, 1911;
Ordinance 4443, adopted May 26, 1911;

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Ordinance 4450, adopted June 9, 1911;
Ordinance 4478, adopted July 17, 1911;
Ordinance 4513, adopted August 17, 1911;
Ordinance 4528, adopted August 28, 1911;
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 of Ordinance 4533, adopted August 28, 1911;
Ordinance 4543, adopted September 27, 1911;
Ordinance 4555, adopted October 9, 1911;
Ordinance 4581, adopted November 13, 1911;
Ordinance 4583, adopted November 13, 1911;
Ordinance 4597, adopted November 29, 1911;
Ordinance 4619, adopted December 20, 1911;
Ordinance 4623, adopted January 8, 1912;
Paragraph 2 of Section 2 of Ordinance 4624, adopted January 9, 1912;
Ordinance 4625, adopted January 8, 1912;
Ordinance 4633, adopted January 24, 1912;
Ordinance 4660, adopted February 13, 1912;
Ordinance 4670, adopted March 5, 1912;
Ordinance 4704, adopted April 17, 1912;
Ordinance 4731, adopted June 7, 1912;
Ordinance 4732, adopted June 7, 1912;
Ordinance 4774, adopted June 17, 1912;
Ordinance 4790, adopted July 5, 1912;
Ordinance 4802, adopted July 26, 1912;
Ordinance 4808, adopted August 3, 1912;
Ordinance 4820, adopted August 8, 1912;
Ordinance 4861, adopted September 30, 1912;
Ordinance 4880, adopted October 15, 1912;
Ordinance 4890, adopted October 26, 1912;
Ordinance 4893, adopted November 4, 1912;
Ordinance 4904, adopted November 13, 1912;
Ordinance 4916, adopted November 26, 1912;
Ordinance 4931, adopted December 24, 1912;
Ordinance 4932, adopted December 24, 1912;
Ordinance 4933, adopted December 24, 1912;
Ordinance 5018, adopted March 3, 1913;
Ordinance 5044, adopted March 31, 1913;
Ordinance 5082, adopted April 26, 1913;
Ordinance 5094, adopted May 5, 1913;
Ordinance 5103, adopted May 21, 1913;
Ordinance 5104, adopted May 22, 1913;
Ordinance 5106, adopted May 23, 1913;
Ordinance 5114, adopted May 27, 1913;
Ordinance 5118, adopted May 29, 1913;
Ordinance 5125, adopted June 2, 1913;
Ordinance 5129, adopted June 9, 1913;
Ordinance 5176, adopted July 7, 1913;
Ordinance 5191, adopted July 14, 1913;
Ordinance 5192, adopted July 14, 1913;
Ordinance 5228, adopted August 9, 1913;
Ordinance 5248, adopted August 26, 1913;
Ordinance 5265, adopted September 11, 1913;
Ordinance 5267, adopted September 19, 1913;
Ordinance 5272, adopted September 19, 1913;
Ordinance 5277, adopted September 19, 1913;
Ordinance 5351, adopted December 1, 1913;
Ordinance 5360, adopted December 1, 1913;
Ordinance 5366, adopted December 1, 1913;
Ordinance 5390, adopted December 18, 1913;
Ordinance 5418, adopted January 12, 1914;
Ordinance 5429, adopted January 14, 1914;
Ordinance 5436, adopted January 19, 1914;
Ordinance 5454, adopted February 3, 1914;
Ordinance 5459, adopted February 3, 1914;
Ordinance 5461, adopted February 6, 1914;

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Ordinance 5518, adopted March 25, 1914;
Ordinance 5570, adopted May 8, 1914;
Ordinance 5599, adopted May 26, 1914;
Ordinance 5609, adopted June 1, 1914;
Ordinance 5677, adopted July 1, 1914;
Ordinance 5715, adopted July 27, 1914;
Ordinance 5718, adopted July 29, 1914;
Ordinance 5725, adopted July 29, 1914;
Ordinance 5781, adopted August 5, 1914;
Ordinance 5954, adopted December 29, 1914;
Ordinance 5973, adopted December 30, 1914;
Ordinance 6001, adopted January 13, 1915;
Ordinance 6004, adopted January 18, 1915;
Ordinance 6037, adopted February 8, 1915;
Ordinance 6140, adopted April 29, 1915;
Ordinance 6211, adopted June 14, 1915;
Ordinance 6220, adopted June 19, 1915;
Ordinance 6237, adopted June 30, 1915;
Ordinance 6248, adopted July 7, 1915;
Ordinance 6274, adopted July 21, 1915;
Ordinance 6301, adopted August 16, 1915;
Ordinance 6302, adopted August 16, 1915;
Ordinance 6303, adopted August 16, 1915;
Ordinance 6307, adopted August 16, 1915;
Ordinance 6339, adopted September 27, 1915;
Ordinance 6349, adopted October 6, 1915;
Ordinance 6350, adopted October 6, 1915;
Ordinance 6380, adopted November 8, 1915;
Ordinance 6389, adopted November 22, 1915;
Ordinance 6410, adopted December 13, 1915;
Ordinance 6415, adopted December 13, 1915;
Ordinance 6451, adopted January 17, 1916;
Ordinance 6472, adopted January 26, 1916;
Ordinance 6474, adopted January 31, 1916;
Ordinance 6485, adopted January 31, 1916;
Ordinance 6592, adopted May 13, 1916;
Ordinance 6686, adopted July 19, 1916;
Ordinance 6714, adopted August 7, 1916;
Ordinance 6724, adopted August 24, 1916;
Ordinance 6739, adopted August 30, 1916;
Ordinance 6782, adopted October 13, 1916;
Ordinance 6862, adopted January 15, 1917;
Ordinance 6920, adopted February 14, 1917;
Ordinance 6949, adopted February 26, 1917;
Ordinance 6954, adopted March 27, 1917;
Ordinance 6994, adopted April 18, 1917;
Ordinance 7003, adopted April 30, 1917;
Ordinance 7032, adopted May 23, 1917;
Ordinance 7080, adopted July 11, 1917;
Ordinance 7085, adopted July 16, 1917;
Ordinance 7102, adopted July 30, 1917;
Ordinance 7115, adopted August 6, 1917;
Ordinance 7123, adopted August 8, 1917;
Ordinance 7141, adopted August 29, 1917;
Ordinance 7177, adopted October 25, 1917;
Ordinance 7185, adopted November 5, 1917;
Ordinance 7215, adopted December 17, 1917;
Ordinance 7299, adopted March 4, 1918;
Ordinance 7311, adopted March 11, 1918;
Ordinance 7327, adopted April 1, 1918;
Ordinance 7335, adopted April 4, 1918;
Ordinance 7365, adopted May 9, 1918;
Ordinance 7427, adopted July 6, 1918;
Ordinance 7474, adopted August 15, 1918;
Ordinance 7478, adopted August 23, 1918;
Ordinance 7538, adopted October 30, 1918;

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Ordinance 7561, adopted December 5, 1918;
Ordinance 7566, adopted December 16, 1918;
Ordinance 7597, adopted January 20, 1919;
Ordinance 7615, adopted February 10, 1919;
Ordinance 7616, adopted February 13, 1919;
Ordinance 7715, adopted April 16, 1919;
Ordinance 7759, adopted June 16, 1919;
Ordinance 7766, adopted June 18, 1919;
Ordinance 7796, adopted July 23, 1919;
Ordinance 7808, adopted July 28, 1919;
Ordinance 7811, adopted July 30, 1919;
Ordinance 7812; adopted July 30, 1919;
Ordinance 7813, adopted July 30, 1919;
Ordinance 7825, adopted August 11, 1919;
Ordinance 7836, adopted September 10, 1919;
Ordinance 7864, adopted November 5, 1919;
Ordinance 7866, adopted October 27, 1919;
Ordinance 7899, adopted December 22, 1919;
Ordinance 7911, adopted December 24, 1919;
Ordinance 7918, adopted January 12, 1920;
Ordinance 7928, adopted January 22, 1920;
Ordinance 7929, adopted January 21, 1920;
Ordinance 7949, adopted March 16, 1920;
Ordinance 7973, adopted April 6, 1920;
Ordinance 7983, adopted April 21, 1920;
Ordinance 8072, adopted July 19, 1920;
Ordinance 8129, adopted September 27, 1920;
Ordinance 8146, adopted October 11, 1920;
Ordinance 8281, adopted February 9, 1921;
Ordinance 8305, adopted February 21, 1921;
Ordinance 8408, adopted June 20, 1921;
Ordinance 8457, adopted August 10, 1921;
Ordinance 8512, adopted November 2, 1921;
Ordinance 8515, adopted October 31, 1921;
Ordinance 8554, adopted December 7, 1921;
Ordinance 8555, adopted December 7, 1921;
Ordinance 8611, adopted February 27, 1922;
Ordinance 8785, adopted August 28, 1922;
Ordinance 8810, adopted September 25, 1922;
Ordinance 8852, adopted December 4, 1922;
Ordinance 8919, adopted January 15, 1923;
Section 8-c of Ordinance 8924, adopted January 23, 1923;
Ordinance 9015, adopted May 2, 1923;
Ordinance 9066, adopted June 4, 1923;
Ordinance 9146, adopted August 13, 1923;
Ordinance 9155, adopted August 27, 1923;
Ordinance 9214, adopted October 15, 1923;
Ordinance 9231, adopted October 29, 1923;
Ordinance 9293, adopted December 17, 1923;
Ordinance 9314, adopted December 17, 1923;
Ordinance 9315, adopted December 17, 1923;
Ordinance 9416, adopted March 24, 1924;
Ordinance 9451, adopted April 21, 1924;
Ordinance 9591, adopted July 29, 1924;
Ordinance 10002, adopted June 10, 1925;
Ordinance 10054, adopted July 13, 1925;
Ordinance 10060, adopted July 13, 1925;
Ordinance 10151, adopted September 8, 1925;
Ordinance 10173, adopted October 5, 1925;
Ordinance 10205, adopted November 9, 1925;
Ordinance 10251, adopted December 7, 1925;
Ordinance 10252, adopted December 7, 1925:
Section 4 of Ordinance 10312, adopted December 24, 1925;

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Section 4 of Ordinance 10332, adopted January 7, 1926;
Ordinance 10399, adopted March 1, 1926;
Ordinance 10402, adopted March 1, 1926;
Ordinance 10509, adopted April 26, 1926;
Ordinance 10641, adopted July 26, 1926;
Ordinance 10650, adopted August 5, 1926;
Section 1 of Ordinance 10731, adopted October 4, 1926;
Ordinance 10732, adopted October 4, 1926;
Ordinance 10746, adopted October 22, 1926;
Ordinance 10747, adopted October 22, 1926;
Ordinance 10791, adopted November 29, 1926;
Ordinance 10798, adopted December 6, 1926;
Ordinance 10924, adopted May 21, 1927;
Ordinance 11004, adopted April 4, 1927;
Ordinance 11213, adopted July 28, 1927;
Ordinance 11215, adopted July 28, 1927;
Ordinance 11233, adopted August 15, 1927;
Ordinance 11377, adopted October 24, 1927;
Ordinance 11414, adopted November 14, 1927;
Ordinance 11436, adopted December 1, 1927;
Ordinance 11485, adopted December 22, 1927;
Sections 1, 2, 3, 4, 5, 6, 7, 10 of Ordinance 11708, adopted April 30, 1928;
Ordinance 11711, adopted April 30, 1928;
Ordinance 11718, adopted April 30, 1928;
Ordinance 11771, adopted May 28, 1928;
Ordinance 11811, adopted July 5, 1928;
Ordinance 11858, adopted July 30, 1928;
Ordinance 11885, adopted August 13, 1928;
Ordinance 11902, adopted August 27, 1928;
Ordinance 11966, adopted October 1, 1928;
Ordinance 12046, adopted November 19, 1928;
Ordinance 12110, adopted January 7, 1929;
Ordinance 12116, adopted January 14, 1929;
Ordinance 12201, adopted March 14, 1929;
Ordinance 12258, adopted April 15, 1929;
Ordinance 12288, adopted April 29, 1929;
Ordinance 12315, adopted May 20, 1929;
Ordinance 12348, adopted May 27, 1929;
Ordinance 12423, adopted July 22, 1929;
Ordinance 12424, adopted July 15, 1929;
Ordinance 12519, adopted September 10, 1929;
Ordinance 12565, adopted October 21, 1929;
Ordinance 12646, adopted December 16, 1929;
Ordinance 12765, adopted March 22, 1930;
Ordinance 12869, adopted June 16, 1930;
Ordinance 12890, adopted July 7, 1930;
Ordinance 12918, adopted August 11, 1930;
Ordinance 12931, adopted September 2, 1930;
Ordinance 12935, adopted September 4, 1930;
Ordinance 12967, adopted October 1, 1930;
Ordinance 12991, adopted October 20, 1930;
Ordinance 13015, adopted November 17, 1930;
Ordinance 13085, adopted January 5, 1931;
Ordinance 13088, adopted January 12, 1931;
Ordinance 13110, adopted January 26, 1931;
Ordinance 13153, adopted March 16, 1931;
Ordinance 13230, adopted June 1, 1931;
Ordinance 13243, adopted June 22, 1931;
Ordinance 13276, adopted August 3, 1931;
Ordinance 13295, adopted August 31, 1931;
Ordinance 13298, adopted September 8, 1931;
Ordinance 13299, adopted September 8, 1931;

Ordinance 13548, adopted June 20, 1932;
Ordinance 47, New Series, adopted September 23, 1932;
Ordinance 57, New Series, adopted October 10, 1932;
Ordinance 58, New Series, adopted October 10, 1932;
Ordinance 70, New Series, adopted October 31, 1932;
Ordinance 168, New Series, adopted February 27, 1933;
Ordinance 169, New Series, adopted February 27, 1933;
Ordinance 203, New Series, adopted April 5, 1933;
Ordinance 214, New Series, adopted April 17, 1933;
Ordinance 257, New Series, adopted June 26, 1933;
Sections 13.05, 13.06, 13.07, 13.08, 13.09 of Ordinance 258, New Series, adopted June 28, 1933;
Ordinance 271, New Series, adopted July 14, 1933;
Ordinance 284, New Series, adopted August 7, 1933;
Ordinance 287, New Series, adopted August 21, 1933;
Section 25 of Ordinance 292, New Series, adopted September 5, 1933;
Ordinance 320, New Series, adopted October 2, 1933;
Ordinance 334, New Series, adopted October 16, 1933;
Ordinance 394, New Series, adopted January 29, 1934;
Ordinance 469, New Series, adopted June 26, 1934;
Ordinance 576, New Series, adopted December 26, 1934;
Section 14 of Ordinance 651, New Series, adopted Apr. 30, 1935;
Ordinance 795, New Series, adopted December 10, 1935;
Ordinance 832, New Series, adopted February 4, 1936;
Ordinance 1022, New Series, adopted November 17, 1936;
Ordinance 1099, New Series, adopted March 2, 1937;
Ordinance 1235, New Series, adopted September 7, 1937;
Sections 7, 11, 12, 13-a, 13-b, 13-f, 15, 16, 17, 24 and 25 of Ordinance 1432, New Series, adopted August 16, 1938;
Ordinance 1816, New Series, adopted April 9, 1940;
Ordinance 2373, New Series, adopted February 10, 1942;
Ordinance 2378, New Series, adopted February 17, 1942;
Sections 31, 32, 32.01, 32.02 of Ordinance 2423, New Series, adopted April 21, 1942;
Ordinance 2480, New Series, adopted June 16, 1942;
Section 10 of Ordinance 2484, New Series, adopted June 23, 1942;
Ordinance 2556, New Series, adopted October 13, 1942;
Ordinance 2617, New Series, adopted February 9, 1943;
Ordinance 2731, New Series, Adopted October 13, 1943;
Ordinance 2740, New Series, adopted November 16, 1943;
Ordinance 2920, New Series, adopted December 26, 1944;
Ordinance 3059, New Series, adopted September 4, 1945;
Ordinance 3127, New Series, adopted January 29, 1946;
Section 3 of Ordinance 4560, New Series, adopted October 5, 1950;

Section 2. That the ordinances as listed herein, which have been found to be in conflict with the Charter of The City of San Diego and with the law of the State of California, be, and each of them are hereby repealed:

Ordinance 2, Series A, adopted June 17, 1850;
Ordinance 5, Series A, adopted June 17, 1850;
Ordinance 9, Series A, adopted June 22, 1850;
Ordinance 13, Series A, adopted June 29, 1850;
Ordinance 17, Series A, adopted July 6, 1850;
Ordinance 23, Series A, adopted July 30, 1850;
Ordinance 42, Series A, adopted August 31, 1850;

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Ordinance 45, Series A, September 5, 1850;
Ordinance 49, Series A, September 16, 1850;
Ordinance 50, Series A, September 16, 1850;
Ordinance amending Ordinance 50, Series A, adopted October 28, 1850;
Ordinance 10, Series B, adopted March 1, 1851;
Ordinance 13, Series B. adopted March 25,1851;
Ordinance 15, Series B, adopted March 27, 1851;
Ordinance 21, Series B, adopted July 8, 1851;
Ordinance 35, Series B, adopted November 10, 1851;
Ordinance 1, Series C, adopted February 20, 1869;
Ordinance 1, Series D, adopted May 18, 1872;
Ordinance 4, Series D, adopted August 19, 1872;
Ordinance 11, Series D., adopted October 28, 1872;
Ordinance 15, Series D, adopted November 12, 1872;
Ordinance 18, Series D, adopted December 23, 1872;
Ordinance 47, Series D, adopted October 27, 1873;
Ordinance 50, Series D, adopted November 17, 1873;
Ordinance 51, Series D, adopted December 29, 1873;
Ordinance 53, Series D, adopted January 19, 1874;
Ordinance 57, Series D, adopted June 1, 1874;
Ordinance 62, Series D, adopted September 7, 1874;
Ordinance 66, Series D, adopted October 5, 1874;
Ordinance 72, Series D, adopted June 7, 1875;
Ordinance 5, Series E, adopted June 5, 1876;
Ordinance 6, Series E, adopted June 5, 1876;
Ordinance 9, Series E, adopted October 2, 1876;
Ordinance 22, Series E, adopted November 12, 1877;
Ordinance 25, Series E, adopted January 12, 1878;
Ordinance 30, Series E, adopted May 25, 1878;
Ordinance 31, Series E, adopted June 3, 1878;
Ordinance 35, Series E, adopted November 23, 1878;
Ordinance 36, Series E, adopted December 2, 1878;
Ordinance 39, Series E, adopted February 6, 1879;
Ordinance 41, Series E, adopted March 3, 1879;
Ordinance 53, Series E, adopted April 6, 1880;
Ordinance 62, Series E, adopted January 15, 1881;
Ordinance 92, Series E, adopted September 29, 1883;
Ordinance 101, Series E, adopted February 28, 1885;
Ordinance 126, Series E, adopted March 17, 1886;
Ordinance 1, Series F, adopted June 14, 1886;
Ordinance 35, Series F, adopted December 9, 1886;
Ordinance 67, Series F, adopted April 28, 1887;
Ordinance 101, Series F, adopted August 1, 1887;
Ordinance 119, Series F, adopted September 6, 1887;
Ordinance 122, Series F, adopted September 6, 1887;
Ordinance 157, Series F, adopted December 3, 1887;
Ordinance 178, Series F, adopted January 10, 1888;
Ordinance 180, Series F, adopted January 10, 1888;
Ordinance 189, Series F, adopted January 31, 1888;
Ordinance 225, Series F, adopted March 27, 1888;
Ordinance 329, Series F, adopted April 6, 1889;
Ordinance 44, Old Series, adopted December 3, 1889;
Ordinance 105, Old Series, adopted December 9, 1890;
Ordinance 128, Old Series, adopted June 30, 1891;
Ordinance 207, Old Series, adopted April 10, 1893;
Ordinance 218, Old Series, adopted June 20, 1893;
Ordinance 497, Old Series, adopted February 21, 1898;
Ordinance 3408, Old Series, adopted September 17, 1908;
Ordinance 5817, Old Series, adopted September 15, 1914;
Ordinance 5855, Old Series, adopted October 14, 1914;
Ordinance 6144, Old Series, adopted May 7, 1915;
Ordinance 6145, Old Series, adopted May 7, 1915;
Ordinance 6153, Old Series, adopted May 10, 1915;

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Ordinance 8573, Old Series, adopted December 30, 1921;
Ordinance 6186, Old Series, adopted May 25, 1915;
Ordinance 6187, Old Series, adopted May 25, 1915;
Ordinance 6678, Old Series, adopted July 13, 1916;
Ordinance 6829, Old Series, adopted November 29, 1916;
Ordinance 7791 (except Section 6), Old Series, adopted December 30, 1921;
Ordinance 12737, Old Series, adopted February 24, 1930;
Ordinance 1013, New Series, adopted October 29, 1936;
Ordinance 2535, New Series, adopted September 15, 1942;
Ordinance 2913, New Series, adopted December 5, 1944;
Ordinance 3163, New Series, adopted April 16, 1946.

Section 3. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by _____

APPROVED as to form by J. F. Du Paul, City Attorney,

By Alan M Fuostano
Deputy City Attorney.

00029

I HEREBY CERTIFY that the money required for the appropriation made and/or indebtedness and/or obligation incurred by reason of the provisions of the foregoing ordinance is in the Treasury, and that it is otherwise unencumbered.

Dated.....

.....
Auditor and Comptroller of The City of San Diego, California.

By.....Deputy.

Passed and adopted by the Council of the City of San Diego, California, this 22nd day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Schneider, Kerrigan, Godfrey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilman: Dail.

John D Butler
Mayor of The City of San Diego, California.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 22nd day of January, 1952.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until it had been read on two separate calendar days of the Council, to-wit: on the.....day of.....,

and on the.....day of.....

~~(SEAL)~~

.....
City Clerk of The City of San Diego, California.

By.....Deputy.

FORM 1255

SAN DIEGO, CALIFORNIA
JAN 18 2 05 PM 1952
CITY CLERK'S OFFICE
RECEIVED

DOCUMENT No. 443741

Date JAN 18 1952

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

ORDINANCE No. 5045

Repealing Certain Ordinances as listed Herein.

FIRST READING
JAN 22 1952

Moved by Kerrigan

Seconded by Schneider

ADOPTED BY COUNCIL
JAN 22 1952

Moved by Wincote

Seconded by Godfrey

GOES INTO EFFECT

Recorded on Film Roll
No. 46 351

00031

DOCUMENT NO. 444436

Filed FEB -5 1952

City Clerk.

By

Deputy.

Affidavit of Publication

OF

Ord. 5045

00032

Affidavit of Publication of

Affidavit of Publication

STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO, } ss.
CITY OF SAN DIEGO.

250.09

In the matter of the publication of

ORDINANCE NO 5045 (NEW SERIES)

J. A. DENTON, being duly sworn, deposes and says: That he is a resident of the County of San Diego, State of California, over twenty-one years of age, and not interested as a party or otherwise in the above-named matter.

That he is the principal clerk of the printers of The San Diego Union, a newspaper published daily in the City of San Diego, County of San Diego, State of California, and of general circulation in said City; that as such principal clerk he has charge of all the advertisements published in said newspaper; that the said ORDINANCE

of which the annexed clipping is a copy, has been published in said newspaper for the period of ONE

days, to-wit: upon the 31st

days of JANUARY, 1952, and upon the

days of

19....., and that said publication was made in the said newspaper proper, and not in a supplement thereof.

J. A. Denton

Subscribed and sworn to before me, this 5

day of Feb Jany A. D. 1952

Fred W Dick

City Clerk of the City of San Diego, California

(Seal)

By

Deputy.

UNION
EVENING TRIBUNE
Classified Advertising Rates

Consecutive Insertions
Rates per line — per day

1 Time ..75c 4-6 Times...48c
3 Times..50c 7-29 Times...46c
30 or More Times ... 44c
(Minimum 2 Lines)

SITUATIONS WANTED ADS cash with order—Rates on request.
Week days insertions appear in both papers; Sunday in Sunday Union only.

Rates on advertising outside of the eight southernmost California Counties furnished on request.

The Union or Evening Tribune will not be responsible for more than one incorrect insertion of any advertisement ordered for more than one time and reserve the right to adjust in full any error by a correct advertisement.

CANCELLATIONS of advertisements which appear in Saturday's papers are accepted up to 2 p.m. Saturday for the Sunday UNION. Corrections or cancellations cannot be made Saturday on new copy.

Answer to Box Number Ads must be called for within 15 days after the last publication of the advertisement.

WANT AD DEADLINES

CLASSIFIED ADS which are ordered before 5 p.m. Friday will appear in all editions of the SUNDAY UNION.

CLASSIFIED ADS (except contract accounts) may be ordered from 8 a.m. to 5 p.m. Saturday to appear in the final edition of the SUNDAY UNION.

CLASSIFIED AD HOURS—8 a.m. to 5 p.m. daily; 8 a.m. to 4 p.m. Sunday.

Phone Main 3841
WANT AD HEADQUARTERS
919 SECOND AVENUE

2 Lodge Notices

BLACKMER LODGE, F.&A.M., 350 Cedar St. 2nd degrees tonight, 6:30 p.m.
GEO. K. PALMER, W.M.

PT. LOMA LODGE NO. 620, Past Masters will confer 1st degree tonight at 7, 1711 Sunset Cliffs Blvd. Refreshments. Visitors welcome.
WM. T. TOON, W.M.

Deaths—Funerals

ASPENLEITER—Baby boy, infant son of Mr. and Mrs. Harvey Aspenleiter. Private services and cremation. Lewis Colonial Mortuary.

BEAMISH—John M. Brother of Mrs. Charles Brown, Uncle of Miss Edna Brown, Mrs. R. W. Wuest and John N. Beamish. Private services Thurs. 2 p.m. Benbough Downtown Chapel. Please omit flowers.

BEASLEY — Rosa E. Mother of Newton Beasley, Mrs. Clifford L. Potter, Ellen Lomas, Dorothy L. Potter and Roy Beasley. Daughter of Amanda J. Reed. Sister of Newton Campbell, Lena Baker, Irene Chandler, Ward and Clifton Reed. Services Thurs. 2 p.m. Berge Roberts Mortuary. Interment Greenwood.

BRATTEN—Bert W. Husband of Addie Bratten. Father of Geneva Klause, Chalmer and George Bratten. Services Fri. 1 p.m. Johnson-Saum, 4th Ave. at Ash, with Silver Gate Lodge No. 296, F.&A.M. officiating. Interment.

BRENNER — Charles P. Services Thurs. 10 a.m. Bonham Brothers, 4th Ave. Mortuary, auspices S. W. Hackett Lodge 374, F. & A.M. Interment, Private parking

BROWNE—Winifred M. Sister of Helen Chapin. Private services Thurs. 11 a.m. Cypress View Mausoleum. Please omit flowers.

COLTRIN—Loretta B. Sister of Edna B. Hallum and Addie Thomas. Bonham Brothers 4th Ave. Mortuary.

CONDON—William Emmett. Husband of Marguerite Condon. Requiem Mass Thurs. 9 a.m. St. Joseph Cathedral. Benbough Mortuary.

DAVIS—Nellie S. Grandmother of Mrs. Marjorie D. Briggs. Services and interment Waltham, Mass. Lewis Colonial Mortuary.

DORAN—Mary E. Mother of Mrs. Evelyn J. Gress; one grandchild, 2 great grandchildren. Requiem Mass St. Charles Borromeo, Loma Portal Thurs morning at 10 o'clock. Interment, Holy Cross. Goodbody's Ivy Chapel.

EDDY—Vernon H. Father of Dorothy Vineyard, Jack H. and Marion H. Eddy, brother of Mabel Peterson. Private services Fri., 3 p.m., Johnson-Saum El Cajon Mortuary, 624 El Cajon Blvd. Cremation.

ENGLISH — Thomas M. Johnson-Saum, 4th Ave. at Ash.

EULLO—Guadencio. Requiem Mass 9 a.m. Thurs. St. Mary-by-the-Wayside Chapel. Interment. Ryan-Sullivan Mortuary.

HUTCHERSON—John H. Johnson-Saum, 4th Ave. at Ash.

KELLY—Mark A. Johnson-Saum, 4th

3 Lost & Found

BRACELET—Liberal reward for return of English coin bracelet. Sentimental value. Lost in store on 8th Ave. Return eves., Al Zobian, Greyhound Bus Station.

CAT 1 large black angora, male, shaved spot on right side. Under medical treatment. Urgent. Reward. F-9-5088 until 4:30. J-2176 after 5:30.

PUPPY, black & tan German Shepherd, vicinity Julian St., Lakeside. Children broken-hearted. Please call H-4-1348.

DOG, Shepherd Collie lost, answers to "Shep." Brown black & white. Boy's pet. Reward. Call H-8-4911 or H-8-2894.

BILLFOLD — (Brown). Thurs., vicinity Watts Bldg. Keep money, return billfold. Vernon Krueger, Magnolia Trailer Ct., El Cajon.

DOG—Near Columbia & Vine, Child's wire haired female pup, 'Patsy.' Brown, black & white. Reward. W-8-3613 eves.

FOUND—Red Cocker male, vicinity Camp Elliott. Call W-4095 between 4 & 5 p.m.

GOLDEN Cocker Spaniel, female, named Taffy, vicinity Camp Elliott. Call W-4095 between 4 & 5 p.m.

DOG, German Police, male, lost, vicinity golf course. Reward. F-567 or H-6-1938.

DOG, lost Sun. Male Toy Pomeranian, sable. Child's pet. Reward. 3460 Hasty St.

DOG—Vickie—female gold Cocker. Sun. p.m. vicinity 4445 Keeler—M-4-4508—Reward.

CAT—Siamese full grown, cross eyes. Answers to "Tiptins." Strayed from 2153 Irving Ave. Reward.

DOG, wire haired, straight ears & brown spots. Lost Mission Hills. Little girl's pet. Reward. J-3275.

BILLFOLD—black & coin purse with safe deposit keys. Tues. night on 4th. Widow. Reward. H-4-5189.

FOUND Monday night, red female dachshund. H-6-3329 after 5 p.m.

BILLFOLD—Reward. Call Sgt. M. A. Melcher, W-8-3941, Ext. 221, days.

CAT—Yellow, long haired; in College area. Reward. R-4175.

4 Personals

TELEVISION
Radio Men
URGENTLY NEEDED

I want to talk to men, 17-45, who are seriously interested in training for employment in this big booming, lucrative and rapidly advancing field of Television-Radio.

WE TRAIN YOU

Does not interfere with present job. If you have sincere ambition and good health, fill out coupon below and mail today.

I want all the details right away.

Name ..... Age.....
Address .....
City ..... Phone.....
Hours I work .....
MAIL TO:
TELEVISION TRAINING
WRITE BOX B-92 UNION-TRIB.

RE-UPHOLSTER NOW
PAY LATER
New low labor price, 2-pc. sets from
$35

To help us sell our HUGE STOCK of fabrics at LOW, LOW prices. NO FINANCE COMPANY INVOLVED. Guaranteed work. CALL NOW.

We Give Stamps

Free Estimates day or evenings.
BELVEDERE, T-1-5551
Sunday & eves., call T-5835

LADIES! If you lack energy and charm, feel tired, "would rather stay home," your system may need 1 or more of the vital vitamins and minerals in RESTORA TABLETS. New formula made especially for women. $3 mo.'s supply. American Drug Co., 810 5th. F-1307

SHIP SERVICE
SERVICE FAMILIES ONLY—Washers, ranges, TV, radios, ironers, refrigerators, freezers, water softeners, vacuums, heaters, tires, disposals, portable typewriters, water heaters, TV parts, mixers, etc.
Calif. Wholesale Co.
201 West F, cor. Front M-1767

HELP OTHERS WHILE HELPING YOURSELF—Your discarded clothing and household articles will help others less fortunate. Call Byrd. Call us FIRST for buyer, M-8-1270. 3081 Nat'l Ave., S.D.

UNWANTED HAIR REMOVED
PERMANENT HAIR FOR

00033

THE FOLLOWING DOCUMENT IS THE BEST COPY AVAILABLE FOR FILMING

Affidavit of Publication of

Affidavit of Publication

STATE OF CALIFORNIA, }
COUNTY OF SAN DIEGO, } ss.
CITY OF SAN DIEGO, }

250.09

ORDINANCE NO. 5045
(NEW SERIES)

AN ORDINANCE REPEALING CERTAIN ORDINANCES AS LISTED HEREIN.

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

Section 1. That ordinances as listed herein be, and each of them is hereby repealed:

Ordinance 16, Series A, adopted June 22, 1850;
Ordinance 21, Series A, adopted July 29, 1850;
Ordinance 24, Series A, adopted July 29, 1850;
Ordinance 30, Series A, adopted August 17, 1850;
Ordinance 37, Series A, adopted September 30, 1850;
Ordinance 38, Series A, adopted August 26, 1850;
Ordinance 41, Series A, adopted August 31, 1850;
Ordinance 44, Series A, August 31, 1850;
Ordinance 46, Series A, adopted September 9, 1850;
Ordinance 53, Series A, adopted September 30, 1850;
Ordinance 54, Series A, adopted September 30, 1850;
Ordinance 55, Series A, adopted September 30, 1850;
Ordinance 57, Series A, adopted October 16, 1850;
Ordinance 2, Series B, adopted January 23, 1851;
Ordinance 3, Series B, adopted January 23, 1851;
Ordinance 5, Series B, adopted February 20, 1851;
Ordinance 6, Series B, adopted February 20, 1851;
Ordinance 7, Series B, adopted February 20, 1851;
Ordinance 8, Series B, adopted February 27, 1851;
Ordinance 9, Series B, adopted February 27, 1851;
Ordinance 23, Series B, September 18, 1851;
Ordinance 24, Series B, adopted September 15, 1851;
Ordinance 53, Series B, adopted December 18, 1851;
Ordinance 2, Series C, adopted March 16, 1869;
Ordinance 1, Series C, adopted March 16, 1869;
Ordinance 3, Series C, adopted March 20, 1869;
Ordinance 5, Series C, adopted July 9 1869;
Ordinance 15, Series C, adopted October 26, 1870;
Ordinance 2, Series D, adopted June 11, 1872;
Ordinance 5, Series D, adopted August 19, 1872;
Ordinance 21, Series D, adopted January 21, 1873;
Ordinance 37, Series D, adopted May 12, 1873;
Ordinance 44, Series D, adopted October 13, 1873;
Ordinance 54, Series D, adopted March 16, 1874;
Ordinance 55, Series D, adopted March 23, 1874;
Ordinance 61, Series D, adopted September 7, 1874;
Ordinance 63, Series D, adopted September 7, 1874;
Ordinance 67, Series D, adopted October 5, 1874;
Ordinance 68, Series D, adopted October 5, 1874;
Ordinance 75, Series D, adopted January 5, 1876;
Ordinance 76, Series D, adopted January 5, 1876;
Ordinance 77, Series D, adopted February 7, 1876;
Ordinance 7, Series E, adopted August 7, 1876;
Ordinance 15, Series E, adopted February 5, 1877;
Ordinance 17, Series E, adopted April 7, 1877;
Ordinance 28, Series E, adopted

Ordinance 317, Series F, adopted February 18, 1889;
Ordinance 324, Series F, adopted March 19, 1889;
Ordinance 326, Series F, adopted March 21, 1889;
Ordinance 327, Series F, adopted April 2, 1889;
Ordinance 328, Series F, adopted April 3, 1889;
Ordinance 332, Series F, adopted April 16, 1889;
Ordinance 335, series F, adopted May2, 1889;

OLD SERIES

Ordinance 4, adopted June 1 1887;
Ordinance 16, adopted July 16, 1889;
Ordinance 18, adopted August 10, 1889;
Ordinance 19, adopted August 10, 1889;
Ordinance 22, adopted August 15, 1889;
Ordinance 23, adopted August 15, 1889;
1889;
Ordinance 29, adopted September 10, 1889;
Ordinance 36, adopted October 22, 1889;
Ordinance 37, adopted October 22, 1889;
Ordinance 42, adopted November 22, 1889;
Ordinance 52, adopted December 24, 1889;
Ordinance 53, adopted December 24, 1889;
Ordinance 58, adopted January 30, 1890;
Ordinance 61, adopted February 14, 1890;
Ordinance 64, adopted February 25, 1890;
Ordinance 77, adopted April 22, 1890;
Ordinance 81, adopted May 14, 1890;
Ordinance 82, adopted July 12, 1890;
Ordinance 92, adopted September 16, 1890;
Ordinance 102, adopted November 25, 1890;
Ordinance 109, adopted December 9, 1890; 121, adopted April 15, 1891; and 131, adopted July 27, 1891;
Ordinance 149, adopted January 20, 1892;
Ordinance 158, adopted April 6, 1892;
Ordinance 159, adopted April 6, 1892;
Ordinance 166, adopted June 15, 1892;
Ordinance 174, adopted August 3, 1892;
Ordinance 191, adopted January 24, 1893;
Ordinance 194, adopted February 7, 1893;
Ordinance 212, adopted May 24, 1893;
Ordinance 216, adopted June 29, 1893;
Ordinance 226, adopted August 15, 1893;
Ordinance 227, adopted August 22, 1893;
Ordinance 230, adopted September 5, 1893;
Ordinance 231, adopted September 18, 1893;
Ordinance 233, adopted September 27, 1893;
Ordinance 244, adopted January 17, 1894;
Ordinance 246, adopted January 17, 1894;
Ordinance 251, adopted April 3, 1894;
Ordinance 252, adopted April 24, 1894;
Ordinance 260, adopted May 29, 1894;
Ordinance 274, adopted November 20, 1894;
Ordinance 278, adopted December 22, 1894;
Ordinance 280, adopted December 27, 1894;
Ordinance 306, adopted June 30, 1895;
Ordinance 307, adopted June 31, 1895;
Ordinance 310, adopted August 25, 1895;
Ordinance 325, adopted August 26, 1895;
Ordinance 328, adopted September 4, 1895;
Ordinance 329, adopted September 4, 1895;
Ordinance 333, adopted October 8, 1895;
Ordinance 336, adopted December 15, 1895;
Ordinance 345, adopted January 17, 1896;
Ordinance 347, adopted January 20, 1896;
Ordinance 349, adopted February 11, 1896;
Ordinance 359, adopted March 28, 1896;
Ordinance 372, adopted June 3, 1896;
Ordinance 375, adopted June 3, 1896;
Ordinance 383, adopted June 25, 1896;
Ordinance 397, adopted September 29, 1896;
Ordinance 399, adopted November 10, 1896;
Ordinance 404, adopted December 24, 1896;
Ordinance 406, adopted December

Ordinance 1004, adopted July 23, 1901;
Ordinance 1011, adopted October 21, 1901;
Ordinance 1035, adopted December 17, 1901;
Ordinance 1052, adopted December 20, 1901;
Ordinance 1054, adopted December 20, 1901;
Ordinance 1072, adopted January 20, 1902;
Ordinance 1073, adopted January 24, 1902;
Ordinance 1095, adopted February 24, 1902;
Ordinance 1100, adopted March 18, 1902;
Ordinance 1104, adopted March 18, 1902;
Ordinance 1109, adopted April 7, 1902;
Ordinance 1128, adopted June 3, 1902;
Ordinance 1129, adopted June 3, 1902;
Ordinances 1137, 1138, 1139 and 1141, adopted June 20, 1902;
Ordinance 1142, adopted June 16, 1902;
Ordinance 1144, adopted June 17, 1902;
Ordinance 1187, adopted September 16, 1902;
Ordinance 1212, adopted November 18, 1902;
Ordinance 1220, adopted December 2, 1902;
Ordinance 1278, adopted January 19, 1903;
Ordinance 1292, adopted February 25, 1903;
Ordinance 1294, adopted February 28, 1903;
Ordinance 1296, adopted February 28, 1903;
Ordinance 1305, adopted March 10, 1903;
Ordinance 1306, adopted March 10, 1903;
Ordinance 1324, adopted April 6, 1903;
Ordinance 1375, adopted June 22, 1903;
Ordinance 1393, adopted July 27, 1903;
Ordinance 1403, adopted September 11, 1903;
Ordinance 1408, adopted September 22, 1903;
Ordinance 1413, adopted September 2, 1903;
Ordinance 1421, adopted October 12, 1903;
Ordinance 1440, adopted November 2, 1903;
Ordinance 1456, adopted December 15, 1903;
Ordinance 1467, adopted January 6, 1904;
Ordinance 1483, adopted January 26, 1904;
Ordinance 1499, adopted February 9, 1904;
Ordinance 1541, adopted March 21, 1904;
Ordinance 1556, adopted April 4, 1904;
Ordinance 1558, adopted April 11, 1904;
Ordinance 1561, adopted April 19, 1904;
Ordinance 1617, adopted June 21, 1904;
Ordinance 1644, adopted July 12, 1904;
Ordinance 1655, adopted July 19, 1904;
Ordinance 1667, adopted September 7, 1904;
Ordinance 1799, adopted November 21, 1904;
Section One of Ordinance 1837, adopted December 20, 1904;
Ordinance 1838, adopted December 20, 1904;
Ordinance 1996, adopted April 11, 1905;
Ordinance 1998, adopted April 11, 1905;
Ordinance 1999, adopted April 11, 1905;
Ordinance 2057, adopted June 2, 1905;
Ordinance 2127, adopted August 10, 1905;
Ordinance 2133, adopted August 14, 1905;
Ordinance 2151, adopted September 20, 1905;
Ordinance 2157, adopted September 22, 1905;
Ordinance 2173, adopted October 6, 1905;
Ordinance 2187, adopted October 23, 1905;
Ordinance 2230, adopted November 9, 1905;
Ordinance 2341, adopted January 31, 1906;
Ordinance 2360, adopted February 8, 1906;
Ordinance 2379, adopted February 21, 1906;
Ordinance 2426, adopted March 21, 1906;
Ordinance 2463, adopted March 28, 1906;
Ordinance 2563, adopted July 2, 1906;
Ordinance 2574, adopted July 23, 1906.
Ordinance 2576, adopted July 23, 1906;
Ordinance 2585, adopted August 6, 1906;
Ordinance 2593, adopted August 27, 1906;
Ordinance 2627, adopted September 17, 1906.

Ordinance 4407, adopted March 20, 1911;
Ordinance 4428, adopted May 10, 1911;
Ordinance 4443, adopted May 26, 1911;
Ordinance 4450, adopted June 9, 1911;
Ordinance 4478, adopted July 17, 1911;
Ordinance 4513, adopted August 17, 1911;
Ordinance 4528, adopted August 28, 1911;
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 13, 14, of Ordinance 4532, adopted August 28, 1911;
Ordinance 4543, adopted September 27, 1911;
Ordinance 4555, adopted October 9, 1911;
Ordinance 4581, adopted November 13, 1911;
Ordinance 4583, adopted November 13, 1911;
Ordinance 4597, adopted November 29, 1911;
Ordinance 4619, adopted December 20, 1911;
Ordinance 4623, adopted January 8, 1912;
Paragraph 2 of Section 2 of Ordinance 4624, adopted January 9, 1912;
Ordinance 4625, adopted January 8, 1912;
Ordinance 4633, adopted January 24, 1912;
Ordinance 4660, adopted February 12, 1912;
Ordinance 4670, adopted March 5, 1912;
Ordinance 4704, adopted April 17, 1912;
Ordinance 4731, adopted June 7, 1912;
Ordinance 4732, adopted June 7, 1912;
Ordinance 4774, adopted June 17, 1912;
Ordinance 4790, adopted July 5, 1912;
Ordinance 4802, adopted July 26, 1912;
Ordinance 4808, adopted August 3, 1912;
Ordinance 4820, adopted August 8, 1912;
Ordinance 4861, adopted September 30, 1912;
Ordinance 4880, adopted October 15, 1912;
Ordinance 4890, adopted October 26, 1912;
Ordinance 4893, adopted November 4, 1912;
Ordinance 4904, adopted November 13, 1912;
Ordinance 4916, adopted November 26, 1912;
Ordinance 4931, adopted December 24, 1912;
Ordinance 4932, adopted December 24, 1912;
Ordinance 4933, adopted December 24, 1912;
Ordinance 5018, adopted March 3, 1913;
Ordinance 5044, adopted March 21, 1913;
Ordinance 5082, adopted April 26, 1913;
Ordinance 5094, adopted May 5, 1913;
Ordinance 5103, adopted May 21, 1913;
Ordinance 5104, adopted May 22, 1913;
Ordinance 5106, adopted May 23, 1913;
Ordinance 5114, adopted May 27, 1913;
Ordinance 5118, adopted May 29, 1913;
Ordinance 5125, adopted June 2, 1913;
Ordinance 5129, adopted June 9, 1913;
Ordinance 5176, adopted July 7, 1913;
Ordinance 5191, adopted July 14, 1913;
Ordinance 5192, adopted July 14, 1913;
Ordinance 5228, adopted August 9, 1913;
Ordinance 5243, adopted August 26, 1913;
Ordinance 5265, adopted September 11, 1913;
Ordinance 5267, adopted September 19, 1913;
Ordinance 5272, adopted September 19, 1913;
Ordinance 5277, adopted September 19, 1913;
Ordinance 5351, adopted December 1, 1913;
Ordinance 5360, adopted December 1, 1913;
Ordinance 5366, adopted December 1, 1913;
Ordinance 5390, adopted December 18, 1913;
Ordinance 5418, adopted January 12, 1914;
Ordinance 5429, adopted January 14, 1914;
Ordinance 5436, adopted January 19, 1914;
Ordinance 5454, adopted February 3, 1914;
Ordinance 5459, adopted February 3, 1914;
Ordinance 5461, adopted February 6, 1914;
Ordinance 5518, adopted March 25, 1914;
Ordinance 5570, adopted May 8, 1914;
Ordinance 5599, adopted May 26, 1914;

Ordinance 7335, adopted April 1918;
Ordinance 7365, adopted May 1918;
Ordinance 7427, adopted July 1918;
Ordinance 7474, adopted Augu 15, 1918;
Ordinance 7478, adopted Augu 22, 1918;
Ordinance 7538, adopted Octob 30, 1918;
Ordinance 7561, adopted Decemb 5, 1918;
Ordinance 7566, adopted Decem ber 16, 1918;
Ordinance 7597, adopted Janua 20, 1919;
Ordinance 7615, adopted Februa 10, 1919;
Ordinance 7616, adopted Februa 13, 1919;
Ordinance 7715, adopted April 1 1919;
Ordinance 7759, adopted June 1 1919;
Ordinance 7766, adopted June 1 1919;
Ordinance 7796, adopted July 2 1919;
Ordinance 7808, adopted July 2 1919;
Ordinance 7811, adopted July 3 1919;
Ordinance 7812, adopted July 3 1919;
Ordinance 7813, adopted July 3 1919;
Ordinance 7825, adopted Augus 11, 1919;
Ordinance 7836, adopted Septem ber 10, 1919;
Ordinance 7864, adopted Novem ber 5, 1919;
Ordinance 7866, adopted Octobe 27, 1919;
Ordinance 7899, adopted Decem ber 22, 1919;
Ordinance 7911, adopted Decem ber 24, 1919;
Ordinance 7918, adopted January 12, 1920;
Ordinance 7928, adopted January 22, 1920;
Ordinance 7939, adopted January 21, 1920;
Ordinance 7949, adopted March 1 1920;
Ordinance 7973, adopted April 1920;
Ordinance 7983, adopted April 2 1920;
Ordinance 8072, adopted July 1 1920;
Ordinance 8129, adopted Septem ber 27, 1920;
Ordinance 8146, adopted Octobe 11, 1920;
Ordinance 8281, adopted February 9, 1921;
Ordinance 8305, adopted February 21, 1921;
Ordinance 8408, adopted June 20, 1921;
Ordinance 8457, adopted August 10, 1921;
Ordinance 8512, adopted Novem ber 2, 1921;
Ordinance 8515, adopted October 31, 1921;
Ordinance 8554, adopted Decem ber 7, 1921;
Ordinance 8555, adopted Decem ber 7, 1921;
Ordinance 8611, adopted February 27, 1922;
Ordinance 8785, adopted August 28, 1922;
Ordinance 8810, adopted Septem ber 25, 1922;
Ordinance 8852, adopted Decem ber 4, 1922;
Ordinance 8919, adopted January 15, 1923;
Section 8-c of Ordinance 8924, adopted January 23, 1923;
Ordinance 9015, adopted May 1923;
Ordinance 9066, adopted June 4, 1923;
Ordinance 9146, adopted August 13, 1923;
Ordinance 9155, adopted August 27, 1923;
Ordinance 9214, adopted October 15, 1923;
Ordinance 9231, adopted October 29, 1923;
Ordinance 9293, adopted Decem ber 17, 1923;
Ordinance 9314, adopted Decem ber 17, 1923;
Ordinance 9315, adopted Decem ber 17, 1923;
Ordinance 9416, adopted March 24, 1924;
Ordinance 9451, adopted April 21, 1924;
Ordinance 9591, adopted July 29, 1924;
Ordinance 10002, adopted June 10, 1925;
Ordinance 10054, adopted July 13, 1925;
Ordinance 10060, adopted July 13, 1925;
Ordinance 10151, adopted Septem ber 14, 1925;
Ordinance 10173, adopted October 5, 1925;
Ordinance 10205, adopted Novem ber 9, 1925;
Ordinance 10251, adopted Decem ber 7, 1925;
Ordinance 10252, adopted Decem ber 7, 1925;
Section 4 of Ordinance 10312, adopted December 24, 1928;
Section 4 of Ordinance 10338, adopted January 7, 1926;

February 20, 1851;
Ordinance 7, Series B, adopted February 20, 1851;
Ordinance 8, Series B, adopted February 27, 1851;
Ordinance 9, Series B, adopted February 27, 1851;
Ordinance 23, Series B, September 18, 1851;
Ordinance 24, Series B, adopted September 15, 1851;
Ordinance 53, Series B, adopted December 18, 1851;
Ordinance 2, Series C, adopted March 16, 1869;
Ordinance 1, Series C, adopted March 16, 1869;
Ordinance 3, Series C, adopted March 20, 1869;
Ordinance 5, Series C, adopted July 9, 1869;
Ordinance 15, Series C, adopted October 26, 1870;
Ordinance 2, Series D, adopted June 11, 1872;
Ordinance 5, Series D, adopted August 19, 1872;
Ordinance 21, Series D, adopted January 21, 1873;
Ordinance 37, Series D, adopted May 12, 1873;
Ordinance 44, Series D, adopted October 13, 1873;
Ordinance 54, Series D, adopted March 16, 1874;
Ordinance 55, Series D, adopted March 23, 1874;
Ordinance 61, Series D, adopted September 7, 1874;
Ordinance 63, Series D, adopted September 7, 1874;
Ordinance 67, Series D, adopted October 5, 1874;
Ordinance 68, Series D, adopted October 5, 1874;
Ordinance 75, Series D, adopted January 5, 1876;
Ordinance 76, Series D, adopted January 5, 1876;
Ordinance 77, Series D, adopted February 7, 1876;
Ordinance 7, Series E, adopted August 7, 1876;
Ordinance 15, Series E, adopted February 5, 1877;
Ordinance 17, Series E, adopted April 7, 1877;
Ordinance 26, Series E, adopted January 26, 1878;
Ordinance 29, Series E, adopted February 4, 1878;
Ordinance 33, Series E, adopted September 16, 1878;
Ordinance 40, Series E, adopted February 6, 1879;
Ordinance 44, Series E, adopted July 7, 1879;
Ordinance 52, Series E, adopted February 25, 1880;
Ordinance 61, Series E, adopted September 21, 1880;
Ordinance 65, Series E, adopted January 31, 1881;
Ordinance 67, Series E, adopted April 15, 1881;
Ordinance 68, Series E, adopted June 7, 1881;
Ordinance 71, Series E, adopted August 27, 1881;
Ordinance 72, Series E, adopted August 30, 1881;
Ordinance 94, Series E, adopted December 29, 1883;
Ordinance 98, Series E, adopted October 25, 1884;
Ordinance 104, Series E, adopted April 6, 1885;
Ordinance 107, Series E, adopted August 11, 1885;
Ordinance 114, Series E, adopted October 14, 1885;
Ordinance 116, Series E, adopted November 10, 1885;
Ordinance 117, Series E, adopted November 10, 1885;
Ordinance 124, Series E, adopted March 6, 1886;
Ordinance 2, Series F, adopted June 21, 1886;
Ordinance 6, Series F, adopted July 6, 1886;
Ordinance 7, Series F, adopted July 6, 1886;
Ordinance 21, Series F, adopted September 27, 1886;
Ordinance 23, Series F, adopted October 18, 1886;
Ordinance 28, Series F, adopted November 8, 1886;
Ordinance 29, Series F, adopted November 15, 1886;
Ordinance 39, Series F, adopted December 27, 1886;
Ordinance 45, Series F, adopted January 6, 1887;
Ordinance 85, Series F, adopted June 23, 1887;
Ordinance 85, Series F, adopted June 23, 1887;
Ordinance 86, Series F, adopted June 23, 1887;
Ordinance 87, Series F, adopted June 23, 1887;
Ordinance 126, Series F, adopted September 8, 1887;
Ordinance 174, Series F, adopted January 5, 1888;
Ordinance 188, Series F, adopted February 7, 1888;
Ordinance 191, Series F, adopted February 7, 1888;
Ordinance 193, Series F, adopted February 20, 1888;
Ordinance 212, Series F, adopted February 28, 1888;
Ordinance 226, Series F, adopted March 27, 1888;
Ordinance 227, Series F, adopted March 29, 1888;
Ordinance 256, Series F, adopted June 2, 1888;
Ordinance 258, Series F, adopted June 13, 1888;
Ordinances 261, 262, 263, and 266, Series F, adopted June 27, 1888;
Ordinance 267, Series F, adopted July 13, 1888;
Ordinances 268, Series F, adopted July 20, 1888;
Ordinance 272, Series F, adopted August 10, 1888;
Ordinance 273, Series F, adopted August 14, 1888;
Ordinance 278, Series F, adopted September 12, 1888;
Ordinance 289, Series F, adopted November 16, 1888;
Ordinance 297, Series F, adopted December 14, 1888;
Ordinance 298, Series F, adopted December 18, 1888;
Ordinance 301, Series F, adopted Januar 22, 1889;
Ordinance 306, Series F, adopted February 9, 1889;
Ordinance 308, Series F, adpoted February 7, 1889;
Ordinance 313, Series F, adopted February 18, 1889;
Ordinance 315 Series F, adopted February 18, 1889;

[illegible] 230, [illegible]
Ordinance 231, adopted September [illegible]
Ordinance 233, adopted September 27, 1893;
Ordinance 244, adopted January 17, 1894;
Ordinance 246, adopted January 17, 1894;
Ordinance 251, adopted April 3, 1894;
Ordinance 252, adopted April 24, 1894;
Ordinance 260, adopted May 29, 1894;
Ordinance 274, adopted November 20, 1894;
Ordinance 278, adopted December 22, 1894;
Ordinance 280, adopted December 27, 1894;
Ordinance 306, adopted June 20, 1895;
Ordinance 307, adopted June 21, 1895;
Ordinance 310, adopted August 25, 1895;
Ordinance 325, adopted August 26, 1895;
Ordinance 328, adopted September 4, 1895;
Ordinance 329, adopted September 4, 1895;
Ordinance 333, adopted October 8, 1895;
Ordinance 336, adopted December 15, 1895;
Ordinance 345, adopted January 17, 1896;
Ordinance 347, adopted January 20, 1896;
Ordinance 349, adopted February 11, 1896;
Ordinance 359, adopted March 26, 1896;
Ordinance 372, adopted June 2, 1896;
Ordinance 375, adopted June 3, 1896;
Ordinance 383, adopted June 25, 1896;
Ordinance 397, adopted September 29, 1896;
Ordinance 399, adopted November 10, 1896;
Ordinance 404, adopted December 24, 1896;
Ordinance 406, adopted December 24, 1896;
Ordinance 407, adopted December 24, 1896;
Ordinance 412, adopted February 1, 1897;
Ordinance 441, adopted June 8, 1897;
Ordinance 443, adopted June 24, 1897;
Ordinance 446, adopted July 20, 1897;
Ordinance 448, adopted August 6, 1897;
Ordinance 453, adopted August 16, 1897;
Ordinance 454, adopted August 16, 1897;
Ordinance 466, adopted November 2, 1897;
Ordinance 470, adopted November 16, 1897;
Ordinance 472, adopted November 17, 1897;
Ordinance 479, adopted December 6, 1897;
Ordinance 487, adopted January 18, 1898;
Ordinance 488, adopted January 18, 1898;
Ordinance 501, adopted February 25, 1898;
Ordinance 502, adopted April 5, 1898;
Ordinance 504, adopted April 5, 1898;
Ordinance 506, adopted April 5, 1898;
Ordinance 508, adopted April 5, 1898;
Ordinance 538, adopted July 12, 1898;
Ordinance 541, adopted August 2, 1898;
Paragraph 2 of Section One, Ordinance 546, adopted August 3, 1898;
Ordinance 572, adopted November 6, 1898;
Ordinance 614, adopted April 11, 1899;
Ordinance 620, adopted April 18, 1899;
Ordinance 638, adopted June 1, 1899;
Ordinance 645, adopted July 10, 1899;
Ordinance 646, adopted July 10, 1899;
Ordinance 658, adopted September 6, 1899;
Ordinance 659, adopted September 8, 1899;
Ordinance 661, adopted September 8, 1899;
Ordinance 667, adopted November 7, 1899;
Ordinance 668, adopted November 7, 1899;
Ordinance 676, adopted December 12, 1899;
Ordinance 682, adopted December 18, 1899;
Ordinance 694, adopted January 3, 1900;
Ordinance 696, adopted January 6, 1900;
Ordinance 710, adopted February 6, 1900;
Ordinance 711, adopted February 6, 1900;
Ordinance 729, adopted March 20, 1900;
Ordinance 730, adopted March 20, 1900;
Ordinance 741, adopted April 24, 1900;
Ordinance 751, adopted May 11, 1900;
Ordinance 762, adopted June 5, 1900;
Ordinance 765, adopted June 19, 1900;
Ordinance 787, adopted July 17, 1900;
Ordinance 800, adopted August 5, 1900;
Ordinance 810, adopted August 22, 1900;
Ordinance 819, adopted September 18, 1900;
Ordinance 820, adopted October 4, 1900;
Ordinance 860, adopted January 15, 1901;
Ordinance 896, adopted March 18, 1901;
Ordinance 904, adopted April 8, 1901;
Ordinance 945, adopted July 16, 1901;
Ordinance 958, adopted July 22, 1901;
Ordinance 998, adopted October 7, 1901;

1904;
Ordinance 1644, adopted July 12, 1904;
Ordinance 1655, adopted July 19, 1904;
Ordinance 1667, adopted September 7, 1904;
Ordinance 1799, adopted November 21, 1904;
Section One of Ordinance 1837, adopted December 20, 1904;
Ordinance 1838, adopted December 20, 1904;
Ordinance 1996, adopted April 11, 1905;
Ordinance 1998, adopted April 11, 1905;
Ordinance 1999, adopted April 11, 1905;
Ordinance 2057, adopted June 2, 1905;
Ordinance 2127, adopted August 10, 1905;
Ordinance 2133, adopted August 14, 1905;
Ordinance 2151, adopted September 20, 1905;
Ordinance 2157, adopted September 22, 1905;
Ordinance 2173, adopted October 6, 1905;
Ordinance 2187, adopted October 23, 1905;
Ordinance 2230, adopted November 9, 1905;
Ordinance 2341, adopted January 31, 1906;
Ordinance 2360, adopted February 8, 1906;
Ordinance 2379, adopted February 21, 1906;
Ordinance 2426, adopted March 21, 1906;
Ordinance 2463, adopted March 28, 1906;
Ordinance 2558, adopted July 2, 1906;
Ordinance 2574, adopted July 23, 1906.
Ordinance 2576, adopted July 23, 1906;
Ordinance 2585, adopted August 6, 1906;
Ordinance 2593, adopted August 27, 1906;
Ordinance 2627, adopted September 17, 1906.
Ordinance 2628, adopted September 17, 1906;
Ordinance 2653, adopted January 27, 1907;
Ordinance 2723, adopted January 21, 1907;
Ordinance 2740, adopted February 4, 1907;
Ordinance 2746, adopted February 11, 1907;
Ordinance 2748, adopted February 11, 1907;
Ordinance 2761, adopted February 11, 1907;
Ordinance 2873, adopted May 20, 1907;
Ordinance 2965, adopted July 8, 1907;
Ordinance 2978, adopted July 16, 1907;
Ordinance 3003, adopted August 15, 1907;
Ordinance 3054, adopted September 27, 1907;
Ordinance 3066, adopted October 10, 1907;
Ordinance 3113, adopted December 11, 1907;
Ordinance 3171, adopted February 4, 1908;
Ordinance 3180, adopted February 19, 1908;
Ordinance 3235, adopted March 20, 1908;
Ordinance 3257, adopted April 30, 1908;
Ordinance 3264, adopted May 14, 1908;
Ordinance 3295, adopted May 28, 1908;
Ordinance 3296, adopted May 28, 1908;
Ordinance 3300, adopted June 10, 1908;
Ordinance 3304, adopted June 15, 1908;
Ordinance 3313, adopted June 22, 1908;
Ordinance 3323, adopted July 6, 1908.
Ordinance 3340, adopted July 20, 1908;
Ordinance 3348, adopted July 20, 1908;
Ordinance 3367, adopted August 3, 1908;
Ordinance 3408, adopted September 8, 1908;
Ordinance 3436, adopted September 30, 1908;
Ordinance 3438, adopted October 6, 1908.
Ordinance 3447, adopted October 12, 1908;
Ordinance 3454, adopted October 12, 1908;
Ordinance 3481, adopted November 12, 1908;
Ordinance 3485, adopted November 10, 1908;
Ordinance 3492, adopted November 9, 1908;
Ordinance 3530, adopted December 4, 1908;
Ordinance 3620, adopted March 10, 1909;
Ordinance 3707, adopted May 10, 1909;
Ordinance 3794, adopted July 17, 1909;
Ordinance 3817, adopted July 30, 1909;
Ordinance 3823, adopted August 6, 1909.
Ordinance 3895, adopted November 4, 1909;
Ordinance 3909, adopted November 18, 1909;
Ordinance 3959, adopted January 24, 1910;
Ordinance 3962, adopted January 27, 1910;
Ordinance 3984, adopted January 31, 1910;
Ordinance 3985, adopted February 10, 1910;
Ordinance 3996, adopted February 21, 1910;
Ordinance 4005, adopted February 24, 1910;
Ordinance 4045, adopted March 21, 1910;
Ordinance 4204, adopted August 22, 1910;
Ordinance 4280, adopted November 14, 1910;
Ordinance 4345, adopted January 16, 1911;
Ordinance 4371, adopted February 8, 1911;
Ordinance 4376, adopted February 17, 1911;
Ordinance 4403, adopted March 15, 1911;

[illegible] 5103, [illegible]
Ordinance 5104, adopted May 22, 1913;
Ordinance 5106, adopted May 23, 1913;
Ordinance 5114, adopted May 27, 1913;
Ordinance 5118, adopted May 29, 1913;
Ordinance 5125, adopted June 2, 1913;
Ordinance 5129, adopted June 9, 1913;
Ordinance 5176, adopted July 7, 1913;
Ordinance 5191, adopted July 14, 1913;
Ordinance 5192, adopted July 14, 1913;
Ordinance 5228, adopted August 2, 1913;
Ordinance 5248, adopted August 26, 1913;
Ordinance 5265, adopted September 11, 1913;
Ordinance 5267, adopted September 19, 1913;
Ordinance 5272, adopted September 19, 1913;
Ordinance 5277, adopted September 19, 1913;
Ordinance 5351, adopted December 1, 1913;
Ordinance 5360, adopted December 1, 1913;
Ordinance 5366, adopted December 1, 1913;
Ordinance 5390, adopted December 18, 1913;
Ordinance 5418, adopted January 12, 1914;
Ordinance 5429, adopted January 14, 1914;
Ordinance 5436, adopted January 19, 1914;
Ordinance 5454, adopted February 3, 1914;
Ordinance 5459, adopted February 3, 1914;
Ordinance 5461, adopted February 6, 1914;
Ordinance 5518, adopted March 25, 1914;
Ordinance 5570, adopted May 8, 1914;
Ordinance 5599, adopted May 26, 1914;
Ordinance 5609, adopted June 1, 1914;
Ordinance 5677, adopted July 1, 1914;
Ordinance 5715, adopted July 27, 1914;
Ordinance 5718, adopted July 29, 1914;
Ordinance 5725, adopted July 29, 1914;
Ordinance 5781, adopted August 5, 1914;
Ordinance 5954, adopted December 29, 1914;
Ordinance 5972, adopted December 30, 1914;
Ordinance 6001, adopted January 13, 1915;
Ordinance 6004, adopted January 18, 1915;
Ordinance 6037, adopted February 8, 1915;
Ordinance 6140, adopted April 29, 1915;
Ordinance 6211, adopted June 14, 1915;
Ordinance 6220, adopted June 19, 1915;
Ordinance 6237, adopted June 30, 1915;
Ordinance 6248, adopted July 7, 1915;
Ordinance 6274, adopted July 21, 1915;
Ordinance 6301, adopted August 16, 1915;
Ordinance 6302, adopted August 16, 1915;
Ordinance 6303, adopted August 16, 1915;
Ordinance 6307, adopted August 16, 1915;
Ordinance 6339, adopted September 27, 1915;
Ordinance 6349, adopted October 6, 1915;
Ordinance 6350, adopted October 6, 1915;
Ordinance 6380, adopted November 8, 1915;
Ordinance 6389, adopted November 22, 1915;
Ordinance 6410, adopted December 13, 1915;
Ordinance 6415, adopted December 13, 1915;
Ordinance 6451, adopted January 17, 1916;
Ordinance 6472, adopted January 26, 1916;
Ordinance 6474, adopted January 21, 1916;
Ordinance 6485, adopted January 31, 1916;
Ordinance 6592, adopted May 13, 1916;
Ordinance 6686, adopted July 19, 1916;
Ordinance 6714, adopted August 7, 1916;
Ordinance 6724, adopted August 24, 1916;
Ordinance 6739, adopted August 30, 1916;
Ordinance 6782, adopted October 13, 1916;
Ordinance 6862, adopted January 15, 1917;
Ordinance 6920, adopted February 14, 1917;
Ordinance 6949, adopted February 26, 1917;
Ordinance 6954, adopted March 27, 1917;
Ordinance 6994, adopted April 18, 1917;
Ordinance 7003, adopted April 30, 1917;
Ordinance 7032, adopted May 23, 1917;
Ordinance 7080, adopted July 11, 1917;
Ordinance 7085, adopted July 16, 1917;
Ordinance 7102, adopted July 30, 1917;
Ordinance 7115, adopted August 6, 1917;
Ordinance 7123, adopted August 8, 1917;
Ordinance 7141, adopted August 29, 1917;
Ordinance 7177, adopted October 25, 1917;
Ordinance 7185, adopted November 5, 1917;
Ordinance 7215, adopted December 17, 1917;
Ordinance 7299, adopted March 4, 1918;
Ordinance 7311, adopted March 11, 1918;
Ordinance 7327, adopted April 1, 1918;

ber 7, 1922;
Ordinance [illegible], adopted February 27, 1922;
Ordinance 8785, adopted August 28, 1922;
Ordinance 8810, adopted September 25, 1922;
Ordinance 8852, adopted December 4, 1922;
Ordinance 8919, adopted January 15, 1923;
Section 8-c of Ordinance 8924, adopted January 23, 1923;
Ordinance 9015, adopted May 2, 1923;
Ordinance 9066, adopted June 4, 1923;
Ordinance 9146, adopted August 13, 1923;
Ordinance 9158, adopted August 27, 1923;
Ordinance 9214, adopted October 15, 1923;
Ordinance 9231, adopted October 29, 1923;
Ordinance 9293, adopted December 17, 1923;
Ordinance 9314, adopted December 17, 1923;
Ordinance 9315, adopted December 17, 1923;
Ordinance 9416, adopted March 24, 1924;
Ordinance 9451, adopted April 21, 1924;
Ordinance 9591, adopted July 29, 1924;
Ordinance 10002, adopted June 10, 1925;
Ordinance 10054, adopted July 13, 1925;
Ordinance 10060, adopted July 13, 1925;
Ordinance 10151, adopted September 8, 1925;
Ordinance 10173, adopted October 5, 1925;
Ordinance 10205, adopted November 9, 1925;
Ordinance 10251, adopted December 7, 1925;
Ordinance 10252, adopted December 7, 1925;
Section 4 of Ordinance 10312, adopted December 24, 1925;
Section 4 of Ordinance 10332, adopted January 7, 1926;
Ordinance 10399, adopted March 1, 1926;
Ordinance 10402, adopted March 1, 1926;
Ordinance 10509, adopted April 26, 1926;
Ordinance 10641, adopted July 26, 1926;
Ordinance 10650, adopted August 5, 1926;
Section 1 of Ordinance 10731, adopted Oct 4, 1926;
Ordinance 10732, adopted October 4, 1926;
Ordinance 10746, adopted October 22, 1926;
Ordinance 10747, adopted October 22, 1926;
Ordinance 10791, adopted November 29, 1926;
Ordinance 10798, adopted December 6, 1926;
Ordinance 10924, adopted May 21, 1927;
Ordinance 11004, adopted April 4, 1927;
Ordinance 11213, adopted July 28, 1927;
Ordinance 11215, adopted July 28, 1927;
Ordinance 11233, adopted August 15, 1927;
Ordinance 11377, adopted October 24, 1927;
Ordinance 11414, adopted November 14, 1927;
Ordinance 11426, adopted December 1, 1927;
Ordinance 11485, adopted December 22, 1927;
Sections 1, 2, 3, 4, 5, 6, 7, 10 of Ordinance 11708, adopted April 30, 1928;
Ordinance 11711, adopted April 30, 1928;
Ordinance 11718, adopted April 30, 1928;
Ordinance 11771, adopted May 28, 1928;
Ordinance 11811, adopted July 5, 1928;
Ordinance 11858, adopted July 30, 1928;
Ordinance 11885, adopted August 13, 1928;
Ordinance 11902, adopted August 27, 1928;
Ordinance 11966, adopted October 1, 1928;
Ordinance 12046, adopted November 19, 1928;
Ordinance 12110, adopted January 7, 1929;
Ordinance 12116, adopted January 14, 1929;
Ordinance 12201, adopted March 14, 1929;
Ordinance 12258, adopted April 15, 1929;
Ordinance 12288, adopted April 29, 1929;
Ordinance 12315, adopted May 20, 1929;
Ordinance 12348, adopted May 27, 1929;
Ordinance 12423, adopted July 22, 1929;
Ordinance 12424, adopted July 15, 1929;
Ordinance 12519, adopted September 10, 1929;
Ordinance 12565, adopted October 21, 1929;
Ordinance 12646, adopted December 16, 1929;
Ordinance 12765, adopted March 22, 1930;
Ordinance 12862, adopted June 16, 1930;
Ordinance 12890, adopted July 7, 1930;
Ordinance 12918, adopted August 11, 1930;
Ordinance 12931, adopted September 2, 1930;
Ordinance 12935, adopted September 4, 1930;
Ordinance 12967, adopted October 1, 1930;
Ordinance 12991, adopted October 20, 1930;
Ordinance 13015, adopted November 17, 1930;
Ordinance 13055, adopted January 5, 1931;
Ordinance 13088, adopted January 12, 1931;
Ordinance 13110, adopted January 26, 1931;
Ordinance 13153, adopted March 16, 1931;
Ordinance 13230, adopted June 1, 1931;

7335, adopted April 4,
7385, adopted May 9,
7427, adopted July 6,
7474, adopted August
7478, adopted August
7538, adopted October
7561, adopted December
7566, adopted Decem-
7597, adopted January
7615, adopted February
7616, adopted February
7715, adopted April 16,
7759, adopted June 16,
7766, adopted June 18,
7796, adopted July 23,
7803, adopted July 28,
7811, adopted July 30,
7812, adopted July 30,
7813, adopted July 30,
7825, adopted August
7826, adopted Septem-
7864, adopted Novem-
7866, adopted October
7899, adopted Decem-
7911, adopted Decem-
7915, adopted January
7928, adopted January
7929, adopted January
7949, adopted March 16,
7973, adopted April 6,
7983, adopted April 21,
8072, adopted July 19,
8129, adopted Septem-
8146, adopted October
8281, adopted February
8305, adopted February
8408, adopted June 20,
8457, adopted August
8512, adopted Novem-
8515, adopted October
8554, adopted Decem-
8555, adopted Decem-
8611, adopted February
8785, adopted August
8816, adopted Septem-
8852, adopted Decem-
8919, adopted January
-c of Ordinance 8924,
uary 23, 1923;
9015, adopted May 2,
9066, adopted June 4,
9146, adopted August
9155, adopted August
9214, adopted Octobe
9231, adopted October
9293, adopted Decem-
9314, adopted Decem-
9315, adopted Decem-
9416, adopted March 24,
9451, adopted April 21,
9591, adopted July 29,
10002, adopted June 10,
10054, adopted July 13,
10060, adopted July 13,
10151, adopted Septem-
10173, adopted October
10205, adopted Novem-
10251, adopted Decem-
10252, adopted Decem-

Ordinance 12243, adopted June 22, 1931;
Ordinance 13276, adopted August 3, 1931;
Ordinance 13295, adopted August 31, 1931;
Ordinance 13298, adopted September 8, 1931;
Ordinance 13299, adopted September 8, 1931;
Ordinance 13548, adopted June 20, 1932;
Ordinance 47, New Series, adopted September 23, 1932;
Ordinance 57, New Series, adopted October 10, 1932;
Ordinance 58, New Series, adopted October 10, 1932;
Ordinance 70, New Series, adopted October 21, 1932;
Ordinance 168, New Series, adopted February 27, 1933;
Ordinance 169, New Series, adopted February 27, 1933;
Ordinance 203, New Series, adopted April 5, 1933;
Ordinance 214, New Series, adopted April 17, 1933;
Ordinance 257, New Series, adopted June 26, 1933;
Sections 13.05, 13.06, 13.07, 13.08, 13.09 of Ordinance 258, New Series, adopted June 28, 1933;
Ordinance 271, New Series, adopted July 14, 1933;
Ordinance 284, New Series, adopted August 7, 1933;
Ordinance 287, New Series, adopted August 21, 1933;
Section 25 of Ordinance 292, New Series, adopted September 5, 1933;
Ordinance 320, New Series, adopted October 2, 1933;
Ordinance 334, New Series, adopted October 16, 1933;
Ordinance 394, New Series, adopted January 29, 1934;
Ordinance 469, New Series, adopted June 26, 1934;
Ordinance 576, New Series, adopted December 26, 1934;
Section 14 of Ordinance 651, New Series, adopted April 30, 1935;
Ordinance 795, New Series, adopted December 10, 1935;
Ordinance 832, New Series, adopted February 4, 1936;
Ordinance 1022, New Series, adopted November 17, 1936;
Ordinance 1099, New Series, adopted March 2, 1937;
Ordinance 1235, New Series, adopted September 7, 1937;
Sections 7, 11, 12, 13-a, 13-b, 13-f, 15, 16, 17, 24 and 25 of Ordinance 1432, New Series, adopted August 16, 1938;
Ordinance 1816, New Series, adopted April 9, 1940;
Ordinance 2373, New Series, adopted February 10, 1942;
Ordinance 2378, New Series, adopted February 17, 1942;
Sections 31, 32, 32.01, 32.02 of Ordinance 2423, New Series, adopted April 21, 1942;
Ordinance 2480, New Series, adopted June 16, 1942;
Section 10 of Ordinance 2484, New Series, adopted June 23, 1942;
Ordinance 2556, New Series, adopted October 13, 1942;
Ordinance 2617, New Series, adopted February 9, 1943;
Ordinance 2731, New Series, adopted October 13, 1943;
Ordinance 2740, New Series, adopted November 16, 1943;
Ordinance 2920, New Series, adopted December 26, 1944;
Ordinance 3059, New Series, adopted September 4, 1945;
Ordinance 3127, New Series, adopted January 29, 1946;
Section 3 of Ordinance 4560, New Series, adopted October 5, 1950;

Section 2. That the ordinances as listed herein, which have been found to be in conflict with the Charter of The City of San Diego and with the law of the State of California, be, and each of them are hereby repealed:

Ordinance 2, Series A, adopted June 17, 1850;
Ordinance 8, Series A, adopted June 17, 1850;
Ordinance 9, Series A, adopted June 22, 1850;
Ordinance 13, Series A, adopted June 29, 1850;
Ordinance 17, Series A, adopted July 6, 1850;
Ordinance 23, Series A, adopted July 30, 1850;
Ordinance 42, Series A, adopted August 31, 1850;
Ordinance 45, Series A, September 5, 1850;
Ordinance 49, Series A, September 16, 1850;
Ordinance 50, Series A, September 16, 1850;
Ordinance amending Ordinance 50, Series A, adopted October 28, 1850;
Ordinance 10, Series B, adopted March 1, 1851;
Ordinance 13, Series B, adopted March 25, 1851;
Ordinance 15, Series B, adopted March 27, 1851;
Ordinance 21, Series B, adopted July 8, 1851;
Ordinance 35, Series B, adopted November 10, 1851;
Ordinance 1, Series C, adopted February 20, 1869;
Ordinance 1, Series D, adopted May 18, 1872;
Ordinance 4, Series D, adopted August 19, 1872;
Ordinance 11, Series D, adopted October 28, 1872;
Ordinance 15, Series D, adopted November 12, 1872;
Ordinance 18, Series D, adopted December 23, 1872;
Ordinance 47, Series D, adopted October 27, 1873;
Ordinance 50, Series D, adopted November 17, 1873;
Ordinance 51, Series D, adopted December 29, 1873;
Ordinance 53, Series D, adopted January 19, 1874;
Ordinance 57, Series D, adopted June 1, 1874;
Ordinance 62, Series D, adopted September 7, 1874;
Ordinance 66, Series D, adopted October 5, 1874;
Ordinance 72, Series D, adopted June 7, 1875;
Ordinance 5, Series E, adopted June 5, 1876;
Ordinance 6, Series E, adopted June 5, 1876;
Ordinance 9, Series E, adopted October 2, 1876;
Ordinance 22, Series E, adopted November 12, 1877;
Ordinance 25, Series E, adopted January 12, 1878;
Ordinance 30, Series E, adopted May 25, 1878;
Ordinance 31, Series E, adopted June 3, 1878;
Ordinance 35, Series E, adopted November 22, 1878;
Ordinance 36, Series E, adopted December 2, 1878;
Ordinance 39, Series E, adopted February 6, 1879;
Ordinance 41, Series E, adopted March 3, 1879;
Ordinance 53, Series E, adopted April 6, 1880;
Ordinance 62, Series E, adopted January 15, 1881;
Ordinance 92, Series E, adopted September 29, 1883;
Ordinance 101, Series E, adopted February 28, 1885;
Ordinance 126, Series E, adopted March 17, 1886;
Ordinance 1, Series F, adopted June 14, 1886;
Ordinance 35, Series F, adopted December 9, 1886;
Ordinance 67, Series F, adopted April 28, 1887;
Ordinance 101, Series F, adopted August 1, 1887;
Ordinance 119, Series F, adopted September 6, 1887;
Ordinance 122, Series F, adopted September 6, 1887;
Ordinance 157, Series F, adopted December 3, 1887;
Ordinance 178, Series F, adopted January 10, 1888;
Ordinance 180, Series F, adopted January 10, 1888;
Ordinance 189, Series F, adopted January 31, 1888;
Ordinance 225, Series F, adopted March 27, 1888;
Ordinance 329, Series F, adopted April 6, 1889;
Ordinance 44, Old Series, adopted December 3, 1889;
Ordinance 105, Old Series, adopted December 9, 1890;
Ordinance 128, Old Series, adopted June 30, 1891;
Ordinance 207, Old Series, adopted April 10, 1893;
Ordinance 218, Old Series, adopted June 20, 1893;
Ordinance 497, Old Series, adopted February 21, 1898;
Ordinance 3408, Old Series, adopted September 17, 1908;
Ordinance 5817, Old Series, adopted September 15, 1914;
Ordinance 5855, Old Series, adopted October 14, 1914;
Ordinance 6144, Old Series, adopted May 7, 1915;
Ordinance 6145, Old Series, adopted May 7, 1915;
Ordinance 6153, Old Series, adopted May 10, 1915;
Ordinance 8573, Old Series, adopted December 30, 1921;
Ordinance 6186, Old Series, adopted May 25, 1915;
Ordinance 6187, Old Series, adopted May 25, 1915;
Ordinance 6678, Old Series, adopted July 13, 1916;
Ordinance 6829, Old Series, adopted November 29, 1916;
Ordinance 7791 (except Section 61, Old Series, adopted December 30, 1921;
Ordinance 12737, Old Series, adopted February 24, 1930;
Ordinance 1013, New Series, adopted October 29, 1936;
Ordinance 2535, New Series, adopted September 15, 1942;
Ordinance 2913, New Series, adopted December 5, 1944;
Ordinance 3162, New Series, adopted April 16, 1946.

Section 3. That this ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Passed and adopted by the Council of the City of San Diego, California, this 22nd day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Schneider, Kerrigan, Godfrey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilman: Dail.

JOHN D. BUTLER,
Mayor of The City of San Diego, California.

FRED W. SICK,
(Seal) City Clerk of The City of San Diego, California.
By DONALD L. STEINERT, Deputy.

I HEREBY CERTIFY that as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 22nd day of January, 1952.

FRED W. SICK,
(Seal) City Clerk of The City of San Diego, California.
By DONALD L. STEINERT, Deputy.

1/31

DOCUMENT NO. 444436

Filed FEB - 5 1952

1032

ORDINANCE NO. 5046
(New Series)

AN ORDINANCE ADOPTING A MUNICIPAL CODE OF THE CITY OF SAN DIEGO.

WHEREAS, the Council of The City of San Diego has authority under Section 20 of the Charter of The City of San Diego to publish ordinances in book form, at least once in two years; and

WHEREAS, the Council has not caused the ordinances to be published in book form since July, 1943; and

WHEREAS, the Council by Resolution No. 99949 has commissioned Morey S. Levenson, Attorney at Law, to codify the ordinances of The City of San Diego; and

WHEREAS, said codification has been submitted to this Council and filed in the office of the City Clerk of said City as an official document numbered 443622; and

WHEREAS, this Council is now of the opinion that it will be to the best interests of the City and its inhabitants that said proposed code be adopted; NOW, THEREFORE,

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

Section 1. That the Municipal Code of The City of San Diego, as submitted to this Council and filed in the office of the City Clerk of said City as an official document numbered 443622, be, and the same is hereby approved in the form submitted under said document number; and the same is hereby adopted as the official Municipal Code of The City of San Diego.

Section 2. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by _____

APPROVED as to form by J. F. Du PAUL, City Attorney,

By Alan M Furstone
Deputy City Attorney.

00034

I HEREBY CERTIFY that the money required for the appropriation made and/or indebtedness and/or obligation incurred by reason of the provisions of the foregoing ordinance is in the Treasury, and that it is otherwise unencumbered.

Dated.....

.....
Auditor and Comptroller of The City of San Diego, California.

By.....Deputy.

Passed and adopted by the Council of the City of San Diego, California, this 22nd day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Schneider, Kerrigan, Godfrey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilman: Dail.

John D. Butler
Mayor of The City of San Diego, California.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 22nd day of January, 1952.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until it had been read on two separate calendar days of the Council, to-wit: on the.....day of.....,

and on the.....day of.....

~~(SEAL)~~

.....
City Clerk of The City of San Diego, California.

By.....Deputy.

FORM 1255

SAN DIEGO, CALIFORNIA
JAN 18 2 05 PM 1952
CITY CLERK'S OFFICE
RECEIVED

443742

DOCUMENT No.

Date JAN 18 1952

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

ORDINANCE No. 5046

Adopting a Municipal Code of the City of San Diego.

FIRST READING

JAN 22 1952

Moved by Schneider

Seconded by Kerrigan

ADOPTED BY COUNCIL

JAN 22 1952

Moved by Wincote

Seconded by Swan

GOES INTO EFFECT

Recorded on Film Roll
No. 46 352

00036

THE
FOLLOWING
DOCUMENT
IS THE BEST
COPY
AVAILABLE
FOR
FILMING

Affidavit of Publication of

Affidavit of Publication

STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO, } ss.
CITY OF SAN DIEGO.

13 65

In the matter of the publication of

ORDINANCE NO 5046 (NEW SERIES)

J. A. DENTON, being duly sworn, deposes and says: That he is a resident of the County of San Diego, State of California, over twenty-one years of age, and not interested as a party or otherwise in the above-named matter.

That he is the principal clerk of the printers of The San Diego Union, a newspaper published daily in the City of San Diego, County of San Diego, State of California, and of general circulation in said City; that as such principal clerk he has charge of all the advertisements published in said newspaper; that the said ORDINANCE

of which the annexed clipping is a copy, has been published in said newspaper for the period of ONE days, to-wit: upon the 31st

days of JANUARY, 1952, and upon the

days of

19, and that said publication was made in the said newspaper proper, and not in a supplement thereof.

J. A. Denton

Subscribed and sworn to before me, this 5 day of Feb Jan. A. D. 1952

Fred W. Sick
City Clerk of the City of San Diego, California

(Seal)

By

Deputy.

ORDINANCE NO. 5046

(NEW SERIES)

AN ORDINANCE ADOPTING A MUNICIPAL CODE OF THE CITY OF SAN DIEGO.

WHEREAS, the Council of The City of San Diego has authority under Section 20 of the Charter of The City of San Diego to publish ordinances in book form, at least once in [illegible] years; and

WHEREAS, the Council has not caused the ordinances to be published in book form since July, 1943; and

WHEREAS, the Council by Resolution No. [illegible]949 has commissioned Morey S. Levenson, Attorney at Law, to [illegible] the ordinances of The City of San Diego; and

WHEREAS, said codification has been submitted to this Council and filed in the office of the City Clerk of said City as an official document numbered 443622; and

WHEREAS, this Council is now of the opinion that it will be to the best interests of the City and its inhabitants that said proposed code be adopted; NOW, THEREFORE,

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

Section 1. That the Municipal Code of The City of San Diego, as submitted to this Council and filed in the office of the City Clerk of said City as an official document numbered 443622, be, and the same is hereby approved in the form submitted under said document number; and the same is hereby adopted as the official Municipal Code of The City of San Diego.

Section 2. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Passed and adopted by the Council of the City of San Diego, California, this 22nd day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Schneider, Kerrigan, Godfrey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilman Dail.

JOHN D. BUTLER,
Mayor of The City of San Diego, California.

FRED W. SICK,
(Seal) City Clerk of The City of San Diego, California.
By DONALD L. STEINERT,
Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 22nd day of January, 1952.

FRED W. SICK,
(Seal) City Clerk of The City of San Diego, California.
By DONALD L. STEINERT,
1/31 Deputy.

00037

DOCUMENT NO. 444431

Filed FEB -5 1952

City Clerk.

By

Deputy.

Affidavit of Publication

OF

Ord. 5046

00038

SAN DIEGO
MUNICIPAL CODE

Compiled and Codified
by
JEAN F. DUPAUL, City Attorney,
and
MOREY S. LEVENSON of the San Diego Bar.

Published by Authority of the
Council of The City of San Diego, as
Required by Section 20 of the City Charter.

PARCEL NUMBER	DESCRIPTION
241	Lot 30, Block 6.
242	Lots 31 to 36, Block 6.
243	Lots 37 to 46, Block 6.
244	Lots 47 and 48, Block 6.
245	Lots 1 to 4, Block 7.
246	Lots 5 and 6, Block 7.
247	Lots 7 to 9, Block 7.
248	Lots 10 and 11, Block 7.
249	Lots 12 and 13, Block 7.
250	Lots 14 and 15, Block 7.
251	Lots 16 and 17, Block 7.
252	Lots 18 to 20, Block 7.
253	Lot 21, Block 7.
254	Lots 22 to 24, Block 7.
255	Lots 25 and 26, Block 7.
256	Lots 27 and 28, Block 7.
257	Lots 29 to 31, Block 7.
258	Lots 32 to 35, Block 7.
259	Lots 36 to 38, Block 7.
260	Lot 39, Block 7.
261	Lots 40 to 44, Block 7.
262	Lots 45 to 48, Block 7.
263	Lots 1 to 4, Block 8.
264	Lots 5 and 6, Block 8.
265	Lot 7, Block 8.
266	Lots 8 and 9, Block 8.
267	Lots 10 and 11, Block 8.
268	Lots 12 to 15, Block 8.
269	Lots 16 and 17, Block 8.
270	Lots 18 to 24, Block 8.
271	Lots 25 and 26, Block 8.
272	Lots 27 and 28, Block 8.
273	Lots 29, Block 8.
273A	Lot 30, Block 8.
274	Lots 31 and 32, Block 8.

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CHAPTER I

GENERAL PROVISIONS

SEC. 11.01 SHORT TITLE - REFERENCE TO CODE IN PROSECUTIONS - DESIGNATION IN ORDINANCES

This Code, which consists of administrative, criminal and regulatory ordinances of this City, shall be known as the "San Diego Municipal Code," and it shall be sufficient to refer to said Code as the "San Diego Municipal Code," in any prosecution for the violation of any provisions thereof; it shall also be sufficient to designate any Ordinance adding to, amending or repealing said Code as an addition or amendment to or a repeal of the "San Diego Municipal Code."

SEC. 11.02 EXISTING LAW CONTINUED

The provisions of this Code, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

SEC. 11.03 CONSTRUCTION

The provisions of this Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

SEC. 11.04 EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS PREVIOUSLY ACCRUED

Neither the adoption of this Code nor the repeal hereby of any Ordinance of this City shall in any manner effect the prosecution for violation of Ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty at said effective date due and unpaid under such Ordinance, nor be

construed as affecting any of the provisions of such Ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any Ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect.

SEC. 11.05 INTERPRETATION OF CHAPTER - ARTICLE AND SECTION NUMBERS

In reading a Section number from left to right, the first digit shall designate the Chapter of this Code, except that whenever Chapters above nine are indicated the first two digits shall designate the chapter. The second digit, or the third digit, where chapters above nine are indicated, shall designate the Article number. Whenever no Divisions are indicated, all numbers to the right of the first decimal point reading from left to right shall designate the Section numbers within each Article. Whenever Divisions are indicated, the first two numbers shall designate the Division, the next two numbers shall designate the Section. Whenever Subsections are indicated, they shall be designated by numbers to the right of the second decimal point reading from left to right.

SEC. 11.06 REFERENCES TO SPECIFIC ORDINANCES

The provisions of this Code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with Ordinances which are therein

specially designated by number or otherwise and which are included within this Code, but such references shall be construed to apply to the corresponding provisions contained within this Code.

SEC. 11.07 EFFECT OF HEADING

Chapter, Article, Division and Section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any Chapter, Article, Division or Section hereof.

OMISSIONS

SEC. 11.08 REFERENCES TO ACTS OR ~~OMISSIONS~~ WITHIN THIS CITY

This Code shall refer only to the omission or commission of acts within the territorial limits of the City of San Diego and to that territory outside of this City over which the City has jurisdiction or control by virtue of the Constitution, Charter or any law, or by reason of ownership or control of property.

SEC. 11.09 SERVICE OF NOTICES

Whenever a notice is required to be given under this Code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or ~~residence~~ Residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

SEC. 11.10 PROOF OF NOTICES

Proof of giving any notice may be made by the certificate of any officer or employee of this City or by affidavit of any person over the age of eighteen years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

SEC. 11.11 VALIDITY OF CODE

If any Section, Subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The Council of this City hereby declares that it would have adopted this Code and each Section, Subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more Sections, Subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SEC. 11.12 VIOLATIONS - A MISDEMEANOR

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by a fine of not more than $500.00 or by imprisonment in the City Jail for a period of not more than six

months or by both fine and imprisonment.

Each such person shall be guilty of a separage offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punishable accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by this City, summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense.

SEC. 11.13 ACTS INCLUDE CAUSING, AIDING AND ABETTING

Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding or abetting such act or omission.

SEC. 11.14 REPEAL

All Ordinances or portions of Ordinances in conflict with the provisions of this Code are hereby repealed.

SEC. 11.15 DEFINITIONS AND INTERPRETATION

The following words and phrases whenever used in this Code shall be construed as defined in this Section unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

"City" shall mean the area within the territorial city limits of The City of San Diego and such territory outside of this City over which the City has jurisdiction or control by virtue of any Constitutional or Charter provisions, or any law.

"Council" shall mean the City Council of this City.

"Oath" includes affirmation.

"Office." The use of the title of any officer, employee, or any office, or Ordinance or Charter shall mean such officer, employee, office, Ordinance or Charter of The City of San Diego, unless otherwise specifically designated.

"Shall" and "May." "Shall" is mandatory; "May" is permissive.

"Written" shall include printed, typewritten, mimeographed or multigraphed.

"Genders." Any gender includes the other genders.

"Singular" and "Plural." The singular number includes the plural and the plural the singular.

"Tenses." Words used in the present tense include the past and future tense and vice versa.

"Use of Words and Phrases." Words and phrases used in this Ordinance and not specifically defined shall be contrued according to the context and approved usage of the language.

"Person" shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

CHAPTER II

GOVERNMENT

ARTICLE 1 - GENERAL PROVISIONS

SEC. 21.01 SEAL OF CITY

The Seal of the City of San Diego, California, shall be circular, two and one fourth inches in diameter, and having in the center any design adopted by the said Council, and the following inscription surrounding the same: "The City of San Diego, State of California."

SEC. 21.02 CALIFORNIA GOVERNMENT CODE APPLICABLE.

(a) Pursuant to the provisions of sub-section (b) and subject to the provisions of Sections 120 and 211 of the Charter of The City of San Diego, the provisions of Sections 3100, 3101, 3102, 3103, 3104, 3105 and 3107 of the Government Code of the State of California, in so far as applicable, are herein incorporated and made a part of this ordinance as fully as though set forth herein, and all officers and employees of The City of San Diego are hereby authorized and directed to enforce and comply with each and every provision of said sections of the Government Code of the State of California hereinabove enumerated.

(b) The Personnel Director of The City of San Diego shall not certify any payroll of any officer or employee of The City of San Diego unless and until such officer or employee has taken and subscribed to the oath or affirmation

required by said sections of the Government Code, and in particular that oath or affirmation required by Section 3103 of the said Government Code.

SEC. 21.03 LEAVE OF ABSENCE - VACATION

Any board, commission or officer of The City of San Diego, having the power of appointment or removal of officers, deputies, clerks or employees in any department of the government of said City of San Diego, shall have the power, and said board, commission or officer may grant in writing a leave of absence or vacation to any officer, deputy, clerk or employee within their respective departments, for a period not exceeding fifteen (15) days in each calendar year, exclusive of Sundays and holidays as defined in Section 10 of the Political Code of the State of California, with full pay; provided, however, that no leaves of absence or vacations shall be granted for officers, deputies, clerks or employees of said City in the Classified Service without the consent of the Civil Service Commission first having been obtained in accordance with the Rules of said Commission.

ARTICLE 2 - ADMINISTRATIVE CODE

DIVISION 1 - THE COUNCIL

SEC. 22.0101. COUNCIL MEETINGS

The time and place of holding regular meetings of the Council of The City of San Diego, California, shall be at ten o'clock A.M. of each Tuesday and each Thursday of each week, in the Council Chamber of the City and County Administration Building in the City of San Diego, California; provided, however, that in the event the regular meeting day shall fall on a legal holiday, the said meeting shall be held at ten o'clock A.M. of the following day. Regular meetings may be adjourned from time to time to dates and hours as designated by said Council upon taking such adjournment; provided, however, that if no definite hour for assembling is designated by said Council upon taking adjournment, the hour for reconvening in such cases shall be ten o'clock A.M. on the date designated.

SEC. 22.0102. PUBLICATION OF ORDINANCES

Within ten (10) days after final passage of any ordinance or resolution of a general nature, the City Clerk shall cause the same to be published once in the "City Official Newspaper" as defined by Section 113 of the Charter; provided, however, that when any ordinance or resolution is, by the City Charter, or by any general law, the provisions of which have been adopted by the Charter, required to be published more than once, the City Clerk shall cause such ordinance or resolution to be published in the manner and as often as is so required.

DIVISION 2 - THE CITY MANAGER

SEC. 22.0201. AUTHORITY, DEPARTMENT ORGANIZATION

The City Manager shall have authority within any office or department under his control, to organize such divisions, bureaus, or other operating units, in addition to those prescribed by the Charter or by ordinance, and may assign work to them, as may be necessary or convenient for the proper conduct of the work of the office or department. Offices, departments, divisions, or bureaus established by ordinance, may not be abolished except by ordinance and powers and duties conferred or assigned by ordinance may not be transferred elsewhere except by ordinance. The Manager may assign to an office, department, division, or bureau, duties in addition to those assigned by ordinance.

SEC. 22.0202. AUTHORITY, DISCIPLINE

The City Manager, except as otherwise provided by Charter or ordinance, shall appoint and may, in accordance with the provisions of Sections 30 and 129 of the City Charter, dismiss, suspend, and discipline all officers and employees in the administrative service under his control.

SEC. 22.0203. ANNUAL REPORTS

It shall be the duty of the City Manager to prepare and present to the Council on or before the 1st day January of each year, an annual report of the affairs of the City and such other reports as the Council may require or as he may deem advisable. For the purpose of the preparation of such annual report, it is hereby made the duty of the head of every commission, board, department, and the office of the City government, not under the control of the City Manager, to furnish to the City Manager, on or before the 1st day of November of each year, a comprehensive report of the activities and affairs of such commission, board, department or office for the past year, such report to contain, in addition to all other matter, any information specifically requested by the City Manager.

SEC. 22.0204. WORK PROGRAMS

In order that the City Manager may be fully advised as to all activities being carried on or planned by the City as a whole, for the fiscal year, the head of every commission, board, department or office not under the jurisdiction and control of the City Manager, shall, immediately after the adoption of the Annual Appropriation Ordinance, submit to the City Manager in such form and detail as he may require, a work program for the ensuing fiscal year, which program shall disclose all expenditures contemplated for operation and maintenance, and for the acquisition of property.

SEC. 22.0205. AUTHORITY, INVESTIGATION

The City Manager, when authorized by resolution of the Council, shall have power, either by himself or any other officer or person, designated for the purpose by him, to investigate and to examine or inquire into the affairs or operations of any commission, board, department, division, office, or employee, not under his direct control, and when so authorized by the Council shall have power to employ consultants and professional counsel to aid in such investigation, examination, or inquiry.

SEC. 22.0206. TRANSFER OF DUTIES

Whenever in the ordinances of The City of San Diego it is provided that anything shall be done or may be done by an officer therein designated by a title which no longer exists, as used therein, the duty or authority to do such thing shall rest upon such officer as may be designated by ordinance or, as to departments under the control of the City Manager, by order of the City Manager, as the successor in such duty or authority of the officer originally referred to.

SEC. 22.0207. REGULATION OF STREETS AND PUBLIC PLACES

Except as otherwise provided by Charter or by ordinance, the City Manager shall have power to regulate or prohibit the exhibition, posting, carrying, or suspension of banners, placards, posters, cards, pictures, signs, or advertisements in, upon or over any public street or other public place and to regulate or prohibit all public meetings, gatherings, parades and processions, in or upon the public streets.

SEC. 22.0208. FILLING VACANCY

Whenever the office of the City Manager is vacant, the duties thereof shall be performed, until a City Manager is appointed, by the person designated by the Council to perform such duties. The designation of such person shall be made by the Council, by resolution, at the first regular or special meeting of the Council held after the office of City Manager shall have become vacant. Whenever such person is performing the duties of the office of the City Manager, he shall be known asthe Acting City Manager. Any such designation shall be deemed to be revoked whenever another like designation is made by the Council. The office of the City Manager shall be deemed to be vacant during such period as the City Manager may, pursuant to Section 27 of the Charter, be suspended pending a hearing and final vote on his removal.

SEC. 22.0220. PROPERTY MANAGEMENT DIVISION

Except as otherwise directly provided by the City Charter, and pursuant and subject to Section 46 of said Charter, all of the administrative functions and duties of the Department of Public Works, including the Divisions of Streets, Public Buildings, Shops, Pueblo Lands and unimproved City property, Purchasing Agent, Park and Recreation Department, and Water Department, which relate to the activities of the City in connection with City-owned real estate, furniture and equipment of all kinds , the leasing, sale, purchase and transfer of real property, the securing and acquisition of rights of way and easements, the maintenance of contact with the office of County Tax Collector for the purpose of securing information regarding property which may be sold because of delinquent taxes and which may be desired by the City for public use, the performance of administrative functions in connection with the work of the City Attorney in condemnation proceedings, the keeping of records of the investigation and checking of concessionaires to insure compliance with leases and concession agreements, the preparation and maintenance of rental invoices, the checking of rental payments due in conformance with the terms and provisions of

leases and concession agreements, the inspection and arrangement and programming for periodic inspection of properties of the City to insure and assure a satisfactory and economical maintenance thereof, the analysis and inspection of forms of insurance policies, the investigations and determinations of the amounts and types of insurance coverage required, the maintenance of records and the making of recommendations to the departments concerned regarding and concerning insurance of the City properties, the review of all City-owned real property including the management of unimproved properties not presently needed for use for City properties, and the recommendation to the proper department concerned of property no longer needed for City use, the management and control of Pueblo Lands and other unimproved City properties which are not now needed or used for regular municipal activities, are, with the approval of the City Manager, transferred to a department of the City Manager's office to be known as the Property Management Division of said office.

SEC. 22.0221. SUPERVISOR OF PROPERTIES

The Property Management Division of the office of the City Manager shall be under the direct supervision of a Supervisor of Properties, who shall be appointed by the City Manager, and who shall have the active and direct control and supervision of all the activities, functions and duties of said Property Management Division, subject to the supervisorial control of the City Manager.

SEC. 22.0222. TRANSFER OF PERSONNEL

The Manager is hereby invested with the power to transfer personnel of any of the departments above named in Section 22.0220 nereof and to assign to such personnel after such transfer such duties and activities as may be deemed by the Manager to be necessary to carry out the purposes and objectives of the Property Management Division of said City Manager's office.

SEC. 22.0223. INVENTORY ACCOUNT

It shall also be the duty of the Supervisor of Properties to aid and assist the Purchasing Agent of said City in the preparation and keeping of a perpetual inventory account, as required by the provisions of Section 35 of the Charter.

SEC. 22.0224. ADDITIONAL DUTIES

The Supervisor of Properties shall also perform such other related functions and activities and duties as may be assigned to him from time to time by the City Manager.

DIVISION 3

CITY ATTORNEY

SEC. 22.0301. ATTEND COUNCIL MEETINGS

The City Attorney, or one of his deputies, shall attend all meetings of the Council, and upon invitation, shall attend any meetings of any Council committee.

DIVISION 4

CIVIL SERVICE COMMISSION - PERSONNEL DIRECTOR

SEC. 22.0401. DUTIES

It shall be the duty of the Personnel Director to carry out and enforce all rules and regulations adopted by the Civil Service Commission pursuant to Section 113 of the Charter of The City of San Diego.

SEC. 22.0402. ELIGIBILITY LISTS

It shall be the duty of the Personnel Director, under the direction of the Civil Service Commission, by appropriate examinations or tests and rating of candidates, to prepare and maintain suitable, eligible lists of persons for appointments to positions and employments in the administrative service of the City; to establish and supervise the operation of a system rating the services of persons in the administrative service; and to perform such other duties as may be requisite to the effective administration of the merit system of the Civil Service of the City.

SEC. 22.0403. EXAMINING BOARD

When an examination for any position or employment in the City Service, required to be conducted by the Civil Service Commission, is of such a nature as to require it, the Civil Service Commission shall have power to appoint such number of qualified persons as may be needful, who shall constitute a special examining board and shall prepare or conduct such examination or examinations as may be required of them. No person in the employ of the City other than the Personnel Director and his assistants shall participate in the preparation or conduct of any examination except pursuant to such appointment, nor in any examination in which any member of his household, or any relative within the second degree of kinship, is an

aspirant; nor in any examination of candidates for any position or employment unless there are at least two positions or offices of the same class or grade, subject to be filled from the same eligible list in other branches of the City service than that over which such person has supervision or control. No member of the Council, nor any member of his household, nor any partner of a council member, shall be appointed to serve upon such examining board.

DIVISION 5

PURCHASING AGENT

SEC. 22.0501 STOREROOMS - STOCK RECORDS - INVENTORY

The Purchasing Agent may, with the approval of the City Manager, establish and maintain one or more storerooms or warehouses for the keeping of the City's supplies. He shall cause to be kept (in addition to the 'perpetual inventory' required by Section 35 of the Charter), adequate stock records, which shall at all times show the number or amount and the value of all items carried in such storerooms and warehouses; the receipt of all items by the storerooms and warehouses established by him as aforesaid, and the cost of all such items; the issuance of all items from the storerooms and warehouses as aforesaid to City departments and offices upon requisition therefor, and the charges made thereupon. During the course of, but prior to the end of each fiscal year, the Auditor shall cause an inventory to be taken of all items in the storerooms and warehouses of the City which are then under the supervision of the Purchasing Agent and shall compare such inventory with the stock record to be kept as aforesaid by the Purchasing Agent.

SEC. 22.0502 PAYMENT - REVOLVING FUND

Whenever articles, commodities, supplies, materials or equipment are purchased and delivered to the storerooms or warehouses under the control of the Purchasing Agent, in anticipation of requisitions from the several departments, divisions and officers, and it is impracticable at the time of such delivery to apportion the cost

thereof, or any part of such cost, to the several commissions, departments, boards, divisions, and offices, payment shall be made from the Revolving Fund of the Purchasing Agent, to be repaid by the several departments, commissions, boards, divisions and offices as they receive such supplies on requisition.

SEC. 22.0503 BUDGET ESTIMATES

At the time of the preparation of the Annual budget estimate, and at such other times as contracts for supplies are to be let, the head of each commission, board, department, office or bureau of The City of San Diego shall, upon request, submit to the Purchasing Agent an estimate, upon forms to be furnished by the Purchasing Agent, of all major articles, commodities, supplies, equipment and materials anticipated to be needed by such commission, board, department, office or bureau, for its regular operation during the ensuing fiscal year. All such estimates shall be transmitted to the Purchasing Agent, who shall prepare a summary statement which shall show the total quantity estimated to be required by all departments and offices, of each item of such article, commodity, supply, equipment and material. The estimate and summary shall also show the quantity of all such articles, commodities, supplies or equipment and materials estimated to be on hand or in stock in such department or office or bureau, or in the City storerooms or warehouses, and the net quantities which it will be necessary or advisable to purchase during the ensuing year. The estimates and the summary shall also show the quantity, character and estimated

value of all articles, commodities, supplies, equipment and materials or other property on hand in the sevefal commissions, boards, departments, officies or bureaus, or in the storerooms and warehouses of the City, which is no longer usable or needed and which may be properly sold by the City. Such summary shall forthwith be filed with the City Manager.

SEC. 22.0504 PURCHASE WITHOUT COMPETITIVE BIDDING

The Purchasing Agent shall have the power, at any time, on behalf of the City, without advertising, notice, or competitive bidding, any necessary or proper articles, commodities, supplies, equipment, or materials when the expenditure therefor is the sum of One Thousand Dollars ($1,000.00) or less. He shall, however, secure competitive prices on materials so purchased whenever it is feasible to do so.

Provided however, that the foregoing authority shall not be deemed to permit the Purchasing Agent, simultaneously or consecutively, within any period of six (6) months, to make two or more purchases of articles, commodities, supplies, equipment or materials of the same character or for the same purpose, when the expenditure for the total of such purchases exceeds the sum of One Thousand Dollars (1,000.00) and when the total amount of such purchases is required at any one time, or when the Purchasing Agent has knowledge that the total amount of such purchases will be required within a period of six (6) months, without following the procedure required in making a single purchase involving the same total expenditure. It is

the intent of this provision to prohibit the Purchasing Agent from subdividing any purchase which should logically be made as a single transaction requiring the expenditure of more than One Thousand Dollars ($1,000.00), into two or more purchases, each involving an expenditure of less than One Thousand Dollars ($1,000.00) for the purpose of avoiding compliance with the procedure elsewhere in this Code and in the City Charter provided for the making of purchases where the expenditure involved exceeds the sum of One Thousand Dollars ($1,000.00).

SEC. 22.0505 REQUISITIONS

Requisitions for articles, commodities, supplies, materials or equipment by any commission, board, department, office or bureau shall be addressed to the Purchasing Agent approved by the head of such commission, board, department, office or bureau, or authorized representative. Purchase Orders issued pursuant to such requisitions shall bear the certificate of the Auditor and Comptroller to the effect that the expenditure contemplated by such purchase order does not constitute a violation of any of the provisions of Sections 80 or 81 of the Charter.

If the commission, board, department, office or bureau making the requisition has available a sufficient appropriation balance, the Purchasing Agent shall either furnish the items requisitioned from the storerooms or warehouses under his control or shall procure them by purchase. Whenever any commission, board, department, office or bureau of the City requires

supplies or equipment which another commission, board, department, office or bureau of the City is able to furnish, suitable work order or requisition may be made or transfer without monetary consideration may be effected and such supplies or equipment may be furnished to the requiring department. In such cases, appropriate charges and credits, if any, shall be made to the accounts affected by such transaction.

SEC. 22.0506 OBSOLETE OR DEPRECIATED PROPERTY - SELLING, DISPOSING

Whenever the City Manager of the City of San Diego, or the head of any commission, board, department or office not under the control of the City Manager, shall give notice, in writing, to the Purchasing Agent of The City of San Diego that certain personal property of The City of San Diego is so used, obsolete or depreciated as to be unfit or undesirable for use or retention by The City of San Diego, the Purchasing Agent shall, if the personal property described in said notice has an actual value less than One Thousand Dollars ($1,000.00), have power, without advertising for bids, to sell or exchange the same for other property, or otherwise dispose of the same to the best advantage of the City after providing proper competition for such sale when feasible; provided that the word 'exchange' as used in this ordinance shall be deemed to include transactions wherein used or depreciated property of The City of San Diego is transferred as a partial consideration for the transfer to The City of San Diego of other property, and provided further, that when any such personal property has been disposed of, the amount received therefor, either in cash or as a credit,

shall be credited to the department or office of the City which requested its disposal, only if the trade-in or sale of such traded-in article or article sold has been contemplated in the current annual budget; otherwise receipts or credits from such trade-ins or sales will be deposited in the General Fund.

Whenever the personal property described in the notice referred to in the preceding paragraph shall have an actual value of One Thousand Dollars ($1,000.00) or more, the Purchasing Agent shall apply to the Council of The City of San Diego for authority to dispose of the same, and the Purchasing Agent shall be authorized to sell or other wise dispose of such property, as provided in the preceding paragraph, only when the Council of The City of San Diego shall, by resolution or ordinance, so direct.

The Purchasing Agent shall, within five (5) days after selling or otherwise disposing of personal property pursuant to the terms of this ordinance, report in writing to the City Manager, or the head of any commission, board, department or office not under the control of the City Manager when the proceeds of such sale is less than One Thousand Dollars ($1,000.00) and to the Council, the result of such sale, exchange or other disposal, describing the property disposed of and stating the consideration received by the City for such property when the proceeds of such sale exceeds One Thousand Dollars ($1,000.00).

SEC. 22.0507 ELECTION SUPPLIES

The provision of this division shall not apply to the purchase of supplies by the City Clerk for the holding of City elec-

tions where the procedure for the purchase of such supplies shall be provided for by any other ordinance of The City of San Diego.

SEC. 22.0508 REAL ESTATE AND PROPERTY DIVISION

There shall be established in the office of the Purchasing Agent, a Real Estate and Property Division, under the direction of a Supervisor of Properties who shall be under the general supervision of, and accountable to the Purchasing Agent.

The Real Estate and Property Division shall maintain complete records of all City-owned real estate, furniture and equipment of all kinds.

It shall, when directed, make inspections and appraisals of properties to be purchased, leased, sold, or transferred, and shall handle all matters pertaining thereto, not properly coming under the cognizance of the City Attorney.

It shall attend to the securing and acquisition of rights of way and easements.

It shall maintain close relationship with the office of the County Tax Collector, in order to secure information regarding property which may be sold because of delinquent taxes and which The City of San Diego may wish to acquire.

It shall cooperate with the office of the City Attorney in condemnation proceedings.

It shall keep records of, investigate, and check on lessees and concessionaires to insure compliance with leases and concession agreements.

It shall analyze forms of insurance policies, determine amounts and types of coverage required, maintain records of and supervise the distribution of all City insurance.

It shall review all City-owned real estate and direct attention to such properties which are not needed for present or future City purposes and which should be disposed of.

DIVISION 6

POLICE DEPARTMENT

SEC. 22.0601 AUTHORITY - DUTIES

The Police Department shall be charged with the preservation of the peace and order of the City, the protection of all persons and property, and the enforcement of all penal ordinances and laws. The Chief of Police shall at the request of the City Attorney, serve any process issued in any civil action to which the City of San Diego is a party. Adequate patrol of all parts of the City, so far as the size of the force permits, shall be maintained. Modern methods of criminal identification, including finger-printing and the filing of criminal records of all criminals, shall be employed. Efforts shall be made to cooperate with other cities, counties, states and federal criminal agencies in all matters pertaining to the apprehension and identification of criminals.

SEC. 22.0602 LAW ENFORCEMENT MUTUAL AID PLAN

That that certain plan designated "State of California Law Enforcement Mutual Aid Plan," filed in the office of the City Clerk of The City of San Diego, California, on May 7, 1945, being City Clerk's Document No. 353689, be, and the same is hereby approved and adopted; and

The Chief of Police of The City of San Diego, California, is hereby authorized and empowered to order the performance of such law enforcement mutual aid services, including the use of personnel and facilities, as may be requested, and he may deem available, without unnecessarily depleting the city's agencies, outside the territorial limits of this jurisdiction, in accordance with and pursuant to said Law Enforcement Mutual Aid Plan, and subject to all provisions of law governing such extra-territorial service.

DIVISION 7

CITY AUDITOR AND COMPTROLLER

SEC. 22.0701 POWERS - AUTHORITY

The City Auditor and Comptroller, or his duly authorized deputy, shall, at any time, have power to examine, check and audit the accounts and records of any commission, board, department, division, office, or employee of the City; to require an accounting for all cash revenues of the City; to make and certify to an actual count of cash and securities, and to prescribe, govern and control the movements, or transfer of all cash revenues, or securities, to the custody of the City Treasurer.

SEC. 22.0702 FACSIMILE SIGNATURE

The Auditor and Comptroller of The City of San Diego may secure and use a facsimile signature machine and sign or countersign all warrants or checks issued in pursuance of his duties by placing a facsimile signature thereon with such machine.

SEC. 22.0703 FORGERY INSURANCE

The Auditor and Comptroller may, with the approval of the Council of the City, secure forgery insurance protecting such officer and all funds under his control or under the control of City against all forgery resulting from or occasioned by the use of such machine, or which would not have occurred had such machine not have been so in use.

SEC. 22.0704 FORGERY INSURANCE PREMIUMS

The premiums on all such forgery insurance shall be a proper charge against the moneys appropriated for the support or maintenance of the said Auditor and Comptroller of The City of San Diego.

SEC. 22.0705 TAXES COLLECTED - PAYMENT TO CITY TREASURER

That the Tax Collector and Tax Assessor collecting taxes for and on behalf of The City of San Diego shall pay the same monthly, as collected, to the City Treasurer of The City of San Diego; and that on the first Monday in each month the said Tax Collector and Tax Assessor shall settle with the City Auditor for all the moneys collected during the preceding month for the City of San Diego, and pay the same to the City Treasurer, and on the same day must deliver to and file in the office of the City Auditor a statement under oath showing:

(1) An itemized account of all his transactions and receipts since the last settlement, which accounts must show the amount collected for and on behalf of The City of San Diego for each fund or district or purpose extended on the assessment book; and

(2) That all money collected by him as Tax Collector and as Tax Assessor has been so paid to the City Treasurer.

SEC. 22.0706 DAILY COLLECTIONS - ACCOUNTING

That any officer required to pay into the City Treasury taxes, fees or other money collected by him may in his discretion pay such money to the said Treasurer daily, without making an account of the sources from which the amount was collected; and the Treasurer and Auditor shall credit such officer with the amount so paid in without apportioning the same to any specific fund. Such officer shall, however, notwithstanding such payment, make the regular settlements and accounts of his collections monthly, as herein provided; and upon such settlements shall be credited with all amounts so paid to the Treasurer and not included in his presettlements as so much cash.

SEC. 22.0707 PENALTY

A Tax Collector, refusing or neglecting for a period of five (5) days to make the payments and settlements required by this ordinance and by the laws of the State of California, shall be liable for the same penalties provided by law for the settlement of other taxes and is liable for the full amount of taxes charged upon the assessment roll.

DIVISION 8

BUDGET ESTIMATES

SEC. 22.0801

The City Manager shall, on or before the 1st day of March of each year, deliver to the head of every commission, board, department or office not under his jurisdiction or control, an adequate number of forms upon which the annual budget estimates of such commission, board, department or office shall, pursuant to Section 69 of the Charter, be submitted to the Manager.

DIVISION 9

CONTRACTS - LEASES - SALES

SEC. 22.0901 Leases of Real Property

Except as otherwise provided in the Charter, or by ordinance, the Council shall have the power to lease the real property of the City as follows:

No real property belonging to the City shall be leased except in pursuance of a resolution passed by a majority vote of all members of the Council, which shall contain the following:

(a) The reason for leasing such real estate;

(b) A description of the real estate to be leased;

(c) The value of such real estate as disclosed by the report of the last appraisal made by the Auditor and Comptroller pursuant to the provisions of Section 112 of the Charter;

(d) The document number of a copy of the lease filed in the office of the City Clerk of The City of San Diego.

No lease shall be made for a longer term than two (2) years, except by resolution passed by the affirmative vote of five members of the Council.

Nothing in this section contained shall be deemed to apply to any lease for a term of six (6) months or less, and the City Manager at all times shall have power, without advertising, notice, or competitive bidding, and upon such terms as he may deem proper, to lease any of the real property of The City of San Diego for a term of six (6) months or less; provided, however, that no such lease, so made, shall be renewed without the approval of the Council.

SEC. 22.0902 SALES OF REAL PROPERTY

Except as otherwise provided in Charter, or herein, the Council shall have power to sell the real property of the City as follows:

No real property belonging to the City shall be sold except in pursuance of a resolution passed by an affirmative vote of five members of the Council, which shall contain the following:

(a) The reason for selling such real property;

(b) A description of the real property to be sold;

(c) A statement of the value of such real property as disclosed by an appraisal made by a qualified real estate appraiser, who may be a professional appraiser or a qualified employee of The City of San Diego, together with the minimum amount the Council will consider for the sale of each parcel of property.

All sales shall be made either at public auction or by sealed bids, whichever shall be authorized by the City Manager, after publication of notice thereof in the official newspaper for a period of at least five days, which notice shall contain a statement of the minimum price set by the Council for each parcel of property to be sold.

The Council shall have the right to reject any and all bids herein provided for.

Real property belonging to the City may be put up for sale upon recommendation of the City Manager, approved by the City Council, or at the request of any person desiring

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to purchase City property.

Any person making such request for sale of City property shall accompany such request by a deposit of $60.00 to cover all costs pertaining to the sale, including the cost of a title report and as a guarantee that the depositor will be at the sale, in the case of sale by auction, or will submit a sealed bid, and will bid not less than the minimum amount fixed by the Council, pursuant to subdivision (c) of this Section. Said deposit shall be in the form of a certified check, cashier's check, and/or cash, and delivered to the City Clerk, who shall make disposition thereof as hereinafter provided.

In the event said person becomes the actual purchaser of the property at the sale held pursuant to his request, the Clerk shall place said Sixty Dollars ($60.00) deposit in the City treasury, and the same shall be applied on the purchase price; provided, however, that if the City does not have a merchantable title to such real property or if at the sale the same has been sold at a higher price than that bid by such depositor the City Council shall by resolution direct the City Clerk to return said deposit to the person from whom the same was received; provided further, that if at the sale no bid is received equal to or greater than the minimum amount fixed by the Council, the Council shall by resolution direct the City Clerk to place said deposit in the City treasury to the credit of the General Fund.

The public auction or the sale by sealed bids shall be

Sec. 22.0902

conducted by the Supervisor of properties. In the case of sale by public auction such auction shall be conducted in the presence of the City Clerk and shall be held in the office of the Supervisor of Properties, or at the site of the property to be sold, or in the Council Chamber in the presence of and during a session of the Council of The City of San Diego. The location of such auction sale shall be determined by the City Manager.

At or before the making of a bid at such auction the bidder must identify himself to and register his name and address with the City Clerk; before any bid can be accepted, the bidder must have deposited with the City Clerk a certified check, cashier's check, and/or cash in an amount not less than 10% of his bid; the amount so deposited shall be applied on the purchase price of the bid. In the case of sale by sealed bids, such bids must be accompanied by certified check, cashier's check, and/or cash in an amount not less than 10% of the bid; the amount so deposited shall be applied on the purchase price of the bid. In the case of either auction or sealed bid sale the unpaid balance shall be due and payable within five (5) days after notification that the duly executed deed of the type specified in notice of sale, is ready for delivery. Failure or inability to make such final payment shall terminate the bidder's rights and the amount of his deposit shall be forfeited to, and become the property of, The City of San Diego.

In the event that any bidder does not complete the payment of his bid, the Council may accept the bid of another

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bidder provided such bidder deposits the amount of his bid with the City Clerk of said City.

in the presence of and during a session of the Council of The City of San Diego. The location of such auction sale shall be determined by the City Manager.

At or before the making of a bid at such auction the bidder must identify himself to and register his name and address with the City Clerk; before any bid can be accepted, the bidder must have deposited with the City Clerk a certified check, cashier's check, and/or cash in an amount not less than 10% of his bid; the amount so deposited shall be applied on the purchase price of the bid. In the case of sale by sealed bids, such bids must be accompanied by certified check, cashier's check, and/or cash in an amount not less than 10% of the bid; the amount so deposited shall be applied on the purchase price of the bid. In the case of either auction or sealed bid sale the unpaid balance shall be due and payable within five (5) days after notification that the duly executed deed of the type specified in notice ofsale, is ready for delivery. Failure or inability to make such final payment shall terminate the bidder's rights and the amount of his deposit shall be forfeited to, and become the property of, The City of San Diego.

In the event that any bidder does not complete the payment of his bid, the Council may accept the bid of another bidder provided such bidder deposits the amount of his bid with the City Clerk of said City.

SEC. 22.0903 REAL ESTATE AGENT - REGISTRATION

That whenever the City Council shall by resolution have determined to offer a parcel or parcels of city-owned real estate for sale at public auction, pursuant to the provisions of Section 22.0902 of this Code, any regularly licensed real estate broker maintaining an office within The City of San Diego having

a client willing and able to make a bona fide bid at such sale at least equal to the minimum amount which the Council shall have set in its resolution authorizing the sale, may, at any time not later than one day before the date fixed for such sale, register with the City Clerk his name and the name and address of his client.

SEC. 22.0904 DEPOSIT BY AGENT

Each real estate agent registering, as provided in Section 22.0903, shall at the time of such registration deposit with said Clerk a certified check, a cashier's check or cash in an amount equal to five per cent (5%) of the minimum price which the Council will consider for the sale of the property, as established by the resolution authorizing the sale.

SEC. 22.0905 BROKER'S FEE

If at the sale the client of any real estate broker so registered and for whom the deposit required in Section 22.0904 has been made, is the successful bidder, then and in that event, upon the consummation of such sale and the payment of the purchase price of the property, such real estate broker shall be entitled to receive from The City of San Diego and The City of San Diego will pay to such broker a real estate broker's commission at the prevailing rate prescribed and used by the San Diego Realty Board; provided, however, anything to the contrary in this ordinance notwithstanding, that the City Council shall in every instance have the right to reject any and all bids at any such sale, and in the event of such rejection The City of San Diego shall not be obligated to pay any commission whatsoever; it being the intent and purpose of this provision to make the payment of any real estate commission absolutely contingent upon the ac-

ceptance of the bid and the complete consummation of the sale, including receipt by said City of the full purchase price bid; provided, further, that the City shall not pay or be obligated to pay any commission whatsoever unless the successful bidder and purchaser at said sale is the client of a licensed real estate broker, duly registered in the manner and within the time required in Section 22.0903 of this ordinance, and for whom the deposit required by Section 22.0904 has been made.

The purchase price of any sale made hereunder, when received by the City, shall be deposited in the General Fund. If a commission is due and payable to any real estate broker or agent, as provided in this ordinance, upon any such sale, the Auditor, when so directed by ordinance, shall pay the same out of the money received as the purchase price of the property sold, and not otherwise.

SEC. 22.0906 DEPOSITS RETURNED

Upon the completion of the sale all deposits of money made pursuant to Section 22.0904 shall be returned, save and except the deposit of the successful bidder, which latter deposit shall be credited upon the purchase price of the property, in the event that the Council for any reason shall reject all bids, then all of such deposits shall be returned to the persons making the same.

SEC. 22.0907 SALES OF REAL PROPERTY TO PUBLIC AGENCIES

Subject to the provisions of Section 219 of the Charter of the City of San Diego, whenever the Council shall find that lands belonging to the City are required for public purposes, the said Council may, by resolution, authorize the sale of any of said lands to any political subdivision, or public agency, without ad-

vertising for bids and without regard for any of the provisions of Section 22.0902; provided, however, that the sale shall be at such price and upon such terms as the Council shall deem to be fair and equitable, and in the public interest.

DIVISION 10

PERSONNEL

SEC. 22.1001 ACTING OFFICERS

Whenever any office or position in the administrative service under his control is vacant, or whenever the incumbent of any such office or position is unable to perform the duties thereof, by reason of absence or disability, the City Manager, except as otherwise provided by ordinance, may designate some other officer or employee to perform the duties thereof in an acting capacity. But when such designation is made by reason of a vacancy in the Classified Service, it shall be subject to the same time limitation as applies to temporary appointments.

SEC. 22.1002 ACTING OFFICERS — ADDITIONAL COMPENSATION

A person temporarily performing the duties of an office or position in an acting capacity shall not thereby be entitled to additional compensation beyond that of the position regularly held by such person, except that when and during such period as there is no regularly appointed incumbent of the office being filled by such person in an acting capacity, or when the incumbent is absent on leave without pay, such person shall receive compensation at a rate not less than the minimum, nor more than the maximum, which a regularly appointed incumbent is entitled to receive, if that rate be greater than the rate attached to the office or position regularly held by such acting officer.

SEC. 22.1003 TITLES

Whenever in the ordinances of the City it is provided that anything shall be done or may be done by an officer designated by a title which no longer exists as used therein, the authority or duty to do such thing shall rest upon such officer as may be

designated by ordinance, or by order of the City Manager as successor in such duty or authority of the officer originally referred to.

SEC. 22.1004 PERFORMANCE BY DEPUTIES

Whenever in this code it is made the duty of any officer of the city to do any certain thing, the doing of such thing under his direction or supervision or with his authority by a deputy or other subordinate shall be deemed to be the doing of such thing by him, except in such matters as by law or by the nature of the duty must be done by such officer in person; provided that this section shall not be construed to bind the City in any transaction involving the payment or receipt of moneys or of physical properties, unless the transaction in relation thereto by any subordinate was within the express authorization given to such subordinate.

SEC. 22.1005 DIVIDED SERVICES

In case the services of any officer or employee are divided among activities of the City which are carried on from separate funds or separate appropriation accounts, the salary or compensation of such officer or employee shall be prorated and charged to such several funds and accounts on the basis of time chargeable to each several activities, or on such other basis as may be fixed by ordinance or appropriation.

DIVISION 11

COMPENSATION

SEC. 22.1101 COMPENSATION SCHEDULE

Pursuant to Section 130 of the Charter of The City of San Diego the Civil Service Commission shall prepare and furnish to the Council, for the information and guidance of the Council, a schedule of compensation recommending a minimum and maximum for any grade. Said schedule of compensation shall be prepared and submitted to City Manager not later than March first of each year.

SEC. 22.1102 HOLIDAYS DESIGNATED

Pursuant to the porvisions of Section 194 of the Charter of The City of San Diego, the following days are hereby designated legal holidays for the purpose of paying one and one-half times the prevailing or current rate of per diem wages for extra work performed by laborers, workmen or mechanics employed by or on behalf of The City upon any public work:

Every Sunday; the first day of January, known as New Year's Day; the 30th day of May, known as Memorial Day; the 4th day of July, known as Independence Day; the first Monday in September, known as Labor Day; the 11th day of November, known as Armistice Day; the fourth Thursday in November, known as Thanksgiving Day; the 25th day of December, known as Christmas; Provided, however, that if the first day of January, the 30th day of May, the 4th day of July, the 11th day of November or the 25th day of December falls upon a Sunday, the Monday following is a legal holiday.

DIVISION 12

BONDS

SEC. 22.1201 SURETY BONDS - AMOUNT

The City Council shall from time to time by resolution determine the officers and employees of The City of San Diego who shall give bonds for the faithful performance of their duties, and fix the amount of such bonds.

SEC. 22.1202 SURETY BONDS - RECORDING AND FILING

Every officer or employee who is required by the Charter, or by ordinance, or by resolution, to give bond shall, before entering upon his duties, deliver to the City a surety bond, executed by a reliable surety company authorized to do business in the State of California, in the penal sum required by Charter, ordinance or resolution, which surety bond shall include other offices of which such officer or employee may be an ex-officio incumbent. The form of said bonds shall be approved by the City Attorney. Said bonds shall be approved by the Council, recorded by the City Auditor and Comptroller, and filed with the City Clerk, provided that the bond of the City Clerk shall be filed with the City Treasurer.

DIVISION 13

POLICE AND FIRE RELIEF PENSION

SEC. 22.1301 POLICE RELIEF AND PENSION FUND

The Board of Trustees of the Police Relief and Pension Fund shall have power to invest said fund in approved United States bonds, bonds of the State of California, or local municipal or county bonds, provided that at no time shall more than one-half of the available funds be invested in any way whatsoever, until there shall be in said funds at least one hundred thousand dollars ($100,000.00) and at no time shall more than two-thirds of the total amount of said fund be invested, and in any event enough money shall always be kept in said fund sufficient to meet the pension payments provided for in the Charter. Said Board of Trustees may, by resolution, place the moneys of the Police Relief and Pension Fund under the Funds Commission for investment.

SEC. 22.1302 FIREMEN'S RELIEF AND PENSION FUND

The Board of Trustees of the Firemen's Relief and Pension Fund is hereby authorized to invest said fund in approved United States Government, State of California, local Municipal or County bonds; provided, however, that at no time shall more than half of the available funds be invested, until said funds shall reach one hundred thousand dollars ($100,000.00), and at no time shall more than two-thirds of the total amount of said fund be so invested; and in any event enough money shall be kept in said fund sufficient to meet the pension payments provided for in the Charter. Said Board of Trustees may, by resolution, place the moneys of the Firemen's Relief and Pension Fund under the Funds Commission for investment.

DIVISION 14

WATER DEPARTMENT

SEC. 22.1401 DIRECTOR OF WATER DEPARTMENT

The City Manager shall appoint a Director of the Water Department, who shall have responsible charge of all activities within the Water Department and direct supervision of all division heads within said department.

SEC. 22.1402 DIVISIONS

The Water Department shall consist of five (5) Divisions, designated as follows:

Engineering Division

Maintenance and Operations Division

Accounting Division

Sanitary Engineering Division

Recreation Division

SEC. 22.1403 ENGINEERING DIVISION

The director of the Water Department, subject to the approval of the City Manager, shall appoint a hydraulic Engineer who shall have charge of the Engineering Division. This division shall do all of the engineering work for the Water Department, including design and construction of major works. It shall conduct water investigations, keep records of the water operations, such as rainfall, runoff and consumption, and shall interpret such records, and shall be responsible for cathodic protection of pipelines and structures.

SEC. 22.1404 MAINTENANCE AND OPERATION DIVISION

The Director of Water, subject to the approval of the City Manager, shall appoint a Superintendent of Maintenance and Operations. The duty of the Maintenance and Operations

Division shall be to take charge of maintenance and operation minor construction work within the distribution system, and it shall have charge of all meters and new services. Said division shall also have charge of the maintenance, operation, replacement and construction of minor works within the impounding and transmission system.

The Director of the Water Department, subject to the approval of the City Manager, and in accordance with Civil Service rules and regulations, shall appoint a Superintendent of Distribution, who shall have charge of maintenance and operation of minor construction work within the distribution system, and who shall have charge of all meters and new services.

The Director of the Water Department, subject to the approval of the City Manager, and in accordance with Civil Service rules and regulations, shall appoint a Superintendent of Impounding who shall have charge of maintenance operation, replacement and construction of minor works within the impounding and transmission system of the Water Department.

The Superintendent of Distribution and Superintendent of Impounding shall be under the direct supervision of the Superintendent of Maintenance and Operations.

SEC. 22.1405 Accounting Division

The Director of the Water Department, subject to the approval of the City Manager, and in accordance with Civil Service rules and regulations, shall appoint a Water Department Accountant, who shall be the head of the Accounting Division, and have charge of the finances of the Water Department, including budgets, requisitions, costs, surveys, accounts, meter readings and billing.

SEC. 22.1406 SANITARY ENGINEERING DIVISION

The Director of the Water Department, subject to the approval of the City Manager, and in accordance with Civil Service rules and regulations, shall appoint a Sanitary Engineer, who shall have charge of all matters relating to sanitation and water purification, including treatment plant operation and maintenance, water testing laboratory control, and treatment of aquatic growths.

SEC. 22.1407 RECREATION DIVISION

The Director of the Water Department, subject to the approval of the City Manager, and in accordance with Civil Service rules and regulations, shall appoint a Supervisor of Recreation, who shall have charge of all recreational activities connected with the Water Department, consisting principally of boating, fishing, hunting, maintenance and operation of picnic and camp grounds on Water Department property, and the sale and issuance of permits.

DIVISION 15

PARK AND RECREATION DEPARTMENT

SEC. 22.1501 DIRECTOR

The Park and Recreation Department shall be under the direction and supervision of the Park and Recreation Director, who shall be appointed by the City Manager. Said director shall have charge of all activities within the Park and Recreation Department and all division heads shall report directly to the director.

SEC. 22.1502 DIRECTOR - POWERS

The Park and Recreation Director shall be responsible for the control and management of the parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of city-owned property, golf courses, playgrounds, recreation centers, recreation camps, and recreation activities held on any city playgrounds, parks, beaches and piers which may be owned, controlled or operated by the City.

The Park and Recreation Director shall have authority, subject to the approval of the City Manager, to review and submit the Park and Recreation Department budget, to sell cemetery lots, to establish fees for the use of park and recreation facilities and services, and, subject to the approval of the City Council, fix rental charges, negotiate leases, issue use and occupancy permits and let concessions in or on any of the property or facilities under the control or management of the Park and Recreation Department.

SEC. 22.1503 DIRECTOR - ADVISORY CAPACITY

The Park and Recreation Director shall represent the City Manager, advising with other department heads in the acquisition,

development, construction, organization, supervision and management of property, facilities, personnel, programs and activities of a park and recreational nature which are under the cognizance of other city departments or divisions. He shall represent the City Manager in maintaining liason in all problems of a recreational nature with the Board of Education of the San Diego Unified School District, Federal, County, commercial, non-profit private, and quasi public recreational agencies.

SEC. 22.1504 SUPERINTENDENT OF PARKS - DUTIES

The Park and Recreation Director, subject to the approval of the City Manager, and in accordance with Civil Service rules and regulations, shall appoint a Superintendent of Parks, who shall have charge of park activities, and in addition to other duties that may be assigned will primarily be responsible for the following:

(a) He shall have charge of the construction, improvement, repair and maintenance of the parks, parkways, plazas, street trees, golf courses and landscaping of city-owned property, and the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City.

(b) He shall supervise the prepration of plans and design for Park and recreation development, prepare the budget for the Park Division, direct the expenditures of funds in accordance with budget allocations for the Park Division,select, assign duties and supervise Park Division personnel through subordinates, supervise the maintenance of complete records of services personnel and property of the Park Division, assemble reports for official

presentation and general information, act as technical adviser with the Park Commission in submitting plans, furnishing data and recommending policies for their consideration and recommendation.

SEC. 22.1505 SUPERINTENDENT OF RECREATION - DUTIES

The Park and Recreation Director, subject to the approval of the City Manager, and in accordance with Civil Service rules and regulations, shall appoint a Superintendent of Recreation, who shall have charge of all recreational activities, and in addition to other duties that may be assigned shall be primarily responsible for the following:

(a) He shall have charge of operation of playgrounds, recreation centers, recreation camps, lifeguard duties and recreation activities held on any property under the jurisdiction of the Park and Recreation Department which may be owned, controlled or operated by the City, either within or without the city limits.

(b) He shall formulate and approve the program of activities to be conducted, and initiate new activities, special features, services and projects, prepare the budget for the Recreation Division, and direct the expenditures of funds for the Recreation Division in accordance with budget allocations,select, assign duties and supervise Recreation Division personnel through subordinates, supervise the maintenance of complete records of activities and services, personnel and property of the Recreation

Division, assemble reports for official presentation and general information, act as technical adviser with the Recreation Commission in submitting plans, furnishing data and recommending policies for their consideration and recommendation.

DIVISION 16

SOCIAL WELFARE DEPARTMENT

SEC. 22.1601 SOCIAL WELFARE COMMISSION - MEMBERS

The City Manager shall appoint a Social Welfare Commission consisting of five (5) members, only three of whom shall be of the same sex; each of whom shall have a general knowledge in the field of social welfare work. The members of the Social Welfare Commission shall serve without compensation and shall hold office until their successors have been appointed and qualified.

SEC. 22.1602 DIRECTOR OF SOCIAL WELFARE - QUALIFICATIONS

The City Manager shall appoint a Director of Social Welfare who shall be a graduate of an accredited School of Social Welfare and have had at least two years of experience in the field of social welfare work at the date of the appointment, or in lieu of said educational requirement, he shall have at least five years experience in approved social welfare agencies.

SEC. 22.1603 DIRECTOR OF SOCIAL WELFARE - ~~POWERS AND DUTIES~~ EXECUTIVE OFFICER OF SOCIAL WELFARE DEPARTMENT.

The Director of Social Welfare shall be the executive officer of the Social Welfare Department and shall exercise all powers and perform all duties conferred by the general laws and by ordinances of the Council of The City of San Diego. He shall appoint such subordinate officers or employees as shall be authorized by ordinance.

SEC. 22.1604 DIRECTOR OF SOCIAL WELFARE - TERM OF OFFICE - COMPENSATION

The Director of Social Welfare shall be appointed for a term of office to continue until his successor shall be appointed and qualified and he shall receive such compensation as is designated in the annual appropriation budget.

SEC. 22.1605 DIRECTOR OF SOCIAL WELFARE - POWERS AND DUTIES

The Director of Social Welfare shall be responsible for and have the following powers and duties:

(a) To investigate and endorse, if worthy, in a manner provided by ordinance, all such charitable or philanthropic corporations or organizations which are dependent upon public appeal or general solicitation for support; to investigate misstatements, deceptions and frauds in connection with the solicitation of alms, food, clothing, money or contributions within the City of San Diego for charitable or philanthropic or purported charitable or philanthropic purposes; to give and obtain publicity to the results of any investigations made by said department of any such misstatement, deception or fraud; and by all lawful and proper means to prevent and co-operate in the prevention of the making or perpetration of any misstatement, deception or fraud in connection with any such solicitation aforesaid; and to have general supervision over all homes for the aged, boarding homes for children, day nurseries, homes for vocational training and all other establishments relating to social welfare.

(b) To enforce the ordinances adopted by the Council of The City of San Diego pertaining to or concerning the solicitation of money or other valuable property for social welfare purposes.

(c) To encourage the formation of private social welfare organizations to meet needs not already provided for and to foster all worthy philanthropic enterprises.

(d) To disburse all funds set aside by the Council for social welfare purposes.

(e) To study and recommend means of improving the social conditions which lead to poverty, crime and disease and to report such findings and make such recommendations to the City Manager for the use of the Council of The City of San Diego in the adoption of ordinances pertaining to these matters.

(f) To promote cooperation among all charitable or philanthropic agencies in the City.

(g) To receive gifts, bequests or devices to be used for philanthropic purposes and to administer any trusts declared or created for such purposes in accordance with the terms of such trust with the consent and approval of the City Council, expressed by resolution or ordinance; provided, however, that the Funds Commission shall continue to exercise full power of supervision and control over all trust property and investment funds as authorized by subdivision (a) of Section 41 of Article V of the Charter of The City of San Diego.

(h) To investigate applications for licenses and to supervise and regulate all dance halls and all places of amusement or recreation including but not necessarily limiting said supervision, regulation and inspection to amusement arcades; amusement parks; billiard and pool halls; bowling alleys; burlesque theatres; carnivals; cabarets; girl shows or revues; motion picture theatres, except those exhibiting films which bear the seal of the Motion Picture Producers and Distributors Association, and the authorized serial registration number of the National Board of Review; on-sale liquor establishments; penny arcades; picture arcades or galeries; public dance halls; skating rinks or any other commercial place of amusement or recreational assemblage open to the public.

He shall have fre access to any and all above named places at all times and shall have the power to inspect and investigate said places,and

Providing further, he shall have no authority to supervise, regulate and inspect those places of amusement and recreation which are now supervised, regulated and inspected by the Police Department of The City of San Diego, such as card rooms, private clubs and meeting places of fraternities and societies, and those motion picture theatres exhibiting films which bear the seal of approval of the Motion Picture Producers and Distributors Association and the authorized serial registration number of the National Board of Review.

In the event that any person or place, including those named herein, holding a city license shall violate or cause or permit to be violated any ordinance of The City Of San Diego or any general law relating to said business or commercial place of amusement or commercial place of recreational assemblage or shall be conducting or carrying on said business or place in an unlawful manner, the Director of Social Welfare may suspend the license issued for conducting or carrying on said business or occupation and may take possession of said license and shall notify the licensee of said suspension by written notice served upon said licensee or posted at the place of said business; said notice shall state the cause for such suspension.

In the event of a suspension of any license by the Director of Social Welfare, the licensee shall, within 15 days from the date of such suspension, have the right to appeal for a hearing before the City Council by filing a written petition therefor with the City Clerk.

(i) The Director of Social Welfare shall supervise all appeals for contributions to support local welfare enterprises and shall have charge in the city of everything which relates to social services and welfare of the people.

DIVISION 17

FISCAL

SEC. 22.1701 COUNTY ASSESSOR - CITY DUTIES

That said City of San Diego does hereby elect that the duties of assessing property and collecting taxes provided by the law to be performed by the Assessor and Tax Collector of said City of San Diego, shall be performed by the County Assessor, and the County Tax Collector, respectively, of the County of San Diego, said county being the county in which said City of San Diego is situated.

SEC. 22.1702 STATE LAW APPLICABLE

That this election is made and said City of San Diego does hereby elect to avail itself of the provisions of an act of the legislature of the State of California,entitled, "An act to provide for the levy and collection of taxes, by and for the use of Municipal Corporations and Cities incorporated under the laws of the State of California, except Municipal Corporations of the first class, and to provide for the consolidation and abolition of certain Municipal Offices, and to provide that their duties may be performed by certain officers of the County, and fixing the compensation to be allowed for the services so rendered to such Municipal Corporations," Approved March 27, 1895, Statutes 1895, Page 219, together with the amendments thereof and supplements thereto.

SEC. 22.1703 STATE LAW NOT APPLICABLE TO CITY TREASURER

This election is made in relation to the assessing of property and collecting of taxes but that the provisions of said act in relation to the duties of the Treasurer of said City are not elected by said City to be made use of.

SEC. 22.1704 STATE LAW APPLICABLE - CITY TREASURER - POWERS AND DUTIES

That the City Council of the City of San Diego hereby determines that the duties heretofore performed by the City Tax Collector of the City of San Diego under and by virtue of that certain Act of the Legislature of the State of California, entitled, "An Act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of waterworks, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,' approved March 21, 1905," approved June 6, 1913, shall be performed by the City Treasurer of the City of San Diego, and the said City Treasurer is hereby empowered, authorized and directed to perform all the duties provided in said act to be performed by the City Tax Collector.

SEC. 22.1704.1 SAME - ADDITIONAL POWERS AND DUTIES

That the Council of The City of San Diego hereby determines that the duties heretofore performed by the City Tax Collector and City Assessor of The City of San Diego under and by virtue of that certain act of the Legislature of the State of California, entitled, "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, and amendments thereto, shall be performed by the City Auditor and Controller of The City of San Diego, and the said City Auditor and Controller is hereby empowered, authorized and directed to perform all the duties provided in said act to be performed by the City Tax Collector and City Assessor.

SEC. 22.1705 DISPOSITION OF FINES AND FORFEITURES

All fine or forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this Code shall be paid into the City Treasury of said City, and deposited in the funds provided for by the Charter of said City

SEC. 22.1706 REPAYMENT OF MONEY BY CITY - AUTHORITY OF TREASURER

That the Council hereby authorizes the City Treasurer to refund any money voluntarily paid to such city or to any department of said city where the money was voluntarily paid to such city, under a mistake of law or fact in such cases where the person who pays such money receives no consideration for his payment and to which money the City has no moral right, and which moneys in good conscience and equity and justice should be returned to such person making payment. in all such cases the person seeking such refund shall comply with the provision of the Charter as to the filing of claims or demends, and the City Manager or the head of the Department of the City to which such money was erroneously paid shall certify in writing that such payment was made under a mistake of law or fact and that the payor has received no consideration from the City for his payment to the City.

ARTICLE 3 - CIVIL SERVICE

DIVISION 1 - DEFINITIONS

SEC. 23.0101 DEFINITIONS

As used in these rules, the following terms shall have the meanings as indicated below:

"APPOINTING AUTHORITY" a person or group having the authority to make appointment to positions in the classified service of the City as prescribed in the City Charter.

"ASSEMBLED EXAMINATION" an examination in which applicants are called together in one or more designated places to compete in tests according to procedures established and controlled by the examining staff.

"CALENDAR YEAR" a twelve-month period beginning January 1 and ending December 31.

"CLASS" a group of positions sufficiently similar in respect to duties and responsibilities that the same title may reasonably and fairly be used to designate each position allocated to the class, that the same minimum qualifications may be required, and the same salary rangemay be made to apply with equity.

"COMMISSION" the Civil Service Commission of the City of San Diego.

"CONTINUOUS SERVICE" as used in computing leaves of absence applies to the time a person has been employed on a permanent or limited basis, or to the continuation of employment from temporary to a permanent appointment in the same department without any break in service.

"ELIGIBLE LIST" a list established either through original, or promotional examination or reinstatement.

"OPEN COMPETITIVE EXAMINATION" any examination which is open to all persons, whether employed by the City or not, who meet the qualifications and comply with prescribed requirements for admission thereto.

"PERSONNEL DIRECTOR" the director appointed by the Commission to act as Secretary and Chief Examiner, to administer the activities of the Civil Service Department and to exercise general supervision over the employment policy of the City subject to the direction of the Commission.

"POSITION" a group of current duties and responsibilities, assigned or delegated by competent authority, requiring the full-time or part-time employment of one person.

"PROMOTIONAL EXAMINATION" a competitive examination which is open only to employees of the City and given for the purpose of establishing a list for a designated class from which to certify eligibles for promotion.

"UNASSEMBLED EXAMINATION" an examination in which applicants are subject only to general controls as to the manner in which required material is submitted to the examining staff for review and reting and usually not involving the calling of applicants together.

DIVISION 2

CLASSIFICATION COMPENSATION

SEC. 23.0201 RESIDENCE REQUIREMENTS

All employees in the Classified Service shall be bona fide residents of The City of San Diego during their service with said City, except as provided in Sections 23.0302 and 23.0306 - (4) (b).

SEC. 23.0202 CLASSIFICATION PLAN:

A classification plan for the employees in the Classified Service shall be adopted by the Civil Service Commission, which plan shall provide for the standardization and classification of all positions and employments in the Classified Service of the City. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities and so arranged as to permit the filling of the higher grades, so far as practicable through promotions.

(a) POWER OF COMMISSION TO CHANGE CLASSES: The Commission may, with the approval of the Council, by ordinance, from time to time, designate new classes, combine, alter or abolish existing classes.

(b) CONTENTS OF CLASSIFICATION PLAN: The classification plan which shall be maintained by the Commission shall include:

(1) An outline of classes of positions in the Classified Service arranged within appropriate occupational services and groups;

(2) Class specifications in such form as the Personnel Director may prescribe and indicating the kinds of positions

allocated to the respective classes as determined by duties, responsibilities and qualification requirements and lines of promotion.

SEC. 23.0203 COMPENSATION SCHEDULE:

The compensation schedule for the Classified Service shall include:

(a) A table of standard rates of pay, indicating the minimum, maximum and intermediate range steps for each.

(b) An alphabetical list of classes of positions, with the rate of compensation for each class.

SEC. 23.0204 RULES OF STATUS CHANGE:

The provisions of this section are to be used to determine the resulting status of each employee in the classified service in the allocation of positions to the classes created by Ordinance No. 4821 (New Series), as amended.

(a) If there is no change in title or substantial change in duties for the position, the employee shall be allocated to the new class with the same status he had in the old class.

(b) If there is a change in title, but no substantial change in the duties in the position, the employee shall be allocated to the new class with the same status he had in the old class.

(c) If a new class has resulted from the consolidation of all or part of two or more old classes, the employee shall be allocated to the new class with the same status he had in the old class.

(d) If the new class results from the division of an old class, the employee shall be allocated to the new class with the same status he had in the old class; provided, that if another higher class resulted from the division of the old class the employee shall also be placed in the appropriate reemployment list, and shall be eligible for employment in such higher class when a vacancy is available.

(e) If the employee in his present position has been performing duties specified for a new, different, or other class, which is substantially higher than or different from that in which the employee has status, the employee shall be granted status in the new class, upon a temporary basis for a period not to exceed six (6) months. During said six-month period the Civil Service Commission shall provide for examinations to qualify

employees for permanent allocations to said positions; provided, that whenever practicable said examination may be limited to practical or performance tests demonstrating the skill and ability of the applicant to actually perform the work. The employee occupying the position shall be considered eligible for said examination notwithstanding any other provision of the Rules of the Civil Service Commission. Certification for the permanent allocation to said positions shall be in accordance with the Rules of the Civil Service Commission now in force and effect.

(f) Employees of departments where the line of duty is basdd upon a military or quasi-military rank such as the Police Department, etc., shall retain their present rank and status, until they have qualified for and taken competitive promotional examinations, or have been certified to a higher rank from the present existing eligible lists, said examinations and the certification for the position therefrom to be in accordance with the Rules of the Civil Service Commission now in force and effect; and from and after the 12th day of January, 1952, permanent allocations to the positions in said department shall be made only from the eligible lists for which promotional examinations have been given as herein provided.

(g) If an employee believes that the allocation made for him is not just, he may, within thirty (30) days from the date he receives notice of such allocation, fill out an Allocation Appeal Form furnished by the Civil Service Commission and submit the same to the departmet head. The department head shall review the allocation with the employee, and in writing on said Allocation Appeal form show his agreement or disagreement with said allocation. The Allocation Appeal Form shall then be forwarded to the Civil Service Commission, where further investigation shall be made, and the employee affected

shall be given a reasonable opportunity to be heard. The Commission may in its discretion order the allocation of the employee to the same or another position, or may deny the appeal. A copy of the written statement of the reasons for the Civil Service Commission's order shall be furnished to said employee, and a copy filed as a public record in the office of the Civil Service Commission.

(h) Eligible lists for existing classes of positions at the time this rule becomes effective shall become eligible lists for the corresponding classes in the manner prescribed above.

(i) The provisions of these rules shall/apply only to the allocation of employees to positions designated in Ordinance No. 4821 (New Series), as amended, and all changes in status hereafter shall be by appointment, promotion, transfer, demotion, reinstatement, or other actions authorized by the rules.

DIVISION 3

APPLICANTS AND APPLICATIONS

SEC. 23.0301 GENERAL APPLICATION REQUIREMENTS:

Unless waived, as hereinafter provided, all applicants must

(a) be citizens of the United States.

(b) be actual residents of the City for at least one year immediately prededing the date of filing application.

(c) meet the minimum requirements as stated in the examination announcement.

SEC. 23.0302 WAIVER OF RESIDENCE:

In examination for positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, or because of difficulty in securing applicants who are residents of the City of San Diego, residence may be waived by the Commission and the notice of the examination shall so provide. Whenever in any examination the requirement of City residence is waived, persons appointed from resulting eligible lists shall be required to become bona fide residents of the City of San Diego within sixty (60 days from date of appointment, unless the work to be performed is at a distance from the corporate limits of the City and condition of employment requires that they reside near the work and maintain such residence continuously during the term of employment. When in the opinion of the Commission a housing emergency exists, or other reasons are deemed

sufficient, extension of time in which to establish residence in the City of San Diego may be granted upon the recommendation of the Personnel Director subject to the approval of the Commission.

After complying with the residence requirement as set forth in this rule, employees must continue to reside within the corporate limits of the City of San Diego in order to retain their employment with the City.

Employees who prior to adoption of these rules have heretofore established residence outside the City limits, must, after due notice, re-establish residence within the corporate limits of the City of San Diego within the time limit set by the Commission and must thereafter maintain residence in the City of San Diego in order to retain their employment.

The Commission may by unanimous approval for good and sufficient cause waive the foregoing provisions for the continuous residence within the City limits after appointment.

SEC. 23.0303 CHANGES IN ADDRESS OF APPLICANTS:

Any applicant who changes his address after filing application shall notify the Commission of the new address.

SEC. 23.0304 AGE REQUIREMENTS:

Applicants for original entrance examinations must be at least twenty-one (21) and shall not have reached their sixty-second (62) birthday.

(a) Provided, however, that the Commission may change the minimum age limit and fix other limits for any examination, or particular work by giving notice of the limits prescribed in the notice of such examination.

(b) Further provided that the Commission may set other maximum age limits below that of age sixty-one (61) (Article 1X of the City Charter).

SEC. 23.0305 SEX REQUIREMENTS:

Unless the call for any examination otherwise provides, applicants of either sex may be admitted to any examination, if, in other respects, they meet the preliminary requirements.

SEC. 23.0306 ACCEPTANCE AND REJECTION OF APPLICATIONS:

(a) Filing of Applications:

(1) All applications shall be in the handwriting of the applicants on forms furnished by the Commission and filed in the manner prescribed. The statements made therein and any attached or supplementary documents shall be subscribed to under oath or affirmation .

(2) Applications shall not be accepted unless call for examination has been issued by the Commission, except in case of emergency appointments as hereinafter provided.

(3) Applications shall be stamped with the date and time of filing in the office of the Commission and must be filed within the prescribed time limits.

(4) There shall be kept in the office of the Civil Service Commission an application register, in which shall be entered the names and addresses and the order and date of application of all applicants for Civil Service tests and the offices of employment which they seek. All applications shall be on forms prescribed by the Commission.

(5) No question on the application shall relate to race, or political or religious opinions, affiliations or service.

(b) CHARACTER AND PERSONAL FITNESS OF APPLICANTS:

Applicants must state under oath or affirmation whether or not they have been arrested or convicted of any crime or infraction of regulatory ordinances or statutes, and the Commission may investigate the circumstances pertaining to the arrest and conviction of all applicants, and may accept or reject such applicants within its discretion.

(c) REQUIRED LICENSES, CERTIFICATES AND REGISTRATIONS:

For a position requiring a license, certificate or registration within the State, as evidence of professional or technical proficiency and such is required by law to

practice a trade or profession, the Commission may, in its discretion require the submission thereof at the time of application or may designate other time for submission.

(d) VETERANS' APPLICATION PROVISIONS:

(1) DEFINITION OF VETERAN: A veteran is any person who has served in any branch of the Armed Forces of the United States in time of war, insurrection or rebellion, and who has been honorably discharged from service, or been given an honorable certificate of service, or who has been retired from active service under honorable conditions.

(2) Veterans shall be required to meet all the qualifications required of other applicants, except that of residence. At the time of filing application the veteran shall present evidence of his bona fide residence in the City of San Diego for at least thirty (30) days immediately preceding the date of filing his application, provided further that such application shall have been filed within a one-year period dating from the date of his honorable discharge.

(3) VETERANS' PREFERENCE CLAIMS: A veteran claiming preference points shall file with his application proof of his service in the Armed Forces and honorable separation therefrom and submit for the inspection of the Commission his Honorable Discharge, Certificate of Active Service and separation, certificate of retirement from active service, or photostat or certified copy of his military service record, and in case of a disability claim, proof of such disability from the Veterans' Administration. Preference points shall be allowed only to veterans separated from the service under honorable conditions.

(4) CLAIM OF WIFE OR WIDOW TO PREFERENCE POINTS: In order to claim preference points in an examination the wife of a totally disabled veteran or the widow of a veteran who was killed or who died while in active service during a war, insurrection or rebellion, shall file with her application:

Proof of her husband's right to preference points.

Proof of her marriage to the veteran.

In the case of a widow, proof of her husband's death.

SEC. 23.0307 CAUSES FOR DISQUALIFICATION:

(a) Although rejection may be based upon causes other than those enumerated, the following are declared to be cause for rejection of application or disqualification of applicant, if the Personnel Director shall find that the applicant:

(1) Is found to lack any of the minimum qualifications as stated in the examination announcements.

(2) Is physically so disabled as to render him unfit for the performance of the duties of the position to which he seeks appointment.

(3) Is addicted to the habitual or excessive use of habit-forming drugs or intoxicating beverages.

(4) Has been previously dismissed from any public service for inefficiency, delinquency or misconduct, or has had his name removed from an eligible list, or has resigned from the City service under charges.

(5) Has been guilty of any crime involving moral turpitude.

(6) Has intentionally made a false statement of any material fact, or has practiced or attempted to practice any deception or fraud in his application or examination.

(7) Is not a bona fide resident of the City of San Diego except as provided in hereof.

(b) Any person who, by order of the Personnel Director, is denied permission to compete in any examination, or whose examination is disqualified,may, within five (5) days after notice of rejection or disqualification, appeal in writing to the Commission for a review of such ruling. The Commission shall afford such appellant an opportunity to be heard in his own behalf. This decision on review shall be final.

(c) Defective Applications may be returned to the applicants but once for correction or amendment. Failure to return the corrected or amended application to the Commission on or before the last date for receiving application as published in the examination announcement will be deemed sufficient cause for rejection.

DIVISION 4

EXAMINATIONS

SEC. 23.0401 CALL FOR EXAMINATIONS

(a) Subject to the approval of the Commission, the Personnel Director shall call open or promotional examinations to fill vacancies in the classified service, or to provide eligible lists for classes of positions where vacancies are likely to occur. The call shall be made by posting a public notice of all examination announcements in a conspicuous place in the City and County Administration Building, and by publication of title, and general scope of the examination and salary range in the official paper of the City at least once twenty calendar days in advance of the last date to file applications, and by mailing examination announcements, at least ten (10) calendar days prior to the last date to file applications, to those who have filed requests to be notified. The Personnel Director may give the examination such other publicity as the Commission may prescribe.

(b) A series of open examination for the same class of positions may be announced by a single notice published in the official paper of the City at least twenty calendar days in advance of the date on which the first tests will be administered and by a second notice published ten days in advance of the closing date on which applications will be received. Such tests may be administered from time to time as applicants are available or as appointments are necessary. Separate supplementary lists shall be created

for each examination of the series in which there are successful candidates, however, the names on such lists shall be placed on a master eligible list in the order of their final ratings and from which certification shall be made accordingly.

(c) Promotional examination bulletins shall be sent to all departments, and the Personnel Director may require receipt of such bulletins. Department heads shall inform all personnel in the department of such promotional examinations.

SEC. 23.0402 KINDS OF EXAMINATIONS:

Examinations shall be announced as one or more of the following:

(a) Competitive assembled examinations, which shall require applicants to report to a designated place to participate in tests prescribed by the Commission.

(b) Competitive unassembled examinations which shall be managed and conducted in the manner determined by the Commission, according to the class of position involved.

(c) Competitive promotional examinations, which shall be based upon records of efficiency, character, conduct and seniority, and shall include competitive tests.

(d) Non-competitive examinations may be held for minor positions for part-time or seasonal work when competition is found to be impracticable.

(e) Competition may be suspended for appointment to positions designated by the City Manager or other City officers in charge of a department and approved by the

Civil Service Commission, which require exceptional qualifications of a scientific, managerial, professional, or educational character. Upon presentation of satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of some designated person of recognized attainments, the Commission may suspend competition after a public hearing and by the unanimous bote of the members of the Commission, but no suspension shall be general in its application to such positions, and all cases of suspension shall be reported, together with the reasons therefor, in the annual report of the Commission.

SEC. 23.0403 SCHEDULING EXAMINATIONS:

Examinations shall be scheduled as frequently as the needs of the service may require.

SEC. 23.0404 CHARACTER OF EXAMINATIONS:

Examination tests required by the Civil Service Commission shall be practical in nature, and shall relate to matters which fairly measure the relative fitness and capacity of the applicants to discharge the duties of the positions which they seek, and shall take into account character, training, experience, physical and mental fit ness. No question in any test shall relate to race or to political or religious opinions, affiliations or service.

SEC. 23.0405 CONTENT OF EXAMINATIONS:

Examinations may contain one, or more of the following tests as may be determined by the Personnel Director

(a) Written tests of aptitudes and mental fitness, and knowledge of the work.

(b) Oral interview or test evaluating education, training and experience and other personal qualifications. All tests, however, shall be practical and competitive in character, except where competition is suspended.

(c) Practical or Performance Tests demonstrating the skill and ability of the applicant to actually perform the work.

(d) Athletic Tests of physical skill and agility.

(e) Physical Tests of strength and fitness.

SEC. 23.0406 MEDICAL EXAMINATIONS:

The Commission may determine, by medical examinations, whether applicants for any position possess the prescribed standards of health and physique. All eligibles in original examinations for positions as may hereafter be designated by the Civil Service Commission must, before permanent appointment qualify by passing tests of physical soundness. The results of such examinations may be used to determine the fitness of the applicants or eligibles for the work and need not be a factor in determining the general average.

The Commission may, however, establish tests of physical strength and condition as a subject in examinations and give weight thereto. Where positions require special physical fitness, the Commission may require re-examination of eligibles or employees to determine whether they continue to possess the required physical fitness for the work.

SEC. 23.0407 POSTPONEMENT AND CANCELLATION OF EXAMINATIONS:

The Commission may cancel or postpone examinations for any reasons considered good and sufficient and such cancellation or postponement shall be recorded, with the reasons therefor in the minutes of the Commission. All qualified applicants shall be notified of the Commission's action.

SEC. 23. 0408 CONDUCT OF EXAMINATIONS:

(a) Subject to the approval of the Commission, examinations shall be under the direction of the Personnel Director and conducted by representatives of the staff or by special examiners. The Personnel Director may designate and appoint special examiners to personally conduct any part of an examination.

(b) ADMISSION OF TARDY CANDIDATES IN EXAMINATIONS: The Personnel Director may refuse to admit an applicant to an examination if timed tests have started. No candidate shall be admitted after any candidate has withdrawn from the examination or has completed his tests and left the room.

SEC. 23.0409 SUBJECTS, WEIGHTS AND GENERAL AVERAGE:

In examination composed of several tests which are graded independently, weights shall be assigned to each test representing its relative value in ascertaining the fitness of the applicant; the applicant's grade in the test shall be multiplied by the weight assigned to that test; the sum of the resulting products shall be divided by the total weights of all subjects in the examination and the resulting

quotient shall be the general average which shall be used in determining the order in which the name of the applicant shall appear on the eligible list, except where additional credit is allowed veterans as provided in Article VIII, Section 120 of the City Charter, provided, however, that such applicants must first pass the tests and attain the eligible list before such credit is given.

SEC. 23.0410 REVIEW AND APPEAL:

At the time of taking a written test candidates shall be notified by a statement on the cover sheet of the test booklet that they may appear at the office of the Commission during a designated period of at least five (5) working days for the purpose of reviewing the answer key which will be used in grading the tests. Any appeal because of objections to any questions or answers they believe unfair or incorrect must be made to the Personnel Director within the five-day review period either orally or in writing together with substantiating evidence. The Personnel Director may remove such questions or make such alterations in the answer key as he deems justified.

SEC. 23.0411 EXAMINATION GRADES:

Unless otherwise published in notices prior to holding the examination, candidates shall be graded on a scale in which 100 per cent represents the heghest possible attainment and seventy per cent represents the minimum acceptable attainment. In order to attain a place on the eligible list a

candidate's general average in the examination must be no less than seventy per cent, provided, however, that the Personnel Director may, with the approval of the Commission, require at least seventy per cent in some specific part of an examination as published in the announcement, and the failure of the candidate to make such required seventy per cent in that part of the examination will disqualify him in the entire examination. No person who has failed to pass an examination shall be permitted to be re-examined for the same class of position within six months from the date of such failure, except that the Personnel Director may permit persons who have failed in an examination to be re-examined before the expiration of the six months'period, but in no case prior to sixty (60) days from the date of such failure, if an adequate eligible list for the class of position was not secured and such action is deemed necessary for the good of the service.

SEC. 23.0412 COMBINED OPEN AND PROMOTIONAL EXAMINATIONS: .

When an examination is to be called from which both open and promotional lists are to be established, it shall be within the province of the Personnel Director, subject to the approval of the Commission, to establish a minimal passing percentage of proficiency in written or performance tests of not less than 75% nor more than 80% for the promotional examinations. Candidates competing on a promotional basis who do not attain the published minimal for the promotional

examination, but who attain the required minimal of 70% for the open examination, may compete for a place on the open list.

SEC. 23.0413 PREFERENCE IN CASES OF EQUAL FINAL AVERAGES:

When two or more candidates have the same final average in an examination, preference shall be given as follows:

(a) If the candidates having the tie ratings are employed by the City, the one having the greater seniority shall be given preference.

(b) If one of the candidates is employed by the City and the others are not, the City employee shall be given preference.

(c) If the candidates are not employed by the City, preference shall be determined by the score attained in the jubject of the greatest weight; if a tie still exists, by the score attained in the subject with the next value in weight, and so on until the tie is broken.

SEC. 23.0414 NOTICE OF RESULTS OF EXAMINATIONS:

As soon as the rating of an examination has been completed and the eligible list established, each competitor shall be notified by mail of the result of his examination, and, if successful, of his final average and his relative position on the eligible list. In examinations which are open for an indefinite period and for which tests are held periodically, and supplementary lists established, eligibility will be

determined by the final average of eligibles without reference to the date they qualified in the examination.

SEC. 23.0415 INSPECTION OF EXAMINATION PAPERS BY CANDIDATES:

All applications and examination papers are the property of the Commission and shall be treated as confidential records. Any candidate may review his examination papers within a thirty-day period after receiving notice of the result of the examination.

The scoring by the examiners shall be deemed prima facie correct. No examination paper or any part thereof, or any record of statement rated as part of the examination in connection therewith, shall be subject to alteration, addition, or emendation by the applicant, or to re-marking, except that the Commission may correct any manifest error of scoring.

SEC. 23.0416 PRESERVATION OF EXAMINATION PAPERS:

Applications and examination papers of candidates who failed in examinations shall be on file in the office of the Commission for thirty (30) days after the expiration of the inspection period, after which they may be destroyed, unless candidates shall in writing request their preservation.

Applications and examination papers of eligibles who attained the highest final average in each examination shall be preserved in the permanent examination file together with the final marking sheets containing the grades of all candidates who competed in the examinations. After the expiration of the eligible lists, applications and examination papers of other eligibles may be destroyed.

DIVISION 5

ELIGIBLE LISTS

SEC. 23.0501 REGISTER OF ELIGIBLES:

The Personnel Director shall maintain a Register of Eligibles for each class of position in the Classified Service for which either original entrance or promotional examinations have been given.

SEC. 23.0502 PROMULGATION:

An eligible list shall be in effect from the date on which it is promulgated. The date of promulgations shall be established by the Personnel Director subject to the approval of the Commission.

SEC. 23.0503 DURATION OF ELIGIBLE LISTS:

Eligible lists shall be in effect for a period not to exceed two (2) years from the date of promulgation, unless extended as provided hereinafter.

SEC. 23.0504 EXTENSION OF ELIGIBLE LISTS:

Upon request by a department head or other appointing authority and recommendation of the Personnel Director, the Commission may extend an eligible list for an additional period not to exceed one (1) year. Request for extension of a list shall be submitted prior to the date of expiration of the list. Whenever a list has been extended, eligibles remaining theron shall be notified to file a new application.

SEC. 23.0505 FAILURE TO REPLY:

Failure on the part of an eligible to reply to a questionnaire in regard to availability will result in his name being

passed over and he will not be given further consideration, unless reasons presented for failure to reply meet with the approval of the Personnel Director.

SEC. 23.0506 REMOVAL OF ELIGIBLES FROM LIST:

The name of an eligible may be romoved from the Register of Eligibles for any of the causes enumerated in Section 23.0307 or for other causes deemed good and sufficient by the Commission's unanimous approval. Anyone whose eligiblity is cancelled by order of the Personnel Director may appeal in writing to the Commission and be afforded an opportunity to be heard before final decision by that body. The names of eligibles removed from lists and reasons therefor shall be recorded in the minutes of the Commission.

SEC. 23.0507 REINSTATEMENT REQUESTS:

(a) Reinstatement to an eligible list may be had under the following conditions: a request for reinstatement to an eligible list must be made to the Commission in writing and efficiency ratings of such applicant for the year preceding resignation or termination of a limited appointment must be equal to at least 75%

(b) Any employee whose appointment has become permanent after serving his probationary period satisfactorily, who, without fault or delinquency on his part, resigns of his own free will from the service may, after three months and within one year from the date of said resignation, request reinstatement to the eligible list for the class of position in which

such service was rendered; and the Commission shall, in its discretion, grant or deny such request. If the request is granted, the position on such eligible list shall be determined by the Commission. Eligibility shall continue for a period of two years, unless the name is removed in accordance with Section 23.0307. If no appropriate eligible list exists, any one granted reinstatement under this rule shall have the same eligibility as though there were such a list.

After the expiration of the eligible list on which there is a reinstated name, such name shall continue to have eligibility until the completion of the prescribed two year period, provided that within such period it shall be placed on succeeding eligible lists for the same class of position according to the position originally approved by the Commission.

(c) Anyone who has served on a limited appointment on a special project or in place of a permanent employee on leave, shall, when his services are no longer needed on the special project, or the employee returns from leave, be entitled to request reinstatement to the appropriate eligible list in accordance with the provisions of this section, provided he has served for at least one year on the limited appointment, and he meets the qualifications required of those eligible for permanent appointment.

(d) Any former employee who was discharged, or who resigned under charges, shall not be eligible for reinstatement to any eligible list.

SEC. 23.0508 CHANGE IN ADDRESS OF AN ELIGIBLE:

Eligibles shall be required to notify the Personnel Director of any change in address while their names remain on the eligible list.

DIVISION 6

RE-EMPLOYMENT

SEC. 23.0601 RE-EMPLOYMENT LISTS FOR REGULAR WORK:

Any employee whose appointment has become permanent after having served his probationary period satisfactorily, who, without fault or delinquency on his part, has been separated from the service or reduced in rank because of lack of work or funds, shall have his name automatically placed upon the approiate re-employment list for the class of position. Whenever there is no further need for a class and it is abolished in accordance with these rules, any incumbent in a position in such class shall have his name automatically placed upon the re-employment list for the class and his name may be certified for a vacancy in any comparable class of position for which he is qualified, or for a lower class of position in accordance with Section 23.0707

The place on such re-employment list shall be determined in the same manner as prescribed in these rules for order of lay-off, but in the reverse order.

A name shall be placed on the re-employment list for the class for a period of two years, however, an eligible whose name is on a re-employment list, who has not been re-employed within the two year period, may request the Commission in writing to extend his eligibility for another two years. The Commission may in its discretion grant or deny such request. No person's name shall remain on a re-employment list for a period longer than four years.

SEC. 23.0602 RE-EMPLOYMENT LISTS FOR SEASONAL WORK:

Employees who have been appointed for seasonal work and who have served satisfactorily during the continuance of the eligible lists from which appointed, shall have their names placed upon the seasonal list for the class of position in which they were employed. The order of names on the seasonal list shall be in accordance with the efficiency ratings and shall be revised at the beginning of each callendar year. If efficiency ratings, which must be at least 75%, are equal, seniority shall determine the place on the list. If an employee whose name is on a seasonal list fails to work for two seasons, his name shall be automatically removed from the list and he shall have no further Civil Service standing in such class of position.

DIVISION 7

REQUISITION AND CERTIFICATION

SEC. 23.0701 REQUEST FOR CERTIFICATION:

Whenever a vacancy in the Classified Service is to be filled, other than by transfer, or demotion, the appointing authority shall make requisition upon the Personnel Director for eligibles for appointment to the class of position for which the vacancy exists. Such requisition shall be upon official forms and shall specify the department, the class, and compensation to be paid; also whether the service is temporary, limited or permanent and when the service is to begin, and the probable length of such service, if not permanent.

SEC. 23.0702 PRIORITY OF ELIGIBLE LISTS:

Certifications shall be made from existing eligible lists in the following order of preference:

(1) Re-employment lists.

(2) Eligible lists (Promotional).

(3) Eligible lists (Open).

SEC. 23.0703 CERTIFICATION FROM RE-EMPLOYMENT LISTS:

Upon receipt of requisition for certification of an eligible to fill a vacancy, the Personnel Director shall certify from the re-employment list, the name of the eligible who previously worked in the department and is first on the list for the class of position for the department making the request. If no one on the list has previously been employed in the department in the class of position, the names of the three persons standing highest on the list for the class of position shall be certified provided, however, that a

fewer number of names may be certified when there is not the required number on the re-employment list.

SEC. 23.0704 CERTIFICATION FROM ELIGIBLE LIST:

Upon receipt of requisition for certification of an eligible to fill a vacancy, in the absence of a re-employment list, the Personnel Director shall certify the names and address of the first three eligibles on the list for the class, but shall first certify from the appropriate promotional list. When more than one vacancy is to be filled, the Personnel Director shall certify the number of names equal to the number of vacancies to be filled and two more in addition thereto; provided, however, that a fewer number may be certified when there is not the required number on the eligible list. When no eligible list for the class of position exists, or when the eligible list has become exhausted, and until a new list can be created, a name may be certified for temporary appointment from the eligible list most nearly appropriate to the position to be filled with the consent of the Commission. No person shall be certified from a promotional eligible list who had been permanently separated from the service of the City.

SEC. 23.0705 NOTICE OF CERTIFICATION TO ELIGIBLE:

Whenever the name of an eligible is certified to an appointing authority, the eligible shall be notified of certification by a notice sent to his address as it appears on the records of the Commission. Such notice shall state

the title of position, the entrance rate of pay, condition of employment, the department in which the vacancy exists, and the time within which he must report for interview with the appointing authority.

SEC. 23.0706 WAIVER:

(a) Eligibles may waive certification upon filing reasons satisfactory to the Personnel Director.

(b) Waivers must be filed within five days from date of notification of certification, and, if approved, the name of such eligible shall not be certified until waiver has been withdrawn upon written request therefor.

(c) Failure to execute a satisfactory waiver, or failure to report to the appointing authority for an interview shall be deemed sufficient cause for passing over the name of such eligible in certification and he shall not be eligible for further consideration unless reasons given meet with the approval of the Personnel Director.

SEC. 23.0707 ACCEPTANCE OF POSITIONS IN LOWER GRADE:

An eligible on a re-employment or entrance eligible list may, with the approval of the Personnel Director, accept certification to a lower class of position, provided no list exists for the lower position and the duties and responsibilities are similar, but the acceptance of such lower position shall not forfeit his rights to be certified to the higher position for which he qualified.

SEC. 23.0708 OBJECTION AND SUBSTITUTION:

In case an appointing authority objects to the certification of any eligible, the reasons for objection must be stated specifically in writing and subject to investigation by the Commission. Any cause contained in Section 23.0307, shall be deemed sufficient reason for objection, but the Commission may approve objection for other causes. The person against whom objection is made and the department head may be granted the opportunity of being heard by the Commission. If the objection is sustained by the Commission, the next highest name on the eligible list shall be certified and notice of withdrawal of certification sent to the person against whom the objection was sustained.

DIVISION 8

APPOINTMENTS

SEC. 23.0801 SELECTION OF APPOINTEES

(a) The appointing authority shall select from the list of eligibles certified to him by the Personnel Director, the number of persons required to fill the vacancies in his department, unless objection is made to an eligible as provided inSection 23.0708.

(b) Whenever an eligible list other than a re-employment list from which certification was made contains fewer than three (3) names such persons shall be eligible for temporary appointment until additional names can be certified after competitive tests, but permanent appointment may be made at the discretion of the appointing authority.

SEC. 23.0802 PERMANENT APPOINTMENT:

(a) Employment of a person in a position regularly established without limitation as to the length of such service and subject to a probationary period shall be considered a permanent appointment.

(b) PROBABTIONARY PERIOD:

Purpose - The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position and for dismissing any employee whose performance does not meet required work standards.

(1) Any person who has accepted a permanent appointment from an original eligible list shall be on probation for a period not to exceed sic months from date of such appointment, provided that the probationary period for entrance positions in the uniformed service in the Police Department shall be one year. A probationer may be discharged any time within the said probationary period without a hearing upon recommendation of the appointing authority. The City Manager may also discharge a probationer with the approval of the Commission.

(2) Any person who has accepted a permanent appointment from a promotional eligible list shall be on probation for a period not to exceed six months from date of such appointment; if, during that period, the service of the eligible so appointed is unsatisfactory he may at any time be reduced to the position from which he was promoted upon the recommendation of the appointing authority with the approval of the Commission.

(c) DUTY OF APPOINTING AUTHORITY DURING PROBATIONARY PERIOD:

It shall be the duty of the appointing authority, during the probationary period of each employee in the classified service, to investigate thoroughly the efficiency, conduct and integrity of such employee, and to determine whether or not he shall be retained in the City service in the class to which he has been appointed and so notify the Commission on forms prescribed by the Personnel Director.

SEC. 23.0803 LIMITED APPOINTMENT:

When it is necessary to fill a position which has become vacant as a result of the granting of a leave of absence to the regular incumbent, or where such vacancy is in connection with certain work or a project of limited duration, the appointing authority may make a limited appointment from the appropriate eligible list not to exceed the duration of such leave of absence or the duration of such work or project in the manner provided in Division 7; provided, that the acceptance or declination of appointment to such position shall not affect the right of an eligible to certification for a permanent opening, except as provided in Section 23.0804 . Upon the return of the regular incumbent to his position at any time on or prior to the expiration of his leave of absence or upon the termination of the work or project for which the limited appointment has been made, the services of the limited appointee shall be automatically terminated. Lists of limited appointees shall be submitted to the Commission in January and July of each year.

SEC. 23.0804 CHANGE FROM LIMITED TO PERMANENT STATUS:

In the event a position filled by a limited appointment becomes permanent through a change in conditions or subsequent legislative action, or in the event an employee fails to return to his position on or before the expiration of his leave of absence, the vacancy thereby created shall be filled in the manner prescribed for an original appointment by these rules, provided, however, that upon the request of the

appointing authority, an employee who has been filling the position under a limited appointment, and whose service rating is 85% or better, may have his status changed from limited to permanent, and shall be entitled to continue to hold such position as a permanent employee upon the approval of the Personnel Director.

SEC. 23.0805 TEMPORARY APPOINTMENT:

If it is anticipated that a position will not exceed six months duration from the time it is filled, such a position shall be filled by temporary appointment from the appropriate eligible list as provided in Division 7, provided that the acceptance or declination of appointment to such position shall not affect the right of an eligible to certification for permanent appointment. At the expiration of six months' temporary appointment, the services of the incumbent shall be automatically terminated unless a department finds it necessary to continue a temporary position beyond the expiration date of six months. If an extension is necessary the appointing authority shall so notify the Personnel Director at least two weeks in advance thereof, and shall state the probable period of extension together with the reasons and such additional information as the latter may require. No extension of a temporary appointment shall exceed an additional six months beyond the original six months' period.

SEC. 23.0806 PROVISIONAL APPOINTMENT:

When it is urgent that an immediate appointment be made to fill a vacant position and no one is available on an

appropriate eligible list, any person approved by the Personnel Director may be appointed provisionally to fill the vacancy until an appropriate eligible list has been established. In no case shall a provisional appointment continue longer than sixty days, nor shall there be successive provisional appointments of the same person.

SEC. 23.0807 EMERGENCY APPOINTMENT:

In case of extreme emergency, when it is in the interest of public safety, health, welfare or economy to employ persons most readily available for the performance of certain work, an appointing authority may secure the necessary help wherever possible irrespective of the existence of suitable eligible lists. Within twenty-four hours of making an emergency appointment the appointing authority shall so notify the Personnel Director in writing, stating the reasons for such appointment and such other information as the Personnel Director may require. Emergency appointments may be canceled at any time by either the appointing authority or the Personnel Director. Such appointments shall last no longer than seven calendar days, but in the absence of available persons on suitable eligible lists and with the approval of the Personnel Director an emergency appointment may become a provisional appointment, the beginning date of which shall be considered to be the day work commenced under emergency appointment.

DIVISION 9

PROMOTIONS

SEC. 23.0901 Except as otherwise provided in Section 57 and 58 of the City Charter, promotions in the classified service shall conform to and be subject to the provisions of this division.

SEC. 23.0902 ADVANCEMENT THROUGH EXAMINATIONS:

Promotions in the higher classes of positions shall be filled, as far as practicable and consistent with the best interests of the service, by promotion following competitive tests. Wherever experience derived in the lower grade tends to qualify for the higher, class specifications shall indicate the possible line of promotion and probable source of recruitment. Any advancement in rank shall constitute promotion.

Whenever an examination is to be held to establish an eligible list for any class, the Commission shall decide as to whether or not a promotional or original entrance examination, or both, are to be held.

SEC. 23.0903 ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS:

When promotional examinations are held, they shall be limited to employees in the Classified service who have worked for the City for at least one year immediately preceding the filing of applications in the class or classes designated in the public notice of the examination as the Personnel Director may determine; provided employees serving in other classes may be allowed to take such promotional examinations if they submit statements showing how their experience in the

classified service has fitted them to perform the duties of the higher class and such statements are approved by the Personnel Director.

SEC. 23.0904 EFFICIENCY AND SENIORITY:

In computing a rating for efficiency and seniority. used as factors in a promotional examination, efficiency shall have twice the weight of seniority. Ratings for the year immediately preceding the examination shall be used in computing efficiency, total length of time served in the class or classes designated in the examination announcement shall be used in computing seniority with a maximum allowance credit of ten years.

DIVISION 10

TRANSFERS AND DEMOTIONS

SEC. 23.1001 TRANSFERS:

All requests for transfer with reason stated must be made in writing and subject to the approval of the Personnel Director. Transfers may be made upon the request of the employee or upon the request of the appointing authority who must give at least a week's notice to the employee concerned.

(a) INTERDEPARTMENTAL TRANSFER:

The transfer of an employee from a position in one department to a position in the same class in another department shall be called an "Interdepartmental Transfer" and may be made upon written request of the appointing authorities concerned or by an employee with the approval of the department head. If, at any time within sixty (60) days from the time of transfer, the services rendered by the employee in the position to which he has been transferred, are not satisfactory, he shall be transferred back to his former position.

(b) CLASS TRANSFER:

The transfer of an employee from a position in one class to a position in another class for which the maximum rate of pay is the same, shall be called a "Class Transfer" and may be made under the same conditions as provided for in "Interdepartmental Transfer."

(c) TRANSFER FOR TEMPORARY WORK:

Transfers for temporary or emergency work may be made after first obtaining the consent of the Personnel Director, but in no case shall such transfer exceed thirty (30) days.

SEC. 23.1002 DEMOTIONS:

The reduction of an employee from a position in a class to a position in anotherclass for which the maximum rate of pay is lower, shall be called a "Demotion" and may be made upon the written request of the employee, approved by the appointing authority concerned, or upon the written recommendation of the appointing authority with a statement giving the specific reasons therefor, in which latter case, the employee so demoted shall be entitled to a hearing before the Commission before final action is taken.

The procedure affecting such demotion shall be the same as that prescribed in the rule relating to removal.

DIVISION 11

LEAVES OF ABSENCE

SEC. 23.1101 ANNUAL, SICK AND SPECIAL LEAVES OF ABSENCE WITH AND WITHOUT PAY:

Employees holding positions in the classified service shall be entitled to annual vacation, and shall be allowed sick and special leaves of absence as hereinafter provided. All leaves of absence, whether with or without pay, shall be submitted in writing on forms provided for that purpose, and must meet the approval of the Personnel Director. Extended leaves of absence shall be presented to the Commission for action upon the recommendation of the appointing authority and the Personnel Director.

Except in the case of sick leave, the time during which any leave of absence shall be taken by an employee shall be designated by the appointing authority over the unit in which he is employed, and the request for such leave of absence, signed by the employee and by the appointing authority, shall be forwarded to the office of the Commission at least one week in advance of the beginning date of the leave requested.

Leaves of absence shall be indicated on the semi-monthly payrolls submitted to the Personnel Director for checking and certification. Failure to submit requests for leaves of absence prior to the date on which payroll warrants are released will result in the withholding of the warrants until such requests have been submitted and approved.

During the original probationary period, an employee may be granted sick leave without pay because of illness or injury not incurred on the job, or for reasons deemed good and sufficient by the appointing authority and with the approval

of the Personnel Director, but such leave shall not extend the regular probationary period which the entrance employee must serve.

SEC. 23.1102 ANNUAL VACATION:

Each employee paid at a monthly rate who has had full-time active service during the calendar year previous to that in which vacation is requested, shall be entitled in each calendar year to an annual vacation of fourteen consecutive days, exclusive of Saturdays, Sundays and holidays as defined in the Political Code of the State of California with full pay for such time as the employee would have been paid if at work for the City for the same period of time, except each employee in the uniformed service of the Fire and Police Departments and Lifeguard service shall be entitled to eighteen calendar days with full pay.

Each employee who has served continuously part-time during the calendar year previous to that in which vacation is requested shall be entitled in each calendar year to an annual vacation on the above basis in the proportion that such part-time employment bears to full time employment.

After twelve months of continuous service, each employee who worked only a partial year during the calendar year previous to that in which vacation is requested, shall be entitled to vacation with pay not to exceed one day for each 25 days for which said employee received pay in the previous calendar year, except each employee in the uniformed service of the Fire and Police Departments and Lifeguard service

SEC. 23.1102 ANNUAL VACATION

(a)FULL-TIME ACTIVE SERVICE Each employee paid at a monthly rate who has had full-time active service during the calendar year previous to that in which vacation is requested, shall be entitled in each calendar year to an annual vacation of fourteen (14) consecutive days, exclusive of Saturdays, Sundays and holidays as defined in the Political Code of the State of California with full pay for such time as the employee would habe been paid if at work for the City for the same period of time, except each employee in the uniformed service of the Fire and Police Departments shall be entitled to eighteen (18) calendar days with full pay.

(b)PART-TIME SERVICE Each employee who has served continuously part-time during the calendar year previous to that in which vacation is requested shall be entitled in each calendar year to an annual vacation on the above basis in the proportion that such part-time employment bears a full-time employment.

(c)VACATION EARNED DURING FIRST YEAR OF SERVICE After twelve months of continuous service, each employee who worked only a partial year during the calendar year previously to that in which vacation is requested, shall be entitled to vacation with pay not to exceed one day for each 25 days for which said employee received pay in the previous calendar year, except each employee in the uniformed service of the Fire and Police Departments shall be entitled to vacation with pay not to exceed one and one-half calendar days for which said employee received pay in the previous calendar year.

For each full month.

93.1102

(d) VACATION SCHEDULE - The arranging of a vacation schedule shall be the responsibility of the appointing authority; first with particular regard to the needs of the service, and then in so far as is possible with the wishes of the employees. Only for reasons deemed good and sufficient by the appointing authority and Personnel Director will an employee be permitted to split his vacation or to take a partial vacation in order to accumulate the balance to be taken in a subsequent year.

(e) ACCUMULATION OF VACATION In the event of an employee who has served continuously for at least twelve months does not take all the vacation to which he is entitled in any calendar year, he shall be allowed to accumulate the balance to be taken in a subsequent year; provided that accumulated and annual vacation shall not in any case exceed a total of 42 days of earned vacation. No employee shall be granted vacation with pay for more than 28 days, exclusive of Saturdays, Sundays, and holidays in any Calendar year; provided that an employee with ten or more years of continuous service may be permitted to take 35 days of earned vacation in a calendar year.

(f) ENTITLEMENT UPON RETIREMENT OR SEPARATION FROM SERVICE - Provided further that prior to retirement or upon separation from service whether voluntarily or involuntarily, an employee shall be entitled to vacation with pay for all the unused vacation which has accrued under the provisions of this rule, and in addition to vacation based upon the

23.1102

length of active service in the year in which the retirement or separation occurs. Vacation earned during the current year shall be computed upon the same basis as for a partial year as set forth in this rule. If an employee fails to take the vacation to which he is entitled prior to the date of his retirement, he shall forfeit all right to such vacation with pay. At the time this rule becomes effective, an employee who has accumulated more than the allowable number of days as provided in this rule, shall be allowed to take such additional days as may be necessary to reduce his vacation so that it will comply with this rule. Failure to take such additional days vacation before January 1, 1952, shall constitute a waiver of all vacation in excess of 42 days as set forth in this rule.

employee shall be entitled to vacation with pay for all the unused vacation which he has accrued under the provisions of this rule, and in addition to vacation based upon the length of active service in the year in which the retirement or separation occurs. Vacation earned during the current year shall be computed upon the same basis as for a partial year as set forth in this rule. If an employee fails to take the vacation to which he is entitled prior to the date of his retirement, he shall forfeit all right to such vacation with pay.

At the time this rule becomes effective, an employee who has accumulated more than the allowable number of days as provided in this rule, shall be allowed to take such additional days as may be necessary to reduce his vacation so that it will comply with this rule. Failure to take such additional days vacation before January 1, 1952, shall constitute a waiver of all vacation in excess of 42 days as set forth in this rule.

SEC. 23.1103 SICK LEAVE WITH PAY:

Sick leave is hereby defined to mean the absence from duty of an employee because of illness or injury, exposure to contagious disease, attendance upon a member of his immediate family requiring the care or attendance of such employee, or death in the immediate family of the employee.

Whenever an employee whose compensation is fixed by the month is compelled to be absent from duty on account of illness or injury, he may after one year of continuous service, be granted a maximum of fifteen calendar days sick leave with

pay in any calendar year, except as hereinafter provided.

The Commission may in its discretion grant currently earned sick leave with pay in cases of prolonged illness or disability due to injury not incurred on the job.

No more than five (5) days sick leave with pay shall be granted an employee because of illness or death in the immediate family.

All unused sick leave may be accumulative provided that at no time shall the accumulated and annual sick leave exceed a total of ninety calendar days. No more than ninety calendar days sick leave with pay shall be granted ub abt cakebdar year.

Employees absent before and after a holiday or before and after a Saturday and Sunday, shall be deemed "not ready and able to have worked" on the holiday and/or Saturdays and Sundays, or any combination thereof, and shall be charged straight calendar days.

If an employee who works regularly Monday through Friday on a 40 hour week, returns to work on Monday, the Saturday and Sunday previous shall not be assessed against his sick leave, similarly if a holiday falls on the day before his return from sick leave, such holiday shall not be assessed against his sick leave.

If an employee, whose schedule requires him to work Saturdays, Sundays, and/or holidays, or any combination thereof, on a 40, 44, or 72 hour week, returns from sick leave the day following his scheduled day or days off, such day or days shall not be included in his sick leave.

In any request for sick leave with pay for five days or more, the Commission may require a statement in writing signed by a regularly licensed physician, or the submission of other substantiating evidence that the employee is incapacitated and unable to perform his duties.

In the event of a transfer between departments or division or a promotion from one department or division to another, the employee's accrued vacation and sick leave shall be assumed by the department or division to which transfer or promotion is made.

SEC. 23.1104 SICK LEAVE WITH PAY DUE TO INJURY ON THE JOB:

Whenever an employee is compelled to be absent from duty on account of injury, regardless of length of service with the City, he shall be entitled to pay for the first seven (7) days following injury, upon satisfactory proof that the injury was incurred in the line of duty and without negligence on his part. If the disability is of longer duration than seven days, compensation will be received under the Workmen's Compensation Act, and the uniformed service of the Fire and Police shall receive such other benefits as are prescribed by ordinances adopted by the Council.

None of the foregoing provisions of this Division shall be applicable to employees employed on an hourly basis.

SEC. 23.1105 MILITARY LEAVE:

In addition to the leaves of absence hereinabove provided for members of the Classified Service, those officers or employees in such service who are also members of the National Guard or Naval Militia, or of the Reserve Corps, or forces

in the Federal Military, Naval, Marine or Coast Guard service, shall be entitled to the leaves of absence authorized and provided by the Military and Veterans Code of the State of California, and in addition thereto shall be entitled to the rights and privileges authorized by said Military and Veterans Code with respect to status and reemployment.

"For those officers or employees of The City of San Diego who have been employed for at least one year in regular City employment, who serve either the United States or the State of California in time of emergency or war, and who are not entitled to compensation and vacation under the Military and Veterans' Code of this State, the City shall provide and pay such officer or employee compensation for a period of time not to exceed thirty (30) days."

SEC. 23.1106 COMPULSORY LEAVE:

If, in the opinion of the appointing authority, an employee is incapacited for work on account of illness, such employee may be required to submit himself to a physician designated or approved by the Commission for examination. If the report of the physician shows the employee to be in an unfit condition to perform his duties, the appointing authority shall have the right, subject to the approval of the Commission, to compel such employee to take sufficient leave of absence to fit him to perform his duties.

SEC. 23.1107 SPECIAL LEAVE WITHOUT PAY:

An employee holding a position in the classified service who is mentally or physically incapacitated to perform his

duties or who desires to engage in a course of study such as will increase his usefulness on his return to the classified service or who for any reason considered good by the appointing authority and the Commission, desires to secure leave from his regular duties, may, on written request, approved by the appointing authority and the Commission, be granted special leave of absence without pay for a period not exceeding one year. Provided that when leave of absence is granted to enable an employee to take a position in the unclassified service, the Commission may upon request grant successive leaves of absence during the actual service of the employee in such unclassified position. And employee asking for special leave without pay shall submit his request in writing stating the reasons why, in his opinion, the request should be granted, the date when he desires the leave to begin, and the probable date of his return. For each separate case of leave without pay, the Commission shall at the time it approves the leave determine whether the employee granted such leave shall be entitled to his former position on his return from such leave or whether his name shall be placed on the eligible list for the class.

SEC. 23.1108 LEAVE TO SERVE ON JURY DUTY:

Whenever a permanent employee is required to serve as juror, he shall be granted leave for such purpose upon presentation of jury notice to the appointing authority and the Personnel Director. If funds are available, he may receive

full pay for the time he serves on the jury provided the money which he receives for jury duty is deposited with the City Auditor for the general fund. Request for such leave shall be made on leave of absence forms.

SEC. 23.1109 TIME OFF FOR SPECIAL MEETINGS:

Whenever it is deemed for the best interests of the City service, officers and employees may be granted time off with pay to attend professional or technical institutes or conferences or such other meetings as may contribute to the effectiveness of their service to the City upon their return to duty. Written request for such time off with reasons therefor must be submitted by the department head subject to the approval of the Personell Director.

DIVISION 12

RESIGNATION, REMOVAL, SUSPENSION, LAY-off

SEC. 23.1201 RESIGNATION:

An employee in the classified City service who desires to resign in good standing, shall submit his written resignation to the appointing authority, and must give at least one week's notice of his intention to leave the service, unless the appointing authority consents to his leaving sooner. Such request when approved by the appointing authority shall be immediately forwarded to the Commission.

SEC. 23.1202 REMOVALS:

Any officer or employee of the City in the classified service who has completed the probationary period prescribed in accordance with these rules may be removed from office or employment for cause by the appointing authority.

SEC. 23.1203 CAUSE FOR REMOVAL:

The following are declared to be causes for removal from the classified service of the City, though charges may be based on causes other than those enumerated.

(a) That the employee is incompetent or inefficient in the performance of his duty.

(b) That the employee has been offensive in his conduct toward his fellow employees, wards of the City, or the public.

(c) That the employee has some permanent or chronic physical or mental ailment or defect which incapacitates him for the proper performance of his duties.

(d) That the employee has violated any lawful or official regulation or order or failed to obey any lawful and reasonable direction given him by his superior officer when such violation or failure to obey amounts to insubordination or serious breach of dicipline which may reasonably be expected to result in lower morale in the organization or to result in loss, inconvenience, or injury to the City or the public.

(e) That the employee has solicited or taken for personal use a fee, gift, or other valuable thing in the course of his work or in connection with it when such fee, gift or other valuable thing so solicited or given him by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons.

(f) That the employee has failed to pay or make reasonable provision for future payment of just debts when annoyance is caused his superior officer or other City officer or scandal is caused the service because of such failure.

(g) That the employee has been convicted of a criminal offense involving moral turpitude.

(h) That the employee through negligence or wilful conduct has caused damage to public property or waste of public supplies.

(i) That the employee has been guilty of any conduct unbecoming an officer or employee of the City.

(j) That the employee has been absent without leave, contrary to the rules of the Commission, or has failed to report after leave of absence has expired, or after such leave of absence has been disapproved, revoked or cancelled

by the Commission; provided, however, that if such absence or failure to report is excusable the Commission may dismiss the charges.

(k) That the employee has hindered the regular operation of the department or division because of excessive absenteeism.

(l) That the employee has violated the provisions of Section 134 of the Charter of The City of San Diego.

(m) That the employee has violated the provisions of Section 135 of the Charter of The City of San Diego.

SEC. 23.1204 PROCEDURE:

Written notice of removal given to any officer or employee, or written notice left at or mailed to his usual place of residence, shall be sufficient to put any such removal into effect, and it shall be the duty of the officer making the removal to notify the Civil Service Commission forthwith. The person so notified, may, within five days after such notice, demand a written statement of the reasons therefor and the right to be heard before the Civil Service Commission. Upon such demand the officer making the removal shall supply the person notified thereof and the Civil Service Commission with a written statement of the reasons therefor, and the Commission shall fix a time and place for a public hearing. A record of the charges shall be included in the minutes of the Commission. The employee under charges shall be given an opportunity to produce witnesses and to be heard in his own defense, and to be represented by counsel. The appointing authority may also be represented by counsel. The proceedings shall be as informal as is compatible with the requirements of justice, and the Commission need not be bound by the

common law or statutory rules of evidence and procedure, but may make inquiry in the matter through oral testimony and records presented at the hearing, which is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit and provisions of the Charter. The testimony taken at the hearing shall be under oath and be transcribed. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of pertinent documents, and to administer oaths, and if necessary, to continue the hearing from time to time. The order of proof in any hearing of complaint shall be as follows:

(1) The appointing authority, or the complainant, shall present his evidence in support of the charges.

(2) The defendant shall then produce such evidence as he may wish to offer in his defense.

(3) The parties in interest may then offer rebuttal evidence. The Commission shall report its findings and recommendations to the authority responsible for the lay-off suspension or removal as specified in the notice. Thereupon the authority making the lay-off, suspension or removal shall make such final disposition of the matter as may be determined by the Civil Service Commission. The Commission may at its discretion:

(1) Order the restoration of the employee to his position without loss of pay or with reduced pay during the period between the filing of the charges and the making of the order.

(2) Order the demotion of the employee to a class for which a lower maximum rate of compensation is prescribed.

(3) Order the removal of the employee from the position; provided that in case of such removal the Commission may, at its discretion put the name of the employee on the eligible

list for the class for certification when a vacancy occurs in some other department.

The decision of the Civil Service Commission in any such case shall be final. A copy of the written statement of reasons given for any lay-off, suspension, or removal, and a copy of any written reply thereto by the officer or employee involved, together with a copy of the decision of the Civil Service Commission shall be filed as a public record in the office of the Civil Service Commission.

SEC. 23.1205 SUSPENSION:

Any appointing authority, and in his absence the officer acting in his place, may for diciplinary purposes, suspend without pay, an employee in his department or division for one or more periods aggregating not more than ninety days in a calendar year on account of inefficiency, incompetence, misconduct, negligence, insubordination, disloyalty, or other sufficient cause. The procedure and rights affecting such suspension shall be the same as that prescribed in the rules relating to removal. All suspensions must be recorded on employees' service cards.

SEC. 23.1206 REDUCTION IN PERSONNEL:

The appointing authority shall have the power to lay off or suspend any employee because of lack of funds, lack of work, or where there has been an insufficient appropriation to meet the salary requirements necessary to maintain existing personnel in any office, department, division or bureau.

Whenever it becomes necessary to reduce the number of employees in a given class because of lack of funds, lack of work, or where there has been an insufficient appropriation to meet the salary requirements necessary to maintain existing personnel, the appointing authority shall, prior to such impending reduction notify the Personnel Director of the number of positions in the class to be vacated, and the reasons therefor. The Personnel Director shall thereupon furnish the appointing authority the names of the employees in the order in which such lay-ff shall be effected.

The order of any appointing board or officer laying off an employee or employees in accordance with the provisions of this section for any of the reasons enumerated herein shall be final and not subject to review by the Civil Service Commission.

When it is found necessary to reduce the number of probationary or permanent employees in several departments, such reduction may be made of employees occupying positions in each of the respective departments without considering employees in the other departments.

SEC. 23.1207 LAY-OFFS:

(1) ORDER OF LAY-OFF:

A reduction in the order of employees in a class shall be made in the following order: Provisional, Temporary, Limited, Probationary, Permanent.

(a) In the case of probationary or permanent employees, the order of lay-off shall be determined on the basis of efficiency and seniority in which efficiency has twice the weight of seniority.

SEC. 23.1208 LAY-OFF IN ACCORDANCE WITH EFFICIENCY AND SENIORITY:

Efficiency shall be computed by averaging the ratings of the last four regular progress reports, or where service

has been less than two years the average of the ratings received during such period of service; seniority shall be computed according to the length of service in the class with a maximum allowance credit of ten years with ratings ranging from 70% to 100%.

DIVISION 13

EFFICIENCY

SEC. 23.1301 STANDARDS OF EFFICIENCY:

It shall be the duty of the Personnel Director to administer such service rating plan or device as may be approved by the Commission for the purpose of measuring the efficiency of officers and employees. Such service rating plan shall measure, as objectively as possible, both quantity and quality of work, the manner in which the service is rendered, and the observance of regulations and procedure properly governing the performance of the duties of a position.

SEC. 23.1302 SERVICE RATINGS:

The Personnel Director shall require appointing authorities to submit service ratings of individual employees, periodically and upon forms prescribed by the Commission. Service ratings shall be based upon the independent judgements of two or more supervisory officers, at least one of whom shall be the immediate superior of the employee whose services are rated. The factors and the method of scoring shall be the same for all employees in the same class and shall bear fair relationship to the duties and responsibilities of the employees to be rated. After the progress report has been marked in ink, it shall be presented to the employee for review and signature.

Progress reports shall be made in triplicate and after they have been marked, reviewed, and signed, all copies shall be sent to the Civil Service Department for scoring. After they have been scored, a copy of his progress report shall

be mailed to each employee to his last known address together with a statement as to whether his score for the items marked falls within the range established for "Outstanding," "Satisfactory," "Passable," or "Unsatisfactory" service.

Sepcific percentage grades will be computed for use in promotional examinations or lay-offs.

Upon presenting supporting facts and evidence that his service ratings were not determined in the manner prescribed, an employee may appeal to the Personnel Director who shall have the power to change a service rating when, upon investigation, it appears that the rating was not determined in conformity with the provisions of these rules; provided that no changes in ratings shall be made without a conference with the appointing authority concerned.

DIVISION 14

UNSKILLED LABOR SERVICE

SEC. 23.1401 UNSKILLED LABORER APPLICATIONS AND LIST:

Unskilled Laborers shall be appointed in the order of priority of application, and with such tests of physical and mental fitness as the Personnel Director may prescribe. Applications will be received as the needs of the service may require, and shall be made on forms furnished by the Commission and filed in the manner prescribed.

SEC. 23.1402 GENERAL REQUIREMENTS FOR UNSKILLED LABOR:

All applicants must:

(1) be citizens of the United States.

(2) be actual residents of the City for at least one year immediately preceding the date of filing application.

(3) be within the minimum and maximum age limits set by the Commission.

(4) qualify in such tests of physical and mental fitness as the Personnel Director may prescribe.

The Commission may modify residence requirements to meet special or peculiar needs of the service for positions which require residence outside the City limits on City property, or near places of employment.

SEC. 23.1403 REQUISITION AND CERTIFICATION:

The head of a department or other appointing authority shall make requisition to the Commission, upon the prescribed form, for the certification of the names of as many unskilled laborers as there are positions to be filled. Names shall

be certified according to priority of number of application and the eligibles certified shall be appointed to the position to be filled.

Whenever an eligible who has been certified for permanent appointment or unskilled laborer declines appointment, or fails to report for work as notified, he must file a new application before his name may again be certified, unless the reasons given are acceptable to the Personnel Director in which case his name may be certified after those on the current list for unskilled laborer have been certified.

The acceptance or declination of appointment for temporary work shall not affect the right of an eligible to certification for permanent appointment.

SEC. 23.1404 EMERGENCY EMPLOYMENT:

In cases of extreme emergency, employment in the unskilled labor service may be made without regard to these rules, but in no case to continue longer than seven (7) days without the approval of the Personnel Director, and notice of such employment shall be immediately furnished him in writing, with a statement of a reason therefor.

All such appointments may be canceled at any time by either the appointing authority or the Personnel Director.

DIVISION 15

REPORTS TO THE COMMISSION

SEC. 23.1501 For the proper establishment and maintenance of the service register and for the expeditious checking of payrolls, heads of departments shall promptly transmit to the Civil Service Commission all information requested.

The service register shall consist of a list of all persons in the service of the City showing with each name the position held, the salary or wages paid, the date and character of selection or appointment, every subsequent change of status, and whether in the classified or unclassified service.

In the case of elective officers, such information shall be furnished by the City Clerk.

On or before January 31st of each year, every department or division thereof shall submit to the Commission an organizational chart showing lines of authority and classification of present personnel and any changes in either classification or personnel proposed for the next fiscal year. An explanation of reasons for such proposed changes must accompany each chart.

DIVISION 16

ADMINISTRATION

23.1601 SEC. ~~1601~~ ORGANIZATIONAL AND STAFF:

The Civil Service Commission shall consist of three members, not more than two of whom shall be of the same sex, appointed by the Mayor and confirmed by the Council. The term of office of each member of the Commission shall be five years. Members of the Commission shall not hold any other office in the City government.

The Civil Service Commission shall appoint a Personnel Director who shall confirm the appointment of such technicians, clerks and other employees as may be necessary to carry out its work properly. The Personnel Director shall act as Chief Examiner and superintend the examinations, subject to the direction of the Commission and shall administer and enforce these rules, investigate the effect of their enforcement, report from time to time any violations and other conditions which, in his judgment, make it desirable to amend the rules, supervise and direct its employees, and pass upon employment matters under these rules, and shall perform such other duties as are prescribed by the Charter, by ordinance, or by the Commission.

SEC. 23.1602 MEETINGS AND MINUTES:

Regular meetings of the Commission shall be held on the third Tuesday of each month at 7:00 p.m.; provided that the Commission may designate other time of regular meeting by posting such notice on the bulletin board at the office of

the Commission. Two members of the Commission shall constitute a quorum. Any meeting shall be adjourned in the absence of a quorum. Special meetings may be held at any time on the call of the Personnel Director or of two members of the Commission.

The Personnel Director shall attend meetings, shall act as Secretary to the Commission, and shall prepare the minutes. The Personnel Director shall have a right to participate in the discussions, but shall have no vote. All meetings of the Commission shall be open to the public, and the minutes shall be open to public inspection.

ARTICLE 4 - RETIREMENT SYSTEM

DIVISION - 1

DEFINITIONS

SEC. 24.0101 ~~23.0101~~ The following words and phrases as used in this ordinance, unless a different meaning is plainly required by the contest, shall have the following meanings:

"Retirement System" shall mean the City Employees' Retirement System of San Diego, as defined by Section 24.0201.

Employee' shall mean any officer, agent, servant or employee in the Classified Service of The City of San Diego who renders regular and permanent service either on a full time or part time basis at a regular salary, wage, or compen sation, except that for the purpose of this ordinance policemen and firemen for whom pensions are provided under Article X and X1 of the City Carter, and elective officers and members of commissions who serve without pay shall not be considered as employees.

"Member" shall include any person included in the membership of the retirement system, as provided in Section 24.0301.

"Service" shall mean service as an employee, as described in this section.

"Prior Service" shall mean service rendered prior to the first day of January, 1927, for which credit is allowable under the provisions of Section 24.0401 .

"Membership Service" shall mean service as a member

rendered since last becoming a member.

"Creditable Service" shall mean "Membership Service," or "Prior Service" plus "Membership Service," for which credit is allowable, as provided in Section 24.0401.

"Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this ordinance.

"Regular Interest" shall mean interest at four per cent (4%) per annum compounded annually, or at such lower rate not less than three per cent (3%) per annum as may be set from time to time by the Board of Administration.

"Accumulated Contributions" shall mean the sum of all the amounts deducted from the compensation of a member and credited to his individual account in the Annuity Savings Account together with regular interest thereon as provided in Sections 24.0701 and 24.0801.

"Earnable Compensation" shall mean the full rate of the compensation that would be payable to an employee if he worked the full normal working time, except that any compensation in excess of $3600.00 per annum shall be used as $3600.00 for the purpose of this system.

"Average Final Compensation" shall mean the average annual earnable compensation of a member during his last ten (10) years of service as an employee.

"Annuity" shall mean payments for life derived from the accumulated contributions of a member. All annuities shall be paid in equal monthly installments.

"Pension" shall mean payments for life derived from the moneys provided by The City of San Diego. All pensions shall be paid in equal monthly installments.

"Retirement Allowance" shall mean the sum of the annuity and the pension.

"Annuity Reserve" shall mean the present value of all payments to be made on account of an annuity or benefit in lieu of an annuity computed upon the basis of such mortality tables as shall be adopted by the Board of Administration and regular interest.

"Pension Reserve" shall mean the present value of all payments to be made on account of a pension or benefit in lieu of a pension computed upon the basis of such mortality tables as shall be adopted by the Board of Administration and regular interest.

DIVISION 2

AUTHORITY AND EFFECTIVE DATE

SEC. 24.0201 A retirement system is hereby established and placed under the management of the Board of Administration as provided in Section 144 of the City Charter, for the purpose of providing retirement allowances for employees of The City of San Diego under the provisions of this ordinance. The retirement system shall be known as the "City Employees' Retirement System of San Diego" and by such name all of its business shall be transacted, all of its funds invested and all of its cash and securities and other property held.

The retirement system so created shall begin operation as of the first day of January, 1927.

DIVISION - 3

MEMBERSHIP

SEC. 24.0301 (a) Membership in the retirement system shall begin not earlier than the first day of January, 1927, and shall consist of the following:

(1) All employees who enter or re-enter the service of The City of San Diego after the first day of January, 1927, may become members on their own application, and all such employees who shall complete six (6) months of service thereafter shall become members of the retirement system as a condition of their employment.

(2) All employees in service on the first day of January, 1927, shall become members as of the said first day of January, 1927, unless within thirty (30) days thereafter any such employee shall file with the Board of Administration on a form prescribed by such Board a notice that he does not desire to be included in the membership of the system, which notice shall include a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system.

(3) Upon application to the Board of Administration any officer or employee in the Unclassified Service of the City, except those specifically excluded from membership by the charter, shall be permitted to become a member of the City Employees' Retirement System.

(b) An employee whose membership in the retirement system is dependent on his own election, and who elects not to become a member, may thereafter apply for and be

admitted to membership; but no such employee shall receive prior service credit unless he shall have become a member on or before the first day of January, 1928.

(c) A member shall lose his membership in the retirement system if he shall be absent from service for more than five (5) years in any period of ten (10) consecutive years after last becoming a member, or if he shall withdraw his accumulated contributions, or if he shall become a beneficiary, or die.

SEC. 24.0302 REINSTATEMENT OF MEMBERSHIP

A former member who has withdrawn his accumulated contributions either immediately before or after entering the active military service of the United States during World War II, (indluding the period of National Defense preparation prior to the beginning of hostilities against the United States), and returning to the City Service within ninety (90) days after his discharge under honorable conditions, shall be entitled to have his membership reinstated, subject to the following:

(1) He must, not later than sixty (60) days after his return to City service, pay into the Annuity Savings Fund a sum equal to that which he withdrew therefrom, plus accumulated interest at the rate of four per cent (4%) from the first of the month in which his membership was terminated to the first of the month following his reinstatement.

(2) In cases where such employees have already returned to City service they must comply with the provisions of this section not later than sixty (60) days after the effective date of this amendment.

DIVISION -4

CREDITABLE SERVICE

SEC. 24.0401 (a) Under such rules and regulations as the Board of Administration shall adopt, each member who was an employee on April 7, 1925, and who becomes a member during the year 1927, shall file a detailed statement of all service as an employee, as defined in this ordinance, rendered by him prior to January 1, 1927, for which he claims credit, and of such other facts as the Board of Administration may require for the proper operation of the retirement system.

(b) The Board of Administration shall fix and determine by appropriate rules and regulations how much service in a year is equivalent to a year of service, but in no case shall more than one (1) year be creditable for all service in one calendar year, nor shall the Board of Administration allow credit for service for a period of more than one month's duration during which the employee was absent without pay.

(c) Subject to the above restrictions and to such other rules and regulations as the Board of Administration may adopt, the Board of Administration shall verify, as soon as practicable, after the filing of such statement of service, the service therein claimed.

(d) Upon verification of the statements of service the Board of Administration shall issue to each member a prior service certificate certifying the aggregate length of service rendered prior to the first day of January, 1927,

with which he is credited on the basis of his statement of service. So long as membership continues a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided, however, that any member may, within one year from the date of issuance or modification of such certificate, request the Board of Administration to modify or correct his prior service certificate. When membership ceases such prior service certificate shall become void. Should the employee again become a member, such employee shall enter the system as an employee not entitled to prior service credit, except as provided in Section 24.0505 (b).

(e) Creditable service at retirement shall consist of membership service rendered by him since he last became a member, and also, if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate.

(f) Any member entering the active Military service of the United States during World War 11 (including the period of national defense preparation prior to the beginning of hostilities against the United States), and returning to the City service within ninety (90) days after his discharge under honorable conditions, shall be entitled to have his period of Military service credited to him as city employment service, subject to the following:

(1) His City service, Military Service and return to City service must be continuous with no interval of other regular employment.

(2) His accumulated contributions must have been left standing in full to his credit during the period.

(3) He must, not later than sixty (60) days after his return to City service, pay or obligate himself to pay into the annuity savings fund a sum equal to what he would have paid into said fund had he remained in the City service. Such sum may be paid in full or in installments over a period of time to be fixed by the Board of Administration. If he has already returned to City service, he must comply with the provisions of this paragraph not later than sixty (60) days after the effective date of this amendment.

(4) Nothing in this paragraph shall be construed to entitle a member to the payment of pension or any benefits other than the return of accumulated contributions during the period of Military service or during the period between his Military service and his return to City service.

DIVISION - 5

BENEFITS

SEC. 24.0501 SERVICE RETIREMENT BENEFIT

Any member in service may retire upon his written application to the Board of Administration setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, he desires to be retired, provided that the said member at the time so specified for his retirement shall have attained his minimum service retirement age and shall have completed not less than ten (10) years of continuous service as an employee and notwithstanding that during such period of notification he may have separated from service. The minimum service retirement age for all members other than policemen, firemen and full-time lifeguards shall be sixty-two (62) years, and for members who are policemen, firemen and full-time lifeguards shall be fifty-five (55) years.

SEC. 24.0502 ALLOWANCE ON SERVICE RETIREMENT

Upon retirement for service a member shall receive a service retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(b) A pension, in addition to his annuity, of like amount; and

(c) If he has a prior service certificate in full force

and effect, an additional pension which shall be equal to one-seventieth (1/70) of his average final compensation multiplied by the number of his years of prior service, as certified on his prior service certificate; and

(d) If he has a prior service certificate in full force and effect and has attained age weventy-two (72) years, such further pension as may be required to bring his total retirement allowance up to a minimum of six hundred dollars ($600.00) per annum.

(e) If he has a prior service certificate in full force and effect and has attained age sixty-two (62) years, and shall have completed not less than ten (10) years of creditable service as an employee, such further pension as may be required to bring his total retirement allowance up to a minimum of four hundred eighty dollars ($480.00) per annum.

(f) If he has prior service certificate in full force and effect and has attained age sixty-four (64) years, and shall have completed not less than ten (10) years of creditable service as an employee, such further pension as may be required to bring his total retirement allowance up to a minimum of five hundred four dollars ($504.00) per annum.

(g) If he has a prior service certificate in full force and effect and has attained age sixty-six (66) years, and shall have completed not less than ten (10) years of creditable service as an employee, such further pension as may be

required to bring his total retirement allowance up to a minimum of five hundred twenty-eight dollars ($528.00) per annum.

(h) If he has a prior service certificate in full force and effect and has attained age sixty-eight (68) years, and shall have completed not less than ten (10) years of creditable service as an employee. Such further pension as may be required to bring his total retirement allowance up to a minimum of five hundred fifty-two dollars ($552.00) per annum.

(i) If he has a prior service certificate in full force and effect and has attained age seventy (70) years, and shall have completed not less than ten (10) years of creditable service as an employee, such further pension as may be required to bring his total retirement allowance up to a minimum of five hundred seventy six dollars ($576.00) per annum.

SEC. 24.0503 ~~24.0508~~ EARLY SERVICE RETIREMENT BENEFIT

Should a member other than a policeman, fireman or full-time lifeguard who has attained the age of fifty-five (55) years and has a minimum of twenty (20) years of service, be removed from a regular permanent position of the city without fault or delinquency on his part, before he has attained the age of sixty-two (62), he may receive a special

retirement allowance consisting of an annuity which is the actuarial equivalent of the member's accumulated contributions at the time of retirement, plus a pension which is the actuarial equivalent of the annuity that would be payable at age sixty-two (62) from the member's contributions at withdrawal if accumulated to age sixty two (62), and if the member has prior service certificate in full force and effect, an additional pension which is the actuarial equivalent of a pension payable at age sixty-two (62), equal to one-seventieth (1/70) of the member's average final compensation multiplied by the number of his years of prior service. The total retirement allowance for members with prior service shall not be less than the actuarial equivalent at the time of retirement of an allowance of four hundred eighty dollars ($480.00) per annum payable at age sixty-two (62).

SEC. 24.0504 DISABILITY RETIREMENT BENEFIT

Upon the application of a member in service, or his supervisory official, any member who has had ten (10) or more years of creditable service may be retired by the Board of Administration, not less than thirty (30) and not more than ninety (90) days following the date of filing of his application, upon a disability retirement allowance, provided that the Medical Board, after a medical examination of such member, shall certify that the member is mentally or physically incapacitated for the further performance of duty,

and that such incapacity is likely to be permanent and that such member should be retired; provided, however, that no disability benefit shall be granted to any member when it is established to the satisfaction of the Board of Administration that such disability resulted from venereal disease, vicious or licentious habits, or violation of law.

SEC. 24.0505 ALLOWANCE ON DISABILITY RETIREMENT

Upon retirement for disability a member shall receive a service retirement allowance if he has attained his minimum service retirement age; otherwise he shall receive a disability retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement, and

(b) A pension which, together with his annuity, shall provide a total retirement allowance equal to ninety per centum (90%) of one-seventieth (1/70) of his average final compensation, multiplied by the number of years of his creditable service, if such retirement allowance exceeds twenty per centum (20%) of his average final compensation; otherwide a pension which, together with his annuity, shall provide a total retirement allowance equal to twenty per centum (20%) of his average final compensation, provided, however, that no such allowance shall exceed ninety per centum (90%) of one-seventieth (1/70) of his average final compensation, multiplied by the number of years which would be creditable to him were his service to continue until the attainment

of his minimum service retirement age.

SEC. 24.0506 RE-EXAMINATION OF BENEFICIARIES RETIRED ON ACCOUNT OF DISABILITY

At least once each year during the first five years following retirement of a member on a disability retirement allowance and once in every three-year period thereafter, the Board of Administration may, and upon his application shall, require any disability beneficiary who has not yet attained his minimum service retirement age to undergo a medical examination, such examination to be made at the place of residence of said beneficiary or other place mutually agreed upon, by a physician or physicians designated by the Board of Administration. Should any disability beneficiary who has not yet attained his minimum service retirement age refuse to submit to such medical examination by a physician or physicians designated by the Board of Administration as the Board may require, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the Board of Administration.

(a) Should the Medical Board report and certify to the Board of Administration that such disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the Board of Administration concur in such report, then the amount of his pension shall be reduced to an amount, which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided that the new

pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which he was retired shall not become a member of the retirement system.

(b) Should a disability beneficiary under his minimum service retirement age be restored to active service at a compensation not less than his average final compensation, his retirement allowance shall cease, and he shall again become a member of the retirement system and shall contribute thereafter at the same rate he paid prior to disability. Any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition upon his subsequent retirement he shall be credited with all his service as a member, except that upon subsequent retirement within five (5) years from the date of restoration his creditable service rendered prior to his previous retirement shall be reduced by one-tenth (1/10) the amount thereof.

SEC. 24.0507 DEATH BENEFIT

Upon the receipt of proper proofs of the death of a member in service there shall be paid to such person having an insurable interest in the life of the deceased, as he shall have nominated by written designation duly executed

and filed with the Board of Administration, otherwise to his estate:

(a) His accumulated contributions: and

(b) If the member has five or more years of membership service, an amount equal to his last month's salary.

SEC. 24.0508 RETURN OF ACCUMULATED CONTRIBUTIONS

(a) The Board of Administration annually, beginning with the fiscal year 1944-1945 may ascertain and determine the approximate average interest return on the assets of the system during the prededing fiscal year, which hereafter, in this section, shall be referred to as "average interest rate."

If the investigation shows that the said average interest rate is less than the regular established interest rate, then and in that event the Board of Administration may,in its discretion, by resolution entered in the minutes of said Board, establish said average interest rate. In the event the Board of Administration determines it will not be necessary to establish such an amount for any given year, it shall cause to be entered upon the minutes a finding to that effect.

(b) Every member who becomes separated from the service of the City except by death or retirement under the provisions of this ordinance shall, upon written demand made to the Board of Administration, receive and be paid the amount of his accumulated contributions, less a deduction of an amount approximately equal to the difference between the regular interest rate and the average interest rate which has been determined, each year respectively by the Board of

Administration.

(c) The Board of Administration may, in its discretion, before ordering a warrant for the payment of contributions demanded by a member upon separation from the City service, require a written notice to be served on said Board at least sixty (60) days prior to said payment.

SEC. 24.0509 OPTIONAL ALLOWANCES

Until the first payment on account of his retirement allowance becomes normally due, any member may elect to convert the retirement allowance otherwise payable to him into a modified retirement allowance of equivalent actuarial value, in accordance with one of the optional forms named below; provided, however, that should he die prior to the expiration of thirty (30) days after the date of filing such election, or prior to thirty (30) days after retirement, his optional election shall not be effective, and he shall be considered to be a member in service at the time of his death. A member who has elected an optional benefit may change such election by due notice to the Board of Administration, but no change may be made after the first payment of his allowance becomes normally due.

Option 1

If he died before he has received in payments the present value of his retirement allowance as it was at the time of his retirement, the balance shall be paid to his legal representative, or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Administration.

Option 2.

Such other form of benefit as shall be certified by the

actuary to be of equivalent actuarial value to his retirement allowance, provided that the Board of Administration shall determine that the granting of such optional allowance is consistent with the purpose of the retirement system and shall be necessary or desirable from the point of view of the member.

SEC. 24.0510 PENSION OFFSET BY COMPENSATION BENEFITS:

Any amounts which may be paid or payable by the City of San Diego under the provisions of any workmen's compensation or similar law to a member, or to the dependents of a member, on account of any disability giving rise to a disability benefit payable hereunder shall be offset against and payable in lieu of any such benefit payable out of funds provided by the City of San Diego under the provisions of this ordinance.

SEC. 24.0511 RETROACTIVE EFFECT

Nothing herein shall be construed to be retroactive.

SEC. 24.0512 ADDITIONAL BENEFITS FOR POLICEMEN, FIREMEN, LIFEGUARDS:

In addition to all the benefits, rights, privileges and obligations set forth in this ordinance for and on behalf of the employees of The City of San Diego, each police officer, fireman or lifeguard performing lifeguard service, other than those police officers and firemen who are already members of the pension system under Article X of the Charter of said City, shall receive the following benefits on account of or because of accidental disability or accidental death, which said benefits are herein enumerated as follows:

(a) Any such member of the City Employees' Retirement System who has been employed by The City of San Diego either as a member of the Police Department or of the Fire Department, and whose such employment in either the Police Department or Fire Department has taken place subsequent to June 30, 1946, and any member of said City Employees' Retirement System who as a lifeguard is performing lifeguard service at the time of his injury, who shall become physically or mentally disabled by reason of bodily injuries received in or by reason of sickness caused by the discharge of duty, or as a result thereof, to such extent as to render necessary his retirement from active service, may be entitled, with the consent of the head of the department concerned and the approval of the City Manager, to receive as a disability benefit for a period not to exceed one (1) year, a sum of money equal to his full salary, which shall be paid to said member out of the budgeted salary accounts of the City for the fiscal year or years involved, minus, however, such Workmen's Compensation Benefits as said member shall have received for such period of time as he receives the disability benefit equal to his salary.

(b) After one year, if said employee is still so incapacitated as to render necessary his retirement from active service, the Board of Administration of the City Employees' Retirement System, upon determining such necessity for retirement, shall retire such member or employee and cause to be paid to him the following benefits:

An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement, together with a pension in addition to such annuity of an amount sufficient to provide a total retirement allowance of money equivalent to one-half of the salary received by such member at the time of injury, but not in excess of one hundred fifty dollars ($150.00) per month.

(c) If such disability shall cease, or if such member shall, upon the recommendation of the head of the department in which he was employed, be restored to such active duty, during the year of disability described in Paragraph ~~(1)~~ (a) of this section or thereafter, as he is able to perform with the rank or rating in salary which he held at the time of his injury or illness, the disability payment or the retirement allowance provided hereunder shall terminate and cease. Any relief payment or retirement allowance provided for herein shall cease immediately upon the death of the person receiving the same.

(d) Whenever any member who is entitled to benefits under this section, who is not yet eligible to retire, shall lose his life in the performance of duty, or shall die from heart trouble or pneumonia, or any other sickness incurred in the course of duty as a policeman or fireman or lifeguard, or shall die as the direct result of any injury received during the performance of his duty, or shall die from sickness contracted by reason of the performance of his duty, then, upon satisfactory proof of such fact or facts, the Board of

Administration shall order paid an amount equal to one-third of the annual salary received by such member at the time of the injury or sickness, which caused said death, to his widow, in equal monthly installments, until she remarries, but in no case shall such pension exceed the sum of seventy-five dollars ($75.00) per month. If there be no widow said Board of Administration shall order paid to each child or guardian of such child, under the age of eighteen years, if unmarried, the sum of twenty dollars ($20.00) per month, payable monthly, but in no case shall such payments exceed the sum of seventy-five dollars ($75.00) per month for one family.

Any payments made under this section to dependents of a member shall cease upon the death or marriage of such dependents, or upon the attainment of eighteen years of such dependents, other than the widow of such member.

(e) In the event that any member, or widow of a member, or dependent of a member, under this section, shall become entitled to receive benefits by virtue of this section, and also should be entitled to receive Workmen's Compensation Insurance benefits under any law of the State, the City shall be obligated to pay to said employee, or widow, or dependent only such amount as shall represent the difference between the sum paid to such employee, or widow, or dependent, by the State Compensation Insurance Fund and the maximum amount permitted to be paid such employee, or widow, or dependent under this section.

SEC. 24.0512.1 ADDITIONAL BENEFITS FOR POLICEMEN, FIREMEN - IN LIEU DISABILITY PAYMENTS:

Any member of the Police or Fire Department of

The City of San Diego who was regularly employed and a member of his respective pension system on June 30, 1946, who, on or after March 26, 1951, shall be or become physically or mentally disabled by reason of bodily injuries received in, or by reason of sickness caused by, the discharge of duty, or as a result thereof, to such an extent that the Board of Trustees of the Police and Fire Retirement System determines that he is entitled to the disability benefits of Section 163 of Article X of the Charter of The City of San Diego, shall be entitled to receive in lieu of those benefits provided in said Section 163, a sum of money equal to his full salary, for a time not to exceed one year of such disability, minus, however, such Workmen's Compensation Benefits as said member shall have received for such period of time as he is paid the sum equal to his salary.

SEC. 24.0513 LIMITATION.

None of the retirement allowances provided by Section 24.0505 shall be paid to any member who is entitled to receive benefits under Section 24.0512. In all other respects

Sections 24.0501 to 24.0511 both inclusive, except as in conflict with Section 24.0512, shall be applicable and control all situations not covered expressly by Section 24.0512.

SEC. 24.0520 ASSIGNMENTS PROHIBITED

The right of a person to a pension, an annuity or a retirement allowance, to the return of contributions, the pension annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this ordinance and the moneys in the fund created under this ordinance shall not be subject to execution, garnishment, attachment, or any other process whatsoever, and shall be unassignable except as in this ordinance specifically provided.

SEC. 24.0520 ASSIGNMENTS PROHIBITED

The right of a person to a pension or annuity or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this ordinance and the moneys in the fund created under this Ordinance shall not be subject to execution, garnishment, attachment or any other process whatsoever, and shall be unassignable except as in this Ordinance specifically provided. Members of the retirement system may, however, assign a right to such funds as are deposited in the retirement fund by such employees as security for the repayment of a loan made to such members by a legally organized municipal credit union, when such loan is secured for the purposes of paying the cost of medical services, operations, hospital services, sickness, dentistry, medicine, drugs, burial expenses, and such other incidental expenses as arise out of or because of accidents and ill health, provided that such assignment is accompanied by evidence of the need for money for the purposes hereinabove outlined.

DIVISION - 6

ADMINISTRATION

SEC. 24.0601 BOARD OF ADMINISTRATION

(a) The general administration and the responsibility of the proper operation of the retirement system and for making effective the provisions of this ordinance shall be vested in the Board of Administration, as provided in Section 144 of the Charter of the City of San Diego.

(b) Subject to the limitations of the said Section 144 of the City Charter and of the limitations of this ordinance, the Board of Administration shall, from time to time, establish rules and regulations for the administration of the retirement system and the transaction of its business.

(c) The Board of Administration shall engage such actuarial and other services as shall be required to transact the business of the retirement system.

(d) The Board of Administration shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experiences of the system.

(e) The Board of Administration shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually a report showing the fiscal transcations of the retirement system for the preceding fiscal year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial

valuation of the assets and liabilities of the retirement system. The Board shall submit said report to the City Manager and shall file a copy in the office of the City Clerk of said City.

SEC. 24.0602 LEGAL ADVISER.

The City Attorney of The City of San Diego shall be the legal adviser of the Board of Administration.

SEC. 24.0603 DUTIES OF ACTUARY

(a) The Board of Administration shall designate an actuary who shall be the technical adviser of the Board on matters regarding the operation of the retirement system and shall perform such other duties as may be required in connection therewith.

(b) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the Board of Administration shall authorize, and on the basis of such investigation he shall recommend for adoption by the Board of Administration such tables and such rates as are required in Sec. (c), paragraphs (1), (2) and (3). of this section. On the basis of such recommendation the Board of Administration shall adopt tables and certify rates, and as soon as practicable thereafter the actuary shall make a valuation, based on such tables and rates, of the assets and liabilities of the funds and accounts created by this ordinance.

(c) In the year 1930, and at least once in each five-year period thereafter, the actuary shall make an actuarial

investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds of the system, and taking into account the result of such investigation and valuation the Board of Administration shall:

(1) Adopt for the retirement system such mortality, service and such other tables as shall be deemed necessary;

(2) Certify the rates of contribution payable by members under the provisions of this ordinance; and

(3) Certify the rates of contribution payable by The City of San Diego under the provisions of this ordinance.

(d) On the basis of such tables as the Board of Administration shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this ordinance.

(e) Medical Board. The Board of Administration shall appoint a medical board consisting of three physicians who shall pass on all applications for disability retirement and who shall make recommendations to the Board as to the reduction or termination of any disability allowance in accordance with the provisions of Sec. 24.0503 and Sec. 24.0505.

SEC. 24.0604 PROTECTION AGAINST FRAUD

Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the Board of Administration shall correct such error, and as far as practicable, shall adjust the payments in such manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

DIVISION - 7

MANAGEMENT OF FUNDS

SEC. 24.0701 MANAGEMENT OF FUNDS

(a) The Board of Administration shall be the trustees of the several funds of the retirement system, and shall have full power to invest and re-invest such funds in bonds of the United States, State of California, municipal corporations, counties, or irrigation districts, or in such securities as may be authorized by law for the investment of funds of municipal corporations; and subject to the restrictions of such laws as may be in effect for the investment of funds of municipal corporations said trustees shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which the funds shall have been invested, as well as the proceeds of such investments.

(b) The Board of Administration annually shall allow regular interest on the mean amount for the preceding year in each of the accounts of the City Employees' Retirement Fund. The amounts so allowed shall be due and payable to said accounts and shall be annually credited thereto by the Board of Administration from interest and other earnings on the moneys in the retirement system. Any excess of earnings over the amount required to pay interest on the various accounts in said City Employee's Retirement Fund shall be deductible from the amounts to be contributed each year by The City of San Diego.

(c) The ~~Treasurer~~ Treasurer of The City of San Diego shall be the custodian of the several funds and accounts of the system.

All payments from such funds or accounts shall be made by him only upon the proper warrants signed by the City Auditor after having first been duly authorized by the Board of Administration of the City Employees' Retirement Funds.

(d) For the purpose of meeting disbursements fro pensions, annuities, and other payments there may be kept available cash, not exceeding ten per centum of the total amount in the several funds of the retirement system, on deposit in one or more banks or trust companies of The City of San Diego, organized under the laws of the State of California or of the United States, provided, that the sum on deposit in any one bank or trust company shall not exceed twenty-five per centum of the paid up capital and surplus of each bank or trust company.

(e) Except as otherwise herein provided, no trustee and no employee of the Board of Administration shall have any direct interest in the gains or profits of any investment made by the Board of Administration, nor as such receive any pay or employment for his services. No trustee nor employee of the Board shall, directly or indirectly, for himself or as an agent in any manner use the same, except to make such current and necessary payments as are authorized by the Board of Administration; nor shall any trustee or employee of the Board of Administration become an endorser or surety or in any manner an obligor for moneys loaned by or borrowed from the Board of Administration.

DIVISION - 8

METHOD OF FINANCING

SEC. 24.0801 ASSETS

All of the assets of the retirement system shall be credited in accordance with the purpose for which they are held to one of two funds, namely, the City Employees' Retirement Fund, as created by Section 145 of Article 1X of the City Charter, and the Retirement System Expense Fund.

SEC. 24.0802 CITY EMPLOYEES' RETIREMENT FUND

The City Employees' Retirement Fund shall be subdivided into four accounts as follows: The Annuity Savings Account, The Annuity Reserve Account, The Pension Accumulation Account and The Pension Reserve Account.

SEC. 24.0803 ANNUITY SAVINGS ACCOUNT

(a) The annuity Savings Account shall be the account in which shall be accumulated contributions from the compensation of members to provide for their annuities. Upon the basis of such tables as the Board of Administration shall adopt and the regular interest, the actuary of the retirement system shall calculate for each age of entrance into membership the constant proportion of compensation which, when deducted from each payment of the prospective earnable compensation of a member entering at any such age prior to his attainment of his minimum service retirement age, and accumulated

at regular interest until his attainment of his minimum service retirement age, shall provide at that time an annuity approximately equal in amount to one-one hundred fortieth (1/140) of his average final compensation multiplied by the number of his years of service as a member. Such proportion of compensation shall be known as the normal rate of member's contribution. The proportion so computed for a member whose age is one year less than his minimum service retirement age shall be applied to a member who attains a greater age before he becomes a member of the retirement system.

(b) Beginning with the effective date of the amendment to this section, all new members will contribute upon the basis of tables for men and for women as the Board of Administration shall adopt. The Actuary of the retirement system shall calculate for each age of entrance into membership the constant proportion of compensation which, when deducted from each payment of the prospective earnable compensation of a member entering at any such age prior to his attainment of his minimum service retirement age, and accumulated at regular interest until his attainment of his minimum service retirement age, shall provide at that time an annuity approximately equal in amount to one-one hundred twentieth (1/120) of his average final compensation multiplied by the number of his years of service as a member.

Present members, both men and women, shall have the option of making future contributions upon the basis of the new tables to provide at minimum service retirement age on account of future membership service annuities approximately equal in amount to one-one hundred twentieth (1/120) of average final compensation for each year of future membership service. The Board of Administration shall fix the time limit within which members may choose to exercise their options. Such option once exercised is irrevocable.

(c) The Board of Administration shall furnish the City Auditor with the amount of contribution for each member, and the City Auditor shall cause to be deducted from the compensation of each and every member each month, or shorter periods as the Board of Administration may approve, the amounts so certified for each member, provided, however, that compensation at a rate in excess of Three Thousand Six Hundred Dollars ($3600.00) per annum shall be considered as Three Thousand Six Hundred Dollars ($3600.00) for the purpose of computing the amounts to be deducted.

In determining the amount earnable by a member in a payroll period, the Board of Administration may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing through such payroll period, and it may omit deductions from compensation for any period less than a full payroll period if any employee was not a member on the first day of the payroll period; and to facilitate the making of deductions

it may modify the deduction acquired of any member by such an amount as shall not exceed one-tenth (1/10) of one per centum of the annual compensation upon the basis of which said deduction is to be made. Compensation payable for overtime work or compensation in lieu of vacation shall not be considered in determining the amount earnable by a member in a payroll period.

(d) The decuctions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation; and payment of salary or compensation less said deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment except as to the benefits provided under this ordinance. The City Auditor shall furnish to the Board of Administration a copy of each and every payroll on which there appears a deduction for the City Employee's Retirement System; and each of said amounts shall be deducted and when deducted shall be paid into said Annuity Savings Account and shall be credited, together with regular interest, to an individual account of the member from whose compensation said deduction was made.

(e) In addition to the normal deduction from compensation as hereinbefore provided, subject to the approval of the

Board of Administration any member may deposit in the annuity savings account by an increased rate of contribution an amount for the purchase of an additional annuity, which, together with his prospective retirement allowance, will provide for him a total retirement allowance not exceeding one-half of his prospective average final compensation at a chosen age between the voluntary and compulsory retirement age limits. Such additional amount so contributed shall not be considered in computing the pension to be provided from the contributions of the city, but shall accrue interest at a rate to be established by the Board of Administration, which rate shall not exceed three per cent (3%).

(f) The accumulated contributions of a member withdrawn by him, or paid to his estate or to his designated beneficiary in the event of his death as provided in this ordinance, shall be paid from the Annuity Savings Account. Upon the retirement of a member his accumulated contributions shall be transferred from the Annuity Savings Account to the Annuity Reserve Account.

SEC. 24.0804 ANNUITY RESERVE ACCOUNT

The Annuity Reserve Account shall be the account from which shall be paid all annuities and all benefits in lieu of annuities payable as provided in this ordinance.

SEC. 24.0805 PENSION ACCUMULATION ACCOUNT

(a) The Pension Accumulation Account shall be the account in which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contributions made by the City of San Diego and from which shall be paid all pensions and other benefits on account of members with prior service credit.

(b) On account of each member who is an employee of The City of San Diego the said City shall pay annually into the Pension Accumulation Account for the preceding fiscal year an amount equal to a certain percentage of the earnable compensation of each member, to be known as the"normal contribution,"and an additional percentage of his earnable compensation to be known as the"accrued liability contribution." The rates per centum of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuation. Until the first valuation the normal contribution shall be one and sixteen hundredths per centum, and the accrued liability contribution shall be one and seventy-three hundredths per centum of the earnable annual compensation of all employees.

(c) On the basis of regular interest and of such mortality and other tables as shall be adopted by the Board of Administration, the actuary engaged by the Board to make each valuation required by this ordinance during the period over which the deficiency contribution is payable, immediately after making such valuation, shall determine the uniform and constant percentage of the earnable compensation of the average new entrant, which, if contributed on the basis of the earnable compensation of such new entrant throughout his entire period of active service would be sufficient to provide for the payment of any pension or other benefit provided by the City that may be payable on his account. The rate per centum so determined shall be known as the "normal contribution" rate. After the accrued liability

contribution has ceased to be payable, the normal contribution rate shall be the rate per centum of the earnable compensation of all members obtained by deducting from the total liabilities of the Pension Accumulation Fund the amount of the funds in hand to the credit of that fund and dividing the remainder by one per centum of the present value of the prospective future salaries of all members as computed on the basis of the mortality and service tables adopted by the Board of Administration and regular interest. The normal rate of contribution shall be determined by the actuary after each valuation.

(d) Immediately succeeding the first valuation, the actuary engaged by the Board of Administration shall compute the rate per centum of the total annual compensation of all members which is equivalent to the sinking fund payment that would liquidate at regular interest within a period of thirty (30) years the liability on account of all members and beneficiaries which is not dischargeable by the aforesaid normal contributions made on account of such members during the remainder of their active service. The rate per centum originally so determined shall be known as the "accrued liability contribution" rate.

(e) The total amount payable in each year to the Pension Accumulation Fund shall not be less than the sum of the rates per centum known as the normal contribution rate and the accrued liability contribution rate of the total compensation earnable by all members during the preceding year: provided, however, that the aggregate payment by The City of San Diego shall

be sufficient when combined with the amount in the fund to provide the pensions and pay other benefits payable out of the fund during the year then current.

(f) The accrued liability contribution shall be discontinued as soon as the accumulated reserve in the Pension Accumulation Fund shall equal the present value, as actuarially computed and approved by the Board of Administration of the total liability of such fund less the present value, computed on the basis of the normal contribution rate then in force, of the prospective normal contributions to be received on account of persons who are at that time members.

(g) All pensions and benefits in lieu thereof, with the exception of those payable on account of members who receive no prior service allowance, shall be paid from the Pension Accumulation Account.

(h) Upon the retirement of a member not entitled to credit for prior service, an amount equal to his pension reserve shall be transferred from the Pension Accumulation Account to the Pension Reserve Account.

SEC. 24.0806 THE PENSION RESERVE ACCOUNT

The Pension Reserve Account shall be the account from which shall be paid the pensions to members not entitled to credit for prior service and benefits in lieu thereof. Should such a beneficiary retired on account of disability be restored to active service with compensation not less than his average final compensation at the time of his last retirement, the pension reserve thereon shall be transferred from the Pension Reserve Account to the Pension Accumulation Account. Should the pension of such a beneficiary be reduced as a result of an increase in his earning capacity, the amount of the annual reduction in his pension shall be paid annually into the

Pension Accumulation Account during the period of such reduction.

SEC. 24.0807 EXPENSE FUND

The Expense Fund shall be the fund to which shall be credited all money provided by The City of San Diego to pay the administration expenses of the retirement system, and from which shall be paid the expenses necessary in connection with the administration and operation of the system. Annually the Board of Administration shall estimate the amount of money necessary to be paid into the Expense Fund for the ensuing year to provide for the expense of operation of the retirement system, and such estimate shall be submitted to the City Manager in accordance with Section 69 of Article VII of the City Charter.

SEC. 24.0808 ESTIMATE OF APPROPRIATIONS REQUIRED

(a) On or before the 15th day of April of each year the Board of Administration shall certify to the City Manager the amount of the appropriation necessary to pay to the various funds and accounts of the retirement system, the amounts payable by The City of San Diego as enumerated in this ordinance for the year beginning on the succeeding first day of July, and items of appropriation providing the amounts shall be included in the Annual Appropriation Ordinance. The amount so appropriated shall be credited to the various funds and accounts of the retirement system.

(b) To cover the requirements of the system for the period prior to the first day of January, 1928, the amount of $11,000.00 shall be paid into the Pension Accumulation Account of the City Employees' Retirement Fund and the amount

of $4,500.00 shall be paid into the Expense Fund.

SEC. 24.0809 UNCLAIMED BENEFITS

All unclaimed amounts payable under the provisions of the retirement system sections shall remain part of the funds of the retirement system, and shall be credited to the Pension Accumulation Account.

SEC. 24.0810 RETROACTIVE EFFECT

Nothing herein shall be construed to be retroactive.

DIVISION - 9

GUARANTY

SEC. 24.0901 GUARANTY

The creation and maintenance of reserves in the Pension Accumulation Account, the maintenance of annuity reserves and pension reserves as provided for, and regular interest creditable to the various accounts as provided in Section 24.0701 (b), and the payment of all pensions, annuities, retirement allowances, refunds and other benefits granted under the provisions of this ordinance,and all expenses in connection with the administration and operation of this retirement system, are hereby made obligations of The City of San Diego to the extent that the Charter of said City authorizes such obligations; provided, however, that nothing in this ordinance contained shall be construed as imposing any liability in addition to that imposed upon said City by the terms and provisions of Section 143, Article IX, of the Charter of said City. All income, interest and dividends derived from deposits and investments authorized by this ordinance shall be used for the payment of the said obligations of the said City. Any amounts derived therefrom which, when combined with the regular amount otherwise contributed by The City of San Diego, as provided under the provisions of this ordinance, exceed the amount required to provide such obligations, shall be used to reduce the regular appropriations otherwise required.

ARTICLE 5 - FIRE DEPARTMENT

DIVISION 1 - MERIT SYSTEM

(The rules and regulations of the merit system of the Fire department of The City of San Diego were adopted by Ordinance No. 1121 (new series) and amended by Ordinance No. 4296 (new series.))

SEC. 25.0101 GENERAL

Matters not covered by the following rules and regulations shall be decided upon the recommendation of the Chief of the Fire Department, subject to the approval of the City Manager.

SEC. 25.0102 APPOINTMENTS, PROMOTIONS, DEMOTIONS, SUSPENSIONS, DISMISSALS

All appointments, promotions, demotions, suspensions and dismissals to be approved by the City Manager.

SEC. 25.0103 RATE OF PAY

The rate of pay for members of the Fire Department shall be recommended by the Chief of the Fire Department, approved by the City Manager, and provided by the Mayor and Council in the annual budget.

SEC. 25.0104 POWER OF OFFICERS

The Chief, Assistant Chief, or Battalion Chiefs, or any officer acting in their capacity may relieve temporarily from duty any subordinate for cause. The officers causing such relief from duty must report his action immediately to headquarters, to be followed within twenty-four hours by a written statement giving reasons for such relief from duty and within five days the person relieved from duty shall be given a written notice of his suspension with a copy of the charges against him and he shall have a hearing before the Fire Department

Trial Board.

The Chief of the Fire Department shall have power to make rules and regulations for conducting examinations, tests, trials, etc., and shall appoint an officer or officers to conduct same.

SEC. 25.0105 VOLUNTARY ATTENDANCE CREDIT

Credits may be given for volunteer attendance at drills, school of instruction, inspections on time off and for meritorious conduct, life saving, or service to the City beyond the requirements of duty. No credits shall be added to or taken from the record of a member of the Fire Department without the approval of the Chief or Acting Chief of the Fire Department.

SEC. 25.0106 TRANSFERS AND DETAILS

Members of the Fire Department may be transferred from one station to another as required or may be detailed to any duty within the Fire Department by the Chief of the Fire Department.

SEC. 25.0107 DEPARTMENT OF RECORDS AND SUPPLIES

The Chief of the Fire Department shall appoint a Secretary and as many clerks as may be recommended by the Chief of the Fire Department and approved by the City Manager.

SEC. 25.0108 ANNEXED DISTRICTS

Members of Fire Departments of cities or districts which may be annexed to or combined with San Diego may be accepted into the San Diego Fire Department if they comply with all of the above requirements.

SEC. 25.0109 PROBATIONARY FIREMAN

Applicants for membership in the San Diego Fire Department

must be qualified electors of the City of San Diego, height not less than 5 feet 7 inches, and weight not less than 150 lbs. stripped, and must pass a physical examination by the Fire Department surgeon immediately prior to appointment.

Appointment as a probationary fireman shall be made by the Chief of the Fire Department from an eligible list provided by the Civil Service Commission, selection to be made from the first three men highest on the Civil Service eligible list.

Probationary firemen may be dismissed by the Chief of the Fire Department at any time during the first six months of service, without appeal. After three and before six months service the probationary fireman must pass the probationary examination and attain an average of 80 percent or better. Failing to pass 80 percent, his services terminate. At the end of six months probation if his services have been satisfactory, and he again passes the physical examination by the Fire Department surgeon, the probationary fireman shall be appointed Fireman 4th class.

SEC. 25.0110 FIREMAN THIRD CLASS

After one year's service after entering the Fire Department, if a fourth class fireman passes the third class firemen's examination and his services have been satisfactory, he shall be appointed Fireman 3rd class.

SEC 25.0111 FIREMAN SECOND CLASS

After two year's service after entering the Fire Department, if a third class fireman passes the second class firemen's examination and his services have been satisfactory, he shall

be appointed Fireman 2nd class.

SEC. 25.0112 FIREMAN FIRST CLASS

After three year's service after entering the Fire Department, if a second class fireman passes the first class fireman's examination and his services have been satisfactory, he shall be appointed Fireman 1st class.

Failing to pass fireman third class, fireman second class or fireman first class examinations 75 percent or over at the time they are eligible, the fireman remains in the same grade for six months before again being eligible to take the examination. Failure to pass two consecutive examinations may be reason for dismissal from the Fire Department.

SEC. 25.0113 ENGINEERS

Firemen first class, after one year's service as fireman first class, are eligible to take examination for Engineer.

SEC. 25.0114 LIEUTENANT

Engineers who have served one year in their grade are eligible to take examination for Lieutenant.

SEC. 25.0115 CAPTAIN

Lieutenants who have served one year in their grade are eligible to take examination for Captain.

SEC. 25.0116 BATTALION CHIEFS

Captains who have served one year in the grade with a total of not less than seven ~~years~~ years service in the San Diego Fire Department are eligible to be appointed Battalion Chief by the Chief of the Fire Department.

SEC. 25.0117 ASSISTANT CHIEF

Battalion Chiefs who have served one year in the grade and having a total of not less than ten years service in the San Diego Fire Department are eligible to be appointed Assistant Chief by the Chief of the Fire Department.

SEC. 25.011~~8~~ PROMOTIONAL ELIGIBLE LISTS

Members of the Fire Department making the eligible list for promotion will be retained on the list for a period of two years, or until another list is established by examination, or until their names are removed from same for cause, after trial before the Board of Chiefs.

Eligible lists shall be posted at Fire Department Headquarters.

Appointment to all positions shall be made by the Chief of the Fire Department from the top of the eligible list of the positions to be filled. The names of all contestants who receive an average grade of 75 percent or over in all promotional examinations shall be placed on the eligible list.

All tests for Fire Department promotions shall be practical and relate to matters which fairly measure the relative fitness and abilities of applicants for the positions to be filled.

Written tests shall count for not more than 50 percent of the total, the remaining 50 percent to be given on fitness for the position as determined by oral examinations, demonstrations and by Fire Department rating forms, records, by performance of duty, and service.

SEC. 25.0119 PROBATION PERIOD

All appointments to be on Probation for six (6) months and appointee may be reduced to former rating if services are unsatisfactory.

SEC. 25.0120 FIRE PREVENTION BUREAU

Firemen first class are eligible to be appointed Fire Prevention Inspector, to rank with Fireman first class.

Fire Prevention Inspectors are eligible for appointment to Fire Prevention Engineer, to rank with Engineer.

Fire Prevention Engineers are eligible for appointment to Fire Prevention Lieutenant, to rank with Lieutenant.

Fire Prevention Lieutenants are eligible for appointment to Fire Prevention Captain, to rank with Captain.

SEC. 25.0121 FIRE ALARM OPERATORS AND CHIEF OPERATOR

Members of the Fire Department with not less than one year's service in the Fire Department are eligible to be appointed Fire Operator by the Chief of the Fire Department, to rank with Engineer.

Fire Alarm Operators are eligible to be appointed Chief Fire Alarm Operator, to rank with Captain, by the Chief of the Fire Department.

SEC. 25.0122 FIRE AND POLICE ALARM TELEGRAPH DEPARTMENT

The Fire and Police Alarm Telegraph department to be in charge of the Superintendent who shall rank not less than Battalion Chief, and who shall be appointed by the Chief of the Fire Department.

Members of the Fire Department are eligible to appointment, after examination, to the Fire Alarm Crew by the Chief of the

Fire Department.

Alarm Crew with ratings as follows:

Alarm Assistant, 4th class, to be rated with Fireman 2nd class.

Alarm Assistant, 3rd class, to be rated with Fireman 1st class.

Alarm Assistant, 2nd class, to be rated with Engineer.

Alarm Assistant, 1st class, to be rated with Lieutenant.

Alarm Foreman, to be rated with Captain.

SEC. 25.0123 MACHINE SHOP

The Machine shop shall be in charge of a Master Mechanic, who shall be appointed by the Chief of the Fire Department, and shall rank not less than Battalion Chief.

Members of the Fire Department are eligible to be appointed to the Machine Shop force by the Chief of the Fire Department, approved by the City Manager.

Ratings in the Machine Shop force shall be as follows:

Mechanic 4th class, to rate with Fireman 1st class.

Mechanic 3rd class, to rate with Engineer.

Mechanic 2nd class, to rate with Lieutenant.

Mechanic 1st class, to rate with Captain.

SEC. 25.0124 INJURY OR ILLNESS

The Chief of the Fire Department, with the approval of the City Manager, may grant a leave of absence for a period of one year with full pay to any member of the Fire Department who is unable to perform his duty because of an injury sustained or illness suffered or contracted by said employee in the line of duty.

Vacations, and other leaves of absence with or without pay, shall be granted by the Chief of the Fire Department in conformance with Rule Ten of the Rules of the Civil Service Commission of The City of San Diego.

SEC. 25.0125 DEATH IN FAMILY

Leave of absence with or without pay may be granted for death in the immediate family of the member, if recommended by the Chief of the Fire Department and approved by the City Manager.

SEC. 25.0126 THE TRIAL BOARD

The trial Board shall consist of the Chief of the Fire Department, or Acting Chief, and not less than four of the ranking officers of the Fire Department. The Chief of the Fire Department shall act as President of the Trial Board and he shall appoint a secretary and one member of the Fire Department, not a member of the Board, to prosecute. The Defendant may select any member of the Fire Department, not a member of the Trial Board, to defend him.

After all evidence has been heard the Trial Board shall decide, by secret ballot, the innocence or guilt of the defendant. If the defendant is found guilty the Chief or Acting Chief of the Fire Department may impose such penalty by way of suspension, fine, extra duty, removal from eligible lists, demotion, or dismissal from the Fire Department, as he may deem proper. From any order made as herein provided and fixing dismissal, demotion or suspension as a penalty, the member of the Fire Department so dismissed, demoted, or suspended, shall

have the right to appeal to the Civil Service Commission as provided in Section 58 of the Charter of The City of San Diego.

SEC. 25.0127 GROUNDS FOR SUSPENSION OR DISMISSAL

Failure of members of the Fire Department to keep themselves in fit physical and mental condition may be cause for suspension or dismissal, extra duty or demotion.

DIVISION - 2

FIRE MARSHAL

SEC. 25.0201 OFFICE OF FIRE MARSHAL CREATED

There is hereby created the office of Fire Marshal of the City of San Diego, which office shall be held, and the duties of which shall be performed by the Chief of the Fire Department of the City of San Diego, who shall be ex-officio Fire Marshal, but who shall receive no compensation therefor other than his salary as said Chief of the Fire Department.

SEC. 25.0202 AUTHORIZES DEPUTY FIRE MARSHAL

The Chief of the Fire Department may appoint a Deputy, and he may act in the place and stead of the Fire Marshal.

SEC. 25.0203 DUTIES OF FIRE MARSHAL

It shall be the duty of the Fire Marshal to attend to the enforcement of the provisions of this ordinance and all other ordinances pertaining to the protection of the city from fire.

SEC. 25.0204 INSPECTION OF PREMISES

The Fire Marshal and his deputies shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the same and enforcing the provisions of this and other ordinances pertaining to the protection of the city from fire.

ARTICLE - 6

BOARDS AND COMMISSIONS

SEC. 26.01 HARBOR COMMISSION

That the Harbor Commission of The City of San Diego be, and it is hereby authorized and empowered by resolution to establish, maintain and enforce a system of vehicular traffic control and regulation upon the streets, roadways and vacant areas located on the tidelands of The City of San Diego under the jurisdiction, supervision, management and control of said Harbor Commission, including the installation and operation of parking meters, and the adoption of rules and regulations governing the manner, time and place of parking vehicles and by resolution from time to time to change or alter the same.

SEC. 26.02 EFFECT OF RULES

All rules and regulations adopted by the Harbor Commission pursuant to the authority granted by this ordinance shall have the force and effect of law.

SEC. 26.10 VETERANS ADVISORY COMMISSION CREATED

That there is hereby created and established a commission, which shall be known as The City of San Diego Veterans' Advisory Commission.

SEC. 26.11 MEMBERSHIP

Such commission shall consist of five (f) members, who shall be appointed by the Mayor of The City of San Diego, by and with the approval of the City Council of said City, and shall serve without pay for a period of two (2) years.

SEC. 26.12 POWERS AND DUTIES

Such commission shall act in an advisory capacity to the Council of The City of San Diego and the several departments of government of The City of San Diego on all matters pertaining to veterans' affairs; and all applications for licenses under the provisions of Section 16102 of the Business and Professions Code of the State of California shall be referred to said commission for approval prior to the granting thereof; and no such license shall be issued without the approval of said commission.

SEC. 26.20 SPORTS COMMISSION CREATED

There is hereby created a Sports Commission for the City and County of San Diego, California, to be known as the "San Diego Sports Commission" under the provisions of Act 1801, Deerings General Laws, as amended by Statutes of 1943, Chapter 750.

SEC. 26.21 MEMBERSHIP

The membership of this Commission shall be composed as follows:

(a) Park and Recreation Director for The City of San Diego:

(b) Director of County Recreation for the County of San Diego;

(c) A member of the San Diego Boosters' Club;

(d) A member of the San Diego California Club;

(e) An additional member to be appointed by the above-named members.

The Commission shall choose its Chairman from among

its members.

SEC. 26.22 ADVISORS

The Commission shall have authority to appoint such persons as it may deem necessary and proper to act in an advisory capacity to the Commission.

SEC. 26.23 QUORUM

Three members of the Commission shall constitute a quorum to transact business. Any official action must have the vote of at least three members in order to be valid.

SEC. 26.24 AUTHORITY

The Commission may make such rules and regulations for the conduct of its business as it may deem necessary, provided said rules and regulations are consistent with the charters of the County and City, their ordinances and the general law.

SEC. 26.25 POWERS AND DUTIES. The powers and duties of the Commission shall be:

(a) To bring to San Diego City and County outstanding national and international sports events, and in connection therewith to purchase through the agency of either the City or County any equipment of permanent character or which may be utilized more than once, which may be deemed necessary by said Commission in the promoting or handling of said national or international sports events.

In this connection title to said equipment or property shall vest in the City and County jointly, but shall be under the supervision and control of the Sports Commission.

(b) To advise and safeguard the public on all sports and special events promotions made for

the City and County of San Diego.

(c) To act in a liaison capacity with the City Manager's office and proper County Officials in the matter of awarding dates for sports events and for the use of the City and County recreational and athletic facilities.

SEC. 26.30 BOARD OF EXAMINING ENGINEERS CREATED

(a) That a board to be designated as the Board of Examining Engineers is hereby created, said board to consist of three members to be appointed by the City Manager; said three members to hold office at the pleasure of said City Manager.

(b) Each person so appointed shall be of good character and habits and each shall have had at least five years experience in the operation, maintenance and/or use of steam boilers and steam engines.

SEC. 26.31 POWERS AND DUTIES

It shall be the duty of said Board to examine all applicants for steam engineer's license. This said board shall hold meetings at 30-day intervals when necessary. Special meetings may be called by the Chairman or by two members thereof. Each member shall be properly notified of the time and place of all such meetings.

SEC. 26.32 QUORUM

At all meetings a majority of the said Board shall constitute a quorum for the transaction of business.

SEC. 26.33 PAY OF MEMBERS

The three appointed members of the Board of Examining Engineers shall serve without pay.

SEC. 26.34 SECRETARY OF BOARD

The Chief Inspector of the Department of Inspection of The City of San Diego shall serve as, and be the Secretary of the Board of Examining Engineers, but shall not have a vote on, or be counted as a member, for a quorum of said

Board.

(b) The secretary of the Board of Examining Engineers shall keep the minutes of all proceedings of the said Board and all records thereof. The said Secretary shall keep a register of all names of all applicants for an engineer's license designating those to whom licenses are granted and those to whom licenses are not granted.

SEC. 26.35 FILING OF PAPERS

Each application for a license, the afficavit accompanying the same, all correspondence of the said Board, and all communications received by the said Board relative to such application or affidavit, or to the applicant, the written questions and answers, the marks or points obtained by the applicant, and all other notes, or documents relative to such application, shall be kept on file in the office of the secretary of the said Board. The said Board shall grant a hearing to any applicant who is dissatisfied with any act or determination of the said Board.

SEC. 26.36 APPLICATION FEE

The Secretary of said Board shall collect from each applicant for an engineer's license the sum of TEN DOLLARS ($10.00); and no part of such sum shall be returned to any applicant who shall fail to pass the examination; provided however, that if any such applicant shall fail to receive the percentage required to get a license at the first examination, he shall be entitled to take a second examination without having to pay a second fee, if such second examination is taken within a period of thirty (30) days;

SEC. 26.37 AFFIDAVIT OF APPLICANT

Before being permitted to take an examination each applicant for a license shall make and file with the secretary of the said Board an afficavit in writing as the his previous experience, stating the number of years and in what capacity he has served about an engine and boiler, types and horsepower of engines and boilers, where and by whom he was employed, and the length of time he was employed by each person, firm or corporation. Such afficavit shall accompany the application for such a license. Each such application, together with the afficavit accompanying the same, shall be presented to the said Board by the Secretary, at the first regular meeting of the said Board after the same is filed.

SEC. 26.38 LICENSES

Licenses issued under this ordinance shall be of the following class:

Steam Engineer's License: The holder of this class of a license shall be qualified to operate steam boilers and steam engines of unlimited power.

SEC. 26.39 LICENSE EXAMINATION

The said Board shall make a careful and thorough examination as to the qualifications of every applicant for a license. Such examination shall be along the applicant's knowledge of the operation, care and maintenance of steam boilers and steam engines, and the accessories thereof and appurtenances thereto. The examination of each applicant shall consist of three parts as follows:

First, as to the previous experience of the applicant;

Second, an examination in which questions shall be propounded and the answers, thereto shall be given by the applicant without assistance of any kind in the presence of the said Board or a member thereof.

Third, demonstrations by the use of models and such appliances as may be provided by the said Board for that purpose.

One hundred points shall be counted as a perfect score, divided as follows:

A maximum of twenty-five points for experience;

A maximum of fifty points for the written examination; and

A maximum of twenty-five points for the demonstration.

In any such examination, if any question of mathematical nature shall be submitted, a formula for use in solving the same shall be furnished to each person taking such examination.

SEC. 26.40 CERTIFICATE

The Board of Examining Engineers shall authorize issuance of a certificate of license to each applicant who shall obtain in such examination, sixty-five or more points. Such certificate shall be signed by at least two of the said Board and the same shall expire on June 30th of the fourth year following date of issuance, unless sooner revoked. Each such certificate may be revoked.

SEC. 26.42 SUSPENSION OF LICENSE

The Board of Examining Engineers shall have power by a two-thirds vote to suspend an engineer's license or a renewal thereof, for a period of thirty (30) days, and may recommend that the Council revoke same, for violation of any provision of this ordinance, or for inebriety, dishonesty or neglect of duty while in charge of an engine or boiler in use.

SEC. 26.43 HEARING

If the licensee suspended demands a hearing no such license or renewal shall be revoked until a hearing shall have been had by the Council in the matter of the revocation if such license or renewal, notice of which hearing shall be given in writing and served at least three days prior to the date of hearing upon the holder, of such license, which notice shall state the ground of complaint against the holder of such license and shall also state the time when and the place where such hearing will be had. Such notice shall be served upon the holder of such license by delivering the same to such person or by leaving such notice at the last known place of business or last known residence of such person with some person of suitable age and discretion. If the holder of such license cannot be found and service of such notice cannot be made upon him in the manner hereinbefore provided, then a copy of such notice shall be mailed, postage fully prepaid, addressed to such holder of such license at such place of business or residence at least three days prior to the date of such hearing.

SEC. 26.44 RENEWAL APPLICATION FEE

The Secretary of said Board shall collect from every application for the renewal of a license, the sum of FIVE DOLLARS ($5.00).

SEC. 26.45 FAILURE TO APPLY FOR RENEWAL OF LICENSE

In case an application in writing, for the renewal of a license is not filed with the secretary of the said Board on or before the last day previous to the expiration of such license, the said secretary shall notify in writing the holder of such license of the expiration thereof, and if the holder of such license shall not file an application in writing for such renewal the said secretary within thirty days after receipt of such notice, the said Board shall revoke such license and refuse to issue a renewal thereof or a new license without an examination held in the manner provided in this ordinance for original examinations.

SEC. 26.46 VIOLATIONS OF HARBOR COMMISSION REGULATIONS - MISDEMEANOR

Any person violating any of the provisions, or any rule or regulation made by the Harbor Commission which is authorized by this Code, shall be guilty of a misdemeanor.

SEC. 26.60 SAN DIEGO CITY-COUNTY CAMP COMMISSION - LEGISLATIVE AUTHORITY - NAME

Pursuant to authority granted by the provisions of Sections 24401 to 24441, inclusive, Education Code, and Stats. 1921, p. 542 (Deering Act No. 1801)as amended, there is hereby created a Board of Recreation Commissioners to be known as the "San Diego City-County Camp Commission."

SEC. 26161 SAME - MEMBERSHIP

The membership of this Commission shall be composed as follows:

(a) A member of the San Diego County Board of Supervisors appointed annually by the Board for a term of one calendar year.

(b) A member of the San Diego City Council appointed by the City Council for the duration of his term of office.

(c) The Superintendent of Schools of San Diego County;

(d) The Superintendent of Schools of the San Diego Unified School District;

(e) One additional member to be appointed by the above indicated members.

This Commission shall choose its chairman from among its members.

SEC. 26.62 SAME - ADVISORS

The Commission shall have authority to appoint such persons as it may deem necessary and proper to act in an advisory capacity to the Commission.

SEC. 26.63 SAME - QUORUM

Three members of the Commission shall constitute a quorum to transact business. Any official action must have the vote of at

least three (3) members in order to be valid.

SEC. 26.64 SAME - RULES AND REGULATIONS

The Commission may make such rules and regulations for the conduct of its business as it may deem necessary.

SEC. 26.65 SAME - POWERS AND DUTIES

The powers and duties of the Commission shall be:

(a) Under such limitations and restrictions as are prescribed by the City Charter and applicable general laws, and save and except in the matter of award of contracts for the construction of public works, and save and except as otherwise herein provided, to contract and to do any and all things necessary and convenient in carrying out the provisions of this Ordinance and the acts cited in Section 1 hereof. In the matter of the negotiation and award of construction contracts for public works undertaken pursuant to this Ordinance, the Board of Supervisors and the City Council shall act concurrently and jointly on behalf of the County and the City respectively.

(b) To plan and develop a county-wide program of summer camps and year-long work experience school camps for San Diego City and County;

(c) To operate the former CCC camp at Rancho Cuyamaca State Park as a recreation and school camp, together with such other camp sites as may be available and necessary; provided that the City Council of The City of San Diego and the Board of Supervisors of the County of San Diego shall jointly contract directly with the Governmental agencies that own or control such camps, sites or locations, for their use or recreation and school camps, pursuant to this Ordinance.

(d) To enter into agreements with the various school districts of San Diego County, with the San Diego City Playground Department, with the different agencies of the San Diego Community Chest, and with other bona fide groups for the use of camp sites for recreation or education camps;

(e) To receive gifts, contributions, donations, endowments and bequests for the furtherance of this program;

(f) To employ such officers and employees as are necessary to enable the Commission to adequately carry out the purposes of this Ordinance and the acts cited in Section 1 hereof; or in its discretion to enter into agreements with any person, firm, or corporation or other public authority or agency to maintain and operate for specified periods of time any camp or camps within the jurisdiction of the Commission. In the event that the maintenance and operation of such camp or camps is not contracted for as hereinabove prescribed, then all such appointments of officers and employees shall be made by the Commission and the terms, tenure, qualifications, and compensation thereof shall be fixed and prescribed pursuant to the San Diego County Charter and the rules and regulations of the County Civil Service Commission, and all such officers and employees shall be deemed to be County officers and employees.

SEC. 26.66 SAME - USE OF THE CAMP

The use of the camp shall be on a proportional school district basis. The original base shall be the secondary school population of the secondary school districts of the county, including the San Diego Unified School District. The Commission may then vary the proportion and the actual number of children served by the camps according to:

(a) The requests made by the several districts;

(b) The maintenance and operation benefit contributions from each district, the charges made being upon a per pupil served basis.

SEC. 26.67 SAME - APPROPRIATION OF FUNDS

The Commission shall submit its annual buget to the County Board of Supervisors and the City Council for approval. Any appropriation by The City of San Diego of funds to be expended in furtherance of the work of said San Diego City-County Camp Commission shall be conditioned upon a like sum being appropriated by The County of San Diego.

SEC. 26.68 SAME - FUND AND AUTHORITY

The City of San Diego consents to the creation in the office of the County Treasurer of a special fund which shall be known as the"San Diego City-County Camp Commission Fund." On the effective date of this Ordinance all unexpended moneys heretofore appropriated to the Commission by the City and the County respectively, shall be deposited concurrently and in like amounts by the City and the County to the credit of said fund and such additional sums as shall from time to time hereafter be so appropriated for the purposes of this Ordinance, and shall likewise be deposited concurrently in like amounts by the City and the County to the credit of said fund; and all expenditures made for the purposes set forth in this Ordinance, shall, from the effective date hereof be made from said fund pursuant to the County Charter and applicable general laws.

The City of San Diego gives its consent to the appointment of the County Auditor and Comptroller being authorized, empowered and directed to exercise general supervision over said fund for and

on behalf of the City and the County, pursuant to the provisions of the County Charter and applicable general laws.

The City of San Diego gives its consent to the appointment of the County Treasurer being designated as the custodian of said fund, for and on behalf of the City and the County, and is hereby authorized, empowered and directed to receive said deposited sums, and to deposit the same pursuant to law in a special County and City bank account with a Federal Reserve Member Bank in the City of San Diego.

All income and revenue received by the Commission shall be deposited in said fund, pursuant to law.

SEC. 26.69 SAME - COUNTY PURCHASING AGENT - AUTHORITY

The City of San Diego gives its consent to the appointment of the County Purchasing Agent being authorized, empowered and directed to act for and on behalf of the City and the County as the purchasing agent for the Commission, pursuant to the terms of the County Charter, the Administrative Code, and applicable to general laws.

SEC. 26.70 SAME - CONSENT AND RATIFICATION BY COUNTY

Notwithstanding any provision to the contrary herein contained, this Article shall become inoperative and without force of effect unless the Board of Supervisors of the County of San Diego, California, shall, within ten days from the effective date hereof by Ordinance consent to and accept all of the recitations, declarations, conditions, restrictions and terms expressed and contained in each and every section of this Article.

SEC. 26.71 SAME - TERMINATION OF AGREEMENT

That anything to the contrary in this Article notwithstanding,

either the City or the County may terminate the agreement and the acceptance thereofat the end of any fiscal year, by delivering to and filing with the Clerk of the other legislative body notice in writing of intention to terminate sixty (60) days prior to the end of such fiscal year.

Upon termination of this agreement all moneys remaining in the San Diego City-County Camp Commission Fund shall be divided equally and distributed to the City and the County, and all other property, real and personal, acquired by the Commission shall be converted into cash and similarly distributed, unless the City and the County shall mutually agree upon some other plan of equitable distribution in proportion to the contributions made.

ARTICLE - 7

ELECTIONS

A. ELECTION ~~CODE~~ ~~ARTICLE~~ CODE

DIVISION - 1

GENERAL PROVISIONS

SEC. 27.0101 TITLE

This ~~ordinance~~ article shall be known as the Election ~~Code~~ ~~ARTICLE~~ Code for the City of San Diego.

SEC. 27.0102 NOT RETROACTIVE

No action or proceeding commenced before this code takes effect, and no right accrued, is affected by this code but all prodedure taken shall conform to the provisions of this ~~code~~ article so far as possible.

SEC. 27.0103 CONSTRUCTION GENERALLY

Unless the provision or the context otherwise requires these general provisions, rules of construction, and definitions shall govern the construction of this ~~code~~ article.

SEC. 27.0104 LIBERAL CONSTRUCTION

A substantial compliance with the provisions of this code shall be sufficient for the holding of any election hereunder, and for the approval or rejection of any ordinance, resolution, measure or proposition submitted to a vote of the electors of the City.

SEC. 27.0105 CONDUCT OF ELECTIONS

All elections, including initiative, referendum and recall elections, shall be held and conducted in accordance with the provisions of this ~~code~~ article.

SEC. 27.0106 HEADINGS

Division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this ~~code~~ article.

~~SEC. 27.0107 TENSES~~

~~The Present tense includes the Past and Future tenses; and the future, the present.~~

~~SEC. 27.0108 GENDERS~~

~~The masculine gender includes the feminine.~~

SEC. 27.0109 ELECTIONS

Whenever the term "Election" is used in this ~~code~~ article, it refers to Municipal elections held in the City of San Diego.

SEC. 27.0110 ELECTIONS CLASSIFIED

Elections held in the City of San Diego, shall be classified as of three kinds, to-wit:

(1) Municipal Primary election

(2) Municipal General election

(3) Municipal Special election

SEC. 27.0111 SPECIAL ELECTION

"Special Election" is an election the specific time for holding of which is not prescribed in this ~~code~~ article or the City charter. Except as in this ~~code~~ article otherwise provided, every special election ordered, held and conducted shall be ordered, held and conducted (except as to the date thereof), and the result thereof made known and declared in the same manner as herein provided for other elections.

SEC. 27.0112 CONSOLIDATION OF ELECTIONS

The Council may consolidate municipal special elections

with each other, with the municipal primary election, with the municipal general election, or with any State or County election.

In order to consolidate a municipal election with a County or State election, permission must be obtained by the Council from the Board of Supervisors.

When any such elections shall have been consolidated as herein provided, they shall be held, conducted, the returns thereof canvassed, and the results thereof declared in all particulars the same as one election.

Whenever a municipal election is scheduled to be held on the same day as a County or State election, and not consolidated therewith, the City Clerk shall conduct such election in the same manner as provided for in this ~~code~~ article.

SEC. 27.0113 CALLING OF ELECTIONS

The Council shall by ordinance order the holding of all elections, and every such ordinance shall specify the object and time of holding said elections.

SEC. 27.0114 NOTICE OF ELECTION

The publication of the ordinance calling an election, as hereinafter provided, shall constitute the Notice of Election.

SEC. 27.0115 QUALIFIED ELECTORS

The qualifications of an elector at any election held in the City under the provisions of this ~~code~~ article shall be the same as those prescribed by the general law of the State for the qualification of electors at general state elections. No person shall be eligible to vote at such city election

until he has conformed to the general state law governing the registration of voters.

SEC. 27.0116 PRECINCTS

(a) The voting precints of the City for the holding of elections shall be the precincts established by the Board of Supervisors of the County of San Diego; provided, however, the City Council may in its discretion establish the precincts.

(b) The council may in ordering the holding of any elections, consolidate the voting precincts into consolidated precincts, to a number not exceeding five for each such consolidated precincts consecutively, and each consolidated precinct so established shall, for the purposes of such elections, be known by the number so designated.

SEC. 27.0117 PRECINCT BOARDS

(a) The appointment of the members of the precinct boards shall be made by the City Clerk. Not less than One Inspector, One Judge and Two Clerks shall be appointed to act as a precinct board for each precinct and such board shall have charge of the election in and for each regular or consolidated precinct.

(b) The City Clerk may appoint the members of the precinct boards from the list of applicants for such positions on file in his office, or from the list on file in the office of the Registrar of Voters.

(c) Upon filing in his office a list of the polling places and those who have been appointed members of the precinct boards the City Clerk shall mail or deliver to each member a notice that he has been assigned, and any

other matter as the City Clerk determines.

(d) The members of the precinct boards shall receive such compensation as the Council may fix.

(e) Should a vacancy occur in any precinct board during the progress of an election the remaining members thereof shall fill said vacancy.

(f) If none of the members of a precinct board appear at the opening of the polls, the City Clerk shall, as soon as siad fact is called to his attention, cause a board to be appointed.

SEC. 27.0118 FAILURE TO SERVE

Any person who has filed an application for the position of and has been appointed as a member of a precinct board and who shall,without lawful excuse, fail to act as such shall be deemed guilty of violation of this ~~code~~ article and punishable as set forth in ~~chapter~~ Division 18 of this ~~code~~ article.

SEC. 27.0119 POLLING PLACES

(a) The City Clerk shall designate the polling places to be used for election purposes.

(b) If, upon arriving at the polling place designated the precinct board finds that such polling place can not be used for the election, said board shall secure another place as near thereto as possible, post a notice of that change on or near the place first designated, and conduct the election at the new location.

(c) A polling place shall not be any place where any alcoholic beverage is sold or dispensed, and it shall not be connected by a door, window or other opening with any

place where any alcoholic beverage is sold or dispensed.

SEC. 27.0120 FLAG

An American Flag of such size as may be determined by the city clerk shall be erected at or near each polling place.

SEC. 27.0121 ~~AFFIDAVITS~~ AFFIDAVITS OF REGISTRATION

At any election, the original afficavits of registration, or copies thereof, shall be used. It shall be the duty of the registrar of voters or other officer of the County of San Diego to furnish such afficavits of registration, with proper indices thereto, as provided for in the Elections Code of the State of California, to the city clerk at least five days before the holding of an election.

SEC. 27. 0122 VOTING HOURS

The polls shall be open on the day of election between such hours as the council may determine, but not less than eight consecutive hours.

SEC. 27.0123 OPENING AND COLSING OF POLLS

The hours of opening and colsing the polls shall be specified in the ordinance calling the election.

SEC. 27.0124 PETITIONS, SIGNATURES ON

In order to be acceptable for filing, any petition provided for in this code, must on its face purport to have appended to it signatures of registered voters in the required number.

SEC. 27.0125 PETITIONS, CERTIFICATE OF ~~SIFFICIENCY~~ SUFFICIENCY OF

The City Clerk may make his certificate of sufficiency

for any petition provided for in this ~~code~~ article, as soon as the required number of names have been checked, regardless of the number of names that may be on a petition over and above the required number.

SEC. 27.0126 PETITIONS, VALIDITY OF

No petition is valid for the purpose for which it was circulated after the expiration of six months from the date the first signature was affixed thereto unless it has been filed in accordance with the provisions of this code.

SEC. 27.0127 REMOVAL OR DESTRUCTION OF SUPPLIES

No persons shall, during an election, remove or destroy any of the supplies or other conveniences placed in the voting booths for the purpose of enabling the voter to prepare his ballot.

SEC. 27.0128 PUBLICATIONS

(a) The city clerk shall cause to be published at least once in the official newspaper, the names of all offices to be filled and the names of candidates as they are to appear on the ballot.

(b) Ordinances calling elections shall be published at least once in the official newspaper of the city.

(c) Resolutions declaring the result of elections shall be published at least once in the official newspaper of the city.

SEC. 27.0129 ELECTION EMPLOYEES

The City Clerk may employ such persons, in addition to the persons regularly employed in his office, as may be necessary to assist him in the performance of any duty imposed upon him by the charter, this code, or by the Council in connection with the conduct of any election, and the provisions of the charter respecting the classified civil service of the City shall not apply.

DIVISION - 2

NOMINATIONS

SEC. 27.0201 NOMINATION PETITIONS

(a) Nomination of candidates for all elective offices shall be made by filing a nominating petition with the City Clerk, on forms prepared by him. Such nominating petitions shall state the name of the candidate, his residence, the office for which he seeks nomination, the term for which he is running, occupation, years of residence in the City, previous public positions held in this city or elsewhere, and a written acceptance of nomination by the candidate. Each candidate shall present himself at the office of the City Clerk and sign the nomination papers.

(b) Nominating petitions of a candidate for the office of councilman shall also state the years of residence in the district from which he seeks nomination.

(c) Nominating petitions of candidates for the office of councilman shall be signed by at least 200 persons residing in the district from which the candidate seeks nomination, who were registered qualified electors on the sixtieth day before the next preceding election.

(d) Nominating petitions for elective officers other than councilmen shall be signed by at least 300 persons who were registered qualified electors of the City on the sixtieth day before the next preceding election.

(e) The information hereinabove required shall appear at the head of each nominating petition, followed by the signature and legal residence of each signer written in ink or

indelible pencil. The sponsors or signers shall state among other things that they request the name of said candidate to be placed on the ballot for the respective office at the primary election.

SEC. 27.0202 ASSEMBLING OF PETITIONS

Nominating petitions shall consist of separate papers, as follows: Each paper shall consist of a sheet or sheets, containing the information required in Section ~~30 of this chapter~~ 27.0201, with additional sheet or sheets for the signatures thereto; provided, however, that if any paper consists of more than one sheet it shall be and remain securely fastened together at the top. The signatures need not all be appended to one sheet or paper. Each such paper shall have attached thereto on the last sheet thereof the affidavit of the person in charge of said paper that all of the signatures on each sheet thereof were made in his presence, and that to the best of his belief such signature is the genuine signature of the person whose name it purports to be.

SEC. 27.0203 CIRCULATION OF PETITION

The person circulating a nominating petition must be a registered qualified elector of the City of San Diego. A candidate may circulate his own nominating petition and affix thereto his signature as a circulator.

SEC. 27.0204 SIGNING OF PETITIONS

No voter may sign more than one nominating petition for the same office and in the event he does so his signature shall count only on the first nominating petition filed which contains his signature. Nominating petitions subsequently

filed and containing his signature shall be considered as though his signatures does not appear thereon. Such petitions shall be signed by registered voters of the city in their own proper persons only and each signer shall at the time of signing the petition himself affix thereto his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained; provided, however, that each signer shall in addition to the other requirements affix thereto the date of his signing, but if successive signers sign on the same date, marks may be used to indicate that the dates are the same.

SEC. 27.0205 TIME FOR FILING PETITIONS

All nominating petitions shall be filed with the City Clerk not earlier than the sixtieth day nor later than the legal closing hour of business on the forty-first day before the Primary election.

SEC. 27.0206 FILING FEE

A filing fee of twenty-five dollars ($25.00) shall be paid to the City Clerk by each candidate before being issued a nominating petition. The City Clerk shall pay into the city treasury all such fees. Such filing fees shall not be refunded in the event a candidate fails to qualify as a candidate.

SEC. 27.0207 CHECKING NOMINATING PETITIONS

The City Clerk shall be allowed ten days after filing such petitions to examine and verify the signatures and other

requirements of sufficiency. The City Clerk shall endorse thereon the date of such filing.

SEC. 27.0208 SUFFICIENCY OF PETITION

If the petition of nomination is found to be sufficient and in proper form, the City Clerk shall immediately so certify and send a notice of such sufficiency to the candidate.

SEC. 27.0209 INSUFFICIENCY OF PETITION

An insufficient nominating petition may be returned to the person filing the same for additional signatures and the person named as nominee in the petition shall be notified immediately of the insufficiency.

SEC. 27.0210 SUPPLEMENTARY PETITION

If it shall appear from the certificate of the City Clerk that any such nominating petition is not signed by the requisite number of registered voters a supplementary nominating petition may be filed within three days from the date of such certificate, if such can be filed before the time expires for the filing of nominating petitions. No further supplementary filing shall be allowed.

SEC. 27.0211 EXAMINATION OF SUPPLEMENTARY NOMINATING PETITION

The City Clerk shall within five days after such supplementary nominating petition is filed make like examination thereof and shall certify the result of his examination thereof.

SEC. 27.0212 WITHDRAWALS OF NOMINATION

Within five days after the expiration of time for the filing of petitions for nominations, any person for the

nomination of whom a petition has been filed as hereinbefore provided, may cause his name to be withdrawn from nomination by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot to be used at the primary nominating election.

SEC. 27.0213 UNEXPIRED TERM

Any candidate to serve for the remainder of an unexpired term shall be designated in the petition on the ballot as a candidate to fill an unexpired term.

DIVISION - 3

DUTIES OF CITY CLERK

SEC. 27.0301 NOTICE TO INSPECTOR

The City Clerk shall mail or deliver to each person appointed as inspector a notice showing the precinct polling place and the persons appointed to serve with him as members of that precinct board. The notice shall be substantially in the following form:

"Office of the City Clerk, City of San Diego, California.

NOTICE TO INSPECTOR

To....., inspector for Precinct....

.....

The polling place for your precinct at the election to be held on..... will be .....,... ..... and the members of the board will be composed of you and the following named persons:

Position.....

Name.....

Address.....

You, as inspector, before the polls are opened shall see that each of the other persons serving on the board has signed the declaration required of him by law and which will be found set forth in the tally list and that no person is permitted to act as a member of the board unless he had signed each declaration and is otherwise qualified to act.

....."

SEC. 27.0302 DECLARATION OF INSPECTOR

Each inspector shall sign a declaration of intention to faithfully discharge the duties of inspector and shall return it to the city clerk for filing at least 10 days before the day of election. If the inspector fails or refuses to sign and file the declaration the city clerk shall appoint a substitute who shall make and file the declaration. The declaration of an inspector and each of the declarations of the other members of the precinct board shall be signed in the presence of a witness and shall be as binding on the signer as would be an oath of office.

SEC. 27.0303 FORM OF DECLARATION

The declaration of an inspector shall be in substantially the following form:

"State of California)
)
) ss
)
County of San Diego)

I do hereby solemnly declare that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of inspector on the precinct board for precinct ..... for the election to be held on ....., according to the best of my ability.

.....

Signed in the presence of .....

on..... "

SEC. 27.0304 CONDUCTING OF ELECTIONS

It is the duty of the city clerk to conduct all elections held under the provisions of this ~~code~~ article.

SEC. 27.0305 BALLOT RECEPTACLE

The city clerk may provide a ballot bag, a ballot box, or both, as receptacles for the deposit of ballots.

SEC. 27.0306 SUPPLIES FURNISHED BY CITY CLERK

The city clerk shall procure and furnish to the various precincts, prior to the opening of the polls on election day the following:

(a) Original books of afficavits of registration or copies thereof.

(b) Printed copies of the indexes.

(c) Necessary printed blanks for Roster of Voters, Tally Lists, Assisted Voters List, Appointment of and Afficavit of persons appointed to assist voters, Challenge List, and Result of Votes Cast.

(d) Envelopes in which to inclose returns.

(e) At least one instruction card for each voting booth for the guidance of voters in marking their ballots.

(f) One copy of the Election ~~Code ordinance~~ ARTICLES.

(g) An American Flag for each polling place.

(h) One ballot receptacle.

(i) One or more ink pads and rubber stamps for each booth.

(j) A sufficient number of voting booths, chairs and tables for each precinct.

SEC. 27.0307 FORM OF ROSTER OF VOTERS

The roster of voters shall be in such form as may be prepared by the City Clerk, and shall contain the following:

(a) Blank spaces for the signature of voter and residence of voter.

(b) At the top of each page of signatures shall appear the words "Roster of Voters."

(c) The forms for the certificate of the voter who removed from one precinct to another in the city within forty (40) days of an election.

(d) The form for affidavit of persons appointed to assist voters in accordance with the provisions in this code.

(e) The form for List of Assisted Voters.

(f) The form for List of persons challenged in accordance with the provisions of this ~~code~~ article.

(g) The form of the certificate of the number of voters who decided not to vote after having signed the Roster.

(h) The form of the certificate that the number of ballots agree with the number of names on the Roster.

(i) The form of the certificate when the ballots are in excess of the voters names on the Roster.

SEC. 27.0308 FORM OF TALLY LIST

The tally list shall be in such form as may be prepared by the city clerk, and shall contain the following:

(a) A Declaration of Intention for members of the precinct board.

(b) When voting upon candidates the words "TALLY LIST" shall appear at the head of each tally page, followed by,

(1) The name of the candidate,

(2) A blank space for writing at full length the number of votes cast for that candidate,

(3) The specific office for which each candidate is being voted,

(4) Sufficient spaces to permit the tallying of the full vote cast for each candidate.

(c) When voting upon measures the words "TALLY LIST" shall appear at the head of each tally page followed by,

(1) A blank space for writing at full length the number of votes cast FOR the measure, followed by the number of the measure on the ballot.

(2) A blank space for writing at full length the number of votes cast AGAINST the measure, followed by the number of the measure on the ballot.

(3) Sufficient spaces to permit the tallying of the full vote cast FOR and AGAINST each measure.

(d) A statement showing:

(1) That the total number of votes cast in this precinct was

(e) A ballot statement showing:

(1) The total number of official ballots removed.

(2) The total number of ballots taken from the receptacle.

(3) The total number of ballots destroyed in accordance with Section [redacted] 27.0805.

(4) The total number of ballots rejected in accordance with Section ~~27.0803~~ 27.0804.

(5) The total number of VOID ballots.

(6) The total number of BLANK ballots.

(7) The total number of ballots tallied.

(8) The total number of ballots spoiled and handed back.

(9) The total number of ballots handed back by voters unvoted.

(10) The total number of ballots unused and returned to city clerk.

(11) The total number of ballots accounted for.

(f) A certificate in substantially the following form shall appear on the last page or inside the back cover:

"We certify that all matters set forth and contained in this tally list are true and correct."

SEC. 27.0309 FORM FOR RESULT OF VOTES CAST

Two blank forms for the result of votes cast shall be furnished each precinct, and shall be composed of the text contained within the borderlines of the ballot. ~~within the borderlines of the ballot.~~ At the top there shall be printed the words, "Result of votes Cast"; the type of election and the date thereof; instructions for posting; a space for the precinct number; and where Councilmen are elected the number of the district.

SEC. 27.0310 SAMPLE BALLOTS

The City Clerk shall cause to be printed on either newsprint stock or plain white paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "Sample Ballot" upon their face, and shall otherwise conform generally in form to the official ballots. The City Clerk shall

The City Clerk shall cause sample ballots to be mailed to the registered qualified electors entitled to vote at each election, and such mailing shall be completed on or before the tenth day before any election.

SEC. 27.0311 POLLING PLACE SLIPS

Polling place slips shall be prepared by the city clerk and mailed to the voters along with the sample ballots. Said slips shall specify the type of election being held, the address of the polling place and the hours the polls will be open.

SEC. 27.0312 OFFICIAL BALLOTS

The city clerk shall provide for every election, ballots for each election precinct or consolidated election precinct established therefor, not less than one official ballot for each individual registered voter, and for absentee and emergency purposes he shall have printed such additional amount as may be deemed necessary. The city clerk shall keep a record of the number of ballots printed.

SEC. 27.0313 BALLOTS KEPT SIX MONTHS. NO CONTEST.

The packages containing the voted ballots shall be kept by the city clerk for six months subsequent to the date of the declaration of the result of an election. If a contest is not commenced within the six months' period he shall have such packages destroyed.

SEC. 27.0314 CONTEST

If a contest has been commenced prior to the date fixed for the destruction of the packages containing the voted

ballots, such packages and contents shall be subject to the order of the court in which the contest is pending and shall not be destroyed until after final determination of the contest. In no event shall the packages or contents be taken from the custody of the city clerk.

SEC. 27.0315 DESTRUCTION AFTER CONTEST

Every package of voted ballots which has been held over six months because of any contest shall be destroyed after final determination of the last determined contest which affects that package.

SEC. 27.0316 RE-SEALING AFTER CONTEST EXAMINATION

Whenever any packages containing voted ballots have been inspected and examined by any court in an election contest, and a record made of the evidence therein contained, the city clerk shall re-seal the packages with the ballots contained therein.

SEC. 27.0317 SPOILED, CANCELLED AND UNUSED BALLOTS

The packages containing the spoiled, cancelled and unused ballots shall remain in the custody of the city clerk and shall not be disposed of until after the expiration of sixty days after an election.

SEC. 27.0318 WHAT RETAINED BY CITY CLERK

The city clerk shall retain in his custody the packages returned to him by the various precinct boards containing:

The tally lists; Roster of Voters; Copy of the Index used as the voting record; Challenge List; Assisted Voter's List; Appointment of, and affidavits of persons assisting

voters. The packages containing these items shall be disposed of at the discretion of the City Clerk.

SEC. 27.0319 DEFACING OF UNUSED BALLOTS BY CITY CLERK

Upon the day of an election, immediately upon the arrival of the hour when the polls are required to be closed, the city clerk shall openly, and in the presence of as many persons as may then, and there assemble to witness his act, proceed to deface every unused ballot which shall have remained in his possession, custody or control, and forthwith make and file in his office his affidavit, in writing, as to the number of ballots so defaced.

SEC. 27.0320 AFFIDAVITS OF REGISTRATION RETURNED

The city clerk shall, without undue delay, cause the books of affidavits of registration to be returned to their usual place in the office of the Registrar of Voters.

DIVISION - 4

BALLOTS

SEC. 27.0401 PRINTING OF NAMES

All ballots used at an election shall have the names of the candidates printed thereon in a column or columns not less than three inches in width and not less than three-eighths of an inch apart. The names of the incumbent shall appear first upon the list of all candidates for any office and if two or more positions are to be filled at the same time and more than one incumbent is running, the names of each of the incumbents shall appear in alphabetical order, and all other names of candidates shall be printed on the ballot in alphabetical order. When there are full terms and unexpired terms to be filled, the term shall be specified.

SEC. 27.0402 DIRECTIONS

(a) On the top of the face of the ballot where candidates only are to be elected the following directions shall be printed:

"INSTRUCTIONS TO VOTERS

" To vote for the candidate of your selection, stamp a cross in the voting square next to the right of the name of the candidate. When two or more candidates for the same office are to be elected, stamp a cross after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. All marks, except the cross are

forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another."

(b) On the top of the face of the ballot where measures only are to be voted upon the following directions shall be printed:

"INSTRUCTIONS TO VOTERS

"To vote on any measure, stamp a cross in the voting square after the word "Yes" or after the word "N." All marks, except the cross are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another."

(c) On the top of the face of the ballot where candidates and measures are placed on the same shall be printed:

"INSTRUCTIONS TO VOTERS

"To vote for a candidate of your selection, stamp a cross in the voting square next to the right of the name of the candidate. When two or more candidates for the same office are to be elected, stamp a cross after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected to vote on any measure, stamp a cross in the voting square after the word "Yes" or after

the word "No."All marks, except the cross are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another."

SEC. 27.0403 PAPER, SIZE, PRINTING

The ballots shall be printed on tinted paper of a type and design acceptable to the city clerk. The length and width of the ballots shall be determined by the city clerk, but the width shall be not less than five inches, including the stub.

SEC. 27.0404 STUB BOOKS

When printed, all ballots shall be bound in stub books of such size as the city clerk may determine.

SEC. 27.0405 HEADINGS, ~~HEADINGS,~~ SIZE OF TYPE

Each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for One" or"Vote for Two" or more, according to the number to be elected to that office. This designation of the office and of the number of candidates to be voted for shall be printed in heavy faced type, not smaller than ten point. The word designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for each office

shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the lists of candidates for the other offices by a double rule, above and below that list.

SEC. 27.0407 CANDIDATE'S TITLE OR DESIGNATION

Immediately under the name of each candidate and not separated therefrom by any line one of the following designations may appear:

(a) Words designating the city office which the candidate then holds.

(b) If the candidate be a candidate for the same office which he then holds and only in that event the word "Incumbent."

In all cases the words so used shall be printed in eight-point bold-face capitals and lower-case type.

SEC. 27.0408 BORDERLINE

There shall be on the ballot a border line one-twelfth of an inch wide on the left-hand side of each column of names, or measures, as the case may be, and also on the right-hand side of each column of voting squares. These two lines to be joined by similar lines at the top and at the bottom.

SEC. 27.0409 VOTING SQUARES

There shall be on the ballot a blank enclosed space designated as the voting square on the right of and after the name of each candidate.

SEC. 27.0410 BINDING. SIZE OF STUBS

The binding or stiching of each package of ballots

shall be on the left side thereof. The ballot shall be printed on the same leaf with a stub, which stub shall be not over one and one-half inches in width. The ballot shall be separated from the stub by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon the stub shall be printed the number of the ballot only.

SEC. 27.0411 TOP PORTION OF BALLOT

(a) On each ballot a perforated line shall extend across the top of the ballot not less than one inch from the top thereof. The same number as appears on the stub shall be printed above said perforated line within two inches of the perforated line on the left-hand side of the ballot, and above this number shall be printed in parentheses, in small type the following: ("This number is to be torn off by the inspector.") One-half inch to the right of this ballot number there shall be a short perforated line extending from the perforated line along the top of the ballot to the top edge of the ballot.

(b) Immediately above the perforated line shall be printed in black-face lower-case type at least twelve-point in size, and inclosed in a parentheses, the following: ("Fold ballot to this perforated line, leaving top margin exposed.") Above this printed direction, and between it and the top edge of the ballot, shall be printed in black-face capital type at least twelve-point in size, the following: "Mark croses on Ballots ONLY WITH RUBBER STAMP: Never

with Pen or Pencil." The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively. All ballots shall have printed immediately below the perforated line and above the instructions to voters, in capital type at least twelve-point in size the words "MUNICIPAL OFFICIAL BALLOT," followed by the title and date of the election.

SEC 27.0412

SEC. BALLOTS UNIFORM

All of the ballots of the same sort prepared by the City Clerk for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it is impossible to distinguish any one of the ballots from the other ballots of the same sort. The names of all candidates printed upon the ballot shall be in type of the same size and character.

SEC. 27.0413 TITLE AND PLACEMENT OF MEASURES

(a) Whenever any measures are to be submitted to the voters such measures shall be printed in a column or columns in the manner and form set out in the ordinance calling the election. At the right-hand side of the measures to be voted on, in separate spaces, the words "Yes and "No" shall be printed, and to the right of these spaces there shall be voting squares.

(b) Whenever any measures are to be submitted on the same ballot with candidates such measures shall be printed at the right of the last column of names of candidates.

SEC. 27.0414 EFFECT OF STAMPING OF CROSS

If a voter stamps a cross in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the measure; if he stamps a cross after the printed word "No," his vote shall be counted against the adoption of the same.

DIVISION - 5

POLLING PLACE PROCEDURE

SEC. 27.0501 DECLARATION OF PRECINCT BOARD

On the day of election, before entering upon the performance of his duties, each member of the precinct board shall sign two declarations of intention (one in each of the tally lists) to faithfully discharge the duties of an election officer. His signature shall be witnessed by any other member of the precinct board, and no person shall be eligible to act as a precinct board member until he has complied with this provision. All members of each precinct board shall arrive at the polling place at least one-half hour before the time set for the opening of the polls to erect the voting booths, arrange tables, and distribute supplies, all for the proper conduct of the elections.

SEC. 27.0502 POSTING INSTRUCTION CARDS

Before opening the polls the precinct board shall post at least one instruction card in wach voting booth, and one at or near the entrance to the polling place.

SEC. 27.0503 POSTING INDEX

Before opening the polls the precinct board shall post in a convenient place, at or near the entrance to the polling place, and easy of access to the voters, one copy of the index to the book of affidavits of registration furnished for that precinct.

SEC. 27.0504 OPENING ANNOUNCED

Before the precinct board issues any ballots it shall cause to be proclaimed aloud at the place of election that the

polls are open.

SEC. 27.0505 BALLOT RECEPTACLE

Before issuing any ballots the precinct board shall, in the presence of any persons there assembled, open and exhibit and close the ballot receptacle. Thereafter the ballot receptacle shall not be opened until after the polls are finally closed, nor removed from the polling place or presence of the bystanders until all the ballots are counted.

SEC. 27.0506 ARRANGEMENT OF POLLING PLACES The polling places shall be arranged so that neither the ballots nor the voting booths shall be hidden from the view of those just outside.

SEC. 27.0507 CONDITION OF SUPPLIES

The members of the precinct board shall see that the stamps and ink pads required are at all times in the booths and in condition for proper use.

SEC. 27.0508 PADS AND STAMPS ONLY MARKERS

The precinct board shall not furnish for use in the voting booths any means or method by which a ballot may be marked other than with ink pads and rubber stamps by which a cross may be made as provided in this code.

SEC. 27.0509 SOLICITATION OF VOTES

No person shall within one hundred feet of the property line of the premises on which the polling place is located solicit a vote or speak to a voter on the subject of marking his ballot.

SEC. 27.0510 ELECTIONEERING

No member of the precinct board, nor any person, shall do any electioneering on election day within one hundred

feet of the property line of the premises on which the polling place is located.

SEC. 27.0511 ABSENCE FROM POLLING PLACE

No more than ONE member of any precinct board shall be absent from the polling place at any one time, and in no case for a period of time in excess of one hour.

DIVISION - 6

CHALLENGES

SEC. 27.0601 GROUNDS FOR CHALLENGE

A person offering to vote may be orally challenged by any voter of the City upon either or all of the following grounds:

(a) That he is not the person whose name appears on the register.

(b) That he has not resided within the State one year next preceding the election.

(c) That he has not been a naturalized citizen of the United States for ninety days prior to the election.

(d) That he has not resided within the county for ninety days preceding the election.

(e) That he has not resided within the precinct for forty days next preceding the election.

(f) That he has voted that day.

(g) That he has been convicted of an infamous crime.

(h) That he has been convicted of the embezzlement or misappropriation of public money.

(i) That he can not read as required by the Constitution of the State of California, and does not appear by statement in the affidavit of registration to be entitled to vote notwithstanding such inability.

SEC. 27.0602 IDENTITY. OATH

If the challenge is on the ground that he is not the person whose name appears on the great register, the Inspector shall tender him the following oath:

"You do swear (or affirm) that you are the person whose name is entered on the great register."

SEC. 27.0603 RESIDENCE IN STATE

If the challenge is on the ground that he has not resided in the State for one year next preceding the election, the person challenged shall be sworn to answer questions, and after he is sworn the Inspector shall ask him the following questions:

(a) Have you resided in this State for one year immediately preceding this election?

(b) Have you been absent from this State within one year immediately preceding this election? If yes, then,

(c) When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

(d) Did you, while absent, regard this State as your home?

(e) Did you, while absent, vote in any other State?

(f) Such other questions as may be necessary to a determination of the challenge.

SEC. 27.0604 RESIDENCE IN COUNTY

If the challenge is on the ground that he has not resided in the county for ninety days, or precinct for forty days next preceding the election, the person challenged shall be sworn to answer questions, and after he is sworn, the Inspector shall ask him the following questions:

(a) When did you last come into this County or election

precinct?

(b) When you came into this county or precinct, did you come for a temporary purpose merely, or for the purpose of making it your home?

(c) Did you come into this county or precinct for the purpose of voting here?

(d) Any other questions which may be necessary to a determination of the challenge.

SEC. 27.0605 ALREADY VOTED

If the challenge is on the ground that the person has voted that day, the Inspector shall tender to that person this oath:

"You do swear (or affirm) that you have not voted this day."

SEC. 27.0606 CRIME

If the challenge is on the ground that the person has been convicted of an infamous crime, or that he has been convicted of the embezzlement or misappropriation of public money, he shall not be questioned, but the fact may be proved by the production of an authenticated copy of the record, or by the oral testimony of two witnesses.

SEC. 27.0607 INABILITY TO READ

If the challenge is on the ground that the person can not read as required by the Constitution of the State of California, and it does not appear by the statement in the affidavit of registration that he is entitled to vote notwithstanding such inability the challenge shall be determined by the board by the inspection of the affidavit,

and by requiring the person offering to vote, if it does not appear from the affidavit that the person is entitled to vote notwithstanding such inability, to read any consecutive one hundred words of this code selected by the board.

SEC. 27.0608 ADDITIONAL GROUNDS

Challenges upon the grounds either:

(a) That the person challenged is not the person whose name appears on the great register;

(b) That the party has voted on that day; are determined in fabor of the party challenged by his taking the oath tendered.

SEC. 27.0609 TRIAL OF CHALLENGES

Challenges for causes other than those specified shall be tried and determined by the precinct board at the time of the challenge.

SEC. 27.0610 REFUSAL TO TAKE OATH

If any person challenged refuses to take the oaths tendered, or refuses to be sworn and to answer the questions touching the matter of residence, he shall not be allowed to vote.

SEC. 27.0611 RULES READ

Before administering an oath to a person touching his place of residence, the Inspector shall,if requested by any person, read to the person challenged the rules prescribed in this ~~code~~ Article.

SEC. 27.0612 RECORD KEPT

The precinct board shall cause one of the clerks to keep a list, showing:

(a) The names of all persons challenged.

(b) The grounds of each challenge.

(c) The determination of the board upon the challenge.

DIVISION - 7

CASTING OF BALLOTS

SEC. 27.0701 WRITING NAME IN ROSTER

Any person desiring to vote shall announce his name and address to the members of the precinct board. After ascertaining that such person is properly registered, he shall be required to sign his name and address on the Roster of Voters.

SEC. 27.0702 CHANGE OF NAME

In case the surname of any person offering to vote has been changed since he has registered, he shall sign his name as it was and also his name as it is at the time he botes, indicating on the roster by brackets or other means, that the two names are the name of one person.

SEC. 27.0703 SIGNATURE COMPARED. CHALLENGE.

A member of the precinct board, in the presence and view of the bystanders, shall compare the signature of the voter on the roster of voters with the signature of that person on the register for the purpose of identification, and shall also ascertain whether the name of such person is on the absent voters list or list of persons challenged. A ballot shall not be given to such voter until the comparison of the signature has been made, and until the comparison has been made the right of a voter to vote may be challenged. If the challenge is overruled, the voter shall be given a ballot and the voter shall be allowed to enter a voting booth.

SEC. 27.0704 ONE BALLOT TO EACH VOTER

Each voter shall be given only one ballot, unless there shall be more than one election being conducted on the same

day, then each voter shall be given one ballot for each election, except as provided for in Section ~~27.0723~~ 27.0723.

SEC. 27.0705 VOTE AT PROPER PRECINCT

Unless otherwise provided, no person shall apply for or receive any ballot at any election precinct other than that in which he is entitled to vote.

SEC. 27.0706 RECEIVE BALLOT FROM PROPER PERSON

Unless otherwise provided a voter shall not receive a ballot from any other person than one of the members of the precinct board.

SEC. 27.0707 DIRECTION TO USE STAMP

In order to prevent voters from marking their ballots with a pencil, or otherwise contrary to this ~~code~~ article, whenever a member of a precinct board delivers a ballot to any voter he shall then orally distinctly state to him, so that he may beheard by the bystanders, that he shall mark the ballot with the stamp provided or the ballot will not be counted.

SEC. 27.0708 ONE PERSON IN BOOTH

Booths shall not be occupied by more than one person at a time.

Voters shall not remain in or occupy a booth longer than is necessary to prepare his ballots.

SEC. 27.0709 RETIRE TO BOOTH

On receiving his ballot the voter shall forthwith retire alone to one of the booths provided to prepare his ballot.

SEC. 27.0110 MARKING BALLOT

In marking his ballot the voter shall stamp a cross in the voting square after the name of the candidate for

whom he intends to vote, and this shall be counted as a vote for the candidate after whose name the voter has stamped the cross.

SEC. 27.0711 TWO OR MORE ELECTED

Where two or more candidates for the same office are to be elected, and the voter desires to vote for candidates for that office, he shall stamp a cross after the names of all the candidates for that office for whom he desires to vote, not exceeding, however, the number of candidates who are to be elected.

SEC. 27.0712 MEASURES.

If a measure is submitted to the voters, the voter shall mark his ballot by stamping a cross in the appropriate voting square the answer he desires to give as to that measure.

SEC. 27.0713 USE STAMP ONLY

All crosses shall be made with the stamp provided for that purpose, except in the case of ballots marked by voters absent from their precincts on the day of election.

SEC. 27.0714 NO IDENTIFYING MARKS

A voter shall not place any mark upon his ballot by which it may be afterwards identified as the one voted by him.

SEC. 27.0715 FOLDING

Before leaving the voting booth the voter shall fold his ballot so that the number on the ballot appears on the outside, without displaying the marks on its face.

SEC. 27.0716 NO EXHIBITION OF BALLOT

After his ballot is marked a voter shall not show it

to any person in such a way as to reveal its contents.

SEC. 27.0717 DELIVERY TO INSPECTOR

The voter shall deliver his folded ballot to the Inspector who shall announce in an audible tone of voice the name of the voter. The ballot clerk having charge of the copy of the index to the register or affidavits of registration shall, in like manner repeat the name and shall write in the ruled space at the left of the name in figures, the line number designating the position of the name on the roster for each voter who votes. The inspector shall then separate the slip containing the number from the ballot, and deposit the ballot in the ballot receptacle.

SEC. 27.0718 NO SUBSTITUTION

A voter shall not deliver to the precinct board any ballot other than the one he received from said board.

SEC. 27.0719 VOTER ASSISTED. SELECTION OF ASSISTANTS

When it appears from the register that a voter has declared under oath, whe he registered:

(a) That he can not read, or

(b) That by reason of physical disability he is unable to mark his ballot, or

When a voter declares under oath, administered by any member of the precinct board at the time he appears at the polling place to vote, that he is then unable to mark his ballot because of physical disability, he shall receive the assistance of not more than two persons of his own selection. If he so request he shall receive the assistance of two of the members of the precinct board designated by

the inspector.

SEC. 27.0720 APPOINTMENT OF ASSISTANTS. OATHS.

The inspector making appointments to aid a voter in marking his ballot shall make them in writing, and sign them. Upon the same paper the persons so appointed shall subscribe and take the following oath before assisting the voter:

"State of California, County of San Diego, City of San Diego, precinct, ss.....
and ....., being duly sworn, each for himself, says that he is one of the members of the precinct board appointed to assist.....
(here insert the name of the voter) in marking his ballot, and that he will never give any information regarding the same.

.....

.....

Subscribed and sworn to before me, this ..... day of .....

.....

Member of Precinct Board"

SEC. 27.0721 AFFIDAVITS SWORN TO

The affidavits provided for and used in connection with assisted voters, may be sworn to before any member of the precinct board, and, with the indorsements thereon, shall be returned to the City Clerk with the other election supplies and records.

SEC. 27.0722 RECORD OF VOTERS ASSISTED

The members of the precinct board keeping the roster of

voters shall keep a list of the voters who have been assisted in marking their ballots. The list shall be returned and preserved, in the same way as the roster of voters are returned and preserved.

SEC. 27.0723 SPOILED BALLOTS

Any voter who spoils a ballot may return it to the ballot clerk and receive another in its place, but not to exceed two in all.

SEC. 27.0724 CANCELLATION OF SPOILED BALLOTS

The Precinct board shall immediately cancel all spoiled ballots returned by drawing a cross at least three inches in size upon the face of the ballot in ink or indelible pencil, and also by writing thereon the words "Spoiled by voter," and two members of the precinct board affixing their signature thereto. A record of the number of spoiled ballots shall be kept and entered under Item 8 of the "Ballot Statement" in the tally lists. Such ballots shall be inserted in the same envelope with the surplus ballots not issued to the voters.

SEC. 27.0725 CANCELLATION WHERE VOTER DOES NOT VOTE

If a voter, who has signed the roster of voters and has been issued a ballot, decides that he does not wish to cast his vote, he shall return the ballot to the member of the precinct board having charge of official ballots whereupon it shall be cancelled by the drawing of a cross of not less than three inches in size, by writing of the ~~wrods~~ words "Returned not voted," and the affixing of the signatures by a majority on the face of the ballot. A line shall be drawn through

the voter's name on the roster of voters and the words "Ballot returned - did not vote written above the voter's name, together with the initials of the member of the precinct board having charge of the roster. The voter's name shall then be entered on certificate No. 1 in the roster of voters and signed by all members of the precinct board at the completion of the canvass, and the proper record made under Item 8 of the "Ballot Statement" in the tally lists. Such ballots shall be inserted in the same envelope with the surplus ballots not issued to the voters.

SEC. 27.0726 TAMPERING BY PRECINCT BOARD

Members of a precinct board shall not prior to putting the ballot of a voter in the ballot receptacle:

(1) Attempt to find out how any voter has voted; or permit any other person to do so,

(2) Make or place any mark or device on any ballot, or permit any other person to do so.

SEC. 27.0727 REMOVAL OF NUMBER SLIP

Members of the precinct board shall not deposit in the ballot receptacle any ballot from which the slip containing the number of the ballot has not been removed.

SEC. 27.0728 SECRECY REQUIRED

Precinct board members shall not disclose the name of any candidate for whom any voter has voted.

SEC. 27.0729 NO QUESTIONS

No person shall ask another at a polling place for whom he intends to vote.

SEC. 27.0730 BALLOTS STAY AT POLLS

Unless otherwise provided no person shall remove any

ballot from any polling place before the closing of the polls.

SEC. 27.0731 CLOSING OF POLLS

When the polls are closed, the precinct board shall proclaim that fact aloud at the place of election. After the proclamation, no ballot shall be issued, provided, however, if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote.

SEC. 27.0732 TARDY VOTERS

Any one who arrives at the polling place after the time provided for closing the polls shall not be entitled to vote, even though the polls are open when he arrives.

SEC. 27.0733 UNUSED BALLOTS

Immediately upon the closing of the polls the precinct board shall ascertain the number of unused ballots. A member of the precinct board shall then, in the presence of all persons there assembled proceed to deface every unused ballot by drawing two lines, in indelible pencil, across the face of the ballots. These two lines shall cross each other and the cross so made shall be more than three inches square. The defaced ballots shall then be placed within the envelope provided,and the envelope sealed. All members of the precinct board shall then write their names across the sealed portion of the envelope.

DIVISION - 8

CANVASS

SEC. 27.0801 BOARD PRESENT AT CLOSING OF POLLS

All members of the precinct board shall be present at the closing of the polls.

SEC. 27.0802 CANVASS PUBLIC

The canvass shall be public and be conducted at the polling place behind unlocked doors in the presence of those who desire to attend. Any person or persons may watch the canvassing of the ballots and other functions pertaining to elections, but they shall not be permitted to handle or count official ballots nor have any voice in deciding questions submitted to the precinct board. The canvass shall be conducted without adjournment until completed and the results declared.

SEC. 27.0803 COMMENCEMENT OF CANVASS

Following the disposition of the unused ballots the precinct board shall immediately commence to canvass the votes by taking out of the ballot receptacle the ballots, unopened, except so far as to ascertain whether each ballot is single, and counting them to ascertain whether the number of ballots corresponds with the number of names on the roster of voters.

SEC. 27.0804 BALLOTS FOLDED TOGETHER

If the precinct board finds two or more separate ballots so folded together as to present the appearance of a single ballot, it shall lay them aside until the count of the ballots is completed. If upon comparison of the count with the number of names of voters on the roster of voters, it appears that the two ballots folded together were cast by one

voter, the precinct board shall reject them.

After laying aside ballots folded together the precinct board shall immediately replace all of the other ballots in the ballot receptacle.

SEC. 27.0805 EXCESS BALLOTS

If the ballots in the ballot receptacle exceed in number the names on the roster of voters, a member of the precinct board shall publicly, and without looking into the ballot receptacle, draw out singly,and destroy, unopened, a number of ballots equal to such excess. The precinct board shall make a record upon the roster of voters and tally lists of the number of ballots so drawn and destroyed.

SEC. 27.0806 SIGNING OF ROSTER OF VOTERS

The number of ballots agreeing or being thus made to agree with the number of names on the roster of voters, the members of the precinct board shall fill out and sign the proper certificate in the roster of voters.

SEC. 27.0807 OPENING AND COUNTING

After signing the certificate in the roster of voters, the precinct board shall open the ballots and count the same for the purpose of ascertaining the number ~~for,~~ of votes cast for each person voted for, and the number of votes cast for and against each measure.

SEC. 27.0808 CANVASS GENERAL BALLOT FIRST

At all elections where a general ballot and a special ballot are used, the canvass of the general ballot shall be completed before the canvass of the special ballot is commenced.

SEC. 27.0809 WHAT CONSTITUTES IMPROPERLY MARKED BALLOTS

Any ballot which is not marked as provided by this ~~code~~ article shall be void; but the ballot shall be preserved and returned with the other ballots.

SEC. 27.0810 WHEN BALLOT NOT WHOLLY INVALID

If for any reason it is impossible to determine the voter's choice for any office, or measure, his ballot shall not be counted for that office, or measure, but the rest of his ballot, if properly marked, shall be counted.

SEC. 27.0811 REJECTED BALLOTS

The precinct board shall endorse upon all ballots rejected for illegality the cause of rejection, sign the endorsement, and string the rejected ballots on a string.

SEC. 27.0812 ACT AS ONE GROUP

The members of a precinct board shall not constitute themselves into separate squads in an attempt to conduct more than one count of the ballots at the same time.

SEC. 27.0813 ONLY ONE MANNER OF TALLY

No member of a precinct board shall make any tally of votes in any other manner than is provided in this code, nor in any other place than the tally lists provided for that purpose. The count shall be conducted by all members of the precinct board.

SEC. 27.0814 READERS

One member shall read from the ballots, and as each ballot is read, at least one other member shall sit beside him and keep watch of each mark thereon, to help keep a check

on any possible illegal vote or on any error or omission on the part of the member reading or calling the ballot.

SEC. 27.0815 TWO KEEP TALLY

The clerks shall each keep a tally list by:

(a) Recording with indelible pencil the number of votes by tallies, as the name of each candidate or measure voted for is read aloud from the respective ballots.

(b) Immediately upon the completion of the tallies drawing a heavy line with indelible pencil from the last tally mark to the end of the line in which the tallies terminate. The member making the last tally in that line shall write his initials at the end of said line.

SEC. 27.0816 PUBLIC TALLY

During the reading and tallying, the ballot read and the tally lists kept shall be within the clear view of watchers of the count.

SEC. 27.0817 BALLOTS STRUNG AND SEALED

The ballot, as soon as the names marked on it as voted for are read and verified, shall be strung on a string by one of the members of the precinct board and shall not thereafter ve examined by any person, but shall, as soon as all are counted, be carefully sealed in a strong envelope, after which each member of the precinct board shall write his name across the seal.

SEC. 27.0818 ACCOUNTING FOR BALLOTS

Each precinct board shall account to the city clerk for all of the ballots delivered to it.

SEC. 27.0819 FILL OUT TALLY LISTS

As soon as all the votes are tallied the precinct board

shall fill out on such tally lists the number of votes given for each candidate and for each measure, the number being written at full length. The certificate shall be signed by all members of the precinct board.

SEC. 27.0820 DEFECT IN FORM

No list, tally, paper, or certificate returned from any election shall be set aside or rejected ~~fro~~ for. want of form, nor because it is not strictly in accordance with the directions of this ~~code~~ article, if it is in substantial compliance therewith, and it can be satisfactorily understood, or satisfactorily explained by the precinct board.

SEC. 27.0821 RESULTS POSTED

Before it adjourns, the precinct board shall post conspicuously on the outside of the polling place, a copy of the result of the votes cast, which copy shall be signed by all of the members of the board.

SEC. 27.0822 CANVASS BY CITY CLERK

When directed by the Council the City Clerk shall proceed with the canvass of the election returns in accordance with the provisions of Section 10 of the City Charter.

The Roster of Voters and the copy of the Tally List contained in the envelope with the Roster shall be used for making the canvass of the election returns.

The sum total of all the names certified in the Rosters of Voters by the various precinct boards shall constitute the whole number of votes cast at an election.

The total number of votes cast for a candidate, and For and Against any measure, shall be ascertained from the

Tally List.

The City Clerk shall cause the Tally Lists of the various precincts to be examined for the purpose of determining whether or not the tally marks agree with the totals as extended by the precinct boards. In case of discrepancy the tally marks shall control and the actual total of such tally marks shall be the total used by the City Clerk and not the totals extended by the precinct boards.

If the tally list is incomplete the City Clerk may authorize the opening of the envelope containing the other tally list for the purpose of securing the necessary information.

If for any reason any of the precinct boards fail to return the Roster of Voters and the copy of the Tally List in the envelopes provided therefor, the City Clerk may authorize the opening of any of the other envelopes for the purpose of locating the missing Roster or Tally or both. In such cases the envelopes shall, after being examined, be resealed with a certificate stating the reasons why the envelopes were opened and the certificate shall be signed by the persons making the examination.

SEC. 27.0823 TIE VOTES

(a) Whenever it shall appear upon the canvass of the returns of any municipal primary election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be nominated as candidates for such office, the city clerk shall forthwith, upon the declaration by the council

of the result of such election, notify in writing all persons so receiving an equal number of votes to appear before the council in the council chamber at a time specified by the council. At the time and place specified in such notice, such persons shall appear before the council and shall then and there, in open session thereof, draw lots to determine which of said persons shall be such candidate or candidates. Such lots shall be drawn in such manner as the council shall prescribe and the person or persons upon whom the choice made by such drawing of lots shall fall, shall be declared to be and shall be the candidate or candidates. If any such person does not appear, as above prescribed, the city clerk shall act for such person in such drawing of lots; provided, however, that if any demand for a recount of the ballots cast at such municipal primary election be made by or on behalf of any such person such drawing of lots shall not be had until and unless such recount shall also result in a tie vote having the effect hereinbefore stated.

(b) Should a tie vote result in any other election the same procedure as above described shall be followed in determining which candidate shall be declared elected.

SEC. 27.0824 DISQUALIFICATION OF CANDIDATES

In the event of the death, withdrawal, or other disqualification of any candidate nominated at a primary election for any office, and proof thereof having been duly presented to the city clerk before the time of the printing of the ballots for the municipal general election, the next person who shall have received the highest vote of those who were candidates, but who was not nominated for such office, shall be deemed a candidate, and his name shall be printed upon the ballot as a candidate to be used at the municipal general election.

DIVISION - 9

RETURN OF SUPPLIES TO CITY CLERK

SEC. 27.0901 PREPARATION FOR RETURN

The precinct board as soon after the polls are closed as it is possible to so do, shall prepare the supplies and records of the election for delivery to the city clerk in the manner specified in this chapter.

SEC. 27.0902 BALLOTS ENCLOSED AND SEALED

The Precinct Board shall enclose and seal in one package the voted ballots. In another package it shall enclose and seal the spoiled, rejected, cancelled, excess, returned-not-voted, and unused ballots.

SEC. 27.0903 TALLY LIST

In one package the precinct board shall enclose and seal one copy of the tally list.

SEC. 27.0904 OTHER SUPPLIES

In one or more other packages, as determined by the City Clerk, and with the contents thereof as determined by him, the precinct board shall enclose and seal:

(a) One copy of the tally list.

(b) The roster of voters.

(c) The copy of the index used as the voting record.

SEC. 27.0905 BOOK OF AFFIDAVITS

The book of affidavits of registration shall constitute another package and shall be enclosed or not in a wrapper and sealed as the city clerk determines.

SEC. 27.0906 NAMES ON PACKAGES

All members of the precinct board shall write their

respective names across the flap of each sealed package.

SEC. 27.0907 RESULT OF VOTES CAST

The statement of the result of votes cast shall be signed by all members of the board and delivered to the custodian of the ballot receptacle for delivery to the city clerk.

SEC. 27.0908 CUSTODIAN

(a) A member of the precinct board shall be chosen as custodian.

(b) Before the board adjourns it shall place the precinct supplies in the ballot receptacle and turn same over to the custodian.

(c) The custodian shall deliver to the city clerk, without delay, the ballot receptacle containing the supplies together with the statement of the result of votes cast.

DIVISION - 10

ABSENT VOTING

SEC. 27.1001 ABSENT VOTER MAY PROCURE BALLOT

Any voter who expects to be absent from his election precinct, or unable to vote therein on the day on which any election is held by reason of physical disability, may procure a ballot of his election precinct from the City Clerk and cast this ballot upon complying with the provisions of this chapter.

SEC. 27.1002 APPLICATION FOR BALLOT

No more than ninety nor less than five days before any election a voter may make his application in writing to the City Clerk for an absent voter's ballot.

SEC. 27.1003 BALLOT DELIVERED OR SENT BY MAIL

Upon receipt of an application for an absent voter's ballot, within the proper time, the City Clerk shall ascertain from the records of the registrar of voters whether applicant is registered for voting. If the City Clerk finds the applicant to be qualified for voting he shall deliver to said applicant personally, or by mail at the mailing address given in the application, an official ballot of the precinct of the applicant, an identification envelope, and a return envelope.

SEC. 27.1004 RECORD

Upon delivering or mailing an absent voter's ballot the City Clerk shall enter on the application of the absent voter the number of, and the date of delivering or mailing, the ballot.

SEC. 27.1005 LIST TO PRECINCT

Before the election the City Clerk shall send to the inspector of each precinct a list of the voters in his precinct applying for and receiving ballots under the provisions of this chapter.

SEC. 27.1006 RETURN HOME ON ELECTION DAY

Should an absent voter return to his home precinct on election day, he shall not vote until he surrenders to the precinct board the absent voter's ballot mailed to him. The precinct board shall return the unused absent voter's ballot with the unused ballots of the precinct.

SEC. 27.1007 CLERK FURNISHES SUPPLIES

All supplies mentioned in this chapter and necessary for the use of the voter in preparing and returning his ballot shall be prepared and furnished by the City Clerk.

SEC. 27.1008 SIZE OF ENVELOPES

The identification envelope and return envelope provided for shall be of such form, size and weight as may be necessary and convenient as determined by the City Clerk.

SEC. 27.1009 CERTIFICATE ON ENVELOPE

The identification envelope shall have printed on its face a certificate substantially in the following form:

"IDENTIFICATION ENVELOPE

I, ..., certify, that I am a resident of the City of San Diego, and a voter in precinct No....., and I hereby enclose my ballot in compliance with the provisions of the election code of the City of San Diego.

.....
(signature)

.....
(residence address)

I, ..., do hereby certify that on the ..... day of ....., the above voter did in my presence enclose his ballots in this envelope , after which he sealed and signed the same.

.....
(signature)

.....
(residence address)

Note: after receiving this sealed envelope from the person witnessing your signature you must immediately return it by mail, postage prepaid."

SEC. 27.1010 VOTING IN OFFICE OF CITY CLERK

Any voter applying for and receiving an absent voter's ballot may,on any day prior to the day of election for which the ballot is to be voted, appear at the office of the City Clerk and stamp and seal his ballot under the scrutiny of the City Clerk and in the following manner:

(a) The voter shall on receiving his ballot retire alone to a voting booth or place designated by the City Clerk, and proceed to mark his ballot. When the voter has completed the marking of his ballot he shall then fold the ballot and enclose it in the identification envelope.

(b) The voter shall then sign the certificate printed on the face of the envelope and deliver it properly sealed to the City Clerk.

(c) The City Clerk shall then fill out and sign the certificate printed on the identification envelope, and after writing or stamping his name across the seal shall deposit the envelope in a receptacle prepared for such purpose, and kept therein until the time prescribed

for the canvass of such ballots.

SEC. 27.1011 VOTING WHEN AWAY

At any time on or before the date of an election an absent voter may in the presence of a witness mark his ballot. Under the scrutiny of such witness he may mark his ballot with pen and ink or indelible pencil.

When the voter has completed the marking of his ballot he shall enclose and seal it in the identification envelope. The witness shall then sign the certificate printed on the identification envelope, and enclose and seal it in the return envelope. The witness shall then write his name across and seal and deliver the envelope to the voter for return to the City Clerk.

SEC. 27.1012 DATE RETURNED

All ballots cast under the provisions of this chapter shall, in order that they may be counted, be received by the City Clerk on or before the hour of 12 o'clock Noon of the second day after the date of the election.

DIVISION - 11

CANVASS OF ABSENT VOTER BALLOTS

SEC. 27.1101 CONTINUOUS COUNT

The canvass of the absent voter ballots shall be continued daily, Sundays and holidays excepted, until completed.

SEC. 27.1102 SIGNATURES COMPARED

In beginning the canvass the canvassing clerks shall take up the identification envelopes containing the ballots separately in the presence of the City Clerk or person designated by him, and the public who may be present, and compare the signature of the voter on each of these envelopes with that on the application of the voter.

SEC. 27.1103 ANNOUNCING NAME CHALLENGE

If the canvassing clerks are satisfied that the signature on the voter's identification envelope is the voter's signature, they shall announce audibly the voter's name, whereupon a challenge may be interposed against the counting or deposit of the absent voter ballot for counting, upon either or all of the grounds available.

SEC. 27.1104 CHALLENGE OVERRULED. BALLOT OPENED

If a challenge is overruled, the canvass clerks shall then open the identification envelope without defacing the affidavit printed thereon or mutilating the enclosed ballot, and without unfolding the ballot, remove the number therefrom, and deposit the ballot in a receptacle.

SEC. 27.1105 CHALLENGE ALLOWED

If a challenge is allowed, the canvassing clerks

shall endorse, on the face of the identification envelope the cause of the challenge and the action taken thereon.

SEC. 27.1106 REJECTION FOR SIGNATURE

If in any case a majority of the canvassing clerks of any set find that the signature on any identification envelope is not the same as that appearing on the application of the voter, they shall refuse to open the envelope or count the ballot. They shall endorse the cause of the rejection on the face of the identification envelope, and said majority shall sign the endorsement. No ballot shall be rejected for such cause after the envelope containing it has been opened.

SEC. 27.1107 COUNT

After all the ballots are deposited in the receptacle, the receptacle shall be thoroughly shaken. The ballots shall then be taken out and the votes counted in the usual manner by the canvassing clerks.

SEC. 27.1108 TABULATION

The canvassing clerks shall tabulate the result of the count for each candidate voted for, and For and Against each measure voted upon, under the heading "Absentee Vote," regardless of the precincts within which the absentee voters are registered.

SEC. 27.1109 RESULTS ADDED TO PRECINCT TOTALS

The total vote cast for each candidate, and For and Against each measure voted upon shall be added to the total precinct vote for each candidate, and For and Against each measure.

SEC. 27.1110 ENVELOPES RETAINED SIX MONTHS

The identification envelopes shall be preserved and retained by the City Clerk as a record for the period of six months.

SEC. 27.1111 BALLOTS PRESERVED

The ballots so counted shall be preserved in the same manner as other ballots cast at the election.

DIVISION - 12

PROCEDURE FOR FILLING VACANCIES

SEC. 27.1201 ELECTION

Whenever a special election is called to fill a vacancy in the office of Mayor, as provided by Section 24, of the City Charter; or for filling a vacancy in the council as provided by Section 12 of the City Charter, such election shall be conducted, as far as applicable, under provisions of this ~~code~~ article.

SEC. 27.1202 DATE OF ELECTION

Such election shall be held not less than sixty nor more than ninety days from the date of the adoption of the ordinance calling the election.

SEC. 27.1203 NOMINATIONS

Nomination of candidates shall be made in accordance with the provisions of ~~Chapter 11~~ Division 2 of this ~~code~~ article.

SEC. 27.1204 DECLARATION OF RESULT

The candidate receiving the highest number of votes at such election shall be declared to be elected to fill such vacancy, and shall take office immediately upon complying with the provisions of Section 10 of the City Charter.

DIVISION - 13

THE INIATIVE

SEC. 27.1301 WHAT MAY BE INITIATED

Any proposed ordinance, legislative, administrative or executive, which the council itself might adopt may be submitted to the council by a petition. Any proposed ordinance amending or repealing an ordinance therefore proposed by petition and adopted by a vote of the electors may be submitted to the council by a petition.

The council shall have power to submit to the electors of said city at any election any proposition or question or ordinance required or authorized to be so submitted by the Constitution of the State of California, the law, or by ordinance; provided, that in case such proposition or question is required by the said Constitution, law, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

SEC. 27.1302 INITIATIVE PETITION

An initiative petition may be in either of the following forms:

(a) A petition presenting an ordinance for consideration by the council only, and

(b) A petition praying for the adoption of an ordinance or, if the same be not adopted, that such ordinance be submitted to a vote of the electors of the city.

SEC. 27.1303 TEXT OF PETITION

Any initiative petition shall set forth the proposed ordinance in full, followed by a printed statement of the reasons for the petition.

SEC. 27.1304 NOTICE OF INTENTION TO CIRCULATE

Before circulating any initiative petition the proponents thereof shall publish a notice of intention so to do, which notice shall contain the proposed ordinance, and be accompanied by a printed statement not exceeding three hundred words in length of the reasons for the proposed petition.

SEC. 27.1305 PUBLICATION OF NOTICE

The notice containing the proposed ordinance and accompanying statement shall be published at least once in a daily newspaper of general circulation published in the City of San Diego.

SEC. 27.1306 TIME FOR FILING NOTICE

Within ten days after the date of the publishing of the notice the proponents shall file a copy of the notice containing the proposed ordinance, accompanying statement, and an affidavit of the publishing thereof, with the City Clerk.

SEC. 27.1307 CIRCULATION OF PETITION

Twenty-one days after the publication of the notice and statement, the petition may be circulated among the voters of the city, for the securing of signatures.

SEC. 27.1308 CONTENTS OF PETITION

In assembling such petition, sheets of white paper of a uniform size shall be used. Such petition shall consist of a sheet or sheets, containing the proposed ordinance, and accompanying statement, with additional

sheet or sheets for the signatures thereto; provided, however, that if any paper consists of more than one sheet it shall be and remain securely fastened together at the top. The proposed ordinance, and accompanying statement as set forth in any paper, shall be followed by the signatures, which need not all be appended to one sheet or paper.

SEC. 27.1309 AFFIDAVIT ATTACHED TO PETITION

Each such paper shall have attached thereto at the bottom of the last sheet thereof the affidavit of a registered voter of the city stating that all of the signatures on each sheet thereof were made in his presence, and that all of the sheets constituting such paper were fastened together at the time such signatures were appended thereto; and that to the best of his knowledge and belief such signature is the genuine signature of the person whose name purports to be thereunto subscribed. Each of the other sheets of such paper, containing signatures, shall be identified by the signature of the person making such affidavit.

SEC. 27.1310 FORM OF PETITION

Any petition submitting a proposed ordinance to the council shall be in substantially the following form:

"INITIATIVE PETITION

"TO THE HONORABLE COUNCIL
OF THE CITY OF SAN DIEGO, CALIFORNIA:

We, the undersigned, registered voters of the City of San Diego, California, by this petition hereby respectfully

*.....

(*Note: If the proposed ordinance is presented merely for consideration by the council, the following

wording shall be inserted in the above blank space"present for consideration by the council the following ordinance." If the proposed ordinance is presented for adoption by the council or submission to the electors for adoption the following wording shall be inserted in the blank space "propose and request that the following ordinance be either adopted by the council or submitted to the qualified electors of the City of San Diego for their adoption or rejection.")

*.....

(Note: Here insert a copy of the published notice of intention containing the proposed ordinance in full, followed by the accompanying statement.)

.....

Signatures	Residence	Date
.....	.....	.....
.....	.....	.....

AFFIDAVIT

STATE OF CALIFORNIA,)
) ss.
COUNTY OF SAN DIEGO,)

....., being duly sworn, deposes and syas: That I am a registered voter of the City of San Diego and that all of the signatures on each sheet were made in my presence, and that all of the sheets constituting this paper were fastened together at the time such signatures were appended thereto; and that to the best of my knowledge and belief such signatures are the genuine signatures of the persons whose names purport to be hereunto

subscribed.

.....

Subscribed ans sworn to before me this .... day of .....

.....
(Title of Officer) "

SEC. 27.1311 METHOD OF SIGNING PETITION

Such petition shall be signed by registered voters of the city in their own proper persons only, and each signer shall at the time of signing the petition himself affix thereto his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained; provided, however, that each signer shall in addition to the other requirements affix thereto the date of his signing, but if successive signers sign on the same date, marks may be used to indicate that the dates are the same.

SEC. 27.1312 VALIDITY OF PETITION

No petition is valid for the purpose for which it was circulated after the expiration of six months from the date the notice containing the proposed ordinance and accompanying statement was published as required by the provisions of this chapter.

SEC. 27.1313 PERCENTAGE OF SIGNERS

Any initiative petition for the consideration of the council shall contain at least three per cent of the registered voters of the city at the last minicipal general election; provided that for the direct submission

of a measure to the people it shall require a petition signed by ten per cent of the registered voters of the city at the last minicipal general election.

SEC. 27.1314 EXAMINATION OF PETITION BY CITY CLERK

Within twenty days from the date of the filing of such petition, the city clerk shall examine the same and ascertain whether or not said petition is signed by the requisite number of registered voters of the city.

SEC. 27.1315 DUTY OF CITY CLERK AFTER EXAMINATION OF PETITION

When the city clerk has completed his examination of the petition he shall attach to the same his certificate, properly dated showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of registered voters of the city, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

SEC. 27.1316 SUPPLEMENTAL PETITION

If by the certificate of the city clerk the petition is found to be insufficient,a supplemental petition or petitions may be filed within ten days from the date of such certificate.

SEC. 27.1317 EXAMINATION OF SUPPLEMENTAL PETITION

The City Clerk shall, within ten days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

SEC. 27.1318 INSUFFICIENCY OF PETITION

If the city clerk's certificate shall show any such

petition, or any such petition as supplemented, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect.

SEC. 27.1319 SUFFICIENCY OF PETITION

If, by the certificate of the city clerk such petition, or such petition as supplemented, is shown to be sufficient, the city clerk shall present the same to the council without delay.

SEC. 27.1320 REVIEW OF PETITION BY COUNCIL

The sufficiency or insufficiency of such petition shall not be subject to review by the council.

SEC. 27.1321 NUMBER OF SIGNERS. HOW DETERMINED.

If any supplemental petition be filed, all the signatures appended to the petition and to the supplemental petition or petitions shall be considered in determining the number of registered voters signing the initiative petition.

SEC. 27.1321 WITHDRAWAL OF NAMES

Any signer to a petition or supplemental petition may withdraw his name by filing with the city clerk a verified revocation of his signature before the filing of the petition or supplemental petition containing his signature. No signature can be revoked after the petition, or supplemental petition to which it is attached, has been filed.

SEC. 27.1322 ENDORSEMENT OF PETITION

The city clerk shall endorse on said petition and on any supplemental petition the name of the person or persons who filed the same, respectively.

SEC. 27.1323 SIGNATURES QUESTIONED BY CITY CLERK

If any signature to wuch petition or supplemental petition be questioned and in the judgment of the city clerk should be investigated, the city clerk may forthwith mail notice to such purported signer, stating that his name is attached to such petition or supplemental petition and cite him to appear before him forthwith to answer whether such signature is genuine.

SEC. 27.1324 WHEN SIGNATURE NOT GENUINE

If the city clerk finds that any signature is not genuine, he shall strike the name from such petition.

SEC. 27.1325 SUFFICIENCY OF PETITION AFTER ELECTION

After an election based on any initiative petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

SEC. 27.1326 PETITION SIGNED BY TEN PERCENT OF VOTERS

If the petition praying for the direct submission of an ordinance to the people is signed by ten percent of the registered voters of the city at the last Municipal General election, then the council shall either:

(1) Pass said ordinance, without alteration, within ten days after the presentation of such petition to the council by the city clerk, or

(2) If the council shall fail to pass said ordinance within said ten days, the council shall thereupon, within

ten days thereafter call a special election, at which said proposed ordinance, without alteration, shall be submitted to a vote of the qualified electors of the city.

SEC. 27.1327 SIX MONTHS BETWEEN ELECTIONS

Not more than one special election in any period of six months may be held under the provisions of this chapter.

SEC. 27.1328 TIME OF HOLDING ELECTION

Such election shall be held not less than sixty days from the date of the adoption of the ordinance calling such election nor more than ninety days from said date, provided, however,

If any other election for any purpose at which all of the qualified electors of the city are entitled to vote shall be called and held in said city within six months from the date of the presentation of such petition, then the council may submit such ordinance at either the last named other election or at the special election provided for, as the council shall determine, and provided further, however,

If a second petition be presented tothe council within the six months' period after the first petition is presented, then the date for such election shall be not less than sixty days after presentation, but as early as practicable after the expiration of six months from the last special election.

SEC. 27.1329 INITIATIVE ORDINANCE SUBJECT TO REFERENDUM

Any ordinance proposed by initiative petition and passed by the council shall be subject to the referendum

by petition as provided in Chapter XlV of this code.

SEC. 27.1330 INITIATIVE ORDINANCE AMENDED HOW

Any such ordinance adopted by a vote of the qualified voters of the city voting thereon cannot be amended or repealed except by an ordinance proposed by petition and adopted by vote of the electors, as hereinbefore provided, or by an ordinance submitted by the council to a vote of the electors of the city and so adopted as hereinbefore provided, or by an amendment to the charter amending or repealing the same.

SEC. 27.1331 EFFECTIVE DATE OF INITIATIVE ORDINANCE

If a majority of the qualified voters voting on any ordinance proposed by petition, or submitted by the council, shall vote in favor thereof, such ordinance shall become an ordinance of the City upon the declaration by the council of the result of the election at which such proposed ordinance was submitted.

SEC. 27.1332 Conflicting ordinances

If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.

DIVISION - 14

THE REFERENDUM

SEC. 27.1401 ORDINANCES NOT SUBJECT TO REFERENDUM

Ordinances making the annual tax levy, the annual appropriation ordinance, ordinances calling or relating to elections, and ordinances of an emergency nature as defined in Section 17 of the charter, shall not be subject to referendum

SEC. 27.1402 TIME FOR FILING PETITION

A petition addressed to the council and demanding the submission of an ordinance passed by the council to a vote of the qualified electors of the city, may be filed with the city clerk at any time within thirty days from and after the adoption of such ordinance by the council. Any such petition shall be known as a referendary petition.

SEC. 27.1403 PERCENTAGE OF SIGNERS

Any such petition shall contain at least five per cent of the registered voters of the city at the last municipal general election.

SEC. 27.1404 FORM OF PETITION

Any such petition shall contain the ordinance in full, followed by a printed statement of the reasons for the petition, and shall be in substantially the following form:

" REFERENDUM AGAINST AN ORDINANCE PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO

To the Honorable Council of The City of San Diego, California:

We, the undersigned, registered voters of the City of San Diego, California, hereby present this petition

to the council of the City of San Diego, California, and ask that there be submitted to the electors of said city for their approval or rejection the whole and every section or part of that certain ordinance, passed and adopted by the council of the City of San Diego, on the ..... day of ....., and filed in the office of the city clerk of the City of San Diego on....., of which the following is a full and correct copy:

(Here insert full title and text of the measure to be referred, followed by the accompanying statement.)

Signatures	Residence	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

AFFIDAVIT

STATE OF CALIFORNIA,)
) ss.
COUNTY OF SAN DIEGO,)

....., being duly sworn, deposes and says: That I am a registered voter of the City of San Diego and that all of the signatures on each sheet were made in my presence, and that all of the sheets constituting this paper were fastened together at the time such signatures were appended thereto; and that to the best of my knowledge and belief such signatures are the genuine signatures of the persons whose names purport to be hereunto subscribed.

.....

Subscribed and sworn to before me this .....day of .....

.....
(Title of Officer)"

SEC. 27.1405 EXAMINATION AND PRESENTATION TO COUNCIL

The provisions of ~~Chapter XIII~~ Division 13 relating to the making and to the method of signing petitions, and to the examination supplementing and certification of the same, and to the presentation thereof to the council by the city clerk shall apply to referendary petitions filed under the provisions of this ~~chapter~~ Division.

SEC. 27.1406 SUSPENSION OF EFFECTIVE DATE OF ORDINANCE

If a petition or petitions be filed, as hereinbefore provided, and the city clerk shall be unable to make his certificate to the sufficiency or insufficiency thereof within thirty days from and after the adoption of said ordinance, such ordinance shall be suspended from taking effect after the expiration of said thirty days and until the date of the certificate of the city clerk to the sufficiency or insufficiency of such petition or petitions.

SEC. 27.1407 SUFFICIENCY OF PETITION

If by the certificate of the city clerk said petition or petitions are certified to be sufficient, such ordinance shall not go into effect until it shall be approved by vote of the electors of the city as hereinafter provided.

SEC. 27.1408 INSUFFICIENCY OF PETITION

If by such certificate such petition or petitions are certified to be insufficient, such ordinance shall go into effect upon the date of such certificate.

SEC. 27.1409 SUPPLEMENTAL PETITION

No referendary petition shall be amended by a supplemental petition filed after the expiration of thirty days from and after the adoption of such ordinance.

SEC. 27.1410 DETERMINING NUMBER OF SIGNERS

In case more than one referendary petition be filed in relation to any certain ordinance, all such petitions shall be considered in determining the number of registered voters, and with the same force and effect as though all the names had been appended to one petition.

SEC. 27.1411 ACTION TO BE TAKEN BY COUNCIL

Upon presentation to the council by the city clerk of a referendary petition or petitions, the ordinance must be either repealed by the council without delay, or submitted to a vote of the qualified electors of the city for approval or rejection at the next Municipal General election occurring subsequent to thirty days from the date of the presentation of such referendary petition to the council by the city clerk, provided, however,

If before such Municipal General election is held, any other election for any purpose of which all the qualified electors of the city are entitled to vote shall be held, then such ordinance may be submitted at such last named other election, if the council shall so determine.

DIVISION - 15

GENERAL PROVISIONS FOR INITIATIVE AND REFERENDUM

SEC. 27.1501 REQUIRED SIGNATURES ON FACE OF PETITION

In order to be acceptable for filing, any petition provided for in Chapter II, Article 7, Divisions 13 and 14, must on its face purport to have been appended to it signatures of registered voters in the required number.

SEC. 27.1502 CERTIFICATE OF SUFFICIENCY

The city clerk may make his certificate of sufficiency for any petition provided for in Chapter II, Article 7, Divisions 13 and 14, as soon as the required number of names have been checked, regardless of the number of names that may be on a petition over and above the required number.

SEC. 27.1503 FORM OF BALLOT

Whenever any ordinance proposed by initiative petition, or any ordinance for the submission of which to a referendary vote a petition shall have been filed is submitted at any election, there shall be printed on the ballots to be used at an election where an initiative ordinance is to be voted upon the words, "Shall the ordinance (stating the nature of the ordinance) be adopted?", and on the ballots to be used at an election where a referendum is to be voted upon the words, "Shall the ordinance (stating the nature of the ordinance) be approved?" At the right-hand side of the measure to be voted on, in separate spaces, the words "Yes" and "No" shall be printed, and to the right of these spaces there shall be voting squares.

SEC. 27.1504 NUMBER OF ORDINANCES AT AN ELECTION

Any number of ordinances, proposed by initiative petitions or so submitted in pursuance of referendary petitions, may be voted upon at the same election.

SEC. 27.1505 SUBMISSION TO VOTERS WITHOUT PETITION

The council at its own instance, may submit any proposed ordinance for the repeal of any ordinance, adopted or approved by vote of the qualified electors of the city, in pursuance of an initiative or referendary petition as in this ~~code~~ article provided, or for the amendment of such ordinance to be voted upon at any succeeding election held in the city, for any purpose at which all of the qualified electors of the city are entitled to vote.

SEC. 27.1506 MAJORITY VOTE

In the event that the proposed ordinance so submitted by the council receives a majority of the votes cast thereon at such election, the ordinance to which such ordinance so adopted is amendatory, or that is to be repealed thereby, shall be amended or repealed accordingly.

SEC. 27.1507 PRINTING AND MAILING

Whenever any ordinance is submitted to the electors of the city at any election, the city clerk shall cause the same to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, within the time as provided in this ~~code~~ article.

SEC. 27.1508 CANVASS

The canvass of the result and the declaration of the result of such elections shall be made in like manner as in the case of the municipal general election.

DIVISION - 16

THE RECALL

SEC. 27.1601 WHEN RECALL PERMITTED

The holder of any elective office who has held office at least six months, and against whom no recall petition has been filed within six months, may be removed or recalled at any time by the voters qualified to vote for his successor in the manner provided for in this Division.

SEC. 27.1602 PETITION TO WHOM ADDRESSED

A petition demanding the submission to the electors of the city of the question whether the incumbent of an elective office shall be removed by vote of such electors, and if so removed, the election of a successor of such incumbent, shall be addressed to the council and filed with the city clerk.

SEC. 27.1603 PERCENTAGE OF SIGNERS REQUIRED

For the recall of elective officers of the city or of the San Diego School District, a petition signed by fifteen per cent of the registered voters of the city at the last municipal general election shall be required.

SEC. 27.1604 REQUIRED SIGNATURES ON FACE OF PETITION

In order to be acceptable for filing, any petition provided for in this Division, must on its face purport to have appended to it signatures of registered voters in the required number.

SEC. 27.1605 PUBLICATION OF NOTICE AND STATEMENT

Befor submitting the petition for signatures, its

proponents shall publish a notice of intention so to do. The notice shall be accompanied by a printed statement, not exceeding three hundred words in length, of the reasons for the proposed recall. The notice and statement shall be published at least once in a daily newspaper of general circulation published in the city of San Diego.

SEC. 27.1606 TIME FOR FILING NOTICE

Within ten days after the date of the publishing of the notice of intention the proponents shall file a copy of the notice of intention and statement, and an affidavit of the publishing thereof, with the city clerk.

SEC. 27.1607 SERVICE UPON OFFICER TO BE RECALLED

A copy of said notice of intention and statement shall be served upon, or sent by registered mail to the officer sought to be recalled within five days after said publication, and an affidavit of such service shall be filed forthwith with the City Clerk. The affidavit shall designate the mode in which service was made.

SEC. 27.1608 ANSWER

Within fourteen days after the publication of the notice of intention and statement, the officer sought to be recalled, or anyone upon his behalf, may publish an answer to the statement. The answer to the statement shall not exceed three hundred words in length, and shall be published in the same newspaper as the notice of intention and statement.

SEC. 27.1609 INTENTION OF STATEMENT

The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect in any manner the

validity of the proceedings taken under this Division.

SEC. 27.1610 CIRCULATION OF PETITION

Twenty-one days after the publication of the notice of intention and statement the petition demanding the recall of the officer may be circulated among the qualified voters of the city for the securing of signatures.

SEC. 27.1611 WHAT PETITION SHALL CONTAIN

The petition shall contain a copy of the published notice of intention and accompanying statement and the answer, if any. If the officer has not answered, the petition shall so state.

SEC. 27.1612 FORM OF PETITION

Any petition demanding a recall shall be in substantially the following form:

"RECALL PETITION

PETITION FOR THE RECALL OF .....FROM THE OFFICE OF .....OF THE CITY OF SAN DIEGO, CALIFORNIA.

(The title in the form prescribed above with the blank spaces filled in shall be set forth in full at the top of each page of the petition.)

We, the undersigned, registered voters of the city of San Diego, California, demand the recall of .... from the office of ..... of the city of San Diego.

The following are the reasons for demanding such recall:

(Here insert a copy of the published notice of intention

and accompanying statement and the answer, if any. If the officer has not answered, a statement to that effect shall be inserted here.)

SIGNATURES	RESIDENCE	DATE
.....	.....	.....
.....	.....	.....
.....	.....	.....

AFFIDAVIT

STATE OF CALIFORNIA,)
) ss.
COUNTY OF SAN DIEGO,)

....., being duly sworn, deposes and says: That I am a registered voter of The City of San Diego and that all of the signatures on each sheet were made in my presence, and that all of the sheets constituting this paper were fastened together at the time such signatures were appended thereto; and that to the best of my knowledge and belief such signatures are the genuine signatures of the persons whose names purport to be hereunto subscribed.

.....

Subscribed and sworn to before me this ..... day of .....

.....
(Title of Officer)"

SEC. 27.1613 FILING PETITION

Signatures shall be secured and the petition filed within sixty days from the first publication of the notice

of intention.

SEC. 27.1614 SEPARATE PETITIONS

Separate petitions shall be necessary to propose the recall of elective officers.

SEC. 27.1615 EXAMINATION AND PRESENTATION TO COUNCIL

The provisions of ~~Chapters XIII~~ DIVISIONS 13 and ~~XIV~~ 14 relating to the method of signing petitions, and to the examination, certification and to the supplementing of, and to the presentation of the same to the council, shall apply to any petition filled with the city clerk under the provisions of this chapter, and such petition shall be designated as a recall petition.

SEC. 27.1616 REVIEW OF PETITION BY COUNCIL

The sufficiency or insufficiency of any recall petition shall not be subject to review by the council

SEC. 27.1617 INSUFFICIENCY OF PETITION

If the city clerk's certificate shows that all the signatures to the petition are insufficient no action shall be taken thereon. The petition shall remain on file as a public record: and the failure to secure sufficient names shall not prejudice the filing, after the expiration of six months, of an entirely new petition to the same effect.

SEC. 27.1618 ONE ELECTION SUFFICIENT

One election is sufficient for the recall and election of one or more elective officers.

SEC. 27.1619 DUTY OF COUNCIL

Upon the presentation of such recall petition to

the council, by the city clerk, the council shall thereupon, order the holding of a special election for the purpose of submitting to the electors of the city, or in the San Diego School District, as the case may be, the question whether such officer shall be recalled, and if recalled, for the election of his successor.

SEC. 27.1620 SPECIAL ELECTION

Such special election shall be held not less than sixty days from the date of the adoption of the ordinance calling such election, nor more than ninety days from said date, provided, however,

If any other election for any purpose at which all of the qualified electors of the city are entitled to vote shall be called and held in said city within one hundred twenty days from the date of the presentation of such petition, then the council in its discretion, may order the holding of such recall election, and the consolidation thereof, with such other election.

SEC. 27.1621 SEPARATE BALLOTS

At any such other election where the question of the recall of an officer is submitted, the ballots for the recording of the vote on the question of the recall and the election of a successor shall be separate from any other ballots used in the election.

SEC. 27.1622 NOMINATION OF CANDIDATES

The provisions of sections 27.0201, 27.0202, 27.0203, 27.0204 and 27.0206, so far as applicable, shall govern the nomination of candidates to be voted for at a recall election.

SEC. 27.1623 FILING NOMINATING PETITIONS

Nominating petitions shall be presented to the city clerk within five days from the date of the adoption

of the ordinance calling such election.

SEC. 27.1624 EXAMINATION OF PETITION

Immediately upon the filing of any such nominating petitions the city clerk shall ascertain and determine, in the manner hereinafter provided, as to whether or not such petitions are signed by the requisite number of registered voters of the city. The city clerk shall, within five days after the filing thereof attach his certificate to such petitions showing the result of his examination.

SEC. 27.1625 SUPPLEMENTAL PETITION

If it shall appear from the certificate of the city clerk that any such nominating petition is not signed by the requisite number of registered voters, a supplemental petition or petitions may be filed within three days from the date of such certificate.

SEC. 27.1626 EXAMINATION OF SUPPLEMENTAL PETITION

The City Clerk shall within five days after such supplemental nominating petition or petitions are filed, make like examination thereof and shall certify the result of his examination thereof; but no further supplemental petition shall be allowed.

SEC. 27.1627 SUFFICIENCY OF PETITION

If any such nominating petition or supplemental petition thereof, be signed by the requisite number of registered voters, both the petition and supplemental petition being considered together for that purpose, the

person therein named shall be deemed to be nominated as a candidate to be voted for at such recall election.

SEC. 27.1628 BALLOTS

Upon the ballots shall be printed the statement of the proponents which was published with the notice of intention, followed by the answer, if any,of the officer sought to be recalled.

There shall also be printed on the ballots the following question:

"Shall (name of person) be recalled from the office of (title of the office)?"

At the right-hand side of the measure to be voted on, in separate spaces, the words "Yes" and "No" shall be printed, and to the right of these spaces there shall be voting squares.

If more than one person is sought to be recalled at the same election, the statements and answers for each person shall be printed in a separate column and the question of recall shall be separately printed for each person sought to be recalled.

On the top of the face of the ballot the following directions shall be printed:

"INSTRUCTIONS TO VOTERS

To vote on the recall, stamp a cross in the voting square after the word "Yes" or after the word "No." All marks, except the cross are forbidden. All distinguishing marks or erasures are forbidden and make the

ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another."

SEC. 27.1629 NAMES OF CANDIDATES ON BALLOT

On recall ballots, under each question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he is removed from office by the recall election.

SEC. 27.1630 VOTE ON RECALL MANDATORY

A vote shall not be counted for any candidate for any office unless the voter also voted on the question of the recall of the person sought to be recalled from that office.

SEC. 27.1631 PERSON RECALLED NOT A CANDIDATE

The name of the person against whom a recall petition is filed shall not appear on the ballot as a candidate for the office.

SEC. 27.1632 INCUMBENT CONTINUES IN OFFICE

Any officer for whose recall and removal from office an election is held shall continue to perform the duties of his office until such time as the council shall have declared that a majority of the electors voting on the question have voted in favor of his recall and removal from office.

SEC. 27.1633 RECALL PROCEEDINGS PENDING

Proceedings for the recall of any elective officer shall be deemed to be pending from the date of the certificate

of the city clerk certifying that the recall petition is sufficient.

SEC. 27.1634 VACANCY OCCURRING AFTER FILING CERTIFICATE

If a vacancy occur from any cause in such office, subsequent to the filing of the certificate of the city clerk and prior to the election, then such election shall not be held.

SEC. 27.1635 MAJORITY VOTE

If a majority or exactly half of those voting on the question of the recall of any incumbent from office vote "No" the incumbent shall continue in office. If a majority vote "Yes" the incumbent is removed from office

SEC. 27.1636 CANVASS

The canvass of the result and the declaration of the result of a recall election shall be made in like manner as in the case of the municipal general election.

SEC. 27.1637 SUCCESSFUL CANDIDATE

If the vote at any recall election recalls the officer, then the candidate who has received the highest number of votes for the office shall be declared elected.

SEC. 27.1638 FAILURE TO QUALIFY

If the person who received the highest number of votes at a recall election fails to qualify within ten days after receiving a certificate of election, the office is vacant and shall be filled according to the provisions of the city charter.

SEC. 27.1639 NO APPOINTMENT FOR RECALLED OFFICERS

A person who has been recalled, or who has resigned from office while recall proceedings were pending against

him, shall not be appointed to any office within one year after his resignation or recall.

SEC. 27.1640 TERM OF SUCCESSOR

The successor of any officer recalled shall hold office during the unexpired term of his predecessor subject to removal under the provisions of this chapter.

DIVISION - 17

INITIATING CHARTER AMENDMENTS

SEC. 27.1701 PROCEDURE FOR AMENDING CITY CHARTER

The procedure for amending freeholders' charters is prescribed in Section 8, of Article XI of the Constitution of the State of California.

SEC. 27.1702 TEXT OF PETITION

The petition signed by voters proposing an amendment to the charter shall set forth in full the text of the proposed amendment.

SEC. 27.1703 METHOD OF CIRCULATING PETITION

Such petition shall be signed by registered voters of the city in their own proper persons only, and each signer shall at the time of signing the petition himself affix thereto his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained; provided, however, that each signer shall in addition to the other requirements affix thereto the date of his signing, but if successive signers sign on the same date, marks may be used to indicate that the dates are the same.

SEC. 27.1704 FORM OF PETITION

The petition shall be in substantially the following form:

"PETITION FOR SUBMISSION TO ELECTORS OF PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF SAN DIEGO.

To The Honorable Council Of The City Of San Diego, California:

"We, the undersigned, registered and qualified electors of The City of San Diego, pursuant to Section 8 of Article Xl of the Constitution of the State of California, present to the council of The City of San Diego, this petition and request that the following proposed amendment to the charter of the city be submitted to the registered and qualified electors of the city for their adoption or rejection at an election on a date to be determined by the council.

The proposed charter amendment reads as follows:

First. (setting forth text of amendment)*** (etc.)

(signed)

Name of Signer	Residence	Date
.....	.....	.....
.....	.....	.....
.....	.....	.....

AFFIDAVIT

STATE OF CALIFORNIA,)
) ss.
COUNTY OF SAN DIEGO,)

....., being duly sworn, deposes and says; that I am a registered voter of the city of San Diego and that all of the signatures on each sheet were made in my presence, and that all of the sheets constituting this paper were fastened together at the time such signatures were appended thereto; and that to the best of my knowledge and belief such signatures are the genuine signatures of the persons whose names purport to be hereunto subscribed.

.....

Subscribed and sworn to before me this..... day of.....

.....
(Title of Officer)"

DIVISION - 18

PENALTY

SEC. 27.1801 VIOLATIONS

Any person who shall willfully violate, or omit to comply with, any of the provisions of this code, shall be subject to the penalties, and punishable, as prescribed by the laws of the State of California.

~~SPECIAL PROVISIONS~~

DIVISION - 19

ELECTION DISTRICT BOUNDARIES FOR ELECTING MEMBERS OF CITY COUNCIL

SEC. 27.1901 BOUNDARY LINES

That the boundary lines of the six (6) districts of The City of San Diego, for the purpose of nominating and electing members of the Council of said City, as established by the Charter of said City, effective April 15, 1931, and as thereafter changed and altered, be and the said boundary lines of said districts are hereby changed as particularly shown and delineated, on that certain map showing the boundary lines of said districts contained in Document No. 424186, on file in the office of the City Clerk of said City, which said map is by reference thereto incorporated herein and made a part hereof; and the said boundary lines of said districts as shown on said map are hereby changed and by this ordinance established as the true and correct boundary lines of the said districts.

~~SEC. 27.1902~~ TERM OF OFFICE ^ ~~Section 27.1901 shall not affect the term of office of any councilman who has been elected, and whose term of office has not expired.~~

SEC. 27.1901.1 BOUNDARIES - DISTRICTS ONE AND TWO

That the boundary lines of Districts numbered One and Two of The City of San Diego, for the purpose of nominating and electing members of the Council of said City, as established by the Charter of said City, effective April 15, 1931, and as thereafter changed and altered by Ordinance No. 3073 (New Series) of the Ordinances of said City, adopted September 25, 1945, be, and the said boundary lines of said districts are hereby changed and by this Ordinance established as the true and correct boundary lines of the said districts, to-wit;

DISTRICT NUMBER ONE

DISTRICT NUMBER ONE includes all that portion of The City of San Diego embraced within the following described boundaries:

Beginning at the intersection of the shore line of the Pacific Ocean with the center line of Narragansett Avenue; thence southeasterly along said center line to its intersection with the center line of Bacon Street; thence northeasterly along said center line to its intersection with the center line of Niagara Avenue; thence southeasterly along said center line to its intersection with the center line of Ebers Street; thence northeasterly along said center line to its intersection with the center line of Long Branch Avenue; thence southeasterly along said center line to its intersection with the center line of Froude Street; thence northeasterly along said center line to its intersection with the center line of Greene Street; thence southeasterly along said center line to its intersection with the center line of Seaside Street; thence northeasterly along said center line to an intersection with the wouthwesterly line of Loma Alta No. 2, according to Map No. 1082, Records of San Diego County; thence northwesterly along said southwesterly line to

an intersection with the center line of the alley in Block 32, said subdivision; thence northeasterly along said center line to an intersection with the center line of the former right of way of the San Diego Electric Railway; thence easterly along said center line to an intersection with the center line of Midway Drive; thence southeasterly along said center line to an intersection with the center line of Fordham Street; thence northeasterly along said center line to its intersection with the center line of Frontier Street; thence northwesterly along said center line to its intersection with the center line of Freedom Street, so called; thence northerly and northwesterly along said center line and its northerly prolongation to an intersection with the center line of the San Diego River Channel Way, as shown on Map in Case No 311 of the 18th District Court, filed in the office of the County Clerk of the County of San Diego; thence northeasterly along said center line to an intersection with the northwesterly line of Pueblo Lot 279; thence northeasterly along the northwesterly line of Pueblo Lot 279 to an intersection with the southwesterly line of Pueblo Lot 280; thence southeasterly along said southwesterly line to the most southerly corner of said Pueblo Lot 280; thence northeasterly along the southeasterly line of said Pueblo Lot 280 to the most northerly corner of Pueblo Lot 306; thence southeasterly along the northeasterly line of said Pueblo Lot and its southeasterly prolongation to an intersection with the center line of Greenwood Street; thence northeasterly along said center line to its intersection with the center line of Whitman Street; thence southeasterly along said center line to its intersection with the center line of Riley Street; thence

northeasterly along said center line to its intersection with the center line of Chestnut Street; thence southeasterly along said center line to its intersection with the center line of Gaines street; thence northeasterly along said center line to its intersection with the center line of Hickory Street; thence woutheasterly along said center line to its intersection with the center line of Taylor Street; thence northeasterly along said center line to its intersection with the northeasterly boundary of Old Town; thence southeasterly along the northeasterly boundary of Old Town in an intersection with the northwesterly boundary of Mission Hills No. 2, according to Map No. 1234, Records of San Diego County; thence northeasterly and southeasterly along the northwesterly and northeasterly boundaries of said Mission Hills No. 2, to the northeast corner thereon; thence southwesterly along the southeasterly line of Mission Hills No. 2 to an intersection with the northwesterly prolongation of the southwesterly line of Villa Lot 10, Allen Terrace; thence southwesterly along the southwesterly line of said Villa Lot 10 prolonged to the most westerly corner of said Villa Lot, all according to Map of Allen Terrace No. 1620, Records of San Diego County; thence northeasterly along the northwesterly and northerly boundary of said Allen Terrace to the northeast corner thereof; thence northeasterly in a direct line to the northwesterly corner of plumosa Terrace, according to Map No. 1826, Records of San Diego County; thence easterly along the northerly line of said subdivisionto the northeast corner of Lot 1 of said subdivision; thence continuing easterly, northerly and easterly along the northerly, westerly and northerly boundaries of Randolph Terrace, according to Map No. 1991, Records of San Diego County, to the northeast corner of said Randolph Terrace; thence in a direct line to the northwest corner of Lot 34, Avalon Heights, according to Map thereof

No. 1600, Records of San Diego County; thence easterly, northerly and easterly along the northerly, westerly and northerly boundary of said Avalon Heights, and the northerly boundary of Franklin Court, according to Map thereof No. 1453, Records of San Diego County, to the northeast corner of said Franklin Court; thence southerly along the easterly boundary of said Franklin Court to an intersection with the center line of Court Way; thence easterly along said center line prolonged to an intersection with the center line of Falcon Street, prolonged northerly; thence southerly along said center line and its prolongation, to the northerly boundary of Florence Heights No. 2 Addition, according to Map thereof No. 905, Records of San Diego County; thence easterly along said boundary to an intersection with the westerly boundary of Pueblo Lot 118; thence northerly along the westerly line of Pueblo Lot 1118 a distance of 214 feet to a point; thence north 66° 40' east 882.97 feet; thence north 58° 27' east 732.42 feet; thence south 38° 26' east 698.24 feet; thence south 50° 03' 50" east 1019.8 feet, more or less, to an intersection with the westerly boundary of Pueblo Lot "D"; thence northerly along said Pueblo Lot line to the northwest corner of said lot; thence easterly along the northerly boundary line of said Pueblo Lot "D" to an intersection with the westerly line of Mission Cliff Manor, according to Map thereof No 1867, Records of San Diego County; thence northerly, northeasterly and southerly following the westerly, northwesterly and easterly boundary lines of said subdivision, to the northwest corner of Lot 5, of Pueblo Lot 1111; thence northeasterly along the northwesterly line of said Lot 5 and the northwesterly line of Mission Cliff Gardens, according to Map thereof No. 2268, Records of San Diego County, in a general northeasterly direction to the northeast corner of said subdivision; thence north 89° 48' east to the west line of Valle Vista Terrace,

according to Map thereof No. 1081, Records of San Diego County; thence northerly along said west line to the northwest corner of said ValleVista Terrace; thence easterly along the north line of said subdivision, and said line prolonged to the west line of University Heights, according to Map thereof No. 937, Records of San Diego County; thence north to the northwest corner of said University Heights; thence easterly to the west line of Villa Lot 58 of University Heights, according to Map thereof No. 951, Records of San Diego County; thence north to the northwest corner of said lot; thence easterly along the north line of Villa Lot 58 and Villa Lot 17 to the northeasterly boundary line of the Pueblo Lands of San Diego; thence northwesterly along the northeasterly boundary line of the Pueblo Lands of San Diego to an intersection with the southerly boundary of that certain territory known as Gibbs Airport, as annexed to The City of San Diego by Resolution of the Board of Supervisors of San Diego County, passed June 7, 1948, and filed in the office of the Secretary of State June 14, 1948; thence in a general easterly, northerly, westerly and southwesterly direction along the boundary of said Gibbs Airport, to an intersection with said northeasterly boundary line of the Pueblo Lands of San Diego; thence northwesterly along the northeasterly boundary line of the Pueblo Lands of San Diego to an intersection with the shore line of the Pacific Ocean; thence in a general southerly direction along the shoreline of the Pacific Ocean to the place of beginning.

DISTRICT NUMBER TWO

DISTRICT NUMBER TWO includes all that portion of The City of San Diego embraced within the following described boundaries:

Beginning at the intersection of the shore line of the Pacific

Ocean with the center line of Narragansett Avenue; thence southeasterly along said center line to its intersection with the center line of Bacon Street; thence northeasterly along said center line to its intersection with the center line of Niagara Avenue; thence southeasterly along said center line to its intersection with the center line of Ebers Street; thence northeasterly along said center line to its intersection with the center line of Long Branch Avenue; thence southeasterly along said center line to its intersection with the center line of Froude Street; thence northeasterly along said center line to its intersection with the center line of Greene Street; thence southeasterly along said center line to its intersection with the center line of Seaside Street; thence northeasterly along said center line to an intersection with the southwesterly line of Loma Alta No. 2, according to Map thereof No. 1082, Records of San Diego County; thence northwesterly along said southwesterly line to an intersection with the center line of the alley in Block 32, said subdivision; thence northeasterly along said center line to an intersection with the center line of the former right of way of the San Diego Electric Railway; thence easterly along said center line to an intersection with the cneter line of Midway Drive; thence southeasterly along said center line to an intersection with the center line of Fordham Street; thence northeasterly along said center line to its intersection with the center line of Frontier Street; thence northwesterly along said center line to its intersection with the center line of Freedom Street, so called; thence northerly and northwesterly along said center line and its northerly prolongation to an intersection with the center line of the San Diego River Channel Way, as shown on Map in Case No. 311 of the 18th District Court, filed in the office of the County Clerk of the County of San Diego; thence northeasterly along said center line to an intersection

with the northwesterly line of Pueblo Lot 279; thence northeasterly along the northwesterly line of Pueblo Lot 279 to an intersection with the southwesterly line of Pueblo Lot 280; thence southeasterly along said southwesterly line to the most southerly corner of said Pueblo Lot 280; thence northeasterly along the southeasterly line of said Pueblo Lot 280 to the most northerly corner of Pueblo Lot 306; thence southeasterly along the northeasterly line of said Pueblo Lot and its southeasterly prolongation to an intersection with the center line of Greenwood Street; thence northeasterly along said center line to its intersection with the center line of Whitman Street; thence southeasterly along said center line to its intersection with the center line of Riley Street; thence northeasterly along said center line to its intersection with the center line of Chestnut Street; thence southeasterly along said center line to its intersection with the center line of Gaines Street; thence northeasterly along said center line to its intersection with the center line of Hickory Street; thence southeasterly along said center line to its intersection with the center line of Taylor Street; thence northeasterly along said center line to its intersection, with the northeasterly boundary of Old Town; thence southeasterly along the northeasterly boundary of Old Town to an intersection with the northwesterly boundary of Mission Hills No. 2, according to Map thereof No. 1234, Records of San Diego County; thence northeasterly and southeasterly along the northwesterly and northeasterly boundary of said Mission Hills No. 2, to the northeast corner thereof; thence southwesterly along the southeasterly line of Mission Hills No. 2, to an intersection with the northwesterly prolongation of the southwesterly line of Villa Lot 10, Allen Terrace; thence southeasterly along the

southwesterly line of said Villa Lot 10 prolonged to the most westerly corner of said Villa Lot 10, all according to Map of Allen Terrace No 1620, Records of San Diego County; thence northeasterly and easterly along the northwesterly and northerly boundary of said Allen Terrace to the northeast corner thereof; thence northeasterly in a direct line to the northwesterly corner of Plumosa Terrace, according to Map thereof No. 1826, Records of San Diego County; thence easterly along the northerly line of said subdivision to the northeast corner of Lot 1 of said subdivision; thence continuing easterly, northerly and easterly along the northerly, westerly and northerly bouncaries of Randolph Terrace, according to Map thereof No. 1991, Records of San Diego County, to the northeast corner of said Randolph Terrace; thence in a direct line to the northwest corner of Lot 34, Avalon Heights, according to Map thereof No. 1600, Records of San Diego County; thence easterly, northerly and easterly along the northerly, westerly and northerly boundary of said Avalon Heights, and the northerly boundary of Franklin Court, according to Map thereof No. 1453, Records of San Diego County, to the northeast corner of said Franklin Court; thence southerly along the easterly boundary of said Franklin Court to an intersection with the center line of Court Way; thence easterly along said center line prolonged to an intersection with the center line of Falcon Street, prolonged northerly; thence southerly along said center line and its prolongation to the northerly boundary of Florence Heights No. 2 Addition, according to Map thereof No. 905, Records of San Diego County; thence easterly along said boundary to an intersection with the westerly boundary of Pueblo Lot 1118; thence northerly

along the westerly line of Pueblo Lot 1118, a distance of 214 feet to a point; thence north 66° 40' east 882.97 feet; thence north 58° 27' east 732.42 feet; thence south 38° 26' east 698.24 feet; thence south 50° 03' 50" east 1019.8 feet, more or less, to an intersection with the westerly boundary of Pueblo Lot"D"; thence northerly along said Pueblo Lot line to its intersection with the center line of Sixth Street Extension; thence in a general southerly direction along the center line of Sixth Street Extension to its intersection with the center line of Washington Street; thence easterly along said center line to its intersection with the center line of Eighth Avenue; thence southerly along said center line to its intersection with the center line of University Avenue; thence westerly along said center line to its intersection with the center line of Fifth Avenue; thence southerly along said center line to its intersection with the center line of Ivy Lane; thence easterly along said center line to its intersection with the center line of Sixth Avenue; thence southerly along said center line to its intersection with the center line of Quince Street; thence westerly along said center line to its intersection with the center line of Second Avenue; thence northerly along said center line to its intersection with the center line of Redwood Street; thence westerly along said center line to its intersection with the center line of First Avenue; thence southerly along said center line to its intersection with the center line of Quince Street; thence westerly along said center line to its intersection with the center line of Curlew Street; thence northerly along said center line to its intersection with the center line of Redwood Street; thence westerly along said center line to its intersection with the center line of Reynard

Way; thence southerly along said center line to its intersection with the center line of Quince Street produced easterly; thence westerly and southwesterly along said production and along the center line of Quince Street to its intersection with the center line of State Street; thence northwesterly along said center line to its intersection with the center line of Spruce Street; thence southwesterly along said center line to its intersection with the center line of Columbia Street; thence northwesterly along said center line to its intersection with the center line of Upas Street; thence southwesterly along the center line of Upas Street and its southwesterly production to its intersection with the southwesterly production of the center line of Bean Street; thence southwesterly along the southwesterly production of the center line of Bean Street to its intersection with the shore line of the Bay of San Diego; thence westerly along said shore line to an intersection with the southwesterly production of the center line of Harasthy Street; thence northeasterly along said center line to the southwesterly line of Middletown; thence northwesterly along said southwesterly line to an intersection with the center line of Witherby Street; thence northeasterly along said center line to its intersection with the center line of Subway Street; thence westerly and northwesterly along the center lines of Subway Street and Pacific Highway to an intersection with the center line of Barnett Avenue; thence westerly along said center line to its intersection with the center line of Lytton Street; thence northwesterly along said center line to its intersection with the center line of Rosecrans Street; thence southwesterly along said center line to its intersection with the center line of Lowell Street; thence southeasterly along said center line and its southeasterly

prolongation to its intersection with the shore line of the Bay of San Diego; thence in a general southerly direction along the shore line of the Bay of San Diego to the northerly line of the U. S. Military Reservation; thence westerly along the northerly line of the U. S. Military Reservation to an intersection with the shore line of the Pacific Ocean; thence in a general northerly direction along the shore line of the Pacific Ocean to the place of beginning.

SEC. 27.1902 TERM OF OFFICE

Section 27.1901 shall not affect the term of office of any councilman who has been elected, and whose term of office has not expired.

ARTICLE - 8

POLICE OFFICERS' UNIFORM, BADGE, INSIGNIA

SEC. 28.01 POLICE BADGE AND INSIGNIA

That there is hereby established an official badge and cap insignia for the Police Department of The City of San Diego. Said official badge and cap insignia shall be of the size, design and materials as set forth in the specifications and drawings for said badge and cap insignia now on file in the office of the City Clerk of said City under Document No. 254832.

SEC. 28.02 SAME - OFFICERS ENTITLED TO WEAR

That the following officers and employees of The City of San Diego shall be entitled to wear the official police badge and police cap insignia of The City of San Diego:

(1) All active officers of the Police Department of The City of San Diego.

(2) Any officer or employee of The City of San Diego whose duties are of such a nature as to require the exercise of the powers of a peace officer when such officer or employee is specially authorized in writing so to do by the Chief of Police Department of The City of San Diego, and such authorization is approved by the City Manager.

SEC. 28.03 SAME - RETIRED OFFICERS

All retired officers of the Police Department of The City of San Diego shall be entitled to possess and own the official police badge and police cap insignia of The City of San Diego; provided, however, that the same shall not be worn nor displayed publicly by any such retired officer unless special written permission so to do shall have been obtained from the Chief of the

Police Department and approved by the City Manager. Said special permission shall be confined and limited to such particular occasion or occasions as are set forth in said permit.

SEC. 28.04 SAME - UNAUTHORIZED USE PROHIBITED

It shall be unlawful, except as otherwise herein provided, for any person to own or wear an official police badge and cap insignia of The City of San Diego; and any person violating any of the terms, requirements, regulations or provisions of this Section shall be guilty of a misdemeanor.

CHAPTER III

LICENSES, PERMITS, BUSINESS REGULATIONS AND BUSINESS TAXES

ARTICLE 1

LICENSES AND LICENSE TAXES

DIVISION 1 : GENERAL PROVISIONS - DEFINITIONS - APPLICATIONS

SEC. 31.0101 REVENUE PROVISIONS

The provisions of this article are enacted solely to raise revenue for municipal purposes and are not intended for the purpose ofregulation.

SEC. 31.0102 ~~CONSTITUTIONAL CONSTRUCTION - INTERSTATE COMMERCE~~

Nothing in this ordinance shall be construed as requiring a license or the paying of a license fee for the doing of an act which would constitute an unlawful burden upon or an unlawful interference with interstate or foreign commerce, or which would be in violation of the Constitution or laws of the United States, or the Constitution of the State of California.

SEC. 31.0110 LICENSE TAXES - DEFINITIONS

The following words and phrases whenever used in this Chapter shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) "ARCADE" The word "Arcade" shall mean a general inclosure in which is conducted a business of operating or exhibiting any phonograph, graphaphone, talking machine, kinetoscope, biograph, projectoscope, or any other instrument or machine of like character, or exhibiting, showing or letting the use of any ~~microscope~~ Microscope, lung-tester, muscle-tester, galvanic battery, weighing machine, fortune telling

machine, or machine of like character.

(b) "AUTO WRECKER" The word "Auto Wrecker" shall mean any person engaged in the purchasing of motor vehicles or used motor vehicle parts, or used motor vehicle motors, for the purpose of wrecking and salvaging of parts, metals, tires and accessories, for re-sale; and any person who has dismantled three (3) or more motor vehicles for the above purpose, during any one calendar year, shall be classed as an auto wrecker.

(c) "CIRCUS" The word "Circus" shall mean an exhibition or entertainment at which feats of horsemanship, acrobatic feats, and trained or wild animals are exhibited or displayed in the City of San Diego, for which exhibition or entertainment an admission fee is charged, and which exhibition or entertainment is conducted, managed or carried on by a person, firm or corporation having no regularly established place of business in the City of San Diego for the exhibition thereof.

(d) "DANCING ACADEMY" The words "Dancing Academy" shall mean a regularly established place of business or entertainment where instructions in dancing or dancing lessons are given or taught and a charge or fee or such instruction or lessons is made or paid or received.

(e) "DANCE HALL" The words "Dance Hall" shall mean any place where the business of holding or conducting public dances is regularly carried on, provided that nothing in this section shall be deemed or construed to require the holder of a license to conduct the business of a public

dance hall, to procure any additional license to conduct a dancing academy in the event that such dancing academy is conducted in the same location and under the same management as said public dance hall.

(f)"EMPLOYMENT BUREAU" The words "Employment Bureau" shall mean the business of securing employment for any person or persons for a fee or compensation of any kind, or furnishing information regarding situations or employment for a fee or compensation.

(g) "FIRE OR WRECK SALE" The words "Fire or Wreck Sale" shall mean any sale of merchandise slavaged from any fire, wreck or other calamity occurring in the City of San Diego, and which sale is conducted by the owner of said salvaged merchandise at the time of fire, wreck or other calamity.

(h) "ITINERANT SHOW" The words "Itinerant Show" shall mean every temporary or transient show or theatrical performance, such as is usually given in theatres, and which said show or theatrical performance is conducted in any structure or tent hired, leased or erected in the City of San Diego for such purpose.

(i) "JUNK COLLECTOR" The words "Junk Collector" shall mean any person, firm or corporation having no fixed place of business in the City of San Diego, engaged in or carrying on the business of collecting, buying or selling any old rags, sacks, bottles, cans, papers, metals or other articles of junk.

(j) "JUNK DEALER" The words "Junk Dealer" shall mean any person, firm or corporation having a fixed place of

business in the City of San Diego, engaging in or carrying on the business of buying, selling or exporting any old rags, sacks, bottles, cans, papers, metals or other articles of junk.

(k) "PAWN BROKER" The words "Pawn Broker" shall mean every person conducting, managing or carrying on the business of loaning money, either for himself or for any other person, firm or corporation, upon any personal property, personal security, or purchasing personal property and reselling or agreeing to resell such articles to the vendor or other assignee at prices previously agreed upon.

(l) "PEDDLER" The word "Peddler" shall mean every person not having a regularly established place of business in the City of San Diego and who travels from place to place or has a stand upon any public street, alley or other public place, doorway of any room or building, unenclosed or vacant lot or parcel of land, who sells or offers for sale any goods, wares or merchandise in his possession.

(m) "PERSON" The word "Person" shall mean all domestic and foreign corporations, associations, syndicates, joint stock companies, partnerships of every kind, clubs, Massachusetts business or common law trusts, socities and individuals engaged in any business as defined ferein, in the City of San Diego.

(n) "SALE OR SELL" The words "Sale or Sell" shall be deemed to include and refer to: the making of any transfer of title, in any manner or by any means whatsoever, to tangible personal property for a price, and to the serving, supplying or furnishing, for a price, of any tangible personal

property fabricated or made at the special order of consumers, who do or who do not furnish directly or indirectly the specifications therefor. A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price shall likewise be deemed a sale. The foregoing definitions shall not be deemed to exclude any transaction which is or which, in effect, results in a sale within the contemplation of law.

(o) "SELLING GOODS, WARES AND MERCHANDISE" The phrase "Selling Goods, Wares and Merchandise" shall, in addition to any other meaning established at law, be deemed to extend to and include in its application persons who engate in the business of fabricating, serving or supplying, for a price, tangible personal property furnished, produced or made at the special order of purchasers or consumers, or for purchasers or consumers who do or who do not furnish, directly or indirectly, the specifications therefor.

(p) "TATTOOING" The word "Tattooing" shall mean the act or process of marking or coloring the skin of any person by the insertion of pigment under or in the skin or by the production of scars.

(q) USED CAR DEALER" The words "Used Car Dealer" shall mean any person, firm or corporation engaged in, conducting, managing, or carrying on the business of buying, selling, or offering for sale, consigning to be sold or otherwise dealing in used motor vehicles (except bicycles), as the term "motor vehicle" is defined in the Vehicle Code of the

State of California.

SEC. 31.0120 UNLAWFUL BUSINESSES

No license issued under the provisions of this Code shall be construed as authorizing the conduct or continuance of any illegal or unlawful business.

SEC. 31.0121 PERMIT REQUIREMENTS

No person shall engage in any business required to be licensed under the provisions of this Code until such license is first obtained.

SEC. 31.0122 SUIT FOR RECOVERY OF UNPAID SUMS

Any sum required to be paid hereunder shall be deemed a debt to the City and any person who engaged in any business required to be licensed without first obtaining a license so to do, shall be liable to an action by and in the name of the City of San Diego in any court of competent jurisdiction for the recovery of any such amount.

SEC. 31.0123 LICENSES - CONTENTS OF

All licenses shall be prepared and issued by the City Treasurer upon the payment of the sum required to be paid hereunder. Each license so issued shall state upon the face thereof the following:

(a) The person to whom same is issued;

(b) The kind of business licensed thereby;

(c) The amount paid therefor;

(d) The location of such business;

(e) The date of expiration of such licenses.

All such licenses shall be countersigned by the City

Auditor and Comptroller.

~~SEC. 31.0124 No license for any ensuing, current or unexpired~~ license period shall knowingly be issued to any person who at the time of making application for any license is indebted to The City of San Diego for any unpaid license fee; provided, that the City Auditor and Comptroller, or his duly authorized deputy, may enter into an agreement with any person indebted to The City of San Diego for the non-payment of license fees for any past license period, agreeing with such person that such person may pay delinquent license fees for any past license period in equal installments extending over a period not to exceed one (1) year. In such agreement such debtor shall acknowledge its debt to the City and agree in case default be made in the payment of any installment agreed to be paid thereunder that the whole amount agreed to be paid shall become immediately due and payable, and that in case suit be brought to enforce the collection of the amount agreed to be paid under such agreement, that debtor will pay all costs of suit incurred by The City of San Diego. In case that such agreement is executed, licenses for any current or ensuing license period may be issued to any such person upon such person paying the fee prescribed for the current or ensuing license period, together with penalties, if any.

SEC. 31.0125 AMENDED LICENSES - FEES

No license issued pursuant to this Code shall be transferable, provided that where a license is issued authorizing a person to conduct a business at a particular place,

such licensee may upon application therefor and paying a fee of fifty cents (50¢),have the license previously issued amended so as to authorize the conduct of such business from some other location.

SEC. 31.0126 DUPLICATE LICENSES - FEES

Duplicate licenses may be issued by the City Treasurer to replace any license previously issued which has been lost or destroyed upon applicant therefor filing an affidavit attesting to such fact, and at the time of filing such affidavit paying to the City Treasurer a fee of fifty cents (50¢) therefor.

SEC. 31.0127 POSTING AND KEEPING LICENSES

Except as otherwise specifically provided by the provisions of this code, all licenses must be kept and posted in the following manner:

(a) Subject to other provisions of this code, any licensee engaged in business at a fixed place of business shall keep the license issued posted in a conspicuous place upon the premises where such business is conducted;

(b) Any person engaged in business in The City of San Diego, but not operating from a fixed place of business, shall keep the license issued to him upon his person at all times while engaging in such business.

(c) Each licensee shall at all times when requested, exhibit said license to any police office or other official of The City of San Diego.

SEC. 31.0128 ENFORCEMENT

It shall be the duty of the City Treasurer, and he

is hereby directed to enforce each and all of the provisions of this ~~code~~ article, and the Chief of Police shall render such assistance in the enforcement of this ~~code~~ article as may from time to time be required by the City Treasurer.

Said City Treasurer, in the exercise of the duties imposed upon him, and acting through his deputies or duly authorized employees, shall examine all places of business in the City to ascertain whether or not the provisions of this code have been complied with.

Said City Treasurer and his deputies and duly authorized employees shall have the power to examine all necessary books and records of any person doing business in the City required to be licensed by the terms of this code, for the purpose of ascertaining the amount of license fee required to be paid by the provisions hereof. The City treasurer and each and all of his deputies and duly authorized employees shall have the power and authority to enter, free of charge, at any reasonable time any place of business required to be licensed by the provisions of this code, and to demand an exhibition of such license. Any person having any such license theretofore issued in his possession or under his control who fails to exhibit the same on demand shall be guilty of a misdemeanor and subject to the penalty provided for by the provisions of this code.

It shall be the duty of the City Treasurer and each of his deputies to cause a complaint to be filed against any and all persons found to be a violator of any of the

provisions of this code.

SEC. 31.0129 FEES PAYABLE IN ADVANCE

All license fees shall be paid in advance to the City Treasurer in lawful money of the United States.

SEC. 31.0130 BRANCH ESTABLISHMENTS

Separate licenses must be obtained for each branch establishment or location of the business engaged in and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this code shall not be deemed to be separate places of business or branch establishments.

SEC. 31.0131 FEES - TIME OF PAYMENT

Except as herein otherwise provided, licenses required hereunder shall be due and payable at the following times:

(a) Annual licenses on the first day of July of each year;

(b) Semi-annual licenses on the first day of January and the first day of July of each year;

(c) Quarterly licenses on the first days of January, April, July and October of each year;

(d) Monthly licenses on the first day of each and every month;

(e) Daily licenses in advance on each day.

All such licenses shall be valid for the period issued.

SEC. 31.0132 ACCEPT SPECIFIED SUM ONLY

No person charged with the enforcement of any of the

provisions of this code shall knowingly accept or receive any sum for any license which is less than or greater than the amount actually required to be paid under the provisions of this code.

SEC. 31.0133 REGULATIONS - CITY TREASURER

The City Treasurer of The City of San Diego is hereby authorized to make such rules and regulations as may be necessary, to aid or assist in the enforcement of the provisions of this code.

Provided, however, no rule or regulation shall be enforcible until such rule or regulation has been approved by resolution of the Council of The City of San Diego.

SEC. 31.0134 FEES - CONVICTIONS - REMEDIES OF CITY

The conviction and punishment of any person for engaging in any business without first obtaining a license to conduct such business shall not relieve such person from paying the license fee due and unpaid at the time of such conviction, nor shall the payment of any license fee prevent a criminal prosecution for the violation of any of the provisions of this code. All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this code.

SEC. 31.0135 NOTICE OR BILL BY CITY TREASURER

The City Treasurer is not required to send a notice or bill to any person subject to the provisions of this chapter and the failure to send such notice or bill shall not affect the validity of any fee or penalty due hereunder.

SEC. 31.0140 WRITTEN STATEMENTS REQUIRED AT TIME OF APPLICATION

In all cases where the license fee is based upon the number of tickets sold, the applicant at the time of applying for a license, and monthly thereafter, shall file with the City Treasurer a written statement showing the number of tickets sold during the preceding month. Where the license fee is based upon the number of persons employed the applicant at the time of applying for a license shall file a written statement showing the average number of persons employed during the preceding six (6) months. Such written statements shall be made on forms provided by the City Treasurer.

Except in cases specifically provided for in this code the license period for licenses issued hereunder shall be the fiscal year of the City beginning July 1st and ending June 30th.

Subject to other provisions of this ordinance, the license fees required to be paid hereunder shall be due and payable on the first day of July of each year, and shall be delinquent thirty (30) days after the same become due. In cases where a portion of the license period has lapsed prior to application for a license the amount of the fee payable shall be apportioned on a monthly basis; provided that payment shall be required for the entire month in which said license is issued.

Where the license fee is based upon the number of persons employed, and the applicant has not previously

been engaged in business required to be licensed hereunder in San Diego, or has been engaged therin for a period of less than six (6) months immediately preceding his application, he shall file a written statement setting forth the estimated total number of persons he intends or expects to employ for the ensuing six (6) months. Such written statement shall be made on forms provided by the City Treasurer. Such persons shall pay annually a license tax of Ten Dollars ($10.00), plus a sum of money equal to One Dollar ($1.00) per year per employee for the estimated number of employees. At the end of said six (6) months' period such licensee shall file with the City Treasurer a statement showing the average number of persons employed by him for the preceding six (6) months. If the average number of persons employed exceeds the number estimated at the time the license was issued, the licensee shall be required to pay an additional sum equal to One Dollar ($1.00) for each employee in excess of the number estimated. If the average number of persons employed is less than the number estimated at the time the license was issued, the licensee shall be entitled to receive from the City the refund of a sum of money equal to One Dollar ($1.00) for each estimated employee in excess of the average number employed.

Any person who fails to file any required statement, or fails to pay the amount required hereunder within the time fixed hereby, shall be assessed a penalty of ten per cent (10%) on the amount unpaid at such time, which sum shall become a part of the license fee required to be paid hereunder.

No such statement shall be conclusive as to the matters

set forth therein, nor shall the filing of the same preclude The City of San Diego from collecting by appropriate action such sum as is actually due and payable hereunder. Such statement and each of the several items therin contained shall be subject to audit and verification by the City Treasurer, who is hereby authorized to examine, audit and inspect such books and records of any licensee or applicant for license as may be necessary in his judgment to ascertain the correct amount of license due.

All licensees, applicants for licenses and persons engaged in business, are hereby required to permit an examination of such books and records for the purposes aforesaid.

The information or data obtained from such examination or audit or from any statement required hereunder shall be used for the purpose of enforcing the provisions of this ordinance and for no other purpose.

It shall be unlawful for any person wilfully to make and subscribe to any statement which is false or untrue as to any material matter contained therein.

SEC. 31.0141 FAILURE TO FILE STATEMENT OR CORRECTED STATEMENT

If any person fails to file any statement required hereby within the time prescribed, or if after demand therefor made by the City Treasurer fails to file a corrected statement, the City Treasurer may determine the amount of license fee due from such person from such information as he may be able to obtain and if necessary may estimate the fee required to be paid hereunder upon the basis of external indices such as stock on hand, capital invested,

dividends paid, sales or other taxes paid, number of people employed, or by considering other facts. In case such a determination is made the City Treasurer shall give notice of the amount so assessed by serving the same personally or by depositing same in the United States Post Office at San Diego, California, postage prepaid thereon, addressed to the person so assessed at his last known address. Such person may, within ten (10) days after the mailing or serving of such notice, make application in writing to the City Treasurer for a hearing on the amount of the tax. If such application is not so made within the time prescribed the assessment shall become final. If such an application is filed the City Treasurer must cause the matter to be set for hearing within fifteen (15) days before a Board consisting of the City Treasurer, the City Auditor and Comptroller and the City Attorney, or the duly appointed deputy of each. Such board shall consider all evidence produced and shall make written findings thereon, a copy of such findings to be served upon the applicant, in the manner prescribed above for the service of notice of assessment. Such findings shall become final at the expiration of five (5) days from the date of service within which time exceptions may be filed by the applicant. If filed, the Board so appointed shall consider same and make such modification as may be deemed necessary; thereupon the final assessment shall be made.

SEC. 31.0142 ADDITIONAL POWERS OF CITY TREASURER

The City Treasurer shall have, in addition to all other powers conferred upon him, for good cause shown, the power to extend the time for filing any such statement

for a period of not to exceed thirty (30) days, and in such case waive any penalty that would have otherwise accrued; and with the written approval of the City Attorney and subject to the provisions of the City Charter, to compromise any claim for license fee amounting to less than One Hundred Dollars ($100.00); and with the approval of the City Attorney and the City Council to compromise any claim for license fee amounting to One Hundred Dollars ($100.00) or more.

DIVISION - 2

EXCEPTIONS TO LICENSING PROVISIONS

SEC. 31.0201 EXCEPTIONS - CHARITIES - PUBLIC WELL BEING

The provisions of this chapter shall not be construed to require the payment of any license fee to operate any charitable institution, organization or association organized for charitable purposes and conducted for charitable purposes only, nor shall a license fee be required for the conducting or staging of any concert, exhibition, lecture or entertainment the nature of which, in view of either public morals or well being, meets with the approval of the Chief of Police and the Director of Social Welfare, and where the major portion of the receipts, if any, derived therefrom are to be used solely for charitable or benevolent purposes within the City of San Diego, and not for the purpose of private gain, nor shall any license fee be required to be paid by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association, or an organization or association holding a state or national convention in this city, for the conducting or staging of any entertainment, dance, concert, exhibition or lecture, the nature of which in view of either public morals or well being, meets with the approval of the Chief of Police and the Director of Social Welfare, where the major portion of the receipts, if any derived from any of same are to be used wholly for the benefit of such organization and not for the purpose of private gain of any individual, or by any Credit Union corporation organized

under the provisions of Act 1887, Statutes of 1927, page 51, as amended, and actually operating for the purposes of and in the manner prescribed by said Act 1887.

SEC. 31.0202 EXCEPTIONS - DISTRIBUTION OF PROFITS - RAILROADS - TELEPHONE & TELEGRAPH COMPANIES - PUBLIC UTILITIES

The provisions of this ordinance in addition to exemptions enumerated in Section 31.0101, shall not be construed to include the payment of any license fee by:

(a) Any service club or organization, such as Kiwanis, Rotary or Lions Clubs, non-profit automobile clubs, Chambers of Commerce, trade associations, manufacturers associations, labor organizations, and such other community service clubs or organizations which do not contemplate the distribution of profits or dividends to the members thereof.

(b) (1) Railroad Companies including street railways herein defined to include interurban electric railways;

(2) Sleeping car, dining car, drawing room car, and palace car companies, refrigerator, oil, stock, fruit and other car-loaning and other car companies operating upon the railroads in this city;

(3) Companies doing express business on any railroad, steamboat, vessel or stage in this city;

(4) Telephone and telegraph companies;

(5) Companies engaged in the transmission or sale of gas or electricity.

SEC. 31.0203 EXCEPTIONS - INDIGENT PERSONS - PAUPERS

The City Manager is hereby authorized without the payment to the City of any consideration, to grant and issue

to any pauper or indigent person, upon such person producing satisfactory proof thereof, any license provided for in this chapter.

SEC. 31.0204 EXCEPTIONS - BLIND PERSONS

The City Treasurer is hereby authorized to issue a license without payment of a license fee to a person engaged in business, the sole owner of which business is a blind person, certified as such by the Bureau of Vocational Rehabilitation of the Department of Education of the State of California; provided however, such person shall be subject to the other provisions of this chapter.

DIVISION - 3

LICENSING PROVISIONS

SEC. 31.0301 LICENSES IMPOSED

There is hereby imposed upon the businesses, trades, callings and occupations in this article enumerated a license tax or fee in the amount hereinafter specified, and it shall be unlawful to conduct, manage or carry on any such business, trade, calling or occupation without having first secured a license so to do as herein provided.

SEC. 31.0302 LICENSES - TWO OR MORE RETAIL BUSINESSES AT SAME LOCATION

Whenever any person is engaged in two or more retail businesses at the same location, such person shall not be required to obtain licenses for the conducting of each of such businesses, but shall be issued a joint license, and the average number of employees of all of such businesses so conducted shall be used as a basis for computing the amount of license fee to be paid for the conduct of all such businesses.

SEC. 31.0303 FEES - NO REGULAR PLACE OF BUSINESS

Any person engaged in business in the City of San Diego, without having a fixed and established regular place of business within said City, shall pay a license tax 100% greater than the hereinafter prescribed license tax for such type of business.

SEC. 31.0304 LICENSE TAX - AMOUNTS FOR ENUMERATED BUSINESSES, TRADES, CALLINGS AND OCCUPATIONS

The following businesses, trades, callings, and occupations shall pay annually a license tax of Ten Dollars ($10.00), plus a sum of money equal to One Dollar ($1.00) per employee for the average number employed during the preceding six (6) months, payable annually. In determinint the average number of employees employed during the preceding six months the number of employees in the beginning of such period shall be added to the number of employees at the end of such period and the sum thereof divided by two. Said businesses, trades, callings and occupations are as follows, to-wit:

(a) Every person conducting, operating or managing any hotel, rooming house, or boarding house, as defined by the State Housing Act;

(b) Every person engaged in conducting, managing or carrying on the business of auto wrecker;

(c) Every person owning, controlling, leasing, acting as agent for, conducting, operating or managing any beauty parlor, cosmetician or cosmetologist shop, school or college, massage or hair-dressing establishment or room;

(d) Every person engaged in the business of slaughtering, canning processing or otherwise preparing meat, fish, vegetables, fruit or products thereof for foodstuffs;

(e) Every person conducting, managing or carrying on a plant, factory or establishment for cleaning and dyeing of any garment, fabric, substance or article by any process of washing or immersing in a volatile or inflammable oil or liquid;

(f) Every person conducting, managing or carrying on the business of cleaning buildings, rooms or furnishings, except janitors or domestic servants;

(g) Every person conducting, managing or carrying on the business of a cold storage or refrigerating plant for the purpose of storing fruits, vegetables, meat, fish, eggs or dairy products;

(h) Every person conducting, managing or carrying on a dancing academy where instruction in dancing is given;

(i) Every person engaged in fumigating or disinfecting with cyanide or other dangerous poisonous material, or causing or permitting to be fumigated or disinfected with cyanide or any other dangerous material any house or other building built or constructed for the abode of human beings;

(j) Every person conducting or operating, either as owner, lessee, agent or superintendent, any building or premises for the purpose of trafficking in or raising, selling or exchanging any birds, cats, dogs or other animal pets;

(k) Every person conducting, managing or carrying on the business of collecting articles to be laundered;

(l) Every person conducting, managing or carrying on the business of a laundry;

(m) Every person conducting or maintaining an office, business or place where messengers or errand boys are furnished for hire;

(n) Every person conducting or operating, either as owner, lessee, agent or superintendent, the business of steaming, boiling, reducing, rendering or cooking any animal

substance or matter, or vegetable substance or matter for the manufacture of fertilizer, fats, oils, chicken meal or any by-product of any kind or character;

(o) Every person who maintains a stable, barn or yard for horses, mules or other animals of a kind ordinarily used for draft or riding or commercial or domestic purposes;

(p) Every person conducting, managing or carrying on the business of storing or selling manure. The provisions of this section shall not be deemed or construed to apply to manure stored in connection with liveries, feed or sales stables, corrals or nurseries;

(q) Every person engaged in the business of a used car dealer;

(r) Every person conducting, managing or carrying on the business of renting bicycles;

(s) Every person conducting, managing or carrying on a pressing establishment where clothing is pressed;

(t) Every person conducting, managing or carrying on as independent business of collecting clothes and wearing apparel and/or acting as an agent for a pressing establishment where clothing is pressed.

SEC. 31.0305 LICENSE TAX - APARTMENT HOUSES, FLAT DWELLINGS, AUTO COURTS, MOTELS, ~~BUNGALOW~~ BUNGALOW COURTS AND RENTAL UNITS

~~(As added by Ordinance No. 2669, New Series adopted June 1, 1943)~~ Every person conducting, operating or managing any apartment house, flat dwelling, auto court, motel, bungalow court, or any dwelling or group of

dwellings, located upon any lot or contiguous lots or parcels of land forming a group of apartments, or rental untis, under one ownership or management and containing six or more apartments or rental untis, shall pay a license tax of $1.00 per year for each apartment or rental unit.

The apartment or unit occupied as a residence by the bona fide owner of such group shall not be considered as an apartment or rental unit in determining the number of taxable units.

SEC. 31.0306 LICENSE TAX - BILL POSTING OR SIGN ADVERTISING BUSINESS

Every person carrying on the business of bill-posting or sign advertising by means of bill boards or advertising standards, or advertising by means of posting, handing or otherwise affixing or displaying bills, signs or other advertisements in or upon street cars, shall pay a license tax of Fifty Dollars ($50.00) per year, payable annually.

Nothing in this section contained shall be deemed or construed to apply to owners of real estate or other agents in advertising their property for sale or lease by means of bill-boards or advertising sign boards located upon the property advertised for sale or lease by such bill-boards or advertising sign boards.

SEC. 31.0306.1 LICENSE TAX - SEARCHLIGHT ADVERTISING

Every person conducting, managing, or carrying on the business of advertising by means of any search-light or searchlights, used for advertising purposes upon public streets, or within the City of San Diego, shall pay a license tax of One Hundred Twenty Dollars ($120.00) per year or fraction thereof, payable annually.

SEC. 31.0306.2 LICENSE TAX - OUTSIDE ADVERTISING, STEREOPTICON SIGNS

Every person conducting, managing or carrying on the business of outside advertising by means of stereopticon signs upon canvasses or walls of buildings, shall pay a license tax of One Hundred Twenty Dollars ($120.00) per year, payable semi-annually.

SEC. 31.0306.3 LICENSE TAX - ADVERTISING, PUBLIC ADDRESS SYSTEMS

Every person conducting, managing or carrying on the business of advertising by means of any vehicle containing amplifiers, phonograph, loud speaker, microphone, broadcasting radio, or a device for public address, and/or carrying advertising signs, and which is used for announcing or advertising upon the public streets or public grounds in the City of San Diego, shall pay a license tax of Fifty Dollars ($50.00) for

each vehicle per year, or fraction thereof, payable annually.

SEC. 31.0306.4 LICENSE TAX - ADVERTISING, DISTRIBUTING PRINTED ADVERTISEMENTS, ETC.

Every person conducting, managing or carrying on the business of distributing advertising samples, handbills, dodgers or printed advertisements of any kind shall pay a license tax of One Dollar ($1.00) per day per person.

Provided, however, that any such person may, in lieu of the license tax last above provided, pay a license tax of Fifty Dollars ($50.00) per year, payable quarterly; and provided, further, that any license issued upon the payment of said license tax of Fifty Dollars ($50.00), or quarterly installment thereof, shall permit the licensee to employ an unlimited number of persons in the conducting, managing or carrying on of such business of distributing advertising samples, handbills, dodgers or printed advertisements of any kind.

SEC. 31.0306.5 LICENSE TAX - ADVERTISING, ELECTRIC SIGN

Every person conducting, managing or carrying on the business of advertising by means of any electric sign shall pay a license tax of Four Cents ($0.04) per year for each square foot on the front surface area of all electric signs maintained by such person, firm or corporation at the filing of the statement herein required.

SEC. 31.0306.6 LICENSE TAX - ADVERTISING, SELLING TICKETS ON PUBLIC STREETS

Every person using the public streets for the purpose of advertising or selling tickets or coupons shall pay a license tax of Twenty-five Dollars ($25.00) per month, payable monthly.

SEC. 31.0307 LICENSE - CABARET, DRINKS, ENTERTAINMENT

Every person engaged in or carrying on the business or a cabaret or place where beer, light wines and/or soft drinks are dispensed and entertainment is provided by paid entertainers shall pay a license tax of Fifty Dollars ($50.00) per year, payable semi-annually.

SEC. 31.0308 LICENSE TAX - PUBLIC DANCE HALLS

Every person conducting, managing or carrying on a public dance hall, except public dances wholly operated or maintained in connection with any business or in any place where intoxicating liquor is sold or served, shall pay a license tax of a sum of money equal to One Cent ($0.01) for each ticket sold, payable monthly on or before the tenth day of the succeeding month.

SEC. 31.0308.1 LICENSE TAX - PUBLIC DANCE HALLS, INTOXICATING LIQUOR SERVED

Every person conducting, managing or carrying on, maintaining or assisting in the carrying on, maintaining or conducting of any public dance hall or public dances in connection with any business or at any place where intoxicating liquor is sold or served in any room, place or space, shall pay a license tax for the following classes, as follows, as defined in Section 33.1530.5 of this code.

Class A, the sum of Fifty Dollars ($50.00) per month,

payable quarterly;

Class B, the sum of Thirty Dollars ($30.00) per month, payable quarterly;

Class C, the sum of Twenty Dollars ($20.00) per month, payable quarterly;

Class D, the sum of Fifteen Dollars ($15.00) per month, payable quarterly;

Class E, the sum of Two and 50/100 Dollars ("2.50) per month, payable quarterly.

SEC. 31.0309 LICENSE TAX - PUBLIC DANCES

Every person conducting, managing or carrying on a public dance, whether or not for profit, to which the public is admitted with or without charge or at which the public is allowed to participate in the dancing, either with or without charge, shall pay a license tax of Three Dollars.

SEC. 31.0310 LICENSE TAX - PUNCH BOARDS

Every person, either as principal, agent, servant or employee, possessing, keeping, conducting, exhibiting or displaying in a public place a punchboard not designed, used or understood or intended to be used as a lottery or gambling device, involving a test of skill, art, information or intelligence, shall pay a license tax of Five Dollars ($5.00) per year for each punchboard, payable at the time of the issuance of said license.

SEC. 31.0311 LICENSE TAX - AMUSEMENT PARK OR CENTER

Every person conducting, managing or carrying on an amusement park or center within any grounds, gardens or enclosure, wherein shows, exhibitions or amusements and amusement devices of various kinds or character are

are presented or made available to public use, shall pay a license tax of Fifty Dollars ($50.00) per year, payable quarterly and in addition thereto, each seperate or individual show, exhibition, amusement enterprise or amusement device operated within the limits of such amusement park shall pay the license tax imposed thereon by The City of San Diego.

SEC. 31.0312 LICENSE TAX - ARCADES

Every person conducting, managing or carrying on an arcade shall pay a license tax of Fifty Dollars ($50.00) per year, payable quarterly, and in addition thereto, each separate or individual show, exhibition, amusement enterprise or amusement device operated within the limits of such arcade shall pay the license tax imposed thereon by The City of San Diego.

SEC. 31.0313 LICENSE TAX - MECHANICAL PLAY DEVICES

(a) For each mechanical play device which is used or permitted to be used for a sum or fee of one cent (1¢) or less, or by the deposit of a coin of one cent (1¢) or less in any slot, crevice or other opening, or by the deposit of any plate, disk or slug therein, which said slugs, disks or plates may be acquired or purchased from any source whatsoever for the price of one cent (1¢) or less for each such disk, slug or plate, the sum of Fifty Cents ($0.50) per month, payable quarterly in advance.

(b) For each mechanical play device which is used or permitted to be used for a sum or fee in excess of one cent (1¢), or by the deposit of a coin of more than the value of one cent (1¢), in any slot, crevice or other opening, or by the deposit of any plate, disk or slug therein,

which said slugs, disks or plates may be acquired or purchased from any source whatsoever for the price of more than one cent (1¢) for each such disk, slug or plate, the sum of One Dollar ($1.00) per month, payable quarterly in advance.

SEC. 31.0313.1 LICENSE TAX - MECHANICAL MUSICAL INSTRUMENTS

Every person conducting, managing or carrying on the business of operating a mechanical musical instrument which is used or permitted to be used for a sum or fee in excess of one (1) cent, or by the deposit of a coin of more than the value of one (1) cent, in any slot, crevice or other opening, or by the deposit of any plate, disk or slug therein, which said slugs, disks or plates may be acquired or purchased from any source whatsoever for the price of more than one (1) cent for each such disk, slug or plate, shall pay a license tax of Five Dollars ($5.00) per year, for each instrument, payable semi-annually; for each such mechanical musical instrument which is used or permitted to be used for a sum or fee of one (1) cent or less, or by the deposit of a coin of one (1) cent or less in any slot, crevice or other opening, or by the deposit of any plate, disk or slug therein, which said slugs, disks or plates may be acquired or purchased from any source whatsoever for the price of one (1) cent or less for each such disk, slug or plate, shall pay a license tax of One Dollar ($1.00) per year for each instrument payable semi-annually.

SEC. 31.0314 LICENSE TAX - GAMES OF SKILL, CONTEST OR AMUSEMENT

Every person conducting managing or carrying on a knife rack, cane rack, ball throwing, ring throwing or other game of skill, contest or amusement, candy wheel

or other similar device, shall pay a license tax of Five Dollars ($5.00) per month, payable quarterly.

SEC. 31.0315 LICENSE TAX - GOLF DRIVING COURSE, MINIATURE GOLF COURSE

Every person conducting, managing or carrying on a golf driving course, and/or petite, Tom Thumb, or miniature golf course, or similar place of amusement, shall pay a license tax of Five Dollars ($5.00) per year, payable annually.

SEC. 31.0316 LICENSE TAX - NATATORIUM OR SWIMMING TANK

Every person conducting managing or carrying on the business of operating a natatorium or swimming tank where a fee or charge is made for the use of such natatorium or swimming tank, or where rooms, lockers or bathing suits are rented in connection therewith, shall pay a license tax of Twenty Dollars ($20.00) per year, payable semi-annually.

SEC. 31.0317 LICENSE TAX - PUBLIC BOWLING ALLEY

Every person conducting, managing or carrying on a public bowling alley shall pay a license tax of Two Dollars ($2.00) per alley per month, payable semi-annually.

SEC. 31.0318 LICENSE TAX - PUBLIC BILLIARD OR POOL ROOM

Every person conducting, managing or carrying on any public billiard or pool room shall pay a license tax of Two Dollars ($2.00) per table per month, payable semi-annually.

SEC. 31.0319 LICENSE TAX - SHOOTING GALLERY, TUNNEL

Every person conducting, managing or carrying on

the business of a shooting gallery, shooting range or shooting tunnel shall pay a license tax of Five Dollars ($5.00) per month, payable semi-annually.

SEC. 31.0320 LICENSE TAX - CIRCUS

(a) Every person conducting, managing or carrying on a circus, or other similar exhibition, having a seating capacity of from 8000 to 10,000 persons, shall pay a license tax of Five Hundred Dollars ($500.00) per day.

(b) Every person conducting, managing or carrying on a circus, or other similar exhibition, having a seating capacity of from 5,000 to 8,000 persons, shall pay a license tax of Two Hundred Fifty Dollars ($250.00) per day.

(c) Every person conducting, managing or carrying on a circus, or other similar exhibition, having a seating capacity of from 3,000 to 5,000 persons, shall pay a license tax of Two Hundred Dollars ($200.00) per day.

(d) Every person conducting, managing or carrying on a circus, or other similar exhibition, having a seating capacity of from 1,000 to 3,000 persons, shall pay a license tax of One Hundred Seventy-five Dollars ($175.00 per day.

(e) Every person conducting, managing or carrying on a circus, or other similar exhibition, having a seating capacity of 1,000 persons or less shall pay a license tax of Twenty-five Dollars($25.00) per day.

SEC. 31.0320.1 LICENSE TAX - ~~SIDE SHOW~~ SIDE SHOW

Every person conducting, managing or carrying on a sideshow or after-show to a circus shall pay a license

tax of Twenty-five Dollars ($25.00) per day.

SEC. 31.0320.2 LICENSE TAX - CIRCUS PROCESSION OR PARADE

Every person conducting, managing or carrying on a circus procession or parade and not having a license for conducting, managing or carrying on a circus within the limits of the City of San Diego shall pay a license tax of Five Hundred Dollars ($500.00) for each such procession or parade.

SEC. 31.0320.3 LICENSE TAX - TRAINED ANNIMAL SHOW - ESTABLISHED PLACE OF BUSINESS

Every person conducting, managing or carrying on a trained animal show and having a regularly established place of business in the City of San Diego for the exhibition thereof, for which exhibition an admission fee is charged, shall pay a license tax of Ten Dollars ($10.00) per month.

SEC. 31.0320.4 LICENSE TAX - CARNIVALS

Every person conducting, managing or carrying on any carnival wherein games of skill are presented to the public, or acrobatic feats, or vaudville performances, or singing and dancing, or other performances, of like nature are given or presented to the public, or mechanical apparatus is maintained and operated for the amusement of the public, whether or not an admission fee is charged, shall pay a license tax of Fifty Dollars ($50.00) per day; provided, however, that this provision of this section shall have no application to any business otherwise provided for under the terms of this ordinance.

SEC. 31.0321 LICENSE TAX - MUSEUMS

Every person conducting, managing or carrying on a museum where curiosities or objects of interest connected with science, art or literature are exhibited or displayed, and a fee is charged for admission thereto, or the conducting of any museum of anatomy, whether or not a fee is charged for admission, shall pay a license tax of Twenty-five Dollars ($25.00) per month.

SEC. 31.0322 LICENSE TAX - BOXING, WRESTLING EXHIBITIONS

Every person conducting, managing or carrying on a boxing or wrestling exhibition for which any admission is charged, either directly or indirectly, shall pay a license tax of a sum of money equal to One Cent ($0.01) for every ticket sold, payable monthly on or before the tenth day of the succeeding month.

SEC. 31.0323 LICENSE TAX - BASEBALL, FOOTBALL GAMES

Every person conducting, managing or carrying on a baseball or football game to which an admission fee is charged, or for which any remuneration is received, shall pay a license tax of a sum of money equal to one cent ($0.01) for every ticket sold, payable monthly on or before the tenth day of the succeeding month.

SEC. 31.0324 LICENSE TAX - PROFESSIONAL BASEBALL

Every person conducting, managing or carrying on a professional baseball team or club, where such team or club is a member of a professionally organized league having a regular schedule of games to be played each year and which is organized for the purpose of exhibiting baseball games to the public, shall pay a license tax of a

sum of money equal to One Cent ($0.01) for each ticket sold, payable monthly on or before the tenth day of the succeeding month.

SEC. 31.0325 LICENSE TAX - PUBLIC AMUSEMENT RIDES

Every person conducting, managing or carrying on a ferris wheel, scenic railway, merry go-round, swing or similar device or any ride for the amusement of the public where a ticket is sold or a fee is charged or collected for carrying any person thereon, shall pay a license tax of a sum of money equal to One Cent (1¢) for every ticket sold or fee charged, payable monthly on or before the tenth day of the succeeding month, except that no tax is due on the amount paid for the admission of a child under twelve (12) years of age, if the amount paid is ten cents (10¢) or less.

SEC. 31.0326 LICENSE TAX - ICE OR ROLLER SKATING

Every person conducting, managing or carrying on the business of an ice or roller-skating rink enclosure or park shall pay a license tax of a sum of money equal to One Cent ($0.01) for each ticket sold, payable monthly on or before the tenth day of the succeeding month.

SEC. 31.0327 LICENSE TAX - THEATRES

Every person conducting, managing or carrying on a theatre, moving picture theatre, vaudeville or other place of public entertainment or amusement for which a fee is charged, collected or received shall pay a license tax of a sum of money equal to One Cent ($0.01) for every ticket sold, payable monthly on or before the tenth day

of the succeeding month.

SEC. 31.0328 LICENSE TAX - ITINERANT SHOWS

(As amended by Ordinance No. 2669, New Series, adopted June 1, 1943). Every person conducting, managing or carrying on any itinerant show wherein acrobatic feats, vaudville performances, singing and dancing, or other performances of like nature are given or presented to the public, not otherwise provided for by ordinance, shall pay a license tax of a sum of money equal to One Cent ($0.01) for every ticket sold, payable in accordance with such reasonable regulations as the City Treasurer may promulgate governing the payment of such license tax.

SEC. 31.0329 LICENSE TAX - SHOWS, ENTERTAINMENT

Every person conducting, managing or carrying on any show or entertainment not licensed under the provisions of this or any other ordinance of The City of San Diego, to which an admission is charged, shall pay a license tax of a sum of money equal to one cent ($0.01) for every ticket sold, payable monthly on or before the tenth day of the succeeding month.

SEC. 31.0330 LICENSE TAX - HAND ORGAN, MUSICAL INSTRUMENT - PUBLIC PLACE

Every person playing a hand-organ or other musical device on any street, alley, sidewalk or other public place in the City of San Diego shall pay a license tax of Five Dollars ($5.00) per month payable monthly.

SEC. 31.0331 LICENSE TAX - ITINERANT TOOL SHARPENING

Every person conducting, managing or carrying on the business of grinding or sharpening scissors, knives, cutlery and mechanical tools, ehen the person conducting

such business travels from place to place, or from house to house, and operates by means of any wagon or other vehicle, shall pay a license tax of Five Dollars ($5.00) per year, per vehicle; when operating on foot, shall pay a license tax of Five Dollars ($5.00) per year, payable annually.

SEC. 31.0332 LICENSE TAX - PEDDLERS OF BANNERS, NOISEMAKERS, NOVELTIES, ETC.

Every person conducting, managing or carrying on the business of a peddler of flags, banners, balloons, canes, horns, trumpets, musical or noise-making instruments of any kind, toys, badges, buttons, shoestrings, hairpins, lead pencils, combs, or souvenirs of any kind, shall pay a license tax of Two and 50/100 Dollars ($2.50) per month.

SEC. 31.0333 LICENSE TAX - ITINERANT FOOD PEDDLERS

(As amended by Ordinance No. 2627, New Series, adopted March 9, 1943). Every person conducting, managing or carrying on the business of a peddler of meats, game, poultry, fish, fruit, eggs, vegetables, butter, buttermilk, ice cream, bread, crackers, cakes, pies, or other bake-stuff, confections or other edibles intended for use as food for human consumption, by means of any wagon or other vehicle, shall pay a license tax of Thirty Dollars ($30.00) per year, payable semi-annually, for each such vehicle; by means of any hand cart, push cart, bicycle-propelled cart, shall pay a license tax of Twenty Dollars ($20.00) per year, payable semi-annually, for each such hand cart, push cart, bicycle-propelled cart; by means of any basket,

tray, or other container carried by hand, shall pay a license tax of Ten Dollars ($10.00) per year, payable semi-annually, for each such basket, tray or other container; for selling or offering for sale any of the articles or products mentioned in this section at wholesale, or greater than retail lots, by means of any wagon, or other vehicle, and when said person does not maintain a fixed place of business or is not regularly engaged in or carrying on said line of business in said City of San Diego, shall pay a license tax of Ten Dollars ($10.00) per day; provided all of such licensees shall have obtained, prior and in addition to the license herein named, a food handling permit ~~required~~ requiring compliance with the ~~City Board of~~ Department of Public Health regulations appertaining thereto, and a permit from the State Department of Weithts and Measures.

Provided, however, that for a fee of One Dollar ($1.00) per year, payable annually, the License Inspector may grant to any person selling any article mentioned in this section a license to peddle or sell any such articles where the same is grown, manufactured or made by the person peddling or selling the same.

SEC. 31.0334 LICENSE TAX - FLOWER PEDDLERS

Every person conducting, managing or carrying on the business of a peddler of flowers, ferns, plants or nursery stock shall pay a license tax of Five Dollars ($5.00) per year, payable annually.

SEC. 31.0335 LICENSE TAX - MEDICINE PEDDLERS - PUBLIC PLACES

Every person conducting, managing or carrying on the business of a peddler of medicines, who calls attention to his wares or advertises the same by the use of music, entertainment, speech, fancy or grotesque dress, or any other device, in or upon any public street, alley or other public place, doorway of any room or ~~building~~ building, unenclosed or vacant lot or parcel of land, whether the actual sale of such commodities is made upon said premises or elsewhere, shall pay a license tax of Fifty Dollars ($50.00) per day.

SEC. 31.0335.1 MEDICINE PEDDLERS - HOUSE TO HOUSE OR IN PUBLIC BUILDINGS

Every person conducting, managing or carrying on the business of a peddler of medicines, ointment, drugs or medical compounds, or any appliance or appliances for the treatment of diseases or injuries, by soliciting from house to house, or harranguing crowds in a public hall or building, or by using music or entertainment in any form, or by lecture in any public hall or building, for the purpose of attracting persons to whom medicines, ointments, drugs, medical compounds, or any appliance or appliances for the treatment of diseases may be sold, shall pay a license tax of Fifty Dollars ($50.00) per day.

SEC. 31.0336 LICENSE TAX - PEDDLERS OF WARES OTHER THAN MEDICINES - PUBLIC PLACES

Every person conducting, managing or carrying on

the business of a peddler of notions, toys, goods, wares or merchandise, other than medicines, who calls attention to his wares, or advertises the same by the use of music, entertainment, speech, fancy or grotesque dress, or other device, upon any public street, alley or other public place, doorway of any room or building, unenclosed or vacant lot or parcel of land, whether the actual sale of said commodity is made upon the premises or elsewhere, shall pay a license tax of Fifty Dollars ($50.00) per day.

SEC. ~~31.0447~~ 31.0337 LICENSE TAX - PEDDLERS - MERCHANDISE PRODUCED OR MANUFACTURED BY PERSON SO PEDDLING - MERCHANDISE NOT PRODUCED BY PERSON SO PEDDLING

Every person conducting, managing or carrying on the business of peddling, selling or offering for sale articles of apparel, dry goods, fancy goods, notions, jewelry, cutlery, cigars, groceries, leather goods, musical instruments, machinery, hardware, or merchandise of every class or character not mentioned in any other section of this code, which has been manufactured, made, raised, or produced by the labor of the person peddling, selling or offering for sale the same, shall pay a license tax of Forty Dollars ($40.00) per year, payable semi-annually, or Fifty Cents ($0.50) per day; where the afore-mentioned articles, goods, wares and merchandise have not been manufactured, made, raised or produced by the labor of such person so selling, peddling or offering for sale the same, shall pay a license tax of Ten Dollars ($10.00)

per day; provided the provisions of this section shall not apply to businesses licensed under other sections of this code.

SEC. 31.0338 LICENSE TAX - PEDDLERS OF RETREAD TIRES

Every person conducting, managing or carrying on the business of a peddler of retread tires, whether at wholesale or retail, shall pay a license tax of Fifteen Dollars ($15.00) per day; provided that every person conducting, managing or carrying on the business of a peddler of retread tires by means of any wagon or other vehicle, whether at wholesale or retail, shall pay for a license to use such wagon or other vehicle the additional license tax of Twenty-five Dollars ($25.00) per day for each wagon or other vehicle so used.

SEC. 31.0339 LICENSE TAX - PEDDLING BY MEANS OF VEHICLE

Every person conducting, managing or carrying on the business of a peddler of any merchandise or article not otherwise provided for in this code, operating by means of a wagon or other vehicle, shall pay a license tax of Five Dollars ($5.00) per month, payable quarterly, for each vehicle.

SEC. 31.0340 LICENSE TAX - PEDDLING ON FOOT

Every person conducting, managing or carrying on the business of a peddler of any merchandise or article, not otherwise provided for in this code, operating on foot, by means of any tray, basket or other container carried by hand, shall pay a license tax of Two and 50/100 Dollars ($2.50) per month, payable quarterly.

SEC. 31.0341 LICENSE TAX - PHOTOGRAPHY - PUBLIC PLACES

Every person conducting, managing or carrying on the business of photography and carrying on said business or any portion thereof in any park or other public place in the City of San Diego shall pay a license tax of Ten Dollars ($10.00) per year, payable semi-annually.

SEC. 31.0342A LICENSE TAX - PHOTOGRAPHIC MACHINE OPERATED BY COIN, DISK OR SLUG

Every person engaged in the business of operating or maintaining any photographic machine operated by the deposit of a coin, disk, or slug shall pay a license tax of Five Dollars ($5.00) per month for each such machine, payable semi-annually.

SEC. 31.0342B LICENSE TAX - TRANSIENT PHOTOGRAPHER

Every person engaged in the business of a transient photographer shall pay a license tax of ten dollars($10.00) per month, payable semi-annually.

SEC. 31.0343 LICENSE TAX - VOICE RECORDING MACHINES

Every person engaged in the business of operating or maintianing any voice recording machine for the recordint of which a fee is charged shall pay a license tax of Five Dollars ($5.00) per month for each such machine,payable semi-annually.

SEC. 31.0344 LICENSE TAX - OPERATING TAXICAB

Every person conducting, managing or carrying on the business of running or operating any taxi-cab shall pay a license tax of One Hundred Dollars ($100.00) per car per year, payable annually.

SEC. 31.0345 LICENSE TAX - OPERATING AUTOMOBILE FOR HIRE

Every person conducting, managing, or carrying on the business of running or operating any automobile for hire shall pay a license tax of Fifty Dollars ($50.00) per car per year, payable annually.

SEC. 31.0346 LICENSE TAX - OPERATING SIGHT-SEEING AUTOMOBILE, SEVEN PASSENGERS OR LESS

Every person conducting, managing or carrying on the business of running or operating a sight-seeing automobile carrying seven (7) persons or less including driver and/or announcer, shall pay a license tax of Fifty Dollars ($50.00) per car per year, payable annually.

SEC. 31.0347 LICENSE TAX - LETTING VEHICLE FOR HIRE WITHOUT DRIVER

Every person conducting, managing or carrying on the business of letting the use of any automobile or motorcycle without a driver for the same shall pay a license tax of Twenty Dollars ($20.00) per year for each such automobile carrying not more than two (2) passengers, or for each motorcycle;

For each such automobile carrying not more than five (5) passengers, shall pay a license tax of Thirty Dollars ($30.00) per year;

For each such automobile carrying more than five (5) passengers, shall pay a license tax of Forty Dollars ($40.00) per year, all payable annually.

SEC. 31.0348 LICENSE TAX - AUTOMOBILES FOR HIRE

Every person engaged in the occupation, whether

as owner or not, of driving any automobile for hire, taxicab or stage, shall pay a license tax of Two Dollars ($2.00) per year or any fraction thereof.

SEC. 31.0349 LICENSE TAX - VEHICLES FOR HIRE FROM RAILROAD STATIONS

Every person conducting, managing or carrying on the business of running, driving or operating any vehicle or any kind or character over the public streets of the City of San Diego, for transportation of passengers for hire between railway station and hotels, or between railway stations and any other point within the City of San Diego, or between hotels and any other point with the City of San Diego shall pay a license tax of Fifty Dollars ($50.00) per year, payable semi-annually.

SEC. 31.0350 LICENSE TAX - ANIMAL DRAWN VEHICLE FOR TRANSPORTING BAGGAGE, FREIGHT

Every person conducting, managing or carrying on the business of running, driving or operating any wagon, dray, van, truck, cart or any other vehicle drawn by horses, mules, or other animals, for the transportation of baggage, express, freight, household goods, merchandise or materials for hire shall pay a license tax of One and 20/100 Dollars ($1.20) per year for each such vehicle drawn by one horse; shall pay a license tax of Four Dollars ($4.00) per year for each such vehicle drawn by two horses; shall pay a license tax of Eight Dollars ($8.00) per year for each such vehicle drawn by three horses; shall pay a license tax of Ten Dollars ($10.00) per year for each such vehicle drawn by four or more horses, payable annually.

SEC. 31.0351 LICENSE TAX - MOTOR VEHICLE FOR TRANSPORTING BAGGAGE OR FREIGHT, NOT OVER DEFINITE ROUTE

Every person conducting, managing or carrying on the business of running, driving or operating any automobile, automobile truck, or any other motor propelled vehicle used for the transportation of baggage, express, freight, household goods, merchandise, dirt or excavated materials, or other materials, at points within or without the City of San Diego, and which vehicle does not operate over a defined route shall pay a license tax of Three Dollars ($3.00) per year for each such vehicle of not more than one ton capacity; shall pay a license tax of Four Dollars ($4.00) per year for each such vehicle of not more than two tons capacity; shall pay a license tax of Five Dollars ($5.00) per year for each such vehicle of not more than three tons capacity; shall pay a license tax of Six Dollars ($6.00) per year for each such vehicle of not more than four tons capacity; shall pay a license tax of Six and 50/100 Dollars ($6.50) per year for each such vehicle of not more than five tons capacity; shall pay a license tax of Seven Dollars ($7.00) per year for each such vehicle of not more than six tons capacity; shall pay a license tax of Eight Dollars ($8.00) per year for each such vehicle of more than six tons capacity, said sums payable annually. In determining the capacity of any such vehicle the manufacturer's rated capacity shall be used.

SEC. 31.0352 LICENSE TAX - LETTING VEHICLE FOR HIRE WITHOUT DRIVER FOR TRANSPORTATION OF PERSONAL PROPERTY

Every person conducting, managing or carrying on the business of letting the use of any automobile, truck or any other motor propelled vehicle, without a driver for the same, used for the transportation of personal property or other materials, at points within or without the City of San Diego and which vehicle does not operate over a defined route, shall pay a license tax as follows:

For each vehicle of not more than one ton capacity, Three Dollars ($3.00) per year;

For each vehicle of not more than two tons capacity, Four Dollars ($4.00) per year;

For each vehicle of not more than three tons capacity, Five Dollars ($5.00) per year;

For each vehicle of not more than four tons capacity, Six Dollars ($6.00) per year;

For each vehicle of not more than five tons capacity, Six and 50/100 Dollars ($6.50) per year;

For each vehicle of not more than six tons capacity, Seven Dollars ($7.00) per year;

For each vehicle of more than six tons capacity, Eight Dollars ($8.00) per year, said sums payable annually.

In determining the capacity of such vehicle, the manufacturer's rated capacity shall be used.

SEC. 31.0353 LICENSE TAX - AUTOMOBILE STORAGE OR PARKING

Every person conducting, managing or carrying on any automobile storage or parking place shall pay a license tax of Twelve Dollars ($12.00) per year, payable annually.

SEC. 31.0354 LICENSE TAX - AUTOMOBILE ~~STORAGE~~ STAGE STATION

Every person conducting, managing or carrying on an automobile ~~state~~ stage station where automobiles used in interurban bus service are permitted to stand, or where the tanks of such automobiles are refilled with oil, shall pay a license tax of Ten Dollars ($10.00) per year, payable annually.

SEC. 31.0355 LICENSE TAX - AUTOMOBILE TICKET AGENCY

Every person conducting, managing or carrying on the business of an automobile ticket agency for the sale of tickets for transportation in or upon any interurban sight-seeing bus shall pay a license tax of Ten Dollars ($10.00) per year, payable annually.

SEC. 31.0356 LICENSE TAX - BUSINESS OF CARRYING PASSENGERS, AERIAL NAVIGATION

Every person conducting, managing or carrying on the business of carrying passengers for hire or reward or pleasure, sightseeing or other flights over the city, by aeroplane, hydroplane, airship, dirigible balloon, or any other means of aerial navigation shall pay a license tax of Twenty-five Dollars ($25.00) per year, payable annually.

SEC. 31.0357 LICENSE TAX - CONFECTION STAND

Every person conducting, managing or carrying on a candy stand in or upon a public place, or doorway or entrance thereto of any room or building, for the sale of candy, peanuts, popcorn, chewing gum, icecream or other confections shall pay a license tax of Two and 50/100 Dollars ($2.50) per month, payable semi-annually.

SEC. 31.0358 LICENSE TAX - CARD WRITER STAND

Every person conducting, managing or carrying on the business of a card writer stand in or upon a public place, or doorway or entrance thereto of any room or building, for the writing or printing of any cards, invitations or announcements shall pay a license tax of Two and 50/100 Dollars ($2.50) per month, payable quarterly.

SEC. 31.0359 LICENSE TAX - FLOWER STAND

Every person conducting, managing or carrying on the business of a flower stand in or upon a public place, or doorway or entrance thereto of any room or building for the purpose of selling flowers, plants, ferns or nursery stock shall pay a license tax of Two and 50/100 Dollars ($2.50) per month, payable semi-annually.

SEC. 31.0360 LICENSE TAX - FOOD AND REFRESHMENT STAND OR VEHICLE

Every person conducting, managing or carrying on the business of a food and refreshment stand or vehicle in or upon a public place, or doorway or entrance thereto of any room or building, for the sale of non-alcoholic drinks, tamales, buns, sandwiches or other food or drink intended for human consumption, except lunch wagons, shall pay a license tax of Two and 50/100 Dollars ($2.50) per month, payable semi-annually.

SEC. 31.0361 LICENSE TAX - LUNCH WAGON

Every person conducting, managing or carrying on the business of a lunch wagon in or upon any public place,

or doorway or entrance thereto of any room or building, for the sale of non-alcoholic drinks, tamales, buns, sandwiches, or other food or drink intended for human consumption shall pay a license tax of Sixty Dollars ($60.00) per year for each such wagon, payable quarterly.

SEC. 31.0362 LICENSE TAX - BAIL BOND BROKER

Every person acting as a bail bond broker, except a person acting as a bona fide representative or agent of an insurance or casualty company engaged exclusively in the business of posting surety bonds as bail, shall pay a license tax of Two Hundred Dollars ($200.00) per year, payable annually.

SEC. 31.0362.1 LICENSE TAX - EMPLOYEES OF BAIL BOND BROKER

Every person employed by a bail bond broker, except a person acting as a bona fide representative or agent of an insurance or casualty company engaged exclusively in the business of posting surety bonds as bail, shall pay a license tax of One Hundred Dollars ($100.00) per year, payable annually.

SEC. 31.0363 LICENSE TAX - PAWNBROKER

Every person conducting, managing or carrying on the business of a pawnbroker shall pay a license tax of Two Hundred Dollars ($200.00) per year, payable semi-annually.

Nothing in this section contained shall be deemed or construed to apply to the loaning of money on personal property or personal security by any bank authorized so to do under the laws of the State of California.

SEC. 31.0364 LICENSE TAX - LOANING MONEY *

* It was held in the case of Davis vs. City of San Diego, 33 Cal. Ap. (2nd) 190 that whether the actual purpose of the ordinance is for regulation as distinguished from revenue is a question of fact.

Every person conducting, managing or carrying on the business of loaning money either for himself or for any other person, firm or corporation, upon personal security, upon evidence of debt, assignments of salary, salary warrants, salary demands, or any personal property, or purchasing for himself, or for any other person, firm or corporation, commercial paper, evidence of debt, assignment of salary, salary warrants, salary demands, time checks, or other evidences of salaries due, or to become due, shall pay a license tax of Two Hundred Dollars ($200.00) per year payable semi-annually.

Nothing in this section contained shall be deemed or construed to apply to the holder of a pawnbroker's license, or to any bank, exempted as such, by the Constitution of the State of California.

SEC. 31.0365 LICENSE TAX - CASHING PAYROLL CHECKS

Every person engaged in the business of cashing payroll checks, for a fee or charge, and every person whose business consists, in whole or in part, of cashing checks for others for a fee or charge, shall pay a license tax of Fifty Dollars ($50.00) per year, payable semi-annually.

SEC. 31.0366 LICENSE TAX - COMMISSION MERCHANT OR BROKER

Every person engaged in the business of a commission merchant or broker shall pay a license tax of Fifty Dollars ($50.00) per year payable semi-annually.

SEC. 31.0367 LICENSE TAX - BARBER SHOPS

Every person conducting, managing or operating any barber shop shall pay a license tax of Ten Dollars ($10.00) per year for the first chair and One Dollar ($1.00) per year for each additional chair, payable annually.

SEC. 31.0368 LICENSE TAX - MASSAGE PARLORS, BATH PARLORS, PUBLIC BATH PLACES

Every person conducting, managing or carrying on the business of giving steam baths, electric light baths, electric tub baths, shower baths, sponge baths, mineral baths, Russian, Swedish or Turkish baths, massage parlors where facial massage, fomentations, massage, electric or magnetic treatment or alcohol rubs are administered or given, including automatic or mechanical massage or reducing treatments, or any public bath place which maintains in connection therewith a steam room, dry heat room, plunge, shower bath or sleeping accommodations shall pay a license tax of Twenty-five Dollars ($25.00) per year, payable semi-annually.

SEC. 31.0369 LICENSE TAX - TATTOOING ESTABLISHMENT

Every person engaged in the business of conducting, managing or operating any establishment for the practice of the art of tattooing, shall pay a license tax of $100.00 per year, or any portion thereof, payable annually. Payment of such license tax shall be made in the manner provided by and according to the provisions of the ~~Ordinance~~ article regulating the payment of license taxes.

SEC. 31.0370 LICENSE TAX - CREMATORY

Every person conducting, managing or carrying on a crematory shall pay a license tax of One Hundred Dollars ($100.00) per year, payable semi-annually.

SEC. 31.0370.1 LICENSE TAX - UNDERTAKER, EMBALMER, FUNERAL DIRECTOR

Every person conducting, managing or carrying on the business of an undertaker, embalmer or funeral director shall pay a license tax of One Hundred Dollars ($100.00) per year, payable semi-annually.

SEC. 31.0371 LICENSE TAX - AUCTIONEERING

Every person conducting, managing or carrying on the business of auctioneering shall pay a license tax, the amount of which shall be determined according to the following classification, as defined in Chapter 111, Article 3, Division 8, Section 33.0801 of this code:

Class A, the sum of Fifty Dollars ($50.00) per year, payable annually;

Class B, the sum of Ten Dollars ($10.00) per day;

Class C, the sum of Seventy-five Dollars per year, payable annually.

SEC. 31.0372 LICENSE TAX - MANUFACTURING

Every person whose principal business, function or operation consists in the manufacturing, processing or fabricating of any product, commodity, aeroplane, ship, machine, instrumentality, tool or other thing, shall pay annually a license tax of ten dollars ($10.00), plus a sum of money equal to one dollar ($1.00) per year per employee for the average number employed during the preceding six (6) months. In determining the average number of employees employed during the preceding six (6) months, the number of employees at the beginning of such period shall be added to the number of employees at the end of such period and the sum thereof divided by two.

SEC. 31.0373 LICENSE TAX - SELLING GOODS, WARES OR MERCHANDISE AT WHOLESALE

(a) Every person selling goods, wares or merchandise at wholesale shall pay annually a license tax of ten dollars ($10.00), plus a sum of money equal to one dollar ($1.00) per year per employee for the average number employed during the preceding six (6) months. In determining the average number of employees employed during the preceding six (6) months, the number of employees at the beginning of such period shall be added to the number of employees at the end of such period and the sum thereof divided by two.

(b) Whenever any person is engaged in two or more wholesale businesses at the same location licensed under the provisions of this section, such person shall not be required to obtain licenses for the conducting of each of such businesses, but shall be issued a joint license, and the sum of the average number of employees of all of such businesses so conducted shall be used as the basis for computing the amount of license fees to be paid for the conduct of all such businesses so affected.

SEC. 31.0374 LICENSE TAX - SELLING GOODS, WARES OR MERCHANDISE AT RETAIL

Every person selling goods, wares or merchandise at retail, including restaurants, cafes, lunch counters, malted milk shops, doughnut shops, ice cream parlors, and similar types of business, shall pay annually a license tax of ten dollars ($10.00), plus a sum of money equal to one dollar ($1.00) per year per employee for the average number employed during the preceding six (6) months.

In determining the average number of employees employed during the preceding six (6) months, the number of employees at the beginning of such period shall be added to the number of employees at the end of such period and the sum thereof divided by two.

SEC. 31.0375 MANUFACTURING, PROCESSING, FABRICATING INCIDENTAL TO WHOLESALE OR RETAIL SELLING - LICENSING REQUIREMENTS.

When manufacturing, processing or fabricating is done in connection with the business of selling at wholesale or at retail or both, and is done incidental thereto, such business shall be licensed under Section 31.0373 (a) , or Section 31.0374, whichever the case may be.

SEC. 31.0376 LICENSE TAX - DAIRY FARM - DAIRY PRODUCTS, WHOLESALE OR RETAIL

(As amended by Ordinance No. 2669, New Series, adopted June 1, 1943) Every person owning, controlling, leasing, acting as agent for, conducting, operating or managing or maintaining any dairy or dairy farm, wholesale or retail establishment offering for sale or traffic, distribution, trade, exchange or delivery, any milk or milk products, shall pay a license tax for each such establishment of Ten Dollars ($10.00) per year, payable annually; and for each vehicle, truck or delivery wagon or auto used for the wholesale or retail delivery of milk or milk products shall pay a license tax of Five Dollars ($5.00) per year, payable annually.

SEC. 31.0377 LICENSE TAX - BUILDING, ELECTRICAL, PLASTERING, PLUMBING OR ROOFING CONTRACTORS, ETC.

Every person conducting, managing or carrying on the business of a building, electrical, plastering, plumbing or roofing contractor, or any other contractor licensed as such by the State of California, shall pay a license tax of Ten Dollars ($10.00) per year, ;lus a sum of money equal to One Dollar ($1.00) per year per employee for the average number employed during the preceding six months, payable annually. In determining the average number of employees employed during the preceding six (6) months the number of employees at the beginning of such period shall be added to the number of employees at the end of such period and the sum thereof divided by two.

SEC. 31.0378 LICENSE TAX - SIDEWALK, CURB, GUTTER CONTRACTOR

~~(As amended by Ordinance No. 2669, New Series, adopted June 1, 1943)~~ Every person conducting, managing or carrying on the business of constructing, laying or putting in place any sidewalk, curb, or gutter in or upon any public highway, street, lane, alley, court, park or other public place in the City of San Diego, at private contract with the property owner, shall pay a license tax of Ten Dollars ($10.00) per year, plus a sum of money equal to One Dollar ($1.00) per year per employee for the average number employed during the preceding six (6) months. In determining the average number of employees employed during the preceding six (6) months, the number of employees at the beginning of such period shall be added to the number of employees at the end of such period and the sum thereof divided by two.

SEC. 31.0379 LICENSE TAX - JUNK DEALERS

Every person conducting, managing or carrying on the business of junk dealer shall pay a license tax of Forty Dollars ($40.00) per year, plus a sum of money equal to One Dollar ($1.00) per year per employee for the average number employed during the preceding six months, payable annually. In determining the average number of employees employed during the preceding six (6) months the number of employees at the beginning of such period shall be added to the number of employees at the end of such period and the sum thereof divided by two.

SEC. 31.0379.1 LICENSE TAX - JUNK COLLECTORS

Every person conducting, managing or carrying on the business of junk collector shall pay a license tax of Ten Dollars ($10.00) per year, plus a sum of money equal to One Dollar ($1.00) per year per employee for the average number employed during the preceding six months, payable annually. In determining the average number of employees employed during the preceding six (6) months the number of employees at the beginning of such period shall be added to the number of employees at the end of such period and the sum thereof divided by two.

SEC. 31.0380 LICENSE TAX - HOUSE-MOVING, SALVAGING, WRECKING

Every person conducting, managing or carrying on the business of house-moving, salvaging, or house-wrecking shall pay a license tax of Fifty Dollars ($50.00) per year, payable semi-annually.

SEC. 31.0381 LICENSE TAX - CHECK ROOM

Every person conducting, managing or carrying on the business of a check room for the checking or storage or parcels or other personal property, and charging a fee

or compensation, shall pay a license tax of Ten Dollars ($10.00) per year, payable annually, or One Dollar ($1.00) per day.

SEC. 31.0382 LICENSE TAX - COIN OPERATED WEIGHING MACHINES - LOCKERS

~~(As amended by Ordinance No. 2669, New Series, adopted June 1, 1943).~~ Every person renting, leasing or maintaining weighing machines, operated by inserting a coin in said machine, or by the payment of a valuable consideration, or any person renting, leasing or maintaining coin locks, or coin latches, which locks or latches are maintained on doors, the operation of which is accomplished by depositing a coin in such lock or latch, shall pay a license tax of One Dollar ($1.00) per year for each said weighing machine, coin lock or latch, payable annually.

SEC. 31.0383 LICENSE TAX - CLUB FOR SALE OF MERCHANDISE ON INSTALLMENT PLAN - GOODS GIVEN AWAY AS ADVERTISING

Every person conducting, managing or carrying on the business of a club for the purpose of the sale of goods, wares or merchandise of any kind or character, on the installment plan, where any goods, wares or merchandise of any kind are given away for the purpose of advertising said club, or for any other purpose whatsoever, shall pay a license tax of Six Hundred Dollars ($600.00) per year, payable semi-annually.

SEC. 31.0383.1 LICENSE TAX - SALE OF MERCHANDISE ON INSTALLMENT, GOODS RAFFLED

Every person conducting, managing or carrying on a business, either as principal, agent, servant or employee, for the purpose of the sale of goods, wares or merchandise of any kind or character on the installment plan, where any money, goods, wares or merchandise are given away by raffle or by means similar to a lottery, except in that no consideration is paid or need be paid for the share or chance upon said raffle, shall pay a license tax of Six Hundred Dollars ($600.00) per year, payable semi-annually.

SEC. 31.0384 LICENSE TAX - EMPLOYMENT BUREAUS

For every person engaged in or carrying on the business of an employment bureau, shall pay a license tax of Twenty Dollars ($20.00) per year, payable semi-annually.

SEC. 31.0385 LICENSE TAX - TEACHING SWIMMING, SWIMMING CLASSES - PUBLIC BEACHES

Every person conducting, managing or carrying on the business of teaching swimming or conducting swimming classes upon any of the public beaches in the City of San Diego shall pay a license tax of Ten Dollars ($10.00) per year, payable semi-annually. Such person shall have written across the upper part of his suit in plain letters the words "Swimming instructor" and he shall comply with all regulations of the Police Department.

SEC. 31.0386 LICENSE TAX - NIGHT WATCHMEN, PRIVATE POLICEMEN

Every person conducting, managing or carrying on the business of night watch service or engaged in or carrying

on the business or occupation of a private policeman shall pay a license tax of Six Dollars ($6.00) per year, payable semi-annually.

SEC. 31.0387 LICENSE TAX - SELLING OIL LEASES, OIL PROPERTIES-TRANSPORTING PERSONS TO EXHIBIT SUCH PROPERTIES

Every person conducting, managing or carrying on the business of selling oil leases or any interest therein, or any option to purchase such leases or interests, oil royalties or fractional interests in any oil royalties or options to purchase such royalties or such fractional interests, and/or any lot or real estate or fractional interests in any such lot or real estate, or options to purchase such lot or real estate, or fractional interest therein, which said lot or real estate is represented or alleged to be oil-bearing real estate, who solicits business upon any of the public streets of the City of San Diego, or who solicits business from house to house within the City of San Diego, and/or who provides, in conducting such business, free excursions for the transportation of persons to any place within or without the City of San Diego to exhibit such lot or real estate, and who, in the conduct of such business solicits persons to be transported or carried by means of any vehicle or free transportation to view or inspect any lot, real estate or premises, which lot, real estate or premises, or any interest therein, is offered for sale or lease by any such person, shall pay a license tax of Fifty Dollars ($50.00) per day.

SEC. 31.0388 LICENSE TAX - BOOT BLACK STAND

Every person conducting, managing or carrying on a bootblack stand shall pay a license tax of Five Dollars ($5.00) per year, payable semi-annually.

SEC. 31.0395 LICENSE TAX - OTHER TRADES, CALLINGS, OCCUPATIONS, VOCATIONS, PROFESSIONS, ETC. *

Every person engaged in any trade, calling, occupation, vocation, profession or other means of livelihood, as an independent contractor and not as an employee of another and not specifically licensed by the provisions of this or any other license code of The City of San Diego, shall pay annually a license tax of Ten Dollars ($10.00), plus a sum of money equal to One Dollar ($1.00) per employee for the average number employed during the preceding six (6) months, payable annually. In determining the average number of employees employed during the preceding six (6) months the number of employees in the beginning of such period shall be added to the number of employees at the end of such period and the sum thereof divided by two.

SEC. 31.0396 INSPECTION FEES NOT REQUIRED WHERE LICENSED

Any person required to pay a license fee under this article shall be relieved from the payment of any inspection or permit fee heretofore required as a prerequisite for such license, but shall remain subject to the regulatory provisions of existing ordinances.

* ~~Footnote:~~ This section held valid as to licensing of attorneys for revenue purposes by a municipality in the case of People vs. Crittenden, 93 Cal. Ap. 2nd, 871.

ARTICLE 2

SALES TAX

SEC. 32.01 SALES TAX IMPOSED

For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of one-half of one per cent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in The City of San Diego on or after July 1, 1946. The tax imposed by this section is in addition to any and all other taxes imposed by The City of San Diego. Said taxes shall be collectible monthly or quarterly as the rules and regulations hereinafter referred to shall provide.

SEC. 32.02 EXCISE TAX IMPOSED

(a) An excise tax is hereby imposed on the use or other consumption in The City of property purchased from any retailer on and after the effective date of this section, for use or other consumption in this City, at the rate of one-half of one per cent of the sales price of the property.

(b) Every person using or otherwise consuming in this City tangible personal property purchased from a retailer is liable for the tax imposed under Section 32.02(a) hereof. His liability is not extinguished until the tax has been paid to this City, except that a receipt from a retailer who is authorized by the City Treasurer, under such rules and regulations as he may prescribe, to collect the tax, given to the purchaser pursuant to Section 32.02(c)

hereof, is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

(c) Every retailer who is authorized by the City Treasurer to collect the taxes imposed by this section, and who makes sales of tangible personal property for use or other consumption in this City not exempted under other provisions of this article, shall at the time of making the sales, or if the use or other consumption of the tangible personal property is not then taxable hereunder, at the time the use or other consumption becomes taxable, collect the tax from the purchaser. In such event the retailer shall give to the purchaser a receipt therefor, in the manner and form prescribed by the City Treasurer. The tax so collected by the retailer constitutes a debt owed by the retailer to the City, and it shall be unlawful for such retailer to fail to pay the same to the City in the manner and at the time elsewhere specified in this Article.

SEC. 32.03 TAXES COLLECTIBLE BY RETAILER

The tax hereby imposed shall be collected by the retailer from the consumer in so far as it can be done.

SEC. 32.04 PROHIBITS RETAILER FROM ABSORBING TAX - PROHIBITS ADVERTISING SUCH

It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the sales or use tax, or any part thereof, will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold, or if added it or any part thereof will be

refunded; provided, however, that the Treasurer may, by regulation, provide that the amount collected by the retailer from the consumer in reimbursement of the tax be displayed separately from the list price, the price advertised in the premises, the marked price, or other price on the sales check or other proof of sale.

SEC. 32.05 PAYMENT OF TAXES - TAX RETURNS REQUIRED - DELINQUENT TAXES - EXTENSION OF TIME

(a) The sales and use taxes imposed by this Ordinance and the returns herein required to be filed, shall be due, payable and filed with the Treasurer on or before the last day of the month next succeeding each monthly or quarterly period; provided, however, that the Treasurer, if he deems it necessary in order to insure payment or to facilitate the collection by the City of the amount of taxes may require returns and payment of the amount of taxes for quarterly periods other than calendar quarters depending upon the principal place of business of the seller, retailer or purchaser, as the case may be, or for other than quarterly periods.

(b) For the purposes of the sales tax a return shall be filed by every seller. For purposes of the use tax a return shall be filed by every retailer maintaining a place of business in The City of San Diego and by every person purchasing tangible personal property, the use or other consumption of which is subject to the use tax, who has not paid the use tax to a retailer required to collect the tax. Returns shall be signed by the person

required to file the return, or by his duly authorized agent, but need not be verified by oath.

(c) For the purposes of the sales tax the return shall show the gross receipts of the seller during the preceding reporting period. For the purposes of the use tax, in case of a return filed by a retailer, the return shall show the total sales price of the property sold by him, the use or consumption of which property became subject to the use tax during the preceding reporting period. In case of a return filed by a purchaser the return shall show the total sales price of the property purchased by him, the use or consumption of which became subject to the use tax during the preceding reporting period. The return shall also show the amount of taxes for the period covered by the return, and such other things as the Treasurer deems necessary for the proper administration of this part of the ordinance.

(d) EXTENSION OF TIME. The Treasurer for good cause may from time to time extend for not more than thirty (30) days the time for making any return or paying any sum required to be paid hereunder. Upon proper showing additional extension of time may be granted; provided that in no event shall the maximum period of extension exceed one hundred twenty (120) days from the due date.

(e) All taxes paid hereunder shall be deemed delinquent if not paid within the time ~~required~~ required. Whenever any tax required to be paid by this section is not paid on or before the date on which it becomes delinquent, or within

the period of extension or extensions granted pursuant hereto, a penalty shall be imposed of ten per cent (10%) of the tax or amount of the tax in addition to the tax or amount of the tax, plus interest at the rate of one-half of one per cent per month, or fraction thereof, from the date on which the tax or the amount of the tax required to be collected became due and payable to The City of San Diego until the date of payment.

(f) The tax required to be collected by the retailer from the purchaser may be displayed separately from the list price, the price advertised in the premises, the marked price, or other price on the sales check or other proof of sales.

(g) For the purposes of the sales tax gross receipts from rentals or leases of tangible personal property shall be reported and the tax paid in accordance with such rules and regulations as the Treasurer may prescribe, and which have been approved by the Council of said City.

SEC. 32.06 REGISTRATION OF RETAILERS - PERMIT REQUIRED - APPLICATION FOR PERMIT

(a) Every retailer selling tangible personal property for use or other consumption in this City shall register with the City Treasurer giving such information as the Treasurer may require.

(b) Every person desiring to engage in or conduct business as a seller within The City of San Diego shall secure from the City Treasurer of said City a permit for each place of business. Such permits shall be issued by the City Treasurer upon receipt of a written application

therefor setting forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the City Treasurer may require. A permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. A change of location may be endorsed upon the permit by the City Treasurer upon the payment of a fee of $1.00. The permit shall at all times be conspicuously displayed at the place for which issued.

SEC. 32.07 REVOCATION OF PERMIT - NOTICE AND HEARING - APPEAL TO COUNCIL

Whenever any person fails to comply with any provisions of this ordinance, or of any rule or regulation adopted pursuant thereto, the City Treasurer upon hearing, after giving such person ten (10) days' notice in writing specifying the time and place of hearing, and requiring him to show cause why his permit or permits should not be revoked, may revoke or suspend any one or more of the permits held by such person. The notice may be served personally or by registered mail. The City Treasurer shall not issue a new permit after the revocation of a permit unless he is satisfied that the former holder thereof will thereafter comply with the provisions of this ordinance and the rules and regulations adopted pursuant hereto, and until a fee of $1.00 is collected therefor; provided, however, that before any such sales tax permit

shall be vevoked after determination by the City Treasurer that good cause has been shown that such permit should be revoked, said permittee may within five (5) days appeal to the City Council of The City of San Diego from said determination, and the ruling of said City Council thereon shall be final.

SEC. 32.08 ENGAGING IN BUSINESS AS SELLER WITHOUT PERMIT - PENALTY

Any person who engages in the business as a seller in this City without a permit or permits or after a permit has been suspended or vevoked, and each officer or any corporation who so engages in business, is guilty of a misdemeanor.

SEC. 32.09 EVASION OF TAX - PRESUMPTION OF USE IN CITY - OTHER PRESUMPTIONS, CERTIFICATE OF RESALE - USE BY PURCHASER

(a) For the purpose of the proper administration of this Article, and to prevent evasion of the use tax and the duty to collect the use tax, it shall be presumed that tangible personal property sold by any person for delivery in this City is sold for use or other consumption in this City until the contrary is established. The burden of proving the contrary is upon the person who makes the sale, unless he takes from the purchaser a certificate to the effect that the property is purchased for resale.

(b) For the purpose of the proper administration of this Article and to prevent evasion of the sales tax, it shall be presumed that all gross receipts are subject to the tax until the contrary is established by the permittee.

(c) The certificate relieves the person selling the property from the burden of proving only if taken in good faith from a person who is engaged in the business of selling tangible personal property and holds the permit provided for by this Article, and who, at the time of purchasing the tangible personal property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

(d) The certificate shall be signed by and bear the name and address of the purchaser, shall indicate the number of the permit issued to the purchaser and shall indicate the general character of the tangible personal property sold by the purchaser in the regular course of business. The certificate shall be substantially in such form as the Treasurer may prescribe.

(e) If a purchaser who gives a certificate makes any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the use shall be deemed a retail sale by the purchaser as of the time the property is first so stored or used. If the sole use of the property other than retention, demonstration, or display in the regular course of business, is the rental of the property while holding it for sale, the purchaser may elect to pay the tax on the use, measured by the amount of the rental charge rather than the sales price of the property to him.

(f) If a purchaser gives a certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold.

SEC. 32.10 STATE OF CALIFORNIA RESALE CERTIFICATE

The City Treasurer may, and he is hereby authorized at his option, to accept a State of California Resale Certificate as evidence that any sale is not a sale at retail, or he may in his discretion require an affidavit from the seller setting forth such information respecting such sale as he deems necessary to determine the nature of such sale.

SEC. 32.11 REVENUE AND TAXATION CODE OF STATE OF CALIFORNIA ADOPTED

Except as herein expressly stated, the definitions contained in Chapter 1, Part 1, Division 2, Sections 6005, 6006, 6006.5,6007, 6009, 6009.1, 6010, 6011, 6012, 6013, 6014, 6015, 6016, and 6018, of the Revenue and Taxation Code of the State of California, are hereby incorporated, adopted and made a part of this Article as though fully set forth herein.

All of said definitions shall be construed to apply to sales taking place, had and performed within The City

of San Diego, and for the use and consumption of property within said City.

All of the provisions of the State Sales and Use Tax Law of the Revenue and Taxation Code of the State of California, as contained in Sections 6244, and Section 6351 to and including Section 6402, as now in force or as hereafter amended, applicable to sales of property at retail, are hereby adopted and made a part of this Article as though fully set forth herein, and all provisions of any section of the code of The City of San Diego in conflict herewith are inapplicable to this Article and the tax hereby imposed. Whenever any of said sections provide for the performance of official action on the part of the State Board of Equalization, such official action shall be performed by the Treasurer of The City of San Diego. Whenever the State of California is mentioned in any of the foregoing sections herein adopted and made a part of this Article The City of San Diego shall be deemed substituted for said State unless another meaning is clearly evidenced.

All taxes hereby levied shall be payable to the Treasurer of The City of San Diego, and any civil suit for the collection thereof may be filed in any court of competent jurisdiction in the State of California, and the City Attorney of said City shall prosecute said action to a final judgment.

SEC. 32.12 GROSS RECEIPTS - INCLUSIONS AND EXCLUSIONS

The term "gross receipts," as used herein, does not include (1) the amount of any federal tax imposed upon or with respect to retail sales, whether imposed upon the retailer or upon the consumer, and regardless of whether or not the amount of federal tax is stated to customers as a separate charge; and (2) the amount of any California

State Sales or Use Tax.

The term "gross receipts" includes the amount of any manufacturers' importers' excise tax included in the price of the property sold, even though the manufacturer or importer is also the retailer thereof and whether or not the amount of such tax is stated as a separate charge.

SEC. 32.13 EXEMPTIONS OF REVENUE AND TAXATION CODE APPLICABLE TO THIS ARTICLE - OTHER EXEMPTIONS

All of the exemptions contained in Part 1, of Division 2 of the Revenue and Taxation Code of the State of California, as contained in Section 6351 to and including Section 6403, are hereby granted as applicable to the sales and use tax herein in this Article provided, and in addition thereto there shall be excluded from the computation of the taxes gross receipts from:

(a) Sales made to or by the State of California, or any agency, department, political subdivision, district or municipal corporation thereof;

(b) Sales of property to be used in connection with the erection, construction, repair or alteration of either public works or buildings belonging to or being constructed by or on behalf of, or for the use of the United States Government, State of California, or any agency, department, political subdivision, district or public or municipal corporation of the State.

(c) Sales made pursuant to contracts actually executed in good faith prior to July 1, 1946;

(d) (X) Sales of meals, food and drinks sold or served on common carriers operating into, through or out of this City from or to points outside this City;

(e) (X) Sales made by manufacturers, processors, jobbers and wholesalers when such sales are made in wholesale quantities at less than retail prices when said sales are made to purchasers for use and consumption in conduct of their business; provided, however, that purchases of personal property by firms operating within The City of San Diego for use and consumption in the conduct of their business within The City of San Diego shall be subject to the Use Tax imposed by Section 32.02 of this Article.

(f) (X) Sales of property upon which a sales tax, purchase tax, use tax, purchase and use tax, or any of them, has been legally imposed by and paid on the same transaction to any City of the State of California having a similar reciprocal exemption.

SEC. 32.14 CITY ~~TREASURE~~ TREASURER ADMINISTERS PROVISIONS OF ARTICLE - PRESCRIBES RULES AND REGULATIONS

The City Treasurer shall administer and enforce the provisions of this Article, and shall prescribe, adopt and enforce reasonable rules and regulations for the purpose of administering and enforcing this Article. Each of said rules and regulations which relate to the time, form and manner of making returns in payment of the taxes imposed hereby shall govern notwithstanding any other provisions of this Article to the contrary. Such rules and regulations may, among other things, require each retailer to keep such records, receipts, invoices and other pertinent

papers in the manner set forth therein; provided, however, that before any rules or regulations of said City Treasurer shall be of any force and effect, thwy shall first be approved and adopted by resolution of the City Council of The City of San Diego; and provided, further, that in so far as applicable the rules and regulations of the State Board of Equalization pertaining to the interpretations, administration and enforcement of the provisions of the Revenue and Taxation Code of the State of California shall apply in the interpretation of this Article until specifically abandoned by rules or regulations adopted by the City Treasurer pursuant to the authority granted under this section.

SEC. 32.15.1 DEFICIENCY DETERMINATIONS

If the Treasurer is not satisfied with the return or returns of the tax or the amount of tax required to be paid to The City of San Diego by any person, he may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information within his possession or that may come into his possession. One or more deficiency determinations may be made of the amount due for one or for more than one period. When a business is discontinued a determination may be made at any time thereafter within the periods specified in Section 32.15.7, as to liability arising out of that business, irrespective of whether the determination is issued prior to the due date of the liability as otherwise specified herein.

SEC. 32.15.2 INTEREST

The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of one per cent per month, or fraction thereof, from the last day of the month following the period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 32.15.3 OFFSETS

In making a determination the Treasurer may offset overpayments for a period or periods, together with interest on the overpayments, against underpayments for another period or periods, against penalties, and against the interest on the underpayments and overpayments. The interest on underpayments and overpayments shall be computed in the manner as set forth in Section 32.05 of this Article.

SEC. 32.15.4 10% PENALTY

If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this Article or of the authorized rules and regulations adopted as a result of this Article, a penalty of ten per cent (10%) shall be added thereto.

SEC. 32.15.5 25% PENALTY

If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this Article, or the authorized rules and regulations adopted as a result of this Article, a penalty of twenty-five per cent (25%) of the amount of the determination shall be added thereto.

SEC. 32.15.6 NOTICE OF DETERMINATION

The Treasurer shall give to the retailer or person using or consuming tangible personal property written notice of his determination. This notice may be served personally or by mail, and if served by mail shall be registered with a return receipt demanded, and such notice shall be addressed to the retailer or person using or consuming tangible personal property at his address as it appears in the records of the Treasurer. In case of service by mail or any notice required herein the service is complete at the time of deposit in the United States Post Office.

SEC. 32.15.7 LIMITATIONS

Except in the case of fraud or failure to make a return, every notice of a deficiency determination herein provided for shall be mailed within three (3) years after the last day of the calendar month following the period for which the amount is proposed to be determined, or within three (3) years after the return is filed, whichever period expires the later.

SEC. 32.16 DETERMINATIONS IF NO RETURN MADE

~~SEC. 32.16.1 DETERMINATION - FAILURE TO FILE RETURN~~

If any person fails to make a return, the Treasurer shall make an estimate of the amount of the gross receipts of the person, or, as the case may be, of the amount of the total sales price of tangible personal property sold or purchased by the person, the use or other consumption of which in this City is subject to the Use Tax. The estimate shall be made for the period or periods in respect to which

the person failed to make a return and shall be based upon any information which is in the Treasurer's possession or which may come into his possession. Upon the basis of this estimate the Treasurer shall compute and determine the amount required to be paid to the City, adding to the sum thus arrived at a penalty equal to ten per cent (10%) thereof. One or more determinations may be made for one or for more than one period.

SEC. 32.16.1 ~~32.16.2~~ OFFSETS

In making a determination the Treasurer may offset overpayments for a period or periods together with interest on the overpayments, against the underpayments for another period or periods, against penalties and against the interest on the underpayments. The interest on underpayments and overpayments shall be computed in the manner set forth in Section 32.05 of this Article.

SEC. 32.16.2 ~~32.16.3~~ INTEREST

The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of one percent per month or fraction thereof, from the last day of the month following the period for which the amount, or any portion thereof should have been returned until the date of payment.

SEC. 32.16.3 ~~32.16.4~~ PENALTIES

If the failure of any person to file a return is due to fraud or an intent to evade this Article or the rules and regulations enacted pursuant thereto, a penalty of twenty-five per cent (25%) of the amount required to be paid by the person, exclusive of penalties, shall be added

thereto in addition to the ten per cent (10%) penalty provided in Section 32.16.1.

SEC. 32.16.4 ~~32.16.5~~ NOTICE OF DETERMINATION Promptly after making his determination the Treasurer shall give to the person written notice of the estimate, determination and penalty, the notice to be served personally or by ~~mail~~ mail in the manner prescribed for service of notice of deficiency determination.

SEC. 32.17 JEOPARDY DETERMINATION

If the Treasurer believes that the collection of any tax or any amount of tax required to be collected and paid to the City, or of any determination will be jeopardized by delay, he shall thereupon make a determination of the tax or amount of tax required to be collected, noting that fact upon the determination. The amount determined is immediately due and payable.

SEC. 32.17.1 INTEREST AND PENALTY

If the amount specified in the determination is not paid within ten (10) days after service of notice thereof upon the person against whom the determination is made, the amount becomes final at the expiration of the ten (10) days, unless a petition for redetermination is filed within the ten (10) days, and a penalty of ten per cent (10%) of the tax or the amount of the tax, plus interest at the rate of one-half of one per cent per month, or fraction thereof, from the date on which the tax or the amount of tax required to be collected becomes due and payable to the City until the date of payment shall be added.

SEC. 32.17.2 PETITION FOR DETERMINATION - AFTER JEOPARDY

The person against whom a jeopardy determination is made may petition the Treasurer for the redetermination of the tax. He shall, however, file such petition with the Treasurer within ten (10) days after the service upon him of the notice of the determination. The person shall also at the time of filing said petition deposit with the Treasurer such security as the Treasurer may require to insure compliance with this Article.

SEC. 32.18 PETITION FOR REDETERMINATION

Any person against whom a determination is made under this Article or any person directly interested, may petition for a redetermination within thrity (30) days after the service upon the person of notice thereof. If a petition for redetermination is not filed within the thirty-day period the determination becomes final at the expiration of the period.

SEC. 32.18.1 ORAL HEARING - DECREAS OR INCREASE OF DETERMINATION

If a petition for redetermination is filed within the ~~thrity-day~~ thirty-day period, the Treasurer shall reconsider the determination, and if the person has so requested in his petition, shall grant the person an oral hearing and shall give him ten (10) days notice of the time and place of hearing. The Treasurer may continue the hearing from time to time as may be necessary. At such hearing the Treasurer may decrease or increase the amount of the determination before it becomes final, but the amount may not be increased by the Treasurer unless the Treasurer

presents a claim for the increase to the person interested at or before the hearing.

SEC. 32.18.2 FINALTY DATE

The order or decision of the Treasurer upon a petition for redetermination becomes final thirty (30) days after service upon the petitioner of notice thereof.

SEC. 32.18.3 DUE DATE OF DETERMINATIONS: PENALTY

All determinations made by the Treasurer under this Article are due and payable at the time they become final. If they are not paid when due and payable a penalty of ten per cent (10%) of the amount of the determination, exclusive of interest and penalties, shall be added thereto.

SEC. 32.18.4 SERVICE OF NOTICE

Any notice required by this Article shall be served personally or by mail, in the manner prescribed for service of notice of a deficiency determination.

SEC. 32.18.5 APPEAL TO CITY COUNCIL

Any person dissatisfied with the determination or redetermination of the Treasurer may within thrity (30) days after the receipt of the order or decision of the Treasurer upon a petition for redetermination, appeal to the Council of The City of San Diego. Such appeal may be taken by filing in ~~writing~~ writing an application for a decision to the Council upon the order or decision of the Treasurer.

The Council is authorized to review the evidence submitted to the Treasurer and also accept additional evidence in connection with the taxes claimed to be due, and the decision of said Council upon the appeal shall be final.

SEC. 32.19 TREASURER AUTHORIZED TO EXAMINE BOOKS AND RECORDS - INVESTIGATION - UNLAWFUL TO REFUSE EXAMINATION OR CONCEAL RECORDS

The Treasurer is hereby authorized to examine the books, papers, records and equipment of any person selling tangible personal property within the City and any person liable for the Use Tax, and may investigate the character of the business of the person in order to verify the accuracy of any return made, or, if no return is made by the person, to ascertain and determine the amount required to be paid.

It shall be unlawful for any person, firm or corporation to refuse to permit such examination as herein authorized, or to conceal or refuse to submit any book, paper, record or equipment of any person selling tangible personal property and any person liable for the Use Tax to the Treasurer, or to his authorized representative, for his examination.

If the Treasurer, as a result of such audit, determines that any amount, penalty or interest has been paid more than once, or has been erroneously or illegally collected or computed, he shall make a finding to that effect, which shall be placed of record in his office. Thereupon the excess amount collected or paid shall be credited on any amounts then due and payable from the persons under this Article and the balance shall be refunded to the person, his successors, administrators or executors. Upon such determination by the Treasurer that such excess amount has been collected or paid to the City, the City shall refund

such money upon the filing by such person of a claim for such refund, and said claim may be filed by any person entitled to file the same at any time within ninety (90) days from the date of the determination made by such Treasurer of such excess amount so collected or paid to said City. In case, however, the Treasurer finds, as a result of said audit, that the full amount of either the sales tax or use tax has not been paid to the City, then the Treasurer shall proceed as in this Article provided for the determination of the amount of sales or use tax due to the City.

SEC. 32.20 DEPOSIT WITH TREASURER TO INSURE COMPLIANCE - SALE OF SECURITY DEPOSITED

The Treasurer, whenever he deems it necessary to insure compliance with any part of this Article, may require any person subject thereto to deposit with him such securities as he may determine. The amount of the securities shall be fixed by the Treasurer, but shall not be greater than twice the estimated average liability of persons filing returns for quarterly periods or three times the estimated average liability of persons required to file returns for monthly periods, determined in such manner as the Treasurer deems proper, or ten thousand dollars ($10,000.00), whichever amount is the lesser. The amount of the security may be increased or decreased by the Treasurer, subject to the limitations herein provided. The Treasurer may sell the security at public auction if it becomes necessary so to do in order to recover any tax or any amount required to be collected, interest or penalty due. Notice of the sale

may be served upon the person who deposited the security personally or by mail. If by mail service shall be made in the manner prescribed for service of notice of deficiency determination, and shall be addressed to the person at his address as it appears in the records of the Treasurer. Security in the form of a bearer bond issued by the United States or the State of California which has a prevailing market price may, however, be sold by the Treasurer at private sale at a price not lower than the prevailing market price thereof. Upon any sale any surplus above the amounts due shall be returned to the person who deposited the security.

SEC. 32.21 DELINQUENT PAYMENTS - UNPAID DETERMINATIONS, NOTICE TO PERSONS HOLDING CREDITS OR PROPERTY OF DELINQUENT

If any person is delinquent in the payment of the amount required to be paid by him, or in the event a determination has been made against him which remains unpaid, the Treasurer may, not later than three (3)years after the payment became delinquent, give notice thereof by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to the delinquent or owing any debts to the delinquent. After receiving the notice the person so notified shall neither transfer nor make any other disposition of the credits, other personal property or debts in their possession or under their control at the time they receive the notice until the Treasurer consents to a transfer or disposition or until twenty (20) days elapse after the

receipt of the notice. All persons so notified shall within five (5) days after receipt of the notice advise the Treasurer of all such credits, other personal property or debts in their possession under their control or owing by them.

SEC. 32.22 TREASURER AUTHORITY TO BRING COURT ACTION TO COLLECT DELINQUENCY, PENALTIES AND INTEREST

At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three (3) years after the delinquency of any tax or any amount of tax required to be collected, the Treasurer may bring an action in the courts of this state, or in any other state, or of the United States in the name of the People of The City of San Diego, to collect the amount delinquent, together with penalties and interest.

SEC. 32.23 MANNER OF COLLECTION OR DELINQUENCY

At any time within three (3) years after any person is delinquent in the payment of any amount the Treasurer may forthwith collect the amount in the following manner: The Treasurer shall seize any property, real or personal, of the person and sell the property or a sufficient part of it at public auction to pay the amount due together with any interest or penalties imposed for the delinquency and any costs incurred on account of the seizure and sale. Any seizure made to collect a sales or use tax due shall be only the property of the retailer not exempt from execution under the provisions of the Code of Civil Procedure.

SEC. 32.23.1 NOTICE OF SALE

Notice of the sale and time and place thereof shall be given to the delinquent person in writing at least ten (10) days before the date set for the sale in the following manner: The notice shall be enclosed in an envelope addressed to the person, in case of a sale for use taxes due, at his last known address or place of business, and in case of a slae for sales taxes due at his last known resi dence or place of business in this City. It shall be deposited in the United States Mail, postage prepaid. The ntoices shall also be published for at least ten (10) days before the date set for the sale in a newspaper of general circulation published in the City in which the property seized is to be sold. The notice shall contain a description of the property to be sold, a statement of the amount due, including interest, penalties and costs,the name of the delinquent, and the further statement that unless the amount due, interest, penalties and costs are paid on or before the time fixed in the notice for the sale, the property, or so much of it as may be necessary, will be sold in accordance with law and the notice.

SEC. 32.23.2 CONDUCT OF SALE - BILL OF SALE OR DEED

At the sale the Treasurer shall sell the property in accordance with law and the notice, and shall deliver to the purchaser a bill of sale for the personal property and a deed for any real property sold. The bill of sale or dee vests the interest of tible of the person liable for the amount in the purchaser. The unsold portion of any property seized may be left at the place of sale at the risk of the person liable for the amount.

SEC. 32.23.3 DISPOSITION OF EXCESS MONEY

If upon the sale the moneys received exceed the total of all amounts, including interest, penalties and costs due the City, the Treasurer shall return the excess to the person liable for the amounts and obtain his receipt. If any person having an interest in or lien upon the property files with the Treasurer prior to the sale notice of his interest or lien, the Treasurer shall withold any excess pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of the person liable for the amount is not available, the Treasurer shall deposit the excess moneys with himself as trustee for the owner, subject to the order of the person liable for the amounts, his heirs, successors or assigns.

SEC. 32.24 SUCCESSOR OR ASSIGN OF DELINQUENT OR PERSON LIABLE

If any retailer liable for any amount under this Article sells out his business or stock of goods or quits the business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the Treasurer showing that he has been paid, or a certificate stating that no amount is due.

SEC. 32.24.1 LIABILITY OF SUCCESSOR, ASSIGN, OR PURCHASER

If the purchaser of a business or stock of goods fails to withhold purchase price as required, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price, valued in money. Within sixty (60) days after receiving

a written request from the purchaser for a certificate, or within sixty (60) days from the date the former owner's records are made available for audit, whichever period expires the later, but in no event not later than ninety (90) days after receiving the request the Treasurer shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the Treasurer, of the amount that must be paid as a condition of issuing the certificate.

SEC. 32.25 TAX LEVIED AS PROVIDED IN CALIFORNIA REVENUE AND TAXATION CODE

The tax hereby levied, except as otherwise herein provided, is levied in the same manner and to the same extent and under the same conditions as sales taxes are levied pursuant to Part 1, of Division 2 of the California Revenue and Taxation Code, known as the Sales and Use Tax Law, as amended and in force and effect on January 1, 1946.

SEC. 32.26 CONSTRUCTION OF ARTICLE

The inclusion of any clause, portion or part of the State Sales and Use Tax Law, Part 1, Division 2 of the Revenue and Taxation Code of the State of California, verbatim in this Article shall not in or of itself be deemed to exclude any of the remaining provisions of said Sales and Use Tax Law that are made a part hereof by reference only.

SEC. 32.27 OFFICERS PROHIBITED FROM DIVULGING INFORMATION - CITY COUNCIL MAY AUTHORIZE

It is unlawful for any officer or employee of The

City of San Diego having an administrative duty under this Article to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen, or examined by any person. However, the City Council may, by resolution, authorize examination of the returns by Federal or State officers or employees or by the tax officers of this or any other city if a reciprocal arrangement exists Successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of tax required to be collected, interest and penalties.

ARTICLE - 3

BUSINESS REGULATIONS

DIVISION - 1

GENERAL PROVISIONS

SEC. 33.0101 POLICE REGULATED

That the occupations and businesses in The City of San Diego, listed in this Chapter and licensed by said City and deemed to be subject to such Police power, and are hereby designated by the classification,"POLICE REGULATED."

All occupations and businesses so designated, and all persons conducting or proposing to conduct the same, shall be subject to such investigation, rules and regulations as are required by this or other regulatory provisions of said City, as a prerequisite to the granting of a license for, or the conducting of such occupation or business.

DIVISION - 2

DEFINITIONS

SEC. 33.0201 DEFINITIONS AND INTERPRETATIONS:

The following words and phrases whenever used in this Chapter shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

SEC. 33.0202" ALCOHOLIC BEVERAGES"

means and includes alcohol, spirits, wine or beer, and which contains one-half of one per cent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

~~SEC. 33.0203 "CITY"~~

~~shall mean the area within the territorial city limits of The City of San Diego and such territory outside of this City over which the City has jurisdiction or control by virtue of any Constitutional or Charter provisions or any law.~~

~~SEC. 33.0204 "COUNCIL"~~

~~shall mean the City Council of this City.~~

~~SEC. 33.0205 "PERSON"~~

~~shall mean all domestic and foreign corporations, associations, syndicates, joint stock companies, partnerships of every kind, clubs, Massachusetts business or common law~~

trusts, societies and individuals engaged in any business as defined herein, in the City of San Diego.

SEC. 33.0206 "OATH"

includes affirmation.

SEC. 33.0207 "OFFICE"

The use of the title of any officer, employee, or any office, or Section, Division, Article, Chapter shall mean such officer, employee, office, Section, Division, Article, Chapter or Charter of The City of San Diego, unless otherwise specifically designated.

SEC. 33.0208 "SHALL" AND "MAY"

"Shall"is mandatory; "May" is permissive.

SEC. 33.0209 "WRITTEN"

shall include printed, typewritten, mimeographed or multigraphed.

SEC. 33.0210 "GENDERS"

Any gender includes the other genders.

SEC. 33.0211 "SINGULAR AND PLURAL"

The singular number includes the plural and the plural the singular.

SEC. 33.0212 "TENSES"

Words used in the present tense include the past and future tenses and vice versa.

SEC. 33.0213 "USE OF WORDS AND PHRASES"

Words and phrases used in this ordinance and not specifically defined shall be construed according to the context and approved usage of the language.

SEC. 33.0214 33.0203 LOUD SPEAKERS - SOUND AMPLIFIERS

(a)"SOUND TRUCK" The words "Sound Truck" as used herein shall mean any motor vehicle, or horsedrawn vehicle, having mounted thereon, or attached thereto, any sound

amplifying equimpent.

(b) "SOUND AMPLIFYING EQUIPMENT" The words "Sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

SEC. 33.0204 ~~33.0215~~ CHIEF OF POLICE

The words "Chief of Police," as used herein, shall be deemed to mean the Chief of Police of the City of San Diego, or any member of the Police Department of the City of San Diego designated by the Chief of Police to act in his place and stead in carrying out the provisions of this Chapter.

DIVISION - 3

APPLICATIONS

SEC. 33.0301 APPLICATIONS FORWARDED TO CHIEF OF POLICE

Upon the filing of the original application for a city license, in accordance with Section 31.0140 ~~or Section~~ for any business or occupation herein designated as "POLICE REGULATED," the City Treasurer shall forward a copy of the application provided therefor to the Chief of Police, or such other city official as may be hereinafter designated.

SEC. 33.0302 CHIEF OF POLICE SHALL INVESTIGATE APPLICANT'S FITNESS

The Chief of Police, or other designated official, shall make such investigation as may be deemed to be sufficient to determine the applicant's fitness to conduct the occupation or business or game of skill specified in the application, or to determine if the place at which it is proposed that the occupation or business or game of skill is to be conducted is a suitable or proper place therefor, or to determine if the occupation or business or game of skill is a lottery or a form of gambling or may be used to promote gambling or the conducting of a lottery or any illegal activity.

SEC. 33.0303 APPLICANT AND EMPLOYEES TO FURNISH FINGER PRINTS AND PHOTOGRAPH - NOTICE OF CHANGE OF OWNERSHIP

For the purpose of investigation and for regulation of the occupation or business during the time it is licensed, the applicant, his officials, agents or employees may be

required to furnish their fingerprints or photographs.

In the event of a change in ownership of any business licensed hereunder, or change or substitution of the person responsible for direct management of the business, notice of such change shall be given to the City Treasurer and Chief of Police, prior to the time such change becomes effective. The license may be suspended pending the approval of such change

SEC. 33.0304 AUTHORITY TO DENY LICENSE APPLICATION

Upon completion of the investigation the Chief of Police or other designated official shall have the authority to deny such license application if it is deemed that the applicant is not a suitable or proper person to carry on the occupation or business or game of skill for which a license is required or if the place at which it is proposed to be located, practiced, conducted, or carried on is not a suitable place therefor, or if such official shall deem that the occupation or business or game of skill is a lottery or a form of gambling or may be used to promote gambling or the conducting of a lottery or any illegal activity.

SEC. 33.0305 APPROVAL OR DENIAL STAMPED ON APPLICATION BY INVESTIGATING OFFICIAL

Whenever, under this ordinance, a license application coming within the classification "POLICE REGULATED" shall have been approved or denied, the said Chief of Police or official conducting such investigation, shall indicate by writing or stamping with his signature "Approved" or

"Denied" on the copy of the license application and shall return same to the City Treasurer.

SEC. 33.0306 TIME ALLOWED FOR INVESTIGATION

If the Chief of Police or other official, except the City Council, shall fail to act on any license application, and shall fail to notify the City Treasurer within thirty days from the date of its delivery to him by the City Treasurer, said application shall be deemed to have been approved and the City Treasurer shall issue said license therefor, provided, however, that the Chief of Police or other official, upon written notification to the City Treasurer, shall be allowed such additional time as may be necessary to complete the investigation.

SEC. 33.0310 SELLING PEDDLING BY WEIGHT - CERTIFICATE OF SCALES - TESTING REQUIRED

That no permit or license shall be issued or granted by the Council of the City of San Diego or by the Chief of Police or other officer of said City to any person, firm or corporation to buy, sell, offer for sale or peddle any goods, wares or merchandise in said City which are bought or sold by weight, unless the applicant for such license shall at the time such application for license is made present and file with the application for license a certificate of the County Sealer of Weights and Measures of San Diego County, California, stating that said County Sealer of Weights and Measures has examined and tested the scales proposed to be used by such applicant, and has found them to be correct.

DIVISION - 4

SUSPENSION OF LICENSE

SEC. 33.0401 In the event that any person holding a City license classified as "POLICE REGULATED" as herein designated, shall violate or cause or permit to be violated any of the provisions of this ordinance, or any provision of any other ordinance or law relating to or regulating said business or occupation, or shall conduct or carry on such business or occupation in an unlawful manner, the Chief of Police or Director of Social Welfare, where under this ordinance said official has the duty of investigating, approving or denying the license application, may, in addition to other penalties provided by ordinance, suspend the license issued for conducting or carrying on such business or occupation. The Chief of Police or Director of Social Welfare may take possession of such license, and shall notify the licensee of such suspension by a written notice, served upon such licensee or posted at the place of such business. Said notice shall state the cause for suspension.

DIVISION - 5

APPEAL TO COUNCIL

SEC. 33.0501 RIGHT OF APPEAL TO COUNCIL UPON DENIAL OF APPLICATION

In the event of the denial of an application for a license by any City official, or the suspension of a license by the Chief of Police, or the Director of Social Welfare, the applicant or licensee shall, within fifteen (15) days from the date of such denial or suspension have the right to appeal for a hearing before the City Council by filing a written petition therefor, with the City Clerk.

Unless an appeal is filed as herein provided, such denial or suspension shall be final.

SEC. 33.0502 PROCEDURE UPON APPEAL

The City Council shall upon filing of such appeal, appoint a time for hearing on said petition. At least five (5) days notice of such hearing shall be given by the City Clerk to the petitioner and to the Chief of Police or other official. Upon the hearing of the petition, the City Council may approve or disapprove in whole or in part the action of the Chief of Police or other official, or may revoke the license

The decision of the City Council shall be final as to all issues involved.

Whenever the City Council shall sustain the denial of an application any fee or tax collected therefor shall be returned to the applicant except such portion thereof as may be required to pay any investigation fee fixed by City Ordinance.

Whenever the City Council shall revoke a license

it may or may not at its discretion, return that portion of such fee or tax paid by the licensee as may be applicable to the unexpired portion of the term for which the license was issued.

DIVISION - 6

EXEMPTIONS

SEC. 33.0601 CHARITABLE INSTITUTIONS

The provisions of this Chapter shall not be construed to require the payment of any license fee by any religious, charitable, social, educational, recreational, fraternal, military, state, county or municipal organization, or other benevolent or non-profit organization which contemplates the distribution of total gains or total profits to and for a religious, charitable, patriotic, or philanthropic purpose, or to and for the general welfare of the organization.

When any such non-profit organization is engaged in operating or conducting a business for which a license is required by this Chapter, such non-profit organization shall obtain the required license, and shall remain subject to the regulatory provisions of This Chapter, but shall not be required to pay the fee therefor.

In order to obtain a free license such non-profit organization shall file with the application for a license a written statement setting forth the necessary facts in support of any claim for exemption from payment of the license fee or tax. Provided, however, no license without payment of fee or tax shall be issued unless the applicant therefor bears the written approval of the Chief of Police and Director of Social Welfare.

The Director of Social Welfare shall grant or withhold such approval after application by the non-profit organization and investigation by said Director.

SEC. 33.0602 VETERANS

Any honorably discharged or honorably relieved soldier, sailor, marine, or member of the coast guard of the United States or Confederate States who served in the Civil War, any Indian War, Spanish American War, any Philippine insurrection, the Chinese Relief expetition, the World War of 1914 and years following, or the World War of 1939 and years following, who is physically unable to obtain a livelihood by manual labor and who is a voter of the City of San Diego and who does not have a regularly established of business may distribute circulars and hawk, peddle and vend any goods, wares, or merchandise owned by him except spirituous, malt, vinous, or other alcoholic beverages without payment of any license tax or fee whatsoever, but shall be subject to the regulatory provisions of this Chapter. Provided, however, no license without payment of fee or tax shall be issued unless the application therefor bears the written approval of the Chief of Police and Director of Social Welfare.

DIVISION - 7

LOUD SPEAKERS - SOUND AMPLIFIERS

SEC. 33.0701.1 NON-COMMERCIAL USE OF SOUND TRUCKS - REGISTRATION REQUIRED

No person shall use, or cause to be used a sound truck with its sound amplifying equipment in operation for non-commercial purposes in The City of San Diego, before filing a registration statement with the Chief of Police in writing. This registration statement shall be filed in duplicate and shall state the following:

(1) Name and home address of the applicant;

(2) Address of place of business of applicant;

(3) License number and motor number of the sound truck to be used by applicant;

(4) Name and address of person who owns the sound truck;

(5) Name and address of person having direct charge of sound truck;

(6) Names and addresses of all persons who will use or operate the sound truck;

(7) The purpose for which the sound truck will be used;

(8) A general statement as to the section or sections of the City in which the sound truck will be used;

(9) The proposed hours of operation of the sound truck;

(10) The number of days of proposed operation of the sound truck;

(11) A general description of the sound amplifying

equipment which is to be used;

SEC. 33.0701.2 ENDORSEMENT OF REGISTRATION STATEMENT

All persons using or causing to be used, sound trucks for non-commercial purposes shall submit their sound trucks together with the sound amplifying and sound reproducing equipment which they intend to use to an inspection to be given by or under the direction of the Superintendent of the Electrical Division of the Public Works Department of the City of San Diego. The Superintendent shall test said equipment in the course of his inspection and shall endorse the original registration statement of the person applying for a permit, together with the copies of said statement, if said equipment may be calibrated and/or controlled so as to comply with the regulations provided in this Division. Said endorsement shall designate the calibration or points at which the controls of the sound amplifying and reproducing equipment may be set in order to maintain the maximum sound level permissible under the regulatory provisions of this Division.

SEC. 33.0701.3 REGISTRATION STATEMENT AMENDMENT

All persons using or causing to be used, sound trucks for non-commercial purposes shall amend any registration statement filed pursuant to Section 33.0701.1 within forty-eight (48) hours after any change in the information therein furnished.

SEC. 33.0701.4 REGISTRATION AND IDENTIFICATION

The Chief of Police of The City of San Diego shall return to each applicant under Section 33.0701.1 of this

ordinance, one copy of said registration statement duly certified by the Chief of Police of said City, as a correct copy of said application. Said certified copy of the application as endorsed by the Superintendent of the Electrical Division of the Public Works Department of The City of San Diego, shall be in the possession of any person operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any policeman of The City of San Diego, upon request.

SEC. 33.0701.5 REGULATIONS FOR USE

Non-commercial use of sound trucks in The City of San Diego with sound amplifying equipment in operation shall be subject to the following regulations:

(1) The only sounds permitted are music or human speech;

(2) Operations are permitted for four (4) hours each day; the permitted four (4) hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:20 p.m.

(3) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.

(4) Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches or courthouses.

(5) No sound truck with its amplifying device in operation shall be operated within the Central Traffic District of The City of San Diego as said Central Traffic District is defined ~~by the~~ in Chapter VIII

(6) The human speech and music amplified shall not be profane, lewd, indecent, or slanderous.

(7) The volume of sound shall be controlled so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility and so that the volume of sound shall not exceed a sound level of 70 decibels at a distance of 100 feet from the sound amplifying equipment, as measured by a sound level meter which meets the standards of the American Standards Association.

(8) No sound amplifying equipment shall be operated unless the axis of the center of any sound reproducing equipment used shall be parallel to the direction of travel of the sound truck; provided however, that any sound reproducing equipment may be so placed upon said sound truck as to not vary more than 15° either side of the axis of the center of the direction of travel and provided further that radial, non-directional type of loud speakers may be used or said sound trucks either alone or in conjunction with sound amplifying equipment placed within 15° of the center line of the direction of travel.

SEC. 33.0702.1 ~~[illegible]~~ COMMERCIAL USE ~~ADVERTISING BY~~ SOUND TRUCK ~~REGULATED~~

~~AND~~ REGULATED — LICENSE REQUIRED

~~SEC. 33.0702.1 LICENSE REQUIRED.~~

It shall be unlawful for any person to operate or cause to be operated any sound truck in The City of San Diego for commercial advertising purposes with sound amplifying equipment in operation unless an application has been made to the Chief of Police pursuant to

Chapter III, Division 3

and said application has beenapproved by the Chief of Police and endorsed by the Superintendent of the Electrical Division of the Department of Public Works after said Superintendent or his assistant has inspected and tested said sound truck together with its sound amplifying and sound reproducing equipment and said sound truck together with its amplifying and reproducing equipment has been found possible to operate so as to conform to the regulatory provisions provided in Section 33.0701.5 and a license has been obtained from the City Treasurer after said approval by the Chief of Police and by the Superintendent of the Electrical Division of the Department of Public Works.

SEC. 33.0702.2 APPLICATION FOR LICENSE

Persons applying for the license required under Section 33.0702.1, shall file with the City Treasurer an application in writing, giving in said application the information required in the registration statement required in Section

SEC. 33.0702.3 ISSUANCE OF LICENSE

The City Treasurer shall issue a license under

Section 33.0702.1 upon payment of the required license fee, unless the application required in Section 33.0702.2 hereof has been denied by the Chief of Police as indicated by writing or stamping with his signature. "DENIED," on a copy of the license application returned to the City Treasure.

SEC. 33.0702.4 POSSESSION AND DISPLAY OF LICENSE

A licensee shall keep such license in his possession in the sound truck during the time the sound truck's sound amplifying equipment is in operation. The license shall be promptly displayed and shown to any policeman of The City of San Diego, upon request.

SEC. 33.0702.5 REGULATIONS FOR USE

It shall be unlawful for any person to operate or cause to be operated any sound truck for commercial sound advertising purposes in violation of the regulations set forth in Section 33.0701.5 except however, that the operation permitted shall be between the hours of 8:00 a.m. and 9:00 p.m. or after 9:00 p.m. during public events and affairs of interest to the general public.

DIVISION - 8

AUCTIONEER -AUCTION HOUSE

SEC. 33.0801 DEFINITIONS - CLASSIFICATION OF AUCTIONS AND AUCTIONEERS

"AUCTION SALE" shall mean a sale of property by public outcry to the highest bidder, and all such sales in the City of San Diego shall be conducted only by a person or persons licensed pursuant to this Division.

"AUCTIONEER" shall include and comprehend any person who shall, by public outcry, sell, or offer to sell to the highest bidder any of the property hereinafter described or any person who shall arrange for the disposal at public offering to the highest bidder, when bids are called for, either in person or by duly employed and licensed auctioneers, any goods, wares, merchandise, fruits, stocks, bonds, and other securities, live stock or other personal property or any real estate or interest therein, in any building or in any of the streets or sidewalks, or in any other place in the City where any and all persons who choose are permitted to attend and offer bids, or any person who shall advertise as a public auctioneer, or in any other manner hold himself out as such for public patronage, or shall receive fees as a commission for services as such.

The following classifications are hereby established for the occupation or ~~ubsiness~~ business of auctioneer and/or auction house, together with general requirements as herein stated.

CLASS A Every person who sells or offers for sale at public auction, as an auctioneer as defined by this Section.

CLASS B Every person who sells or offers for sale at public auction any real estate, live stock, new or secondhand goods, wares or merchandise in any place other than an auction house. In addition thereto, each auctioneer shall have a Class A license as herein provided. Where the application is for a Class B license, it shall also specify the store or place in the City of San Diego where the applicant proposes to conduct an auction sale or sales, the owner or owners and the character of the property to be sold.

CLASS C Every person or gourp of persons, who operates an auction house. In addition thereto, each auctioneer shall have a Class A license as herein provided. Hereunder the term "auction house" shall mean a place of business wherein goods, wares, or merchandise are offered for sale at auction as an established auction business at a certain location. The applicant for a Class C license shall specify the location of the place of business in the City of San Diego, where the applicant proposes to conduct the auction house and said application must be accompanied by a bond in the sum of Twenty-five Hundred Dollars ($2500.00).

SEC. 33.0802 REQUIREMENTS FOR LICENSE

No license shall be granted to a public auctioneer

unless it shall appear by sworn statement in his application that the said person is a citizen of the United States or has duly declared his intention of becoming a citizen of the United States and has been a bona fide resident of the City of San Diego or of the County of San Diego for a period of one year immediately preceding such application, and it must be accompanied by a bond, the form of which shall be approved by the City Attorney, and with one or more sureties hereon, to be approved by the City Manager.

SEC. 33.0803 INFORMATION CONTAINED IN APPLICATION

License application shall be verified under oath and be filed in accordance with procedure established by this Chapter. In addition thereto, each applicant shall specify the length of his residence in the City of San Diego, or County of San Diego, the location of his last place of business, and the name and character of such business, the length of time he was engaged therein, and the names and addresses of three persons residing within the City of San Diego as references.

SEC. 33.0804 BONDS AND CONDITIONS THEREOF

Whenever a bond is required under this ordinance, the penalty of said bond must be Twenty-five Hundred Dollars ($2500.00); the conditions of each bond must be substantially such that the principal therein named will faithfully conform to the provisions of the provisions of the code of said City of San Diego, and each and all laws of the State of California, whether then in force or which may thereafter

be adopted, relating to auction sales or the business of auctioneers, or the prevention of fraudulent practices in general. The principal and the surety or sureties named in the bond, and their heirs, executors, administrators, successors and assigns shall be jointly and severally bound unto any and every person aggrieved or damaged by breach of the condition of said bond, and said bond shall not be void upon the first recovery, but may be sued and recovered upon from time to time, by any person aggrieved or damaged, in his own name, until the whole penalty is exhausted; and the life of the obligation of such bond shall be made such that it will continue for such length of time as such license remains in force and effect. In the event a person is licensed in more than one class as provided herein; the posting of one bond shall be deemed sufficient to cover all classes of auction licenses held by such person.

SEC. 33.0805 COST OF INVESTIGATION

Each applicant for a Class C license shall pay the sum of $50.00 to The City of San Diego at the time of making an original application which said sum of $50.00 shall be used by The City of San Diego as compensation for making an investigation of the statements and references contained in said application and it shall be the duty of the said City after the said application and the said bond above referred to have been filed, to make a careful and thorough investigation of the statements and references contained in said application. The payment of $50.00 shall

be required only upon the making of an original application by each applicant for a Class C license and shall not apply to an application for renewal of said license.

Upon approval of any application above referred to, there shall be issued to the applicant either a Class A license, or a Class A and Class B license, or a Class A and Class C license, to do business as an auctioneer, as required by the provisions of this Division and the application filed. If the license is a Class B or Class C license, it shall always designate the store or other place in said City of San Diego where the applicant proposes to conduct an auction sale or sales.

SEC. 33.0806 REGULATIONS PERTAINING TO PUBLIC AUCTION SALE OF GOODS, WARES OR MERCHANDISE.

Where the sale of any goods, wares or merchandise is sold by public auction, such sale shall be held on successive days, Sundays and legal holidays excepted, and shall not continue for more than fifteen (15) days in all from the commencement of said sale. No Class B retail jewelry auction as described in this ordinance shall be held in the City of San Diego during the months of November and December. Where said auction is the stock on hand of a merchant disposing of his stock for the purpose of retiring from business, then in the event fifteen (15) days shall be an insufficient time to successfully conclude such auction, an application may be made to the Council of The City of San Diego for an additional fifteen

days (15 period of time and the Council may grant such additional time as it may deem necessary under the circumstances.

SEC. 33.0807 CLOSING OUT SALE - GOING OUT OF BUSINESS SALE - QUITTING BUSINESS SALE - REGULATION OF PUBLIC AUCTION

Any person intending to dispose of his stock on hand by sale at public auction at retail, which sale is to be advertised as a "Closing out sale," a "going out of business sale," or a "quitting business sale," must make a sworn written application to the City Council at least fifteen (15) days before the intended sale is to begin, specifying under oath the name and address of the applicant, the location and purpose of the sale, and its expected duration, a statement itemizing in detail the quality, quantity, kind or grade of each item of goods, wares, and other articles to be sold, with the wholesale market value thereof, together witha declaration that the merchandise or property to be sold at public auction sale is a bona fide part of the merchant's stock in trade, and that the items listed in the said inventory do not exceed by 25% the unit volume of the inventory carried by the applicant 90 days prior to the application, and was not secured, purchased or brought into said place of business for or in anticipation of said sale, and the name of the auctioneer who shall conduct said sale.

The inventory accompanying the application as herein provided shall not exceed by 25% of the unit volume of the inventory carried by the applicant ninety (90) days prior to application. Any inventory in excess of the foregoing shall be cause for refusal to issue license. Such statement

and inventory listing the stock of goods to be sold at auction shall be accompanied by a notarized affidavit by the applicant certifying that the merchandise is as represented by the statement and that sale of any merchandise listed will not be in violation of any law or city ordinance with respect to auctions.

Provided further, that whenever the stock on hand to be sold at public auction as described in this section is a stock of jewelry as described in Section 33.0809 (a), then in that event the application required herein to be made to the City Council shall be accompanied by the sum of $100.00, which sum shall be used by the City for purpose of making an investigation of the statements and inventory contained in said application.

SEC. 33.0808 SIZE OF INVENTORY - GOODS ADDED TO INVENTORY - CLOSING OUT AUCTION

During the pendency of auction sales held for the purpose of closing out a stock of goods at retail, no goods shall be added to such stock. Under no circumstances shall the inventory offered for sale at auction exceed by 25% the unit volume of the inventory carried by the applicant ninety (90) days prior to the application.

SEC. 33.0809 REGULATIONS PERTAINING TO PUBLIC AUCTION OF PRECIOUS METALS, JEWELRY, PRECIOUS STONES, ETC.

(a) It shall be unlawful for any person to sell, dispose or, or offer for sale in the City of San Diego, at public auction, or cause or permit to be sold, disposed of, or offered for sale in the City of San Diego,

at public auction any either new or second-hand platinum, gold, new silver, or new plated ware, precious stones, or semi-precious stones, watches or other jewelry, whether the same shall be their property or whether they shall sell the same as the agents or employees of others; provided, that the foregoing provisions of this section shall not apply to judicial sales or sales made by executors or administrators or sale made by or in behalf of licensed pawn brokers or unredeemed pledges in manner provided by law, nor to the sale at public auction of the stock on hand of any person or persons who shall, for the period of one year next preceding such sale, have been continuously in business in the City of San Diego as a retail or wholesale merchant of platimum, silver, or plated ware, precious stones or semi-precious stones, watches or other jewelry; nor to the sale at public auction of such stock on hand of any person or persons as described above where said stock has been purchased by a holder of a Class A license under this ordinance; and no such sale shall be had between sunset and sunrise.

(b) It shall be unlawfull for any person to offer for sale, or sell, either for himself or for another, at public auction, any jewelry, unless there is security attached to the article so offered for sale or sold, a tag, card or label bearing accurate reference to the written inventory, upon which shall be plainly written or printed in English a true and correct statement of the kind and/or quality and/or weight of the metal of which said article is made or composed and the percentage or carat of purity of such metal or article; and in case such article is

plated or overlaid then such statement shall contain a true statement of the kind of plate and the percentage of purity of such plate, and the kind of metal or material covered, and in case such article is a precious or semi-precious stone, such statement shall contain the true name, weight, quality, color and fineness of said stone; and in case such article be a watch or clock, such statement shall contain the true name of the manufacturer thereof; and in case any second-hand or old movement or substitute part of movement of any watch or clock be offered for sale in a new case, such fact shall be set forth in said statement; and in the event that any jewelry auction sale shall have been advertised as offering goods from a designated or named estate or source, then, the tag or label on said article shall state the designated or named estate or source from which that particular article was obtained; and no such article so sold or offered for sale shall bear any false misleading name, description or entry thereon; and it shall be deemed prima facie evidence of intent to defraud or violate the provisions of this Division where such goods, wares, merchandise and/or articles so sold or offered for sale fail to compare with the descriptions indicated on the tag, card or label, as hereinbefore provided.

Such tag, card, or label shall remain securely attached to any such article so sold or offered for sale, and shall be delivered to the purchaser by the person, firm or corporation so selling the same as a correct description and

representation of the article so sold. In case there are more than one of the same kind of article to be sold, then such tag, card or label shall indicate the chronologicle number of the respective articles of the same class so sold. The auctioneer must at the end of every twenty-four hours, forward to the Chief of Police, by mail or otherwise, an itemized account of all sales of jewelry made by him for each twenty-four hour period. This itemized statement shall be subscribed by the auctioneer, conducting the same, and any false statement submitted by said auctioneer to the Chief of Police shall be deemed sufficient cause for the suspension or revocation of his permit to conduct such auction.

(c) Whenever any person advertises as offering for sale at public auction any goods or articles other than jewelry from a designated or named estate or source, it shall be unlawful for any person to offer for sale such goods or articles unless a tag, card, or label shall be securely attached to said goods or articles bearing accurate reference to the designated or named estate or source.

(d) It shall be the duty of every auctioneer each day at the begining of such auction sale, to fully state the terms and conditions upon which the sale or sales will be made, and that such buyer must settle for the article so purchased within 24 hours after the conclusion of said auction sale.

(e) It shall be the duty of the person whose merchandise

is thus being sold at public auction to give each and every purchaser of an article the selling price of which amounts to the sum of One Dollar ($1.00) or more, an invoice, containing a full description of the article, the selling price thereof, together with a statement giving each and every warranty under which the article was sold. Duplicate copies of said invoices shall be kept.

SEC. 33.0810 AUCTIONS - CERTAIN ACTS UNLAWFUL

It is hereby made unlawful for any person carrying on or conducting, or assisting in carrying on or conducting an auction sale -

(a) To knowingly and intentionally make any statement which is false in any particular, or which has a tendency to mislead any person present, or to make any misrepresentation whatsoever or at all, as to the quality or quantity or character or present condition or value or cost of general selling price, whether new or second-hand, or partly so, of any property offered for disposal by auction sale;

(b(To have or employ or permit any person to be or take part in, or for any person to act as a capper or by-bidder, booster or puffer, or to make any fictitious or fraudulent bid, or bid not made in good faith, or not intended to be consummated by a sale at any auction sale of property;

(c) To ring any bell or sound any other loud or noisy instrument for the purpose of attracting attention to any auction sale;

(d) To offer or attempt to dispose of any property at any auction sale in blind packages or any property not at the time actually exhibited to public view, or to the view of the person bidding on the same, except that property which is described in Section 3152 and 3153 of the Political Code of the State of California;

(e) To offer or attempt to dispose of goods, wares, or merchandise at an auction sale between sunset and sunrise, unless such goods, wares or merchandise have been on display during the daylight business hours of the day preceding such sale;

(f) To refuse, fail or neglect to deliver complete and immediate possession to the purchaser of any property upon the payment of the purchase price thereon, at the conclusion of such auction sale;

(g) To substitute any article in lieu of the article offered to and purchased by the bidder, except with the bidder's knowledge and consent;

(h) To sell or offer for sale at public auction any property whatsoever without having a valid and unrevoked license therefor, as required by this Division.

SEC. ~~35.0811~~ 33.0811 EXEMPTIONS

Nothing contained in this Division shall apply to any sale made upon the execution or by virtue of any process issued by a court, nor to any sale made by any public officer in his official capacity required to be made under the laws of the United States or the State of California, or under the Charter of The City of San Diego, nor to any sale of property by any social organization for the purpose of raising funds to promote or further its objects, or for

any public purpose whatsoever; or any sale conducted under the provisions of the Uniform Warehouse Receipts Act; nor any sale made under a nonstatuatory assignment for the benefit of creditors generally, which sale shall be conducted by a licensed auctioneer licensed pursuant to this Division where said sale is limited to the stock in trade and fixtures on the premises in the City of San Diego at the time of said assignment and where said sale is held on said premises.

DIVISION - 9

AUTO WRECKER

SEC. 33.0901 DEFINITIONS

For the purpose of this ordinance, an automobile wrecker is any person engaged in the purchasing of motor vehicles or used motor vehicle parts, or used motor vehicle motors, for the purpose of wrecking and salvaging of parts, metals, tires and accessories, for resale; and any person who has dismantled three (3) or more motor vehicles for the above purpose, during any one calendar year, shall be classed as an automobile wrecker.

SEC. 33.0902 RECORDS REQUIRED - CONTENTS

Every automobile wrecker shall keep a record of the purchase, consignment, sales or exchange of each and every motor vehicle purchased, sold, dismantled, or exchanged by him or them, which record shall contain the name and address of the person from whom purchased or received, the mak, state license number, motor number, serial number and style of any used motor vehicle purchased or received; and said record shall at all times be open to the inspection of the Chief of Police or any peace officer.

SEC. 33.0903 REGULATIONS - GENERAL

It shall be unlawful for any person to engage in the business of an automobile wrecker, unless such business is carried on, maintained or conducted in compliance with the following regulations:

SEC. 33.0903.1 REGULATIONS - ENCLOSED PREMISES

That such business shall be carried on, maintained

or conducted entirely inside an enclosed building or buildings, unless the premises on which such business is carried on, maintained or conducted shall be entirely enclosed by a solid fence or wall at least six (6) feet in height and constructed according to the requirements of the building code of said city.

SEC. 33.0903.2 REGULATIONS - MAINTENANCE OF FENCES

That such fence or wall shall be maintained in a neat, substantial, safe condition and shall be painted.

SEC. 33.0903.3 REGULATIONS - SIGNS

Every auto wrecker must display a sign in letters of not less than six (6) inches in height, said sign to be placed in a conspicuous place, and the same must be legible for fifty (50) feet, and said sign must give the name of the person authorized by the state law and the city ordinance to conduct the business of an automobile wrecker. Provided, however, that no sign, picture, transparency, advertisement or mechanical device which is used for the purpose of, or which does advertise or bring to notice any person or persons or article or articles of merchandise or any business or profession or anything that is to be or has been sold, bartered or given away, shall be placed, or caused to be maintained, upon the outward face of such fence or wall; except that the business carried on, maintained or conducted within such fence or walled enclosure may be advertised by use of a space not exceeding six (6) feet in height and fifteen (15) feet in length on each side of such enclosure.

SEC. 33.0903.4 REGULATIONS - GATES

Gates for access to the premises shall swing inwardly, and such gates shall be kept closed when the premises are not open for business.

SEC. 33.0903.5 REGULATIONS - HEIGHT OF PILES

That no automobile salvaged parts, metals, tires and/or accessories shall be piled, or permitted to be piled, in excess of the height of the enclosing fence or wall or nearer than two (2) feet thereto.

SEC. 33.0903.6 REGULATIONS - INFLAMMABLE LIQUIDS

That all gas, oil or other inflammable liquid shall be drained and removed from any unregistered motor vehicle located thereon.

SEC. 33.0903.7 REGULATIONS - ACCESS FOR INSPECTION

That the premises shall be so arranged that reasonable inspection or access to all parts of the premises can be had at any time by the proper fire, health, police and building authorities.

SEC. 33.0903.8 LICENSE - COMPLIANCE WITH REGULATIONS

That no license shall hereafter be issued until the Department of Inspection of said City shall have reported to the Chief of Police that the provisions of this Division have been complied with.

SEC. 33.0904 DISMANTLING FOR SALVAGE PROHIBITED WITHOUT PERMIT

It shall be unlawful for any person, other than a licensed automobile wrecker, to dismantle or wreck any motor vehicle for salvage purposes without first obtaining from the Chief of Police a permit; said permit to show a

clear title, free from all encumbrances and containing the legal owner's name and address, the make, model and number, and serial number, and shall specify the number and size of tires and extra equipment such as spotlights and bumbers.

The Chief of Police shall require a fee of One Dollar ($1.00) for each permit and the permit so issued shall apply only for the vehicle for which it is issued, and on the issuance of three (3) permits to any person within any one calendar year, it shall become mandatory upon such person to obtain an automobile wrecker's license; provided, however, that used motor vehicle dealers properly licensed as such by the State of California or the City of San Diego may secure additional permits to dismantle and wreck motor vehicles for their own use and convenience, such salvaged merchandise not to be sold or offered for sale as used parts. Provided, further, that public garages may secure additional permits to dismantle or wreck, titles to which have been secured through a "mechanics lien."(State law, section No. 305-2 of Calif. Code of Civil Procedure). Provided, further, that properly enfranchised new car dealers, licensed as such by the State of California, may secure additional permits to dismantle or wreck vehicles for their own use or convenience.

DIVISION - 10

SALES - ADVERTISING

SEC. 33.1001 DEFINITIONS

(a) RETAIL MERCHANDISE BUSINESS

For the purpose of this ordinance a retail merchandise business is defined to be a business where the proprietor sells goods, wares and merchandise to the public in smaller quantities than he buys .

(b) FAKE SALE

A fake sale for the purpose of this ordinance is hereby defined to be:

(1) The sale of goods, wares or merchandise, or the offering of goods, wares or merchandise for sale in limited quantity or quantities of less than the full amount of such merchandise owned or carried in stock by the person, firm or corporation offering the same for sale;

(2) The sale or offering for sale of goods, wares or merchandise of a different quality, brand, and/or bearing a different trade-mark as a substitute for the merchandise which had been previously advertised for sale for the particular day on which said substitution is proposed or effected;

(3) The sale or offering for sale of any goods, wares or merchandise misrepresented as to quantity, quality, brand or otherwise;

(4) The sale or offering for sale of any goods, wares or merchandise, which is contingent on the concurrent purchase or sale of any other article or articles of a different nature, quality or brand.

SEC. 33.1002 EXCEPTIONS TO PROVISIONS

The provisions ~~No provision~~ of this Division excepting Section 33.1003 shall ~~shall~~ not be applicable to trustees in bankruptcy, executors, administrators, receivers, or public officials acting under judicial process.

SEC. 33.1003 FAKE SALES PROHIBITED

That it shall be unlawful for any person, firm or corporation engaged in the retail merchandise business to conduct, maintain, operate at retail, or advertise any fake sale of goods, wares or merchandise within the City of San Diego.

SEC. 33.1004 ~~BRANRUPTCY~~ BANKRUPTCY, CREDITOR'S SALE - INVENTORY REQUIRED

Whenever any person desires to advertise, represent, or hold or conduct any sale of goods, wares or merchandise that is to be advertised or represented as a whole or part of goods, wares or merchandise from a bankruptcy, insolvency, assignees, adjuster's, trustee's creditor's, executor's liquidator's, administrator's, receiver's, or other apparent body of creditor's sale, such person shall first file with the Chief of Police of the City of San Diego, an inventory of the goods, wares or merchandise to be sold, and a statement showing the name of the person from whom the goods, wares or merchandise were obtained. The inventory required shall contain a complete and accurate list of the stock of goods, wares or merchandise to be sold, together with the wholesale prices thereof.

SEC. 33.1004.1 SALE MERCHANDISE REQUIRED TO BE INCLUDED IN INVENTORY

It shall be unlawful to sell, offer or expose for sale or advertise for sale or to include in such inventory herein provided for any goods, wares or merchandise which are not an actual part of the stock of goods, wares or

merchandise obtained from the bankrupt, insolvent, assignee, adjuster, trustee, creditor, exedutor, liquidator, administrator, receiver, or other apparent body of creditors, or to make any replenishments or additions to such stock for the purpose of such sale, and it shall be unlawful for any such person at any such sale to sell goods, wares or merchandise not specifically described in such inventory.

SEC. 33.1006 "CLOSING OUT" SALE - INVENTORY REQUIRED

Whenever any person desires to advertise, represent or hold or conduct any sale of goods, wares or merchandise that is to be advertised or represented as a "Closing Out Sale", a "Going Out of Business Sale", a "Quitting Business Sale", or a sale designated in any manner by which it is represented that the business of such person is being terminated or closed out, such person shall file with the Chief of Police of The City of San Diego, an inventory of the goods, wares or merchandise to be sold. The inventory required shall contain a complete and accurate list of the stock of goods, wares or merchandise to be sold, together with their wholesale price.

SEC. 33.1006.1 SALE MERCHANDISE REQUIRED TO BE INCLUDED IN INVENTORY:

It shall be unlawful to sell, offer or expose for sale or to include in such inventory herein provided for, any goods, wares or merchandise which are not an actual part of the original stock of goods of the applicant, and it shall be unlawful to make any replenishments or additions to such stock for the purpose of such sale, and it shall be unlawful for any person at any such sale to sell any goods, wares or merchandise not specifically

described in such inventory, and it shall be unlawful to hold or conduct a "closing out sale", a "going out of business sale", a "quitting business sale", or a sale designated in any manner by which it is represented that the business of such person is being terminated or closed out, for a longer period than sixty (60) days, provided however, that in the event a longer time is necessary or required, the Council may grant an additional thirty (30) days upon sufficient showing of said necessity.

unlawful for any person at any such sale to sell any goods, wares or merchandise not specifically described in such inventory.

SEC. 33.1007 SALES OF MERCHANDISE - REQUIREMENTS FOR ADVERTISING

No person, engaged in the business of selling goods, wares and merchandise, as principal, agent or otherwise, shall advertise the sale of such goods, wares or merchandise in any newspaper, periodical, magazine or in or upon any advertising medium within the City of San Diego, unless it shall be stated in such advertisement of the sale of such goods, wares or merchandise, that such persons, so advertising the sale of such goods, wares or merchandise, is a dealer in the same, or unless it is stated in such advertisement that such person is engaged in the business of selling such goods, wares, or merchandise, or unless the word "Dealer" is used conspicuously in such advertisement in reference to such person advertising the sale of such goods, wares or merchandise; provided, however, that the advertisement of the sale of any goods, wares or merchandise in any advertising medium in such form or with such display as to prices, quality and description of such goods, wares or merchandise and the character of the business engaged in as to make it apparent therefrom that such person thus advertising the sale of such goods, wares or merchandise, is actually engaged in such sale as a business, shall be deemed a sufficient compliance with this Division.

SEC. 33.1008 SEARCHLIGHT ADVERTISING - CERTIFICATE OF ELECTRICAL INSPECTION

Every person conducting, managing, or carrying on the business of advertising by means of any searchlight or searchlights, shall be required, as a prerequisite to the granting of a City license, to obtain from the Electrical Inspection Department of the City of San Diego, certification that all equipment used and the operator or operators of such equipment, meet all requirements of the provisions of the Electrical Code of the City of San Diego.

SEC. 33.1008.1 REVOCATION OF LICENSE WHERE NO INSPECTION

The use of any equipment which has not been inspected and approved or the employment of any operator who has not qualified, in accordance with the provisions of the Electrical Code, shall be cause for revocation of any city license issued hereunder.

DIVISION - 11

JUNK DEALER, JUNK COLLECTOR, SECONDHAND DEALER,

PAWN BROKER

SEC. 33.1101 RECORDS REQUIRED - REPORTS REQUIRED

All junk dealers, pawn brokers, and dealers in secondhand articles of every kind, nature or description shall keep a record of any and all articles by such person acquired by purchase, pledge or otherwise which record shall at all times during ordinary business hours be open to inspection by any police officer of said City; and such City; and such person shall, in addition to keeping such record, daily deliver to the Chief of Police, upon blank forms of type and content which shall be approved by the Chief of Police for that purpose and setting forth a full, true and complete report of all such previously named articles acquired by purchase, pledge or otherwise, by such persons during the entire calendar day preceding such report, together with the hour of the day at which and a reasonable description and true name of the person from whom such article was so acquired, as accurately as can be obtained by the person making such report.

SEC. 33.1102 USE OF FICTITIOUS NAME PROHIBITED

It shall be unlawful for any person to sign or give fictitious name or address upon the deposit, sale or pledge of any goods, wares, merchandise or a thing of value, or for use in the report form required to be made by the provisions of this ordinance or for use in the register required to be kept by the provisions of Section 339 of the Penal Code.

Any such report made, delivered or received pursuant to this ordiannce shall be open only to the inspection of the Police Department of said City, unless exhibited by order of court of competent jurisdiction.

SEC. 33.1103 RECORDS OF LOANS

All money lenders shall keep a record of all loans made by them, which shall be at all times during ordinary business hours be open to inspection by any police officer of said City. Such record shall contain the names and addresses of all persons to whom loans are made, and reasonable description of such persons, the amounts of money loaned, and the length of time during which such loan is to continue, and the rate of interest exacted for such loans.

SEC. 33.1104 DISPOSAL OF MERCHANDISE - REGULATIONS

It shall be unlawful for any pawnbroker, secondhand dealer, junk dealer or junk collector to sell or otherwise dispose of any article, merchandise, or thing within thirty (30) days, except to the pledgor, after the same has been received or purchased or to fail to keep such article, merchandise or thing unaltered, as pledged or purchased, in lots separate and apart from other articles, merchandise or things in the place of business of such pawnbroker, secondhand dealer, junk dealer or junk collector, for a period of thirty (30) days from the date of pledge or purchase thereof, except upon the approval of the Chief of Police of The City of San Diego.

SEC. 33.1105 JUNK YARD - REGULATIONS

It shall be unlawful for any person to carry on, maintain or conduct a junk yard or to deal in second-hand articles in the City of San Diego, unless such business is carried on, maintained or conducted in compliance with the following regulations:

(a) That such business shall be carried on, maintained or conducted entirely inside an enclosed building or buildings, unless the premises on which such business is carried on, maintained or conducted shall be entirely enclosed by a solid fence or wall at least six (6) feet in height and constructed according to the requirements of the Building Code of said City.

(b) That such fence or wall shall be maintained in a neat, substantial, safe condition and shall be painted.

(c) No sign, picture, transparency, advertisement or mechanical device which is used for the purpose of, or which does advertise or bring to notice any person or persons, or article or articles of merchandise, or any business or profession, or anything that is to be or has been sold, bartered or given away, shall be placed, or caused to be placed or to be maintained, or caused to be maintained, upon the outward face of such fence or wall; except that the business carried on, maintained or conducted within such fenced or walled enclosure may be advertised by use of a space not exceeding six (6) feet in height and fifteen (15) feet in length on each side of such enclosure.

(d) Gates for access to the premises shall swing

inwardly, and such gates shall be kept closed when the premises are not open for business.

(e) That no junk or second hand article shall be piled, or permitted to be piled, in excess of the height of the enclosing fence or wall or nearer than two (2) feet thereto.

(f) That all gas, oil, or other inflammable liquid shall be drained and removed from any unregistered motor vehicle located thereon.

(g) That the premises shall be so arranged that reasonalbe inspection or access to all parts of the premises can be had at any time by the proper fire, health, police and building authorities.

(h) That no license shall hereafter be issued unless and until the Department of Inspection of said City shall have reported to the Chief of Police that the provisions of this Division have been complied with.

SEC. 33.1106 PAWNBROKERS, SECONDHAND DEALERS - REGULATIONS

It shall be unlawful for any person conducting, managing or carrying on the business of pawnbroker or secondhand dealer buying or selling used jewelry, watches, diamonds, clothing, musical instruments, luggage and sports goods, except a dealer in secondhand automobiles, furniture and/or junk, to conduct such business as follows:

(a) Between the hours of 8:00 o'clock P.M. and 8:00 o'clock A.M., on week days, except Saturday, provided, however, that between December 5th and December 24th, both inclusive a place of business may be permitted to remain open until 9:00 o'clock P.M.

(b) Between the hours of 9:00 o'clock P.M., on Saturday and 8:00 o'clock A.M. on Monday.

(c) On the following holidays: The first of January, thirtieth day of May, fourth day of July, first Monday in September, Thanksgiving Day as appointed by the President of the United States or the Governor of this State, and the twenty-fifth day of December.

(d) Unless the owner and operator be a bona fide resident of the City of San Diego for at least one year, prior to the granting of the license for pawnshop or secondhand dealers.

DIVISION - 12

LOTTERIES - RAFFLES

SEC. 33.1201 LOTTERIES, GAMBLING DEVICES, PROHIBITED

If in the opinion of the Chief of Police, any punch board for which a license application has been filed is designed, used or understood or intended to be used as a lottery or gambling device, the Chief of Police shall deny such application.

SEC. 33.1202 RAFFLES, LOTTERY - MERCHANDISE GIVEN AWAY - BUSINESS LICENSE APPLICATION DENIED

Every person conducting, managing or carrying on a business, either as principal, agent, servant or employee for the purpose of sale of goods, wares or merchandise, of any kind or character on the installment plan, where any money, goods, wares or merchandise are given away by raffle or by means similar to a lottery, except that no consideration is paid or need be paid for the share or chance upon said raffle, shall be subject to the following conditions;

That if in the opinion of the Chief of Police, any such business for which a license application has been filed hereunder, may be conducted in such a manner as to constitute a lottery or gambling operation, the Chief of Police shall deny such application.

DIVISION - 13

USED CAR DEALER

SEC. 33.1301 DEFINITION

A used car dealer is defined to be a person engaged in, conducting, managing, or carrying on the business or buying, selling, or offering for sale, consigning to be sold, or otherwise dealing in used motor vehicles (except bicycles), as the term "motor vehicle" is defined in the Motor Vehicle Code of the State of California.

SEC. 33.1302 USED CAR DEALER - LICENSE REQUIRED

It shall be unlawful for any person to engage in the business of a used car dealer without first having received a license from The City of San Diego. Such license shall be separate from and in addition to any other license required for conducting a business in said city.

SEC. 33.1302.1 CONDITIONS UPON GRANTING OF LICENSE

The granting of a license shall be subject to the following requirements:

(a) There shall be filed by the applicant with the City Clerk of the City of San Diego at the time of filing said application, a bond running to the City of San Diego executed and acknowledged by the applicant as principal, and by a corporation which is licensed by the Insurance Commissioner of this State to transact the business of fidenity and surety insurance, and no license or permit shall be granted to any person until a bond has been given in form as provided herein. Said bond must be joint and several and the penalty thereof must be One

Thousand Dollars (1,000.00) and must be conditioned to be paid to the said City of San Diego, and any person, firm or corporation, insuring them against any loss or damage that may result to any person, firm or corporation from any transaction involving a used motor vehicle by the dealer through failure to deliver a clear title to any person, firm or corporation legally entitled thereto within thrity (30) days after final payment has been made. Said bond shall not be void upon the first recovery but may be sued and recovered upon from time to time by any person aggrieved, until the whole penalty is exhausted. Before any such bond may be accepted for filing it must bear the approval of the City Manager and City Attorney.

(b) A statement signed by the applicant showing that said applicant is to conduct his business at a fixed place, where used motor vehicles are and will be displayed for sale.

(c) Every used car dealer must, at the time of filing his original application for a city license, submit proof that a State license has been issued to him to operate or conduct such business.

(d) The Chief of Police is hereby designated as the investigating official to proceed as hereinbefore provided for in this Chapter. Upon demand each applicant shall furnish his fingerprints and photograph to the Chief of Police.

SEC. 33.1303 USED CAR DEALERS - ESTABLISHED PLACE OF BUSINESS - BRANCHES

It shall be unlawful for any person to operate or conduct the business of a used car dealer, or to sell any used motor vehicle, from any place other than a fixed or established place of business, for which a license has been granted under the provisions of this Division, except that nothing in this Division shall prevent a used car dealer, or his authorized agent or representative, from offering for sale at wholesale, used motor vehicles to other used car dealers at their respective places of business.

Any used car dealer having at least one place of business may secure a license for any additional locations by filing an application for a branch establishment without furnishing an additional bond, but such branch shall remain subject to other provisions of this Division. Only one person may conduct a used car dealer's business at any particular established place of business, unless any other person desiring to conduct a business at the same location has also received a license from the City of San Diego.

SEC. 33.1304 USED CAR DEALER - RECORDS REQUIRED

Every used car dealer shall keep a record of the purchase, consignments, sales or exchanges of each and every motor vehicle, purchased, sold, consigned to be sold or exchanged by him or them, which record shall contain the anem and address of the person from whom purchased or received, the make, State license number, motor number, serial number and style of any used motor vehicle so purchased or received.

SEC. 33.1305 USED CAR DEALER - SIGN REQUIRED

Every dealer in used cars must display a sign in letters of not less than six (6) inches in height, said sign to be placed in a conspicuous place on the premises, and the same must be legible for fifty (50) feet, and said sign must give the name of the person authorized by this Division to conduct the business of a used car dealer.

SEC. 33.1306 RESPONSIBILITY FOR AGENTS AND EMPLOYEES

Every person operating under the provisions of this Division shall be held strictly responsible for the conduct of his employees insofar as the sales or purchases of used automobiles or motor vehicles are concerned; it shall be his duty to see that no used automobiles or motor vehicles are sold or purchased by any person, other than himself or his agent or agents.

SEC. 33.1307 ADVERTISING REGULATED

It shall be unlawful for any used car dealer to advertise in any newspaper; or through any other medium that he has for sale any automobile, which automobile is not actually for sale at the premises at the time the advertisement is inserted in the newspaper or medium and it shall be unlawful for any person not to discontinue the advertisement of any automobile within three (3) days after the selling of the same. The record and books of all used car dealers shall be open to the authorized representatives of The City of San Diego to determine whether or not any used car dealer has unlawfully advertised for sale cars which are not actually for sale at his premises at the time the advertisement of such vehicle is inserted in the newspaper or medium.

DIVISION - 14

SOLICITORS - PEDDLERS

SEC. 33.1401 DEFINITIONS

For the purposes of this Division the term "solicitor" shall be construed to mean all persons, both principal or agent, who go from house to house, or to only one house, or upon any street, sidewalk, alley, plaza, or in any park or public place in the City of San Diego, soliciting either by sample or otherwise the sale of goods, wares, merchandise, services, magazines, periodicals, or other publications, or subscriptions for the same, regularly published newspapers excepted, for themselves or for firms which do or do not have an established place of business in the City of San Diego and who offer to or distribute to any person any coupon, certificate, ticket or card which is redeemable in goods, wares, merchandise or services.

SEC. 33.1402 SOLICITORS, PEDDLERS - REGISTRATION AND IDENTIFICATION REQUIRED

All persons operating as solicitors, peddlers, hawkers, salesmen, or vendors of goods, wares, merchandise, services, magazines, periodicals or other publications, or subscriptions for the same, regularly published newspapers excepted, who go from house to house, or to only one house, or upon any street, sidewalk, alley, plaza, or in any park or public place in the City of San Diego, are hereby required to register with the Police Department of the City of San Diego and to obtain an identification card showing such

registration.

SEC. 33.1403 SOLICITORS, PEDDLERS ~~PHOTOGRAPHS~~ PHOTOGRAPHS AND FINGER-PRINTS REQUIRED

Applicants for Police registration cards under the terms of this Division may be required:

(a) To furnish two satisfactory ~~photographs~~ photographs of the applicant, one to be attached to applicant's registration card, and the other to be retained by the Police Department.

(b) To file their fingerprint identification with the Police Department.

SEC. 33.1404 AGENTS OF FIRMS IN INTERSTATE COMMERCE - REGISTRATION REQUIRED.

Persons engaged in, or acting as agents for firms operating under Interstate Commerce shall be required to register as herein provided and shall be issued a license without tax, upon satisfactory evidence of such method of operation, which bears the approval of the City ~~Treasurer~~ Treasurer and City Attorney.

SEC. 33.1405 COMPLIANCE WITH REQUIREMENTS - ISSUANCE OF REGISTRATION CARD

Registration cards shall be given without charge to all applicants who have complied with Section 33.1403 of this Division, unless at the discretion of the Chief of Police any such applicant be deemed not to be a proper person to be permitted to go from house to house or upon any street or in any park or public place, or unless the proposed sales proposition shall include some element

of trickery, fraud or deceit, in which case, in the interest of public sagety and protection, the applicant shall not be registered, or license issued.

SEC. 33.1406 FIXED LOCATION

No license shall be issued, or any registration permit granted to any person to occupy for private purposes any part of any public street, sidewalk, alley or other public place unless such person shall file with the City Treasurer the written consent of the person in possession of the real property abutting upon the proposed fixed location of the business, vehicle, stand, or other object contemplated by the person desiring such license or permit.

SEC. 33.1407 SOLICITING, PEDDLING PORHIBITED IN CERTAIN AREAS

Notwithstanding any of the provisions of this Division, it shall be unlawful for any person, either as principal or agent, to solicit, peddle, hawk, or sell or vend any goods, wares or merchandise, services, magazines, periodicals, or other publications, or subscriptions for the same, regularly published newspapers excepted, or offer to, or distribute to any person, any coupon, certificate, ticket or card which is redeemable in goods, wares, merchandise or services upon any street, sidewalk, alley, plaza, or in any park or public place within the following limits of the City of San Diego, to-wit:

(a) That territory lying west of the east line of 12th Street between the south line of "F" Street and the north line of "B" Street, extending westerly to San Diego

Bay; and that territory lying south of the south line of "F" Street, between the west line of 4th Street and the east line of 6th Street, extending southerly to San Diego Bay.

That portion west of Prospect Street between Cuvier Avenue and Cave Street;

Provided, however, that upon application the City Council may grant permist therefor upon such terms and conditions as it may require.

DIVISION - 15

CABARETS - DANCE HALLS

SEC. 33.1501 CABARET - LICENSE INVESTIGATION

Upon receipt of each application for a license to operate a cabaret, it shall be the duty of the City Manager of the City of San Diego to conduct such investigation as he may deem necessary to determine the truth of the matters set forth in the application, the character of the applicant, the character of the premises proposed to be occupied, and any other matters which the City Manager, or City Council, may deem pertinent or essential for the protection of the public welfare of the community.

Upon completion of the investigation, the City Manager shall report the result of such investigation to the City Council and shall specifically recommend to the City Council the approval or denial of the application.

SEC. 33.1501.1 CABARET - CITY COUNCIL GRANTS OR DENIES LICENSE

The Council shall, after receipt of the recommendation of the City Manager, by resolution, allow or disallow the license. The Council shall have the power to deny any application if it shall determine that the applicant, or the person who is to have direct management of the premises, is not a suitable or proper person to carry on the business for which a license is sought, or if the premises proposed to be used in the conduct of the business shall be deemed not to be a suitable or proper place therefor.

Upon the denial of any application, the sum of Ten Dollars ($10.00) shall be retained by the City of San Diego to cover the costs of investigation.

SEC. 33.1501.2 CABARET - ENTERTAINMENT REGULATED

It shall be unlawful for the owner, proprietor, manager, person in charge, or any employee of a place licensed under the provisions of this Chapter, to harbor, admit or receive, or to allow or permit in such place, any entertainment except that which is furnished by the person or persons who own and operate the business conducted at such place, and such entertainment must be only upon a stage, platform or dance floor; and the patrons, guests or customers shall at all times be excluded from such stage, platform or dance floor, during the progress of an entertainment. The owner, proprietor, manager or person in charge of any place licensed under the provisions of this Chapter shall provide a reasonable passageway through any part of the room used by customers, guests or patrons, for the ingress and egress of the entertainers to the stage, platform or dance floor where such entertainment is being presented. It shall be unlawful for any paid entertainers to mingle with the patrons, guests or customers of such establishments during the period of time they are employed.

SEC. 33.1501.3 CABARET - ENTERTAINERS - ADULTS OF GOOD MORAL CHARACTER

It shall be unlawful for the owner, proprietor, manager

or person in charge of a place licensed under the provisions of this Chapter to employ as entertainers in such place any person who is not at least twenty-one (21) years of age, and of good moral character.

SEC. 33.1501.4 CABARET - EMPLOYEES PROHIBITED FROM CERTAIN ACTS

It is hereby declared to be unlawful for any employee, concessionaire, or employee of any concessionaire to dance or drink with, or otherwise entertain patrons, guests, or customers in any place licensed under the provisions of this Chapter, except in the manner lawfully contracted for, under the provisions of this Chapter.

SEC. 33.1501.5 CABARET - EMPLOYEES PROHIBITED FROM ASSOCIATING WITH PATRONS

It is also declared to be unlawful for any employee provided for in this Division to leave the cabaret where he or she may be employed, or to in any way associate with any guest, patron or customer of said cabaret during the hours of employment; nothing herein contained shall be construed, however, to prevent any employee of a place licensed under the provisions of this Chapter from selling or serving food or drink to a customer, patron or guest of said place.

SEC. 33.1501.6 CABARET ACCESS TO PEACE OFFICER

Any peace officer of the City of San Diego or of the State of California, or any officer or official of the United States Government charged with the duty of enforcing police laws of the United States Government,

shall have free access at all times to any establishments as provided for herein, and said place licensed under the provisions of this Chapter , shall be closed at any time upon the order of the Chief of Police of The City of San Diego, good cause appearing therefor.

SEC. 33.1501.7 MINORS PROHIBITED

It shall be unlawful for any person conducting, managing, operating or maintaining any establishment licensed under the provisions of this Chapter, or any employee thereof, to harbor, admit, receive or to permit to be or remain in or about such place any person under the age of twenty-one (21) years, not accompanied by his or her parent or legal guardian; and it shall be unlawful for any person to falsely represent, state or declare in any establishment licensed hereunder that he or she is of the age of twenty-one (21) years; and it shall be unlawful for any person under the age of twenty-one (21) years to demand, order, request, use or consume or permit himself or herself to be served with any spirituous, malt, vinous, or other alcoholic veverage in any such place.

It shall be unlawful for any person, under the age of twenty-one (21) years to falsely represent, state or declare that said person is of the age of twenty-one (21) years or over, or for any parent, guardian, or any person to aid and abet in such false representation, in order for said minor to obtain employment in any establishment licensed hereunder.

SEC. 33.1501.8 LEWD OR DISSOLUTE PERSONS PROHIBITED

It shall be unlawful for any person conducting, managing, operating or maintaining any establishment licensed under the provisions of this Chapter, or any employee thereof, to harbor admit or receive or to permit to be or remain in or about such place, any lewd or dissolute person of either sex, any intoxicated or boisterous person or any person under the influence of intoxicating liquors, or any person whose conduct while present in said place tends to create a voloation of any of the provisions of this Code or of any of the laws of this City or the State of California, or which tends in any way to corrupt the good morals of any person or persons attending said cabaret, or in any way interferes with the proper management or control of such cabaret.

SEC. 33.1501.9 NOTICES POSTED

The Chief of Police shall furnish and cause to be furnished, printed notices containing a summary or synopsis of the provisions of this Division to the proprietors or managers of every place licensed under the provisions of this Chapter. Said notices shall be printed in type of not less than twelve point in size, and it shall be the duty of the owner, proprietor and person having the charge and control of said place to post one of said notices in each ladies' dressing-room and one in each gentlemen's dressing-room where patrons are admitted; one in each male intertainers' room and one in each female entertainers' room.

SEC. 33.1501.10 OPERATION WITHOUT NOTICES POSTED PROHIBITED

It is hereby declared to be unlawful for any place licensed under the provisions of this Chapter, to be open or to remain open for use of the public, unless said notices are kept posted as herein provided. It shall be considered a violation of this Section for a proprietor, owner or manager, or person having the charge of said business, to refuse to immediately replace any notice therin provided for, upon demand of any peace officer of the City of San Diego, or State of California.

SEC. 33.1501.11 INSPECTION BY SOCIAL WELFARE DIRECTOR

It shall be the duty of the Director of Social Welfare to make, or cause to be made, regular inspections of all cabarets licensed under the provisions of this Chapter.

SEC. 33.1501.12 CABARET - CLOSING HOURS

All cabarets shall be closed and the place cleared of its guests and patrons at or before the hour of 2:00 o'clock a.m.

SEC. 33.1501.13 ADEQUATE LIGHTING REQUIRED

All places licensed under the provisions of this Chapter shall be adequately lighted during the hours such places are open and entertaining guests.

SEC. 33.1501.14 LEWD, SUGGESTIVE ENTERTAINMENT PROHIBITED

No entertainment shall be given in any cabaret in the City of San Diego of a lewd, suggestive, vulgar or immoral type. Entertainers shall not use objectionable or obscene language, and shall not sing songs of lewd, obscene or of a vulgar character.

SEC. 33.1520 DEFINITIONS - PUBLIC DANCE HALL

For the purposes of this Section, a public dance hall is hereby defined as a place where any dance is conducted in any public hall or place as a business for profit, and which is operated continuously or for a greater portion of the time, or at all, as a business for profit, whether the admission be charged at the door, or by the sale of tickets, or by any other method whatsoever.

SEC. 33.1520.1 PUBLIC DANCE - APPROVAL OF APPLICATION REQUIRED

No person or persons owning, having in charge or under their control, any hall, room or place, shall permit or allow any public dance in said room, hall or place until an application for a city license shall have been approved in the manner provided in this Division.

SEC. 33.1520.2 CONTENTS OF APPLICATION

Each application for a city license to conduct a public dance or public dance hall shall state the name of the applicant, the place where the said dance is to be conducted, the hours during which it is to be conducted, and shall distinctly state whether said application is made to conduct a single dance, a series of dances, or for a specific period of time in which dances may be held.

SEC. 33.1520.3 INVESTIGATION REQUIRED

Upon receipt of each application to conduct the business of a public dance, or public dance hall, it shall be the duty of the City Manager of The City of San Diego to conduct such investigation as he may deem necessary

to determine the truth of the matters set forth in the application, the character of the applicant, the character of the premises proposed to be occupied, and any other matters which the City Manager may deem pertinent or essential for the public welfare of the community.

SEC. 33.1520.4 FREE ACCESS TO PEACE OFFICERS

Any peace officer of the City of San Diego, or of the State of California, or any officer of the United States Government charged with the duty of enforcing the public laws of the United States Government, shall have free access at all times to any dance hall licensed under the provisions of this Chapter.

SEC. ~~33.1420.5~~ 33.1520.5 HARBORING MINORS, DRUNKS, DISSOLUTES PROHIBITED

It shall be unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this Chapter, or for any employee of said place to harbor, receive or permit to be or remain in or about such place, any minor under the age of seventeen (17) years, unless accompanied by a parent or legal guardian; any lewd or dissolute person of either sex; any drunken or boisterous person, or person under the influence of intoxicating liquors; or any person whose conduct while present in said place tends to create a violation of any of the provisions of this Code, or of any of the laws of the City of San Diego, or State of California, or which tends in any way to corrupt the good morals of a person or persons attending said dance halls, or in any way interferes with the porper management and control of said dance halls.

SEC. 33.1520.6 LOITERING BY MINORS, DRUNKS, DISSOLUTES PROHIBITED

It shall be unlawful for any of the following persons to be or remain in or about any place licensed under the provisions of this Chapter. Any minor under the age of seventeen (17) years, unless accompanied by a parent or legal guardian; any lewd or dissolute person of either sex; any drunken or boisterous person, or persons under the influence of intoxicating liquors; or any person whose conduct while present in said place tends to create a violation of any of the provisions of this Code, or of any of the laws of the City, or of the State of California, or which tends in any way to corrupt the good morals of any person or persons attending said dance halls, or in any way interferes with the proper management and control of said dance halls.

SEC. 33.1520.7 BOISTEROUS, VULGAR CONDUCT PROHIBITED

Boisterous conduct and profanity shall be prohibited in dance halls, and in the hallways leading thereto. No dance of any immoral or vulgar character shall be permitted in any dance hall, and no person shall be permitted to conduct himself or herself in a vulgar or improper manner in said place. No undue familiarity shall be permitted.

SEC. 33.1520.8 COMPLIANCE WITH LAWS AND REGULATIONS REQUIRED PRIOR TO LICENSING

No license shall be granted under the provisions of this Chapter unless the hall or place in which said dance shall be held shall conform to and comply with the laws and regulations of the City of San Diego.

SEC. 33.1520.9 PREMISES CLEAN, VENTILATED, ADEQUATELY LIGHTED

The holder of such license shall keep such dance hall in a clean, healthful and sanitary condition at all times, and have the stairways and other passages and all rooms and places connecting with such dance hall at all times open, adequately lighted and properly ventilated.

SEC. 33.1520.10 MATRON REQUIRED

Every person operating a public dance hall under the porvisions of this Division shall employ a regular matorn. It shall be the duty of the matron so appointed to see that all rules herein provided for are enforced.

SEC. 33.1520.11 EMPLOYMENT OF INSTRUCTORS

It shall be unlawful for any person licensed under the provisions of this Chapter to employ more than two teachers or instructors without first having made application and secured a permit from the Chief of Police to employ more. Such permit shall not be issued except upon a bona fide showing of the Chief of Police of the necessity for a larger number. Any person licensed under the provisions of this Chapter desiring to employ more than two teachers or instructors shall first make application to the Chief of Police who shall make such investigation as he may deem necessary. If satisfied of the necessity for such additional teachers or instructors the Chief of Police may issue a permit for such an additional number as he may deem necessary. Such persons so employed as teachers or instructors shall not be deemed to be dance partners under this Chapter.

SEC. 33.1520.12 DANCE PARTNERS PROHIBITED

It is hereby declared to be unlawful for any person who holds any license under the provisions of this Chapter to operate a public dance hall, their agent, representative or employees, to have, employ, furnish or keep in or about such place any person of either sex to act in the capacity of dance partners. It shall be unlawful for any person holding a license under this Chapter, their agents, representatives or employees, to engage, keep or employ on a salary, percentage or otherwise any such person of either sex to act as dance partners for the patrons of such place. It shall be unlawful for any person to be in or about such premises for the purpose of acting as dance partners with the patrons of such place for hire, on a salary, percentage or other method of employment.

SEC. 33.1520.13 MISREPRESENTATION OF AGE PROHIBITED

It shall be unlawful for any person to make any misrepresentation or false statements as to the age of himself or herself, or of any other person, for the purpose of obtaining admission of such person as to whose age such statement or representation is made.

SEC. 33.1520.14 SMOKING PROHIBITED ~~AT~~ AT DANCES

No person shall be permitted to smoke or carry in his hand a lighted cigar, cigarette or pipe in any public dance hall, or in the hallways leading to such dance hall at any time a dance is in progress or during the intermission therein; provided, however, that it shall not be unlawful to smoke in any smoking room connceted with said dance

hall; provided further, that where a dance floor is located on the ground floor and loges located upon the same floor are equipped with suitable smoking facilities, smoking may be permitted in such loges upon approval of the Chief of the Fire Department.

SEC. 33.1520.15 CLOSING HOURS

All public dance halls shall be closed and the places cleared of guests and patrons and employees on or before the hour of one o'clock a.m.; provided, however, that upon holidays and special occasions the closing hour may be fixed by resolution of the Council of the City of San Diego.

SEC. 33.1520.16 INSPECTIONS BY SOCIAL WELFARE DIRECTOR

It shall be the duty of the Director of Social Welfare to make, or cause to be made, regular inspections of all public dance halls licensed under the provisions of this ordinance.

SEC. 33.1530 DANCE HALL, PUBLIC, WITH LIQUOR - DEFINITIONS

For the purpose of this section, the term "Public Dance Hall" as used herein is defined to be any room, place or space, excepting a private residence or home, where dancing is permitted or carried on; and the term "Public Dance" as used herein is defined to be any dance not held or given in a private home or residence.

SEC. 33.1530.1 MINIMUM FLOOR SPACE

It shall be unlawful for any person, as principal, agent or otherwise, to carry on, maintain, or conduct, or assist in carrying on, maintenance, or conducting of

any public dance hall or public dance in connection with any business or at any place wherein alcoholic beverages are sold or served, in any room, place or space which does not contain a floor space allotted to dancing of at least four hundred (400) square feet; provided, however, if in any specific case, the City Manager shall recommend to the City Council, based upon the report and findings of the Chief of Police and Director of Social Welfare made after conducting the investigation hereinafter in this ordinance provided for, that the floor space allotted to dancing be less than four hundred (400) square feet, then and in that event, the Council may, in its discretion, by resolution adopted by a vote of not less than five members thereof, determine and declare the size of the area of floor space allotted to dancing that shall be required; but unless such a resolution shall be adopted no lesser area than four hundred (400) square feet shall be permitted; provided, further, that this section shall not be deemed to prohibit the conduct or maintenance of such public dance in any room, place or space wherein dancing is at the effective date of this Section authorized.

SEC. 33.1530.2 TRANSPORTATION OF ALCOHOLIC BEVERAGE BY PATRON PROHIBITED

It shall be unlawful for any patron, customer or visitor to bring, carry or transport into any room, place or space wherein dancing is permitted under the terms of this Division, during hours when dancing is actually being conducted

or carried on therein, any bottle or other container containing any alcoholic beverage.

SEC. 33.1530.3 PERMITTING PATRONS TO TRANSPORT ALCOHOLIC BEVERAGE PROHIBITED

It shall be unlawful for any person knowingly to permit any patron, customer or visitor to bring, carry on, transport into any room, place or space wherein dancing is permitted under the terms of this Division during hours when dancing is actually being conducted or carried on therein, any bottle or other container containing any alcoholic beverage.

SEC. 33.1530.4 DISTRIBUTION OF ALCOHOLIC BEVERAGES IN BOTTLES PROHIBITED - EXCEPTIONS

It shall be unlawful for any person, in any room, place or space wherein dancing is permitted under the terms of this Division, to sell, serve, give away or distribute, in bottles, any alcoholic beverage other than beer or wine.

SEC. 33.1530.5 PUBLIC DANCE HALL - LICENSES

There shall be issued by the City of San Diego in the manner and upon the terms and conditions hereinafter specified, five (5) types or classes of licenses to be known as Class "A", Class "B", Class "C", Class "D", and Class "E". For licensing purposes, premises or establishments whereon or wherein any public dance hall or public dance, within the meaning of this Division, is maintained, conducted, carried on or permitted, are hereby classified and required to be licensed as follows:

(a) A Class "A" license shall be required where there is daily or nightly dancing to orchestra music, and where the sale of alcoholic beverages equals or exceeds the sale of food.

(b) A Class "B" license shall be required where there is daily or nightly dancing, and the sale of food exceeds the sale of alcoholic beverages.

(c) A Class "C" license shall be required where there is dancing not to exceed three (3) days or nights in any calendar week.

(d) A Class "D" license shall be required where dancing is not regularly conducted, but only occurs occasionally or by special arrangement.

(e) A Class "E" license shall be required where dancing is conducted in a bona fide club; the term "club" is used herein being defined as meaning and including only corporations and associations created by competent authority, which are the owners, lessees or occupants of premises operated solely for objects of national, social, fraternal, patriotic, political or athletic nature, membership in which is by application, and for which regular dues are charged, and the advantages of which said club belong to all members, and the operation of which is not primarily for pecuniary gain.

SEC. 33.1530.6 APPLICATIONS FOR LICENSE - INVESTIGATION FEE

All applications for licenses to be issued hereunder shall be accompanied by an investigation fee in the sum

of Ten Dollars ($10.00). In the event the license is granted, the sum shall be applied on the first license fee payable. In the event such license is denied, said application fee shall be and become the property of the City of San Diego.

SEC. 33.1530.7 FORM OF APPLICATION

In addition to the application for a city license required by the City's General License Chapter, there shall be required, in duplicate, an application in writing in the form: APPLICATION FOR LICENSE TO CONDUCT PUBLIC DANCE ON PREMISES WHERE INTOXICATING LIQUOR IS SOLD No.....

San Diego, California

Name of Applicant:

(If applicant is a co-partnership, corporation or association, names of all partners, directors, trustees, etc., must be shown.)

Class of License:

(State whether "A", "B", "C", "D", or "E".)

Reasons:

(State facts upon which applicant bases his request for the class of license applied for.)

Address of particular place for which a license is desired:

Diagram giving dimensions of premises showing dimensions of floor for dancing; all entrances and exits and means of communication with other premises; all adjoining occupancies. State if basement, ground floor, second floor, etc.

Name of person to have direct management of premises;

Post Office address of applicant;

Post Office address of person to have direct management of premises;

Present business or occupation of applicant;

Present business or occupation of person to have direct management of premises;

Period of residence of applicant in the City of San Diego;

Period of residence of person to have direct management of premises in the City of San Diego;

Name of owner of premises upon which business licensed is to be carried on;

I declare,under penalty of a misdemeanor, that I have examined this application and know the contents thereof, that it is made in good faith for the purpose stated, and that to the best of my knowledge and belief all statements made herein and contained in each schedule, or statement attached and made a part hereof are true, correct, and complete and in accordance with laws and regulations applying thereto.

Date.....195.....

Signed.....

TITLE (owner, officer, agent, etc.)

Immediately upon receipt of any application for a license under the terms of this Division the copy of such application is to be delivered to the Chief of Police and one copy to the Director of Social Welfare, who shall proceed to investigate the truth of the matter set forth in said application; the character of the applicant; the character of the person to have direct management of the

premises; the character of the premises proposed to be licensed; the propreity of the use of such premises for the conduct of the business proposed to be licensed, and the general sentiment, regarding conduct of said business, of the private residents in the immediate vicinity of the premises proposed to be licensed.

SEC. 33.1530.9 REPORTS AND RECOMMENDATIONS

Within fifteen (15) days after the receipt of any such application, the Chief of Police and the Director of Social Welfare shall file with the City Manager a report in writing concerning the result of their investigations. Within five (5) days after the receipt of such report from the Chief of Police and Director of Social Welfare, the City Manager shall transmit such report to the City Council and shall specifically recommend to the Council the allowance or disallowance of the license applied for.

SEC. 33.1530.10 CITY COUNCIL GRANT OR DISALLOW LICENSE

The City Council shall, after receipt of the recommendation of the City Manager, by resolution, allow or disallow the license applied for. The Council shall have the power to deny any application if it shall determine that the applicant, or the person to have direct management of the premises, is not a suitable or proper person to carry on the business for which a license is sought, or if the premises proposed to be used in the conduct of the business to be licensed shall be deemed not to be a suitable or proper place therefor, or if the protests and objections of private residents in the immediate vicinity of the premises proposed to be licensed, or if the health,

welfare or public morals of the community warrants such denial.

SEC. 33.1530.11 MINORS PROHIBITED - EXCEPTIONS

It shall be unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this Division, or for any employee of such place, to harbor, admit, receive or permit to be on, or remain in or about such place during hours when dancing is actually being carried on, conducted or permitted, any person under the age of twenty-one (21) years, unless such person is accompanied by his or her parent, spouse or legal guardian; provided however, that the foregoing provisions shall not prohibit the entry of such personsinto any dining room located in or about premises occupied by a hotel or inn of sixty (60) rooms or more and actually maintained and operated as a bona fide part of such hotel business.

It shall be unlawful for any person under the age of twenty-one (21) years falsely to represent himself or herself as being of the age of twenty-one (21) years or more for the purpose of obtaining admission to any premises licensed under the provisions of this Division.

It shall be unlawful for any person under the age of twenty-one (21) years to falsely represent, state or declare that said person is of the age of twenty-one (21) years or over, or for any parent, guardian, or any person to aid and abet in such false representation, in order

for said minor to obtain employment in any establishment licensed hereunder.

SEC. 33.1530.12 DRUNKS AND IMMORAL PERSONS PROHIBITED

It shall be unlawful for the owner, proprietor, manager, or person in charge of any place licensed under the provisions of this ordinance, or for any employee of such place, to harbor, admit, receive, or permit to be on or remain in or about such place, any drunken or boisterous person, or any person whose presence or conduct tends to corrupt the morals of other persons present,or whose presence or conduct tends to create a violation of any of the provisions of this Division.

SEC. 33.1530.13 ADEQUATE LIGHTING REQUIRED

All places licensed under the provisions of this Division shall be adequately lighted during the hours such places are open and entertaining patrons.

SEC. 33.1530.14 INSPECTION BY SOCIAL WELFARE DIRECTOR

It shall be the duty of the Director of Social Welfare to make or cause to be made regular inspections of all public dance halls licensed under the provisions of this Division.

SEC. 33.1530.15 CLOSING HOURS

It shall be unlawful to provide or permit any music, dancing or entertainment in or about any premises licensed under the provisions of this Division between the hours of two o'clock A.M., and eleven o'clock A.M.

SEC. 33.1540 EMPLOYEES IN LIQUOR ESTABLISHMENTS - REGULATIONS

Every person conducting, operating or managing either as principal or agent, any cabaret or public dance hall where alcoholic beverages are dispensed or served, in the

City of San Diego, shall comply with the following conditions, covering the employment of persons in or about such establishment or premises.

SEC. 33.1540.1 FEMALE EMPLOYEES-~~COMPENSATION~~ ACTS PROHIBITED

It shall be unlawful for any person to procure, employ or permit any female employed in or about such establishment, whether such female be compensated by a straight salary or by any other mode of compensation, to drink or dance or associate with any patron of such establishment, or to consume in or about such premises any alcoholic beverage, or to draw, mix or prepare any drink of alcoholic beverage for sale or service in or about such premises.

SEC. 33.1540.2 FEMALE EMPLOYEES - PERCENTAGE COMPENSATION PROHIBITED

It shall be unlawful for any person to compensate any female employed in or about such establishment at a rate determined by a percentage of moneys received or sales made, or to permit any female so employed to be so compensated.

SEC. 33.1540.3 FEMALE EMPLOYEES - PERMITS REQUIRED

It shall be unlawful for any person to employ or permit to be employed in or about such establishment, either with or without salary, any female, unless such female shall have a permit from the Chief of Police of the City of San Diego authorizing such employment.

SEC. 33.1540.4 FEMALE EMPLOYEES - ACTS PROHIBITED WITHOUT PERMIT

It shall be unlawful for any female employed in any capacity in or about such establishment to consume in or about such premises any alcoholic beverage, to draw, mix or prepare any drink of alcoholic beverage for sale , or service in or about such premises, and no female shall accept employment in or act in any capacity in the operation or maintenance of such establishment, without first obtaining a permit from the Chief of Police of the City of San Diego, authorizing such employment.

SEC. 33.1550 SINGLE OCCASION DANCES - LICENSE REQUIRED

It shall be unlawful for any person to sponsor, conduct, manage or hold a public dance, to be held or given upon a single occasion only unless a license therefor shall have been applied for and issued in conformity with the provisions of this section. At least five (5) days prior to the date on which such dance is proposed to be held, written application shall be made for the issuance of a "Single Occasion Public Dance License," which application shall give the following information:

(a) The sponsor or sponsors of the proposed dance.

(b) The date and place at which, and the hours during which, the same is to be held.

(c) The name in which the license is desired.

(d) The person or persons to be directly in charge of the dance.

(e) The purposes for which the dance is to be held, and the disposition to be made of the proceeds.

(f) Whether alcoholic beverages are to be dispensed or served.

SEC. 33.1550.1 INVESTIGATION BY SOCIAL WELFARE DIRECTOR

Upon receipt of the application the Director of Social Welfare shall make such investigation as he may deem necessary. He shall approve or deny the application and shall notify the Chief of Police and City Treasurer of his denial or approval. Upon receipt of such approval and unless the Chief of Police shall have good cause for denying the application, and shall notify the City Treasurer of his denial, a "Single Occasion Public Dance License" may be issued to the applicant.

DIVISION - 16

AMUSEMENT ESTABLISHMENTS AND DEVICES

SEC. 33.1601 SHOOTING GALLERY - HOURS OF CLOSING

That is shall be unlawful for any shooting gallery in The City of San Diego to be open or kept open between the hours of 12 o'clock midnight on Saturday and 10 o'clock A.M. on Sunday, and between the hours of 11 o'clock P.M. on each and every day of the week other than Saturday, and 10 o'clock A.M. of the following day.

SEC. 33.1610 POOL ROOM, BILLIARD HALL - HOURS OF CLOSING

It is hereby declared to be unlawful for any person or persons owning or being in charge, as the agent or servant of the owner, of any pool room or billard hall, or the business conducted therein, in The City of San Diego, to keep or permit the same to remain open between the hours of 1:00 o'clock A.M. and 6:00 o'clock A.M.; provided, however, that if pool or billiard tables are kept in connection with another lawful business or pastime permitted by law to remain open until a later hour, said pool or billard tables must be covered between 1:00 o'clock A.M. and 6:00 o'clock A.M., and no play thereon permitted.

SEC. 33.1610.1 HOURS OF PLAY

It is further declared to be unlawful for any person to play, cause to be played, or permit to be played pool, billiards, or any similar game in any pool room, billiard or bowling alley in said City, between the hours of 1:oo o'clock A.M. and 6:00 o'clock A.M.

SEC. 33.1615 BOWLING ALLEYS - HOURS OF CLOSING

It is hereby declared to be unlawful for any person or persons owning or being in charge, as the agent or servant of the owner, of a bowling alley, or the business conducted therein, to keep or permit the same to remain open between the hours of 2:00 o'clock A.M. and 6:00 o'clock A.M., in The City of San Diego; provided, however, that no outdoor bowling alley shall remain open or play be permitted thereon between the hours of 12:00 o'clock midnight and 6:00 o'clockA.M. in The City of San Diego.

SEC. 33.1615.1 HOURS OF PLAY

It is further declared to be unlawful for any person to play, cause to be played, or permit to be played, the game of bowling, in The City of San Diego, between the hours of 2:00 o'clock A.M. and 6:00 o'clock A.M.

SEC. 33.1615.2 EXCEPTIONS TO HOURS OF PLAY

The Council is hereby authorized and empowered to issue by resolution, a permit to the owner or person in charge, as the agent or servant of the owner of an indoor bowling alley, to remain open and/or for playing to continue therein after 2 o'clock A.M. for special occasions upon such terms, under such conditions and for a limited number of days, as it may deem advisable.

SEC. 33.1620 CIRCUS, CARNIVAL, RODEO - REGULATED

It shall be unlawful for any person, firm or corporation to conduct, operate or maintain any circus, carnival, rodeo or similar entertainment or exhibition in The City of San Diego for any period of time or periods of time in excess of a total of fifteen (15) days within any six (6)

months period of time.

SEC. 33.1625 CARD ROOMS REGULATED

It shall be unlawful for any person, for himself, or for any other person, firm or corporation, to engage in or carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any card room in The City of San Diego, without first having secured a license from said City so to do, according to each and every requirement of this Division or without complying with each and every regulation pertaining to such card room.

SEC. 33.1625.1 CARD ROOM DEFINED

For the purpose of this Division a "card room" is hereby defined to be any space, room or enclosure furnished or equipped with a table used or intended to be used as a card table for the playing of cards and similar games, and the use of which is available to the public, or any portion of the public; provided, however, that this section shall not apply to any bona fide non-profit society, club, fraternal or other organization, as defined in Section 33.1625.14 hereof.

SEC. 33.1625.2 APPLICATION - CONTENTS - LICENSE - WORK PERMIT

An applicant for a card room license shall submit his application to the Chief of Police of The City of San Diego, which application shall be under oath, and shall include, among other things, the true names and addresses of all persons financially interested in the business.

The past criminal record if any of all persons financially or otherwise interested in the business shall be shown on such application. The term "persons financially interested" shall include all persons who share in the profits of the business, on the basis of gross or net revenue, including landlords, lessors, lessees, the owner or owners of the building, fixtures or equipment. The application shall also be accompanied by finger prints of persons financially interested. A license may be issued only to citizens of the United States who have resided in the County of San Diego for at least two (2) years immediately preceding the issuance of such license.

The Chief of Police may deny any applicant for a card room license, a license to operate such card room which in the opinion of the Chief of Police there appears to be good cause why such person should not operate a card room.

Employees in card rooms must obtain a work permit from the Chief of Police; applications for such work permits shall be submitted under oath and contain such information as may be deemed by the Chief of Police necessary to determine whether the applicant is a proper person to be employed in a card room.

No work permit shall be issued to any person who is not a citizen of the United States and who has not been a resident of the County of San Diego for at least one (1) year. The Chief of Police may deny to such applicant, a work permit if, in his opinion, good cause appears

why such person should not be permitted to be employed in a card room. Each application for a work permit shall be accompanied by a fee of Ten Dollars ($10.00) and said work permit when issued shall be valid for one (1) year.

SEC. 33.1625.3 REVOCATION OF LICENSE

The Chief of Police shall have the right for cause to revoke or suspend any card room license or card room work permit issued hereunder and take possession of such license or permit. The action of the Chief of Police in this respect shall be subject to an appeal to the City Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days; otherwise the action of the Chief of Police in revoking or suspending the card room license or card room work permit shall be final and conclusive.

SEC. ~~31.1625.4~~ 33.1625.4 ONE LICENSE PER PERSON - NONTRANSFERABLE

No person shall be granted a license to conduct more than one card room. No card room license shall be assignable or transferable.

SEC. 33.1625.5 REGULATIONS

It shall be unlawful to operate a card room in violation of any of the following regulations and rules:

(a) Not more than one card room shall be located at any one address.

(b) No game except draw poker without variations as defined by Hoyle, and contract or auction bridge shall be played in any card room.

(c) Not more than five (5) tables shall be permitted in any card room.

(d) Not more than seven (7) players shall be permitted at any one card table.

(e) Card rooms shall be located on the ground floor, and so arranged that the playing surface of each table is plainly visable from the sidewalk or public walk immediately adjacent to said card room.

(f) No minor shall be permitted at any card table, or participate in any game played thereat.

(g) All card rooms shall be closed at twelve o'clock midnight, and shall remain closed until ten o'clock A.M. of every day except Sunday, during all of which day they shall be closed.

(h) All card rooms shall be open to police inspection during all hours of operation.

SEC. 33.1625.6 CHARGES

No charge in excess of sixty cents (60¢) per hour per player shall be collected from any player for the privilege of participating in any game.

SEC. 33.1625.7 STAKES

Only table stakes shall be permitted.

SEC. 33.1625.8 INTOXICATING LIQUOR PROHIBITED

No alcoholic liquor or beverages shall be served, sold or given away in any card room, and no card room shall have an entrance leading to any establishment which serves or sells intoxicating liquor.

SEC. 33.1625.9 CHECK CASHING PROHIBITED

The cashing of bank checks for players shall not be permitted in any card room.

SEC. 33.1625.10 TABLES SUPERVISED - IDENTIFICATION

Each card table shall have assigned to it a person whose duty shall be to supervise the game, and see to it that it is played strictly in accordance with the terms of this Division and with the provisions of the Penal Code of the State of California. Every operator and employee of an operator of a card room licensed hereunder shall at all times when on duty in such card room wear an identification badge containing his photograph, together with the name, age, address and description of such individual.

SEC. 33.1625.11 EXTERIOR SIGNS

No signs or other insignia advertising or relative to card rooms shall be permitted upon the exterior of any premises occupied as a card room, except the words "CARD ROOM", and the name of the operator thereof. Such a sign shall be flush with the building and shall be not more than one and one-half feet by six feet in size.

SEC. 33.1625.12 INTERIOR SIGNS

There shall be posted in every card room in letters plainly visible from all parts thereof, signs stating that only draw poker and/or bridge is permitted to be played and stating the charge per hour exacted from each player for the privilege of playing.

SEC. 33.1625.13 LICENSE FEE

There shall be collected for each card table licensed hereunder, the sum of Twenty Dollars ($20.00) per table per month, payable quarterly in advance.

SEC. 33.1625.14 EXCEPTIONS TO LICENSE

(a) A non-profit society, club, fraternal or other organization having adopted by-laws and duly elected directors and members may be granted a permit without fee by a resolution by the Council when it appears that the tables are for the exclusive use of members of the society, club, fraternal or other organization, and no charge is made for any of the facilities.

(b) The permit issued pursuant to this section may be revoked, canceled, temporarily suspended or withdrawn by the Council of The City of San Diego, and the decision of said Council shall be final.

(c) Any society, club, fraternal, or other organization to whom a permit shall have been issued pursuant to this section shall be open to any duly authorized member or members of the Police Department of the City for reasonable inspection.

(d) Any society, club, fraternal or other organization to whom a permit shall have been issued pursuant to this section shall not be required to comply with Section 33.1625 and subjections thereof.

SEC. 33.1630 SOCIAL CLUBS - PERMITS FOR BRIDGE GAMES

Notwithstanding the provisions of any other sections of the Code of The City of San Diego the City Council is empowered by resolution upon petition therefor, to grant free permits for the playing of bridge games to regularly incorporated social clubs having adopted by-laws and duly elected directors and members, and which are organized and/or maintained chiefly for the purpose of playing Bridge, when it appears that none but regular members of such clubs are permitted to play, and no charge is made for playing the game or for the facilities used therein.

SEC. 33.1630.1 SAME- REVOCATION OF PERMIT

A permit issued pursuant to this Section may be revoked, canceled, temporarily suspended or withdrawn by the Council of The City of San Diego, and the decision of said Council shall be final.

SEC. 33.1630.2 SAME- INSPECTION BY POLICE DEPARTMENT

Any club to whom a permit shall have been issued pursuant to this Section, shall be open to any duly authorized member or members of the Police Department of the City for reasonable inspection.

SEC. 33.1630.3 SAME GAMES WITHOUT PERMIT PROHIBITED

It shall be unlawful for any social club, as defined herein to permit the playing of bridge games in its club room or rooms without first having obtained from the City Council a permit so to do, or during any period when such permit has been revoked, canceled, suspended or withdrawn.

SEC. 33.1635 LICENSE APPROVAL REQUIRED BY CHIEF OF POLICE AND SOCIAL WELFARE DIRECTOR

No license shall be issued to any person to conduct or operate any amusement or pool hall, bowling alley, penny arcade, picture arcade or gallery, skating rink, or any other commercial amusement not otherwise covered by this Code within the City of San Diego, until the application for such license is approved by the Chief of Police and the Director of ~~Recail~~ Social Welfare.

SEC. ~~33.1635~~ 33.1636 THEATERS, REVUES - LICENSE APPROVAL BY SOCIAL WELFARE DIRECTOR

No license shall be issued to any person to conduct or carry on any burlesque theater, girl show or revue, or motion picture theater, or any other commercial place of recreational assemblage within The City of San Diego, until the application for such license is approved by the Director of Social Welfare.

SEC. 33.1637 COMMERCIAL AMUSEMENT PROHIBITED WITHIN 300 FEET OF SCHOOLS

After the effective date of this Code, no license shall be issued to any person to operate any such commercial amusement within three hundred (300) feet of any school.

SEC. 33.1638 LEWD, OBSCENE, IMMORAL PERSONS, ADVERTISEMENTS PROHIBITED

It shall be unlawful for any owner, manager, employee, concessionaire, or his employee in any commercial amusement

establishment, or any commercial place of recreational assemblage named herein, to operate in connection with such commercial amusement, any gambling game or to permit any literature, pictures, entertainment, songs, or language or to show any motion pictures or to compose and publish any advertisements or to display in public any posters or exhibits of a lewd, obscene, or immoral character in or about or in connection with such commercial amusement, or in connection with the general operation of such commercial amusement or to permit the sale or consumption of any alcoholic beverage on premises under his care not specifically licensed for such sale or consumption, or to harbor, admit or receive or to permit to be or remain in or about such place, any lewd or dissolute person of either sex, any intoxicated or boisterous person, or any person under the influence of intoxicating liquors, or any persons whose conduct while present in said place tends to create a violation of any of the provisions of the Code of this City or the State of California, or which tends in any way to corrupt the good morals of any person or persons attending such commercial place or in any way interferes with the proper management or control of such commercial place.

SEC. 33.1640 MECHANICAL MUSICAL INSTRUMENT - DISTURBING THE PEACE PROHIBITED

It shall be unlawful for any person to operate, or permit the operation of any mechanical musical instrument, in or on any premises open to the public, over which such person has control, in such a manner as to disturb the peace and quiet of the neighborhood.

SEC. 33.1640.1 DEFINITIONS

(a) The phrase "open to the public" shall include clubs, headquarters and meeting places of fraternal other societies, associations and bodies.

(b) The term "mechanical musical instrument" is hereby defined to mean and include any amusement machine, apparatus or device designed or constructed for the purpose of producing or reproducing or playing any musical tone or tones or combinations of tones, the operation of which is permitted, controlled or allowed or made possible by the deposit or placing or any coin, plate, disc, slug, or key into any slot, crevice or any other opening.

SEC. 33.1641 MECHANICAL PLAY DEVICES - DEFINITIONS

The term "mechanical play device" for the purpose of this ordinance is hereby defined to mean and include any machine, device or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disk, slug or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game or contest of any description, or which may be used for any such game or contest, and the use or possession of which is not prohibited by Section 56.20 and which is not prohibited by any law of the State of California.

The phrase "any place in the City of San Diego open to the public" shall include clubs, headquarters and meeting places of fraternal or other societies, associations and bodies.

SEC. 33.1641.1 MECHANICAL PLAY DEVICES - REGULATED

Every person having, maintaining or operating in any place in The City of San Diego open to the public, any mechanical play device, as the same is hereinafter defined, shall comply with each and every one of the following requirements:

SEC. 33.1641.2 ADDITIONAL INFORMATION REQUIRED

In addition to the license application as required in the General License Divisions, the following information is required, and may be attached to and become a part of the license application:

(a) Name of applicant.

(b) Residence of applicant.

(c) Date and place of birth.

(d) The place where the mechanical play device is to be located.

(e) Is applicant a citizen of the United States?

(f) Has applicant ever been convicted of a crime?

(g) A statement that the mechanical play device for which license is sought is not intended to be, and will not be permitted to be used for any gambling purpose whatsoever.

(h) What is the nature of applicant's interest in or title to the mechanical play device for which license is sought?

SEC. 33.1641.3 LICENSE AFFIXED TO DEVICE

Each mechanical play device referred to herein shall have stamped upon it a serial number to identify the same, and any license issued pursuant to the provisions of this Section shall be issued for a particular device, each of which, before being licensed, shall be registered in the

office of the Chief of Police, such registration showing the serial number, the name of the owner, and the place at which it is to be located. Such license shall be affixed in a conspicuous place to the device for which the same was issued, and shall remain thereon until a new or different license is issued therefor. No license shall be transferable from one person to another, or from one device to another; nor shall the place of operation of any such device be changed without first registering the same with the Chief of Police and receiving his approval therefor.

SEC. 33.1641.4 CONSTRUCTION OF SECTION

Nothing in this ~~ordinance~~ section contained shall be construed to permit the licensing, maintenance or operation of any mechanical device or apparatus which is contrary to any of the laws of the State of California or the Code of The City of San Diego; nor to permit the operation of any mechanical play device licensed hereunder in such a manner as to be contrary to any of said laws.

Any mechanical play device operated in violation of the terms of this Section may be seized and held by the Police Department of The City of San Diego.

SEC. 33.1645 COMMERCIAL AMUSEMENTS - EMPLOYMENT OF MINORS PROHIBITED

It shall be unlawful for any owner, manager or concessionaire of any commercial amusement named herein to employ any person under the age of eighteen (18) years to work in such commercial amusement. The Chief of Police may require any person connected with the operation of

such commercial amusement to register his fingerprints and photograph with the Police Department.

It shall be unlawful for any minor under eighteen (18) years or over and it shall be unlawful for any parent, guardian, or any other person to aid and abet in such false representation in order for the said minor to obtain employment in any commercial amusement establishment licensed hereunder.

SEC. 33.1645.1 MINORS ON PREMISES AFTER 10:00 P.M. PROHIBITED

It shall be unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this Division, or for any employe of such amusement establishment to harbor, admit, receive or permit to be on or remain in or about such place after 10:00 o'clock P.M., any minor under the age of eighteen (18) years, unless such minor is accompanied by his or her parent, spouse or legal guardian.

SEC. 33.1650 LICENSES NONTRANSFERABLE

No license issued under the terms of this Division shall be transferable from one person to another.

Each amusement device operated in any such amusement establishment shall be registered with the Police Department; and no amusement device operated in such commercial amusement establishment shall be changed, nor shall the place of operation of any such amusement device be changed without first registering the same with the Chief of Police and receiving his approval therefor.

SEC. 33.1655 FREE ACCESS TO PEACE OFFICERS

Any peace officer of the City of San Diego or of the State of California or any officer or official of the United States Government charged with the duty of enforcing police laws of the United States Government, shall have free access at all times to any establishments as provided for herein.

SEC. 33.1660 INSPECTION BY DIRECTOR OF SOCIAL WELFARE

It shall be the duty of the Director of Socail Welfare to make or cause to be made regular inspections of any amusement arcade; amusement park; billiard or pool hall; bowling alley; burlesque theater; girl show or revue; motion picture theater, except those theaters exhibiting films which bear the seal of approval of the Motion Picture Producers and Distributors Association and the authorized serial registration number of the National Board of Review; on-sale liquor establishment; penny arcades; picture arcade or gallery; skating rink; or any other commercial place of amusement or commercial place of recreational assemblage within The City of San Diego and shall have free access at all times to any establishments as provided for herein, and he is authorized to seize any motion picture or film, poster or exhibit, the exhibition and display of which is by this Chapter prohibited, in the possession or under the control of the person arrested, and deliver the same to the magistrate before whom the person arrested is required to be taken.

DIVISION - 17

MESSENGER SERVICE

SEC. 33.1701 REGISTER OF EMPLOYEES - BADGE OR CAP NUMBER

Every person conducting or maintaining any office, business or place where messengers or errand boys are furnished for hire shall register in a book to be kept for such purpose, the name and place of residence of every person employed in such business, which book shall be open to the inspection of any police officer at all times, day or night, and such person shall also require every messenger or errand boy to wear a cap or badge having thereon a distinctive number to correspond with the same number in the aforesaid register book, and the name of the employer. Such register book shall also note the date of employment and discharge of each person in said service.

DIVISION - 18

SWIMMING INSTRUCTOR

SEC. 33.1801 QUALIFICATION EXAMINATION

Every person conducting or carrying on the business or occupation of a swimming instructor shall be required to qualify as a swimming instructor by passing an examination to be conducted by officials of the Life Guard Service of The City of San Diego.

DIVISION 19

PROFESSIONAL BASEBALL

SEC. 33.1901 APPLICATION FOR PERMIT

Every person operating or conducting a professional baseball team or club, in the City of San Diego, where such team or club is a member of an organized professional league, shall make application to the City Council for a permit to operate such business. The City Council may, in its discretion either grant or deny such application.

DIVISION - 20

SIDEWALK CONTRACTOR

SEC. 33.2001 APPLICATION

Every person conducting or carrying on the business of constructing, laying or putting in place any sidewalk, curb or gutter in or upon any public highway, street, lane, alley, court, park or other public place in the City or San Diego, at private contract with the property owner, shall file an application as hereinafter described. Said application shall be signed by the applicant and by at least three reputable property owners certifying to the following facts:

(a) The name, residence and local address of the applicant.

(b) The place where said applicant last engaged in the construction of the work or improvement herein in this section mentioned.

(c) The capacity in which he has been engaged in such construction (whether as contractor, foreman or laborer), and the length of time he has been so engaged.

(d) That the applicant is competent and qualified, and that he will construct all such work and improvement in a good and workmanlike manner, and in strict conformity to the ordinance specifications therefor.

SEC. 33.2002 BOND

Said application must be accompanied by a good and sufficient bond in the sum of One Thousand Dollars ($1,000.00) the form of which shall be approved by the City Attorney, with sureties to be approved by the Manager. Said bond is to be conditioned as follows:

That all such work to be done and improvements to

be made to the official grade and according to the specifications therefor as prescribed by the ordinances of The City of San Diego in force at the time of making such improvements or doing such work; that when such improvement or work consists of or includes sidewalking, that portion of the sidewalk not paved shall be graded to the official grade; that all debris and surplus material shall be removed from the street upon the completion of such work or improvement. Every bond executed under the provisions of this section shall inure to the benefit of The City of San Diego, and to and for the benefit of all persons who may suffer damage by reason of the breach of any of the conditions thereof and any person so damaged may bring suit upon said bond in his own name. No such bond shall be void upon the first recovery thereof, but suit may be afterwards brought from time to time and judgments may be recovered thereon by the said City of San Diego, or any person to whom a right of action has accrued; against the principal and sureties of this bond until the whole penalty of such bond is exhausted. That in the event any person giving such bond, or his assigns, shall fail to procure or complete such work according to this ordinance and the specifications contained in the ordinances of said City governing such work, and in accordance with the contract, or to grade the unpaved portion of the sidewalk to the official grade thereof, or shall fail to remove the debris or surplus dirt upon completion of such work, Department of Public Works of said City, or the person owning the

property fronting upon the street, or other public place where the said work is contracted to be done, may do or complete said work according to the contract and the specifications and according to the requirements of the ordinance specifications in force at the time such work is done, and may remove the debris and material from the street, as the case may be, and said person giving said bond, and the sureties thereon, shall be liable to the City of San Diego, or to the person causing the said work to be completed,in a civil action upon said bond for the costs and expenses necessarily incurred in connection with the completion of said contract and the removal of said debris and surplus material.

SEC. 33.2003 PERMIT

It is hereby made unlawful for any person conducting, managing or carrying on the business of constructing, laying or putting in place any sidewalk, curb or gutter in or upon any public street, gutter in or upon any public street, lane, alley, court, park, or other public place in the City of San Diego, at a private contract, with the property owner, to do any of the said work or make any of the improvements herein in this section mentioned without first having obtained a permit therefor from the Department of Public Works of said City. After such license as hereinbefore provided has been obtained, and on application of such licensee therefor, the Department of Public Works of said City shall issue a permit to such licensee (and to no

other person) to construct the work or make any improvements herein in this section mentioned, and said Department of Public Works shall set the grade stakes for the construction of said work or improvements, which stakes shall be to the official grade of said street or other public place mentioned in the permit, and thereafter said work or improvement shall be done or made to the official grade of said street or other public place as indicated by the said grade stakes, and according to the specifications prescribed for doing such work by the ordinances of said City in force at the time such work is done, and not otherwise; and the unpaved portion of the sidewalk shall be graded to the official grade.

DIVISION - 21

PSYCHOLOGISTS

SEC. 33.2101 APPLICATION

Every person conducting or carrying on the business, occupation or profession of a psychologist or who counsels or guides people with mental, emotional, marital or employment problems by the application of the principles of psychology, including the administration of psychological tests, interviews and the giving of counsel, advice or guidance for the purpose of evaluating intelligence, ability, emotional adjustment or behavior or of aiding persons to make a more satisfactory adjustment of their social, marital or family relationships, on a private basis for fees or other remuneration, shall file an application as hereinafter described and shall be required to qualify by a complete statement of his professional education, training and other relevant credentials.

Said application shall be signed by the applicant and by at least three reputable citizens of the City of San Diego certifying to the following facts:

(a) The name, residence or legal address of the applicant;

(b) The place where said applicant last engaged in work of a similar nature mentioned in this section;

(c) The courses of professional instruction attended by said applicant and in which school or schools, and the total number of hours attended in said courses.

SEC. 33.2102 APPLICATION SUBMITTED TO COMMISSION

Said application shall be submitted to a commission of five persons appointed by the Mayor of The City of San Diego, subject to confirmation by the Council, three members of which shall be members of the American Psychological Association.

SEC. 33.2103 POWERS AND DUTIES OF COMMISSION

Upon receipt of the application by the Commission as provided for in Section 33.2102, said Commission shall make an investigation and shall have power to investigate the allegations of said application or any statement or reports filed with the said Commission pertaining to the application.

SEC. 33.2104 REQUIREMENTS FOR APPROVAL OF APPLICATION

The Commission shall approve said application whenever it shall find the following facts to exist:

1. That all of the statements made in the application are true;

2. That the applicant has a good character and reputation for honesty and integrity;

3. That the applicant has not engaged in any fraudulent transaction or enterprise;

4. That the person wishing to practice in this field is not incompetent or unscrupulous and that his practice will not be a fraud on the public;

5. That the applicant has had sufficient professional education and training to practice in this non-medical field of human adjustment.

Said Commission shall either approve or deny said application within fifteen (15) days of the filing of said application and shall file for public inspection and shall serve upon the applicant by registered mail a written statement of its findings of fact and its decision upon each application.

SEC. 33.2105 APPEAL FROM DENIAL OF APPLICATION

In the event of a denial of an application for a license by the Commission, the applicant shall, within fifteen (15) days from the date of such denial, have the right to appeal as set forth in ~~sections~~ Division 5 of this Article ~~and~~

SEC.33.2106 UNLAWFUL TO PRACTICE WITHOUT LICENSE

It is hereby made unlawful for any person to practice in the field mentioned in this section of a private basis for fees or other remuneration, excepting and excluding however, salaried employees of schools or social agencies and all members of the clergy, physicians, osteopaths and chiropractors, without first having obtained a business or professional license from The City of San Diego as approved by the Commission described above; said license to be renewable annually.

SEC. 33.2107 STATE CERTIFICATE ALSO NEEDED IN ADDITION TO CITY LICENSE

The license granted under and pursuant to provisions

of Sections 33.2101 to 33.2104 inclusive shall not entitle the holder of said license to practice or attempt the practice of or to advertise or hold himself out as practicing any system or mode of treating the sick or afflicted or to diagnose, treat, operate for or prescribe for any ailment, disease, disorder, injury or other mental or physical condition of any person without having at the time of so doing, a valid unrevoked certificate as provided for in Division 2, Chapter 5, Article 3 of the Business and Professions Code of the State of California and Acts 4811 and 5727, Deering's, passed November 7, 1922.

Nor shall the holder of said license violate any of the provisions of 57.10

Further provided that any violation of the above statutes or ordinances by the holder of a license granted as hereinbefore stated shall constitute an offense against this Code and in addition to any penalties imposed herein the license granted hereunder shall be revoked as provided for in Section 33.0401

DIVISION - 22

HOUSE MOVING, SALVAGING OR HOUSE WRECKING

SEC. 33.2201 BOND REQUIRED

Every person, firm or corporation conducting, managing, or carrying on the business of house moving, salvaging or house wrecking, before securing a license so to do, shall give a bond to the sum of Two Thousand Dollars ($2,000.00) for the faithful performance of said work, conditioned that said person, firm or corporation shall pay all damage caused in the course of said occupation or business, to the property of The City of San Diego, or any person, firm or corporation in said City.

SEC. 33.2202 WRECKING OF STRUCTURES

No person except a licensed house mover or licensed house wrecker shall wreck or demolish any building except as hereinafter provided: Any owner may wreck or demolish his own building, provided he owns or leases the land or lot upon which his own building stands.

Before any building or part thereof can be wrecked or demolished, a permit shall be obtained. The same regulations shall apply to the use of streets and public property as required in the case of new buildings. Dry or dusty materials and debris must be wet down to lay the dust. Any person wrecking a building must make good all damages caused by the wrecking or any such building or structure.

The fee for a wrecking permit shall be based on the area of the building to be wrecked and shall be $5.00 for all buildings 500 square feet in area in 1000 square feet in area, $10.00 from 1001 square feet to 5000 square feet in area, and $20.00 for all buildings exceeding 5000 square feet in area. No wrecking permit, will be required for buildings less than 500 square feet in area.

SEC. 33.2203 MOVING OF BUILDINGS - REGULATIONS AND PERMIT FEES

No person except a licensed house mover shall move any building within The City of San Diego except as hereinafter provided. No licensed house mover will be required where a building is to be moved from one part of the lot, or from one lot to another, owned by the same person and where such building is to be moved without crossing any street, alley, public property or the property of another person. Type V

Buildings under fourteen(14) feet in height, less than 200 square feet in area, and having a horizontal dimension not exceeding eighteen (18) feet, when entirely supported upon a suitable vehicle, without the assistance of any additional wheels or rollers, may be moved without the services of a licensed house mover.

All house movers must comply with all conditions governing such work or applicable thereto, as laid down in the ordinances of The City of San Diego and must make good all damages or injuries caused by moving of any house or structure. The wheels and rollers shall have sufficient tire or bearing width to prevent any grooving, marring or damaging of the pavement.

Before placing any dwelling, apartment house or hotel upon a lot, the distance as required by law between such building and adjacent structures on the same lot shall be verified and the structure placed accordingly.

Before moving any building or structure, a permit to do so shall first be obtained from the Building Inspector.

The fee for a moving permit shall be based upon the area of the building to be moved and shall be $5.00 for all buildings up to 500 square feet in area; $10.00 from 500 square feet up to 1000 square feet in area; and $20.00 for all buildings 1000 square feet or more in area.

The permit shall limit the time for removal and any delay of time longer than specified in such permit shall

be deemed a violation of this Ordinance.

The Permit Card shall be tacked up near the front entrance of the house being moved. Otherwise, if no "card" be taked up, the Building Inspector may stop the work. A permit to move a building does not cover a permit for underpinning or repairs. No frame or Type V building shall be moved from without to within Fire Zone No. 1 nor from one part of Fire Zone No. 1 to another. Before moving a building past a fire station, the Fire Department shall be duly notified in advance.

SEC. 33.2204 HOUSE MOVING - PERMIT REQUIRED ~~PERMIT - APPLICATION~~

(X) No person shall move any building or structure, or any portion thereof without a written Moving Permit therefor from the Department of Inspection of The City of San Diego. At the time of filing an application for a Moving Permit, the applicant shall pay a $3.00 examination fee, no part of which fee shall be returned to the applicant.

SEC 33.2204.1 SAME - APPLICATION FOR PERMIT

(X) An application for a Moving Permit shall give the location of the building, location to which it is to be moved, type of construction, alterations, additions, or repairs to be made, and such other pertinent information necessary to fully inform the Department regarding the moving of the building or structure.

Upon receipt of such application, the Department of Inspection shall refer said application to the Planning Commission or Zoning Committee for its approval, to the Police Department for the routing for the moving of the building or structure, and to any other department of the City which

33.2204(a)

may be affected by such moving, for its report on said application.

SEC 33.2204.2 Same Conditions for Granting PERMIT

No moving permit shall be granted except under the following conditions:

(a) The building shall not be an old dilapidated building.

(b) The building shall not present any serious rot or fungus infection, nor be seriously infested with termites.

(c) The building shall not materially violate any law nor the public peace and welfare.

(d) The building shall not seriously jeopardize the neighborhood into which it will be moved.

(e) That all agreements and instructions relative to moving will be followed.

(f) Petitioner shall file with the Inspection Department detailed plans and specifications, which may be informal in nature so long as the same may be easily interpreted and understood and which said plans and specifications shall include only exterior alterations, additions and repairs, including those required by the report of the Planning Commission or Zoning Committee. Upon approval of such plans and specifications the petitioner shall file a faithful performance bond or make a cash deposit as hereinafter specified, in the amount of 10 per cent more than the Building Inspector's estimated cost for such exterior improvement including cost of foundation.

(1) The hereinbefore required faithful performance bond may be either of a bonding company or of an individual, provided, however, that in the event of an individual bond, it

33.2204(b)

shall have two good and sufficient sureties who shall execute an affidavit that each is in fact the owner of property over and above exemptions allowable by law in an amount of the principal of said bond. The form of said bond shall have been approved by the City Manager and the City Attorney.

Such bond shall be in joint form and several and shall be conditioned as follows:

Every bond executed under the provisions of this Section shall inure to the benefit of The City of San Diego and be conditioned upon the faithful completion to the satisfaction of the Building Inspector of the required exterior alterations, additions, repairs and foundation.

No such bond shall be void upon the first recovery thereof but suit may afterwards be brought from time to time and judgment may be recovered thereon by the said City of San Diego, against the Principal and sureties of this bond until the whole penalty of such bond is exhausted.

(2) ~~X~~ The hereinbefore required cash deposit may be either cash, cashier's check or certified check. Such cash deposit shall be made to the City Treasurer and be placed by him in the proper suspense fund. At the time of making such cash deposit the petitioner shall sign a permit authorizing the City of San Diego or its duly authorized agent or contractor to enter upon the premises and to make and pomplete the required exterior alterations, additions and repairs and to apply all or any part of said cash deposit to pay such cost.

Upon completion of the exterior alterations, additions and repairs and approval by the Building Inspector such money, if any, remaining shall be returned to the petitioner.

(3) ~~(f)~~ The foregoing bond or cash deposit may be waived by the Council of The City of San Diego upon petition for such waiver and good cause appearing therefor.

(g) ~~f.~~ That the time for completion of the exterior alterations, additions and repairs as set forth in the previous paragraph shall be that of ninety days from and after the placing of said building on its new location; provided, however, that such time may be extended for good cause appearing.

(h) ~~g.~~ That the conditions above set forth for the issuance of a moving permit shall not apply to the moving of buildings to storage lots for resale, except that such moving shall be subject to agreements and instructions relative thereto as may be imposed; provided, hwoever, that all of the conditions shall be applicable upon the sale of any building from a storage lot and removal thereof to a location for installation and use of a permanent nature.

SEC. 33.2205

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done contrary to or in violation of any of the provisions of this Division or of Chapter IX, Article I.

DIVISION - 23

BATHS, MASSAGES, RUBS, MAGNETIC TREATMENT

SEC. 33.2301 APPLICATION TO CARRY ON BUSINESS OF BATHS

No license shall be issued to any persons to conduct, manage or carry on the business of giving steam baths, electric light baths, electric tub baths, shower baths, sponge baths, sun baths, mineral baths, Swedish, Russian or Turkish baths, or giving salt glows or to conduct, manage or carry on any place where such baths are given or any public bathing place which has in connection therewith a steam room, dry hot room, plunge, shower bath or sleeping accommodations within The City of San Diego, until the application for such license is approved by the Chief of Police.

SEC. 33.2302 APPLICATION TO CARRY ON BUSINESS OF MAGNETIC TREATMENT OR ALCOHOL RUB

No license shall be issued to any person to give fomentation, massage, electric or magnetic treatment or alcohol rubs or to conduct, manage or carry on any place where fomentations, massage, electric or magnetic treatments or alcohol rubs are given within The City of San Diego until the application for such license is approved by the Chief of Police.

SEC. 33.2303 UNLAWFUL TO ADMINISTER TO PERSONS OF OPPOSIT SEX

It shall be unlawful for any person to administer, for hire or reqard, to any person of the opposite sex, any massage, any alcohol rub or similar treatment, any fomentation, any bath or any electric or magnetic treatment,

nor shall any person cause or permit in or about his place of business or in connection with his business, any agent, employee or servant or any other person under his control or supervision to administer any such treatment to any person of the opposite sex.

This section shall not apply to any treatment administered in good faith in the course of the practice of any healing art by any person licensed to practice any such art or profession under the provisions of the Business and Professions Code of California or any other law of this State.

DIVISION - 24

VEHICLE RENTING

SEC. 33.2401 CONSENT OF CITY COUNCIL - LICENSE - NECESSARY

It shall be unlawful for any person, firm or corporation to engage in or carry on the business of letting the use of any automobile or automobiles or other motor vehicles without a driver for the same, for hire, unless such person, firm or corporation shall have first obtained written consent so to do from the Council of The City of San Diego and obtained a license or licenses pursuant to the licensing ordinances of The City of San Diego, or any amendments thereto.

SEC. 33.2402 ISSUANCE OF PERMITS

The permits granted hereunder shall be issued by The Council of The City of San Diego, upon the recommendation of the City Manager of said City.

SEC. 33.2403 APPLICATION FOR PERMITS

Applications for such permits shall be made upon blanks to be furnished by the City Manager, and filed in the office of the City Clerk of The City of San Diego. The City Manager is hereby authorized and empowered to require applicants for permits to furnish such information as in the judgment of the City Manager is proper and necessary in order to enable said City Manager to pass upon the responsibility and qualifications of the applicant; the number, condition, capacity, description and safety of the vehicles intended to be operated. The Council of The City of San Diego may refuse a permit

or permits to any applicant whose responsibility, qualifications or methods of operating the business do not comply with the standards and requirements as determined by said City Manager.

Upon obtaining a permit as herein required, and upon filing the insurance policy required in Section 33.2404, the holder of such permit shall be entitled to a license upon payment of the fee required by ordinance therefor. Such permit shall be filed with the City Treasurer as part of the application for license.

SEC. 33.2404 INSURANCE REQUIRED

It shall be unlawful to engage in or carry on the business defined in Section 33.2401 unless there be on file with the City Clerk of The City of San Diego a policy of insurance executed and delivered by a company authorized to carry on an insurance business in the State of California, the financial responsibility of which company shall theretofore have been approved by the City Manager, by the terms of which such insurance company assumes responsibility for injuries to persons or property caused by the operation of each and every vehicle let for hire, in the following amounts, to-wit:

$5,000.00,property damage;

$5,000.00, for death or injuries to any one person in any one accident;

$10,000.00, for death or injuries to two or more persons in any one accident.

Provided, however, that no policy of insurance

issued by any mutual assessment or reciprocal company, as defined by the Insurance Code of the State of California, shall be accepted by The City of San Diego.

SEC. 33.2405 LOCATION OF BUSINESS

No permit or permits shall be issued to any person, firm or corporation to engage in the business referred to in Section 33.2401 unless and until the location of said business shall have first been approved by the City Manager of The City of San Diego; provided, further, that said location shall conform to the zoning laws of The City of San Diego.

SEC. 33.2406 BUSINESS RECORDS REQUIRED

Every person renting a motor vehicle to another pursuant to this ordinance shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the operator's or chauffeur's license of said latter person, and the date and place when and where said license was issued. Said record shall be available to, and open to the inspection of, any authorized member of the Police Department of The City of San Diego.

SEC. 33.2407 POSTING PERMIT NUMBER ON VEHICLE OTHER THAN AUTOMOBILE

It shall be unlawful for any person to drive or operate any of the vehicles, except automobiles used or maintained for the transportation of passengers, mentioned in this Division, unless such vehicle is equipped and carrying at front and rear and in plain view from outside such vehicle a small distinguishing marker, sign or metal

plate, bearing the number of permit granted for its operation, of type and design approved by the City Manager of The City of San Diego.

SEC. 33.2408 POSTING PERMIT NUMBER ON AUTOMOBILES

It shall be unlawful for any person to drive or operate an automobile used or maintained for the transprotation of persons mentioned in this Division, unless such automobile is equipped and carrying, and has concealed thereon, a small distinguishing marker, sign or metal plate bearing the number of the permit granted for its operation, of type and design approved by the City Manager of The City of San Diego.

SEC. 33.2409 COST OF TAG - REGULATIONS FOR PROCURING AND USE

Said marker, sign or metal plate shall be issued by the Traffic Division of the Police Department, upon payment of the sum of Fifty Cents (50¢) per set for said insignia. No person other than a member of the Police Department, or someone authorized by the Chief of Police, shall attach and seal said markers, signs or plates. No plate issued pursuant to this section shall be transferred from one vehicle to another without permission of the Chief of Police.

SEC. 33.2410 SUSPENSION OR ~~CANCELLATION~~ cancellation OF PERMIT - APPEAL FROM SUCH ACT

The permits issued hereunder may be suspended, canceled or revoked by the City Manager for a violation of any

of the provisions of this Division, or for a violation of any of the provisions of Section 335, 336 or 337 of the Vehicle Code of the State of California, or any amendments thereto; provided, however, that any person, firm or corporation holding such permit may, within ten (10) days after such suspension, cancellation or revocation, appeal to the Council of The City of San Diego from such order of the City Manager. The decision of the Council upon said appeal shall be final and conclusive.

DIVISION - 25

HOTELS, INNS, AUTO COURTS, TRAILER PARKS, LODGING PLACES

SEC. 33.2501 POSTING OF RATES

That every keeper of a hotel, inn, boarding, lodging or apartment house in the City of San Diego, shall be and is hereby directed and required to post in a conspicuous place in each room or apartment which is for rent or hire in said hotel, inn, boarding or lodging or apartment house, a printed statement of the specific charge or rate of charges by the day, week or month to be charged for said room or rooms.

SEC. 33.2502 CHARGES IN EXCESS OF POSTED RATES PROHIBITED

That no charge or sum shall be collected or received by any such keeper of a hotel, inn, boarding, lodging or apartment house for any greater or other sum than he is entitled to under the statement of charges or rates required by the provisions of the foregoing section to be posted in each room of such hotel, inn, boarding, lodging or apartment house.

SEC. 33.2503 POSTING OF RULES AND REGULATIONS OF ESTABLISHMENT

That every keeper of a hotel, inn, boarding, lodging or apartment house be and is hereby required to post in a conspicuous place in each room of such hotel, inn, boarding, lodging or apartment house a printed statement of the general rules and regulations of said hotel, inn,boarding, lodging or apartment house.

SEC. 33.2510 REGISTERS AT HOTELS, APARTMENT HOUSES, ROOMING HOUSES

Every manager or person in control of any inn, hotel,

apartment house, rooming house, lodging house, auto court, or trailer park in The City of San Diego, shall keep at all times a register for the registration of transient guests, and such registration of guests shall be preserved for at least three (3) years, and every such register shall at all times be subject to inspection by every law-enforcement officer of The City of San Diego.

SEC. 33.2511 REGISTRATION OF GUESTS

No manager or other person in control of any inn, hotel, apartment house, rooming house, lodging house, auto court or trailer park in The City of San Diego shall let or assign for temporary or transient occupancy any suite, room or bed in any thereof to any person or persons until such person or persons shall have registered his, her or their name or names and address or addresses in the register herein provided to be kept, and until such register shall have been made to show correctly the year, month, day and hour of the arrival of such person or persons thereat, and the number of the suite or room let and assigned to such guest or guests; and such manager or person in control of such inn, hotel, apartment house, rooming house, lodging house, auto court or trailer park shall, at the time of the departure of each guest, if such time is known, enter upon such register the date and time of departure; or, if the exact time of departure is not known, the date and time that the fact of the departure of each guest is ascertained; and shall not erase or alter, or suffer or permit to be erased or altered any of said entries

in such register.

SEC. 33.2512 REGISTRATION OF GUEST VEHICLES

Every manager or person in control of any auto court or trailer park in The City of San Diego, shall, in addition to other requirements of this ordinance, enter and make, type, license number and name of issuing state, of any motor vehicle or vehicles in the immediate possession of such guest or guests, if such there be, in the register herein provided to be kept.

DIVISION - 26

REBATES BY PURVEYORS OF GOODS,

SUPPLIES, SERVICES - UNLAWFUL

SEC. 33.2601 DEFINITIONS

Whenever used in this Division the following term shall mean and include:

SEC 33.2601.1 X "Purveyors." A person who directly or indirectly engages in the business of supplying a service or services to another person or persons for use or utilization by such other person or persons.

SEC. 33.2601.2 X "Service or Services." The sale, renting, supplying or furnishing of:

(a) Clinical Laboratory Services or Supplies;

(b) X-Ray Laboratory Services or Supplies;

(c) Inhalation Therapy Service or Equipment;

(d) Ambulance Service;

(e) Sick Room Supplies;

(f) Physical Therapy Service or Equipment;

(g) Orthopedic or Surgical Appliances or supplies;

(h) Drug, Medication or Medical Supplies;

(i) Glasses, Lenses or Optical Supplies or Equipment;

(j) Hearing Aids or Devices;

(k) Any other goods, services, supplies or procedure prescribed or suggested for medical diagnosis, care or treatment.

SEC. 33.2602 REBATES PROHIBITED

For the better protection and preservation of the public health, safety and welfare of the City and its inhabitants,

it shall be unlawful for any purveyor, directly or indirectly, to pay or give, permit or cause to be paid or given, or offer to pay or give to any person, or for any person, directly or indirectly to request, receive or accept from any purveyor any sum of money, credit or other valuable considerations as a commission, discount or gratuity for recommending or procuring a service of such purveyor for any other person, or directing patronage or clientele to such purveyor, or influencing any person to refrain from using or utilizing a service of any other purveyor.

ARTICLE 4

BICYCLES AND VEHICLES

SEC. 34.01 BICYCLE LICENSE REQUIRED

It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, alleys, or public highways of the City of San Diego, without first obtaining from the Chief of Police a license therefor.

SEC. 34.02 BICYCLE LICENSE AND APPLICATION

The Chief of Police of The City of San Diego is hereby authorized and directed to issue upon written application, a bicycle license which shall be effective during the period of time such licensee retains title to such bicycle, which license when issued shall entitle the licensee to operate such bicycle upon the streets, alleys and public highwyas in The City of San Diego in accordance with traffic regulations therefor.

SEC. 34.03 LICENSE AFFIXED TO BICYCLE

The City of San Diego shall provide metalic license plates and seals together with registration cards, said metallic plates and registration cards having numbers stamped thereon in numerical order and the letters S.D. B.L. stamped thereon; such metallic license plates shall be suitable for attachment upon the frames of bicycles and it shall be the duty of the Chief of Police to attach one such metallic license plate to the frame of each bicycle, and to issue a corresponding registration card to the licensee upon the payment of the license fees herein

provided for. Such metallic license plate shall remain attached during the existence of such license. The Chief of Police shall also keep a record of the date of issue of each license to whom issued, and the number thereof.

SEC. 34.04 SECOND-HAND BICYCLE BUSINESS - REPORTS REQUIRED

All persons engaged in the business of buying second-hand bicycles are hereby required to make a daily report to the Chief of Police, giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof, and the number of the metallic license plate found thereon, if any. All persons engaged in the business of selling new or second-hand bicycles are hereby required to make a daily report ot the Chief of Police, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description and frame number thereof, and the number of the metallic license plate attached thereto, if any.

SEC. 34.05 BICYCLE TRANSFER OF OWNERSHIP - REGISTRATION CARD RETURNABLE TO POLICE

It shall be the duty of every person who sells or transfers ownership of any bicycle, to report such sale or transfer by returning to the Chief of Police the registration card issued to such person as licensee thereof, together with the name and address of the person to whom said bicycle was sold or transferred, and such report shall

be made within five days of the date of said sale or transfer. It shall be the duty of the purchaser or transferee to such bicycle to apply for a transfer of registration therefor, within five days of said sale or transfer.

SEC. 34.06 DESTROYING BICYCLE LICENSE NUMBER PROHIBITED

It shall be unlawful for any person to wilfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this Article. It shall also be unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which such license plate, seal or registration card is operative. Provided, however, that nothing in this Article shall prohibit the Chief of Police from stamping numbers on the frames of bicycles on which no serial number can be found, or on which said number is illegible or insufficient for identification purposes.

SEC. 34.07 BICYCLE LICENSE FEE

The license fee to be paid for registration and licensing a bicycle shall be fifty cents ($0.50); for registration and licensing when there is a transfer of ownership, the new owner shall pay fifty cents ($0.50), for which payment a new number shall be issued; for a lost or destroyed license plate a new license number shall be issued; for a lost or destroyed license plate a new license number shall be issued for which the owner shall pay fifty cents ($0.50). All fees shall be paid in advance.

SEC. 34.15 REPOSSESION OF MOTOR VEHICLES - REGULATIONS

Every person, firm or corporation who shall repossess any motor vehicle within the City of San Diego shall,

within two (2) hours after such repossession, file a written report of such repossession with the police station nearest the place of repossession or with the central police station, ~~located at~~

Provided, however, that should a telephone or verbal notification be made to the police station nearest the place of repossession or the central police station as above located, within one (1) hour of such repossession, then such person, firm or corporation shall, within Twenty-four (24) hours after such repossession, file a written report as hereinbefore provided.

Said report shall contain the name and address of the person, firm or corporation making such repossession; the name and address of the person, firm or corporation from whom such repossession was made; the location or address of the place of repossession; and the make, state license number, motor number, and serial number of such repossessed motor vehicle.

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CHAPTER IV

HEALTH AND SANITATION

ARTICLE - 1

DEFINITIONS - AUTHORITY AND PROCEDURE - PERMITS - FEES

SEC. 41.01 DEFINITIONS

For the purpose of this Chapter certain words and phrases shall be construed as hereinafter defined. ~~Words in the singular include the plural, and words in the plural shall include the singular. Words in the present tense shall include the future.~~

(a) HEALTH OFFICER. The term "Health Officer," when applied, is to include the Director of Public Health, Health Officer, Sanitary Officer, or any regularly appointed inspector or employee of the Department of Public Health or Public Health Commission of The City of San Diego.

(b) NURSING HOME. The term "Nursing Home", when applied, is hereby defined to be a building or structure having accommodations for three (3) or more invalid, aged, infirm, senile, injured or convalescent adult or minor inmates, where a charge is made for the care of said inmates and whether or not in the care or treatment of said inmates, use is made of drugs, medicines, electrical or physiotheropeutical procedures.

The term "Nursing Home" shall not include:

(1) Institutions and boarding homes for aged persons or children licensed by the State Department of Institutions or the State Department of Social Welfare.

(2) General Hospitals approved by the American College of Surgeons.

(3) General Hospitals approved by the American Medical Association.

(4) Maternity homes and/or maternity hospitals possessing a license from the State Board of Health in accordance with Division 2, Chapter 2, Sections 1400-1411, inclusive of the Health and Safety Code, State of California.

(c) ~~(d)~~ INMATE. The term "Inmate," when applied, is hereby defined and shall be construed to include all adult and minor persons kept, cared for, treated or otherwise accommodated in any nursing home.

(d) FIRE HAZARD. The term "Fire Hazard" is defined to include any combustible or explosive matter or dangerous accumulation of waste papers, boxes or highly inflammable substances especially liable to fire which is in the building or on the premises and which is so situated as to endanger property, and/or any obstructions on fire excapes, stairways, ramps, passageways, doors or windows, or other conditions that may interfere with the operations of the Fire Department or egress of occupants in case of fire.

(e) TATTOOING shall mean any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or colors, by the aid of needles or instruments.

~~(f) PERSON shall include individuals, associations, firms, co-partnerships or corporations.~~

(g) LAUNDRY ESTABLISHMENT shall include any place where any article of clothing, napery, blankets, bedclothing or fabrics of any kind whatsoever are washed and/or ironed for hire, or where there is conducted the business of supplying to the public the use of any of said articles and of replacing the same with similar articles when those supplied are soiled or used, including any hand laundry.

(h)LAUNDRY, LAUNDER - "Laundry" is any article of clothing, napery, blankets, bedclothing or fabrics of any kind whatsoever that have been, or are about to be, or are being washed and/or ironed for hire.

"Launder" means a process whereby laundry is washed and/or ironed for hire.

(i) OUTSIDE LAUNDRY is any laundry establishment located without the boundaries of The City of San Diego.

(j) The term "Building" shall mean any structure built for the support, shelter, or enclosure of persons, animals or chattels; and when separated by division walls without openings, each portion so separated shall be deemed a separate building.

(k) The term "Business Building" shall mean any structure, whether public or private, regardless of the type of material used in its construction, located within the corporate limits of The City of San Diego, whether vacant or occupied, which is adapted to occupancy for transaction of business, for the rendering of professional services,

for the display, sale, distribution, storage, or serving of food, foodstuffs, goods, wares or merchandise, or for the performance of work or labor, including (but not limited to) hotels, rooming houses, apartment houses, office buildings, public buildings, theatres, stores, markets, restaurants, taverns, beer parlors, warehouses, grain elevators, abattoirs, work shops, factories, and all public or private structures where domestic or other animals are kept.

(l) The term "Premises" shall include all buildings, sheds, barns, animal pens or shelters, garages, docks, wharves, piers, and the like,whether public or private, standing alone, separately, or tegether with any other building herein defined, and shall include the land and its covering.

(m) The term "Opening" shall mean and refer to any opening or break in the foundation, sides or walls, ground or first floors, basements and roofs, including chimney, eaves, grills, windows, ventilators, sidewalk grates, and elevators, and around any pipe, wire or other installation connecting with a building or premises through which a rat might enter.

(n) The term "Rat-stoppage" or "Rat-proofing" as used herein shall apply to a form of rat-proffing to prevent the entrance or ingress of rats and other rodents into buildings or premises from the exterior from one building or establishment to another. It consists essentially of the closing or protection of all openings in the exterior walls, ground or first floors, basements, roofs, and foundations, with material impervious to rat gnawing, in such manner as to prevent rats from gaining entrance.

(o) The term "~~Rat-harborage~~" "Rat-Harborage" shall mean any condition which provides shelter or protection for rats or other rodents, thus favoring their multiplication and continued existence in, under on top of, or outside of any structure of any kind, or in, under, or on top of the land itself.

(p) SMORGASBORD, within the meaning of this Chapter is hereby defined to be any public eating house, dining room, or establishment where food is offered and sold for consumption on the premises wherein cooked or food prepared for immediate consumption is so assembled on tables or counters as to permit the consumer to serve himself.

SEC. 41.05 DESTRUCTION OF FOODS UNFIT FOR HUMAN CONSUMPTION

That the Department of Public Health of The City of San Diego, California, be, and it is hereby authorized and empowered to seize, condemn and destroy any and all food stuffs in said City of San Diego, California, which said Health Department shall upon inspection deem to be unfit for human consumption.

SEC. 41.10 DAIRY FARM, DAIRY - DEFINITIONS

(a) DAIRY OR DAIRY FARM. Whenever in this Chapter the word "Dairy"or "Dairy Farm" appears, it shall be construed to mean any place or premises where one or more cows or other milch animal or animals are kept, a part of or all of the milk or milk products from which are bottled and sold or sold and delivered to any person, firm or corporation.

(b) ESTABLISHMENT. Whenever the term "Establishment" is used it shall be construed to mean any place or premises where milk is produced, handled, distributed, sold or

dispensed to the public or any persons other than those considered as bona fide guests or immediate members of the family.

(c) MALTED MILK shall be defined as a mixture of Grade A Raw or Pasteurized milk, containing not less than 3.3% milk fat, with malted milk and flavoring substances, and ice cream containing not less than 10% milk fat, or shall contain ice milk containing not less than 4% milk fat; and all ice cream or ice milk shall conform to the provisions of the Agricultural Code.

(d) MALTED SKIM MILK shall be defined as a mixture of skim milk with malted milk and flavoring substance and ice cream or ice milk containing not less than 4% milk fat.

41.10.1 SEC. ~~41.01.1~~ PERMIT REQUIRED

It shall be unlawful for any person, or persons, firm or corporation owning, controlling, leasing, acting as agent for, conducting, operating or managing or maintaining any dairy or dairy farm, wholesale or retail establishment offering for sale or traffic, distribution, trade, exchange or delivery any milk or milk food products within the City of San Diego without first having obtained a permit therefor as in this Chapter established.

SEC. 41.10.2 APPLICATION FOR PERMIT

Every applicant for such permit shall file with the Department of Public Health of The City of San Diego, a written application which shall state the name and

address of the applicant, a description of the property, its location, street and number wherein and whereon it is proposed to conduct the establishment or business to be regulated by this ordinance and such other information as the Public Health Commission of The City of San Diego by regulations may require.

Every applicant for a permit shall at the time of making such application deposit with and pay to the clerk designated by the Department of Public Health of The City of San Diego to receive such applications, the annual inspection fee hereinafter in this Article established.

SEC. 41.10.3 GRANTING OF PERMITS - SUSPENSION AND REVOCATION

Upon receipt of the application accompanied by the fee hereinafter provided, it shall be the duty of the Director of Public Health of The City of San Diego to investigate the sanitary conditions in and about the place wherein and whereon it is proposed to conduct the establishment for which a permit is applied for; and if it shall appear to said Director of Public Health that the statements contained in the written application are true and that the existing sanitary conditions and all other requirements comply with the provisions of this Chapter and with the rules and regulations of the Public Health Commission of The City of San Diego and the Board of Health of the State of California and with the Agricultural Code of the State of California, regulating the production, grading and labeling of milk, and/or dairy products,

and with the rules and regulations of the Department of Agriculture, of the State of California, establishing sanitary standards for dairies, dairy farms, distributing plants, pasteurizing plants, and similar establishments, a permit shall be granted only upon the express condition that it shall be subject to suspension by the Director of Public Health or to revocation by the Public Health Commission upon a showing satisfactory to said Public Health Commission of a violation by the holder of the permit, his employee, servant or agent, or any other person acting with his consent, or under his authority, of any provision of this ordinance or any chapter or section of the Agricultural Code or rule or regulation of the Department of Agriculture or of the California State Board of Health.

SEC. 41.10.4 DIRECTOR OF PUBLIC HEALTH - AUTHORITY

The Director of Public Health is hereby authorized, empowered and directed to regulate and supervise the traffic in milk, cream and milk food products in The City of San Diego and to enforce the provisions of this Article and all laws of the State of California regulating milk and milk food products and the provisions of the Agricultural Code of the State of California, Department of Agriculture. The provisions of said laws and Agricultural Code, Rules and Regulations and any and all amendments thereto are by this reference adopted as a part of this Article.

SEC. 41.10.5 APPLICATION FOR HEALTH CERTIFICATE

Every person engaged or intending to engage in the business of producing, grading, labeling, handling, pasteurization, distribution, sale or traffic in milk, cream, buttermilk or milk food products, shall, on or before the second day of January of each year, file with the Director of Public Health or with the clerk of said Department of Public Health of The City of San Diego, an application for a Certificate of Health. An examination fee of One Dollar ($1.00) shall be paid at the time of the examination by each person examined, to the clerk or employee of the Department of Public Health of said City, authorized to receive fees; provided, however, that the Director of Public Health shall, at his discretion, authorize the examination of applicants without charge, upon a showing by said applicant that he is unable to pay the examination fee herein provided.

All moneys received as examination fees under the provisions of this ordinance shall be paid into the City Treasury and placed in the General Fund.

SEC. 41.10.6 PHYSICAL EXAMINATION - REPORTS REQUIRED

Examinations to determine the physical condition of persons engaged in or intending to engage in the business of producing, grading, labeling, handling, pasteurization, distribution, sale or traffic in milk, cream, buttermilk or milk food products, in any establishment regulated by this ordinance and for which establishment a permit has been issued, shall be made by a qualified physician, licensed by the State of California as a physician and surgeon and

and appointed and approved by the Director of Public Health to make such examinations. Such examinations may be made by such appointed physicians at places other than the quarters of the Department of Public Health with the consent of the Director of Public Health; the fee for such examination to be such as may be agreed upon by the applicant and the examiner.

The physician making any examination provided for in this section shall within twenty-four (24) hours after completion of said examination, file a report with the Department of Public Health, upon forms approved by the Public Health Commission, showing:

1. Date of Examination.
2. Name of Employee Examined.
3. Physical Condition
4. Presence of Infectious or Contagious Disease.
5. Any Other Information Required by the Public Health Commission by Regulation.

All examinations shall include a clinical and laboratory, oral and throat examination and a temperature test, and a specimen of the blood of each person examined, adequate to permit the making of a Widal Blood Test and a Wasserman Blood Test. All Specimens shall be submitted to the City Hygenic Laboratory for examination. Whenever there is reasonable grounds to suspect the presence of tuberculosis, gonorrhoea, syphilis, typhoid or diptheria or other communicable disease, a special examination shall be made

and such procedures or specimens as may be necessary shall be submitted to the City Hygenic Laboratory for diagnosis.

SEC. 41.10.7 PASTEURIZING - PERMIT AND OPERATOR'S CARD REQUIRED

It shall be unlawful for any person, employee,or agent to operate any equipment for the pasteurizing of milk or cream, without first having applied for and received a permit and operator's card as hereinafter established in this ordinance.

It shall be unlawful for any person, firm or corporation to employ or permit any person to operate any equipment for the pasteurization of milk or cream, unless said person shall hold an operator's permit issued by the Director of Public Health, as hereinafter established in this Article.

Every person applying for a permit to operate a pasteurizing plant or pasteurization equipment shall file with the clerk of the Department of Public Health in writing upon the regulation form approved by the Public Health Commission and shall, at the time of making application, deposit with the clerk the examination fee of Two Dollars ($2.00).

The application shall contain the following information:

Name and address of applicant;

Name of employer and any additional information regarding experience and qualifications which the Department of Public Health by regulation may require. The Director

of Public Health shall require each applicant to pass a satisfactory written and oral examination and to demonstrate his ability to operate any and all necessary equipment for the operation of a pasteurizing plant. Each applicant shall receive a grade of not less than 80% before an operator's card shall be issued.

On or about the 31st day of December of the year in which an operator's card is valid each operator shall make application for a new card and shall sign the register in the office of the Department of Public Health. He shall sign his name and address, the name and address of the employer, and the number of his operator's permit, whereupon a new operator's card for the year will be issued without charge. Failure to comply with the above provision of this section will require the operator to again file a new application, take an examination and pay to the clerk of the Department of Public Health the examination fee provided in this section.

SEC. 41.10.8 PASTEURIZING - SUSPENSION OR REVOCATION OF OPERATOR'S PERMITS

Every operator shall comply with the provisions of the Agricultural Code regulating pasteurizing plants and methods for pasteurization. Any violations of the code or provisions of this Article shall be deemed sufficient for the revocation or suspension of said permit.

Said permit shall be revoked or suspended upon a satisfactory showing that the holder has violated any of

the following regulations:

(1) Failure to properly keep pasteurization records as required by law.

(2) Manipulation or falsification of recording thermometer charts.

(3) Evidence of any contagious or communicable disease.

(4) Failure to furnish the Director of Public Health or his agents any and all information regarding the handling of product to be pasteurized.

(5) The pasteurization of any grade of milk or cream for human consumption that does not comply with the minimum requirements established in this Article.

SEC. 41.15 RESTAURANT, CAFE, FOOD DISPENSARY, ETC.- REGULATED

It shall be unlawful for any person, firm or corporation, owning controlling, leasing, acting as agent for, conducting, operating or managing any restaurant, cafe, lunch counter, cafeteria, soda fountain, ice cream parlor, soft drink stand, fruit stand, grocery, meat market or other place in The City of San Diego, California, where food is prepared for sale, sold, distributed or displayed for sale, or for any such person to sell, or offer for sale or to cause or permit to be sold or offered for sale, or to give away, or to cause or permit to be given away any food or drink therein or therefrom without first applying for and receiving from the Department of Public Health of The City of San Diego permit therefor or without complying

with the regulations hereinafter provided.

SEC. 41.15.1 APPLICATION FOR PERMIT - INSPECTION FEE

Every applicant for such permit shall file with the Department of Public Health of The City of San Diego a written application which shall state the name and address of the applicant, a description of the property wherein or whereon it is proposed to conduct such restaurant, cafe, lunch counter, cafeteria, soda fountain, ice cream parlor, soft drink stand, grocery, meant market, or other food distributing place, also the character of business proposed to be conducted, and such other information as the Public Health Commission of said City of San Diego by regulation may require. Every applicant for such permit shall at the time of making such application deposit with and pay to the Clerk designated by the Director of Public Health to receive such applications, the annual inspection fee hereinafter established in this Article.

SEC. 41.15.2 INVESTIGATION - REQUIREMENTS FOR ISSUANCE OF PERMIT

Upon the filing of such application, accompanied by the fee herein provided, it shall be the duty of the Director of Public Health of The City of San Diego, or Food Inspector designated by the said Department of Public Health, to investigate the facts set forth in such application, and the sanitary conditions in and about the place wherein or whereon it is proposed to conduct the business mentioned in the application, and whether said place

conforms to the requirements of the Code of The City of San Diego, and with the rules and regulations of the Department of Public Health of The City of San Diego; and unless it shall appear to the satisfaction of the Department of Public Health that such place conforms with the requirements of this Chapter, and with the requirements of the General Health Laws, and with the Regulations of the State Board of Health, and the California Pure Food and Drug Laws, Sanitary Bakery Law, and Cold Storage Law, and amendments thereto (and by this reference the provisions of said laws and amendments are adopted as a part of this Chapter, said application shall be denied. A permit shall be granted only on the express condition that it shall be subject to revocation or suspension by said Department of Public Health upon a showing satisfactory to said Department of Public Health of the violation by the holder of such permit, his employee, servant or agent, or any other person acting with his consent or under his authority, of any provision of this Chapter, or any law of the State of Calirornia, or any rule or regulation of the Department of Public Health of said City of San Diego, rule or regulation of the California State Board of Health, regulating places of the character set forth in Section 41.15 of this Code; and provided further that such permit shall not be transferable to any other person or to any other location.

SEC. 41.15.3 MINIMUM SCORE ESTABLISHED - REINSPECTED

No permit shall be issued to any establishment scoring less than 80% on the score card approved and adopted by the Public Health Commission of The City of San Diego. All Establishments designated in Section 41.15 of this Code shall maintain a score not less than 80%. If, upon inspection, any such establishment shall fail to meet with this standard, due written notice shall be served upon the person, firm, corporation or manager, owning, operating, controlling or maintaining such establishment that such corrections as are necessary shall be made within a specified time, and not more than thirty (30) days, at which time a reinspection shall be made. Failure to comply with said written notice shall be deemed sufficient cause for the suspension or revocation of the permit.

SEC. 41.15.4 INSPECTION FEE ESTABLISHED

Every person, firm or corporation applying for a permit under the provisions of this Article shall at the time of making application for such permit, pay an inspection fee of Five Dollars ($5.00) to the clerk or employee of the Department of Public Health of said City, designated to receive such fees. All moneys received as inspection fees under the provisions of this Article shall be paid into the City Treasury and place in the General Fund. A permit, for which application is made, under the provisions of this Article, may be granted at any time during the year, but all permits granted hereunder shall expire on the 31st day of December of the year in which same

are granted.

SEC. 41.20 SMORGASBORD - PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation to operate a smorgasbord without a permit first having been secured from the Department of Public Health of The City of San Diego, which department is hereby invested with authority and responsibility of the supervision, regulation and control of the operation of smorgasbords in the City.

Before issuing any such permit the Department of Public Health shall inspect the premises and the equipment thereof of the establishment in which such smorgasbord is to be operated, in order to insure that proper refrigeration and facilities for properly heating foods have been provided, and after the issuance of said permit inspect said premises at regular intervals to insure the operation thereof strictly in accordance with the rules and safeguards provided and prescribed by said department for the protection of the public health.

SEC. 41.20.1 APPLICATION - INSPECTION FEE

Except as in this Section expressly provided, in all respects the provisions of Section 41.15 of this Code shall govern and control the application for a permit and the payment of inspection fees therefor, and the operation by said permittee thereafter of smorgasbords in The City of San Diego.

~~SEC. 41.25 SLAUGHTERING REGULATED - LICENSE - INSPECTION~~

shall expire on the 31st day of December of the year in which the same are granted. No permit shall be transferable from one person, firm or corporation to another, and no permit shall be valid except for the location designated in the original application.

SEC. 41.30.3 AMOUNT OF INSPECTION FEE

The inspection fees for meat processing are established as follows:

For all establishments engaged in processing meat or meat food products, as defined in Section 41.30, and engaged in selling or jobbing to the wholesale trade, or selling to hotels, restaurants or other establishments for resale, the annual inspection fee shall be Fifty Dollars ($50.00).

All fees are due and payable on or before the 10th day of January of each calendar year.

SEC. 41.30.4 PERMIT - INSPECTION AND CONDITIONS

Upon the receipt of such application, it shall be the duty of the Director of Public Health of San Diego to investigate the sanitary conditions in the establishment mentioned in the application, and if it shall appear that the sanitary conditions comply with and conform to the rules and regulations of the Department of Public Health of The City of San Diego, the rules and regulations of the State Board of Health, and with the California Meat Inspection Regulations of the Department of Agriculture, Division of Animal Industry, and any and all other

Acts or Laws of the State of California, in reference thereto, which porvisions of said laws, rules and regulations, and any amendments thereto, are by this reference adopted as a part of this Article, a permit therefor shall be granted only upon the express condition, however, that it shall be revocable upon a conviction of the person or persons holding a permit for the violation of any of the provisions of this Article.

SEC. 41.35 BEAUTY PARLOR; COSMETOLOGIST SCHOOLS OR COLLEGES, ETC. - PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation, owning, controlling, leasing, acting as agent for, conducting, operating, or managing any beauty parlor, cosmetician or cosmetologist shop, school or college, massage or hairdressing establishment or room, in The City of San Diego, California, to conduct or operate, or to cause or permit to be conducted or operated, such beauty parlor, cosmetician, or cosmetologist shop, school, or college, massage or hairdressing establishment without first applying for and receiving from the Department of Public Health, of The City of San Diego, a permit therefor, in the manner hereinafter provided.

SEC. 41.35.1 APPLICATION - INSPECTION FEE

Every applicant for such permit shall file with the Department of Public Health of The City of San Diego a written application which shall state the name and address of the applicant, a description of the property by street and number wherein and whereon it is proposed to conduct such establishment; also the character of business which

is proposed to be conducted and such other information as the Department of Public Health of The City of San Diego by regulation may require.

Every applicant for such permit shall at the time of making such application deposit with and pay to the Clerk designated by the Director of Public Health of The City of San Diego to receive such applications the annual inspection fee hereinafter in this Article established.

SEC. 41.35.2 PERMIT - INSPECTION AND CONDITIONS

Upon receipt of such application, accompanied by the fee herein established, it shall be the duty of the Department of Public Health of The City of San Diego to investigate the matters set forth in such application, and the sanitary conditions in and about the place wherein or whereon it is proposed to conduct the business designated in the application, and if it shall appear to said Director of Public Health, or to the officer or employee designated by the Department of Public Health, or by the Director of Public Health to perform such duties, that the statements contained in the application are true, and that the existing sanitary conditions in the place mentioned in said application comply with the provisions of this Code and state laws in force at the time such application is considered, and conform to the rules and regulations of the Department of Public Health of said City, a permit shall thereupon be granted; provided, however, that such permit shall be granted only upon the express condition

that it shall be subject to revocation or suspension by said Department of Public Health upon conviction of a violation by the holder of such permit, his employee, servant or agent, or any other person acting with his consent or under his authority, of any provisions of this Code of The City of San Diego, or any law of the State of California, or any rule of the Department of Public Health of said City, regulating places of the character designated in Section 41.35 of this ordinance; and provided, further, that such permit may be transferred in the discretion of the Director of Public Health of said City upon application to said Director of Public Health.

SEC. 41.35.3 AMOUNT OF INSPECTION FEE

Every person, firm or corporation applying for a permit under the provisions of this Section shall at the time of making application for such permit pay an annual inspection fee of Two Dollars ($2.00) to the Clerk or employee of the Department of Public Health of said City designated to receive such fees. A permit for which application is made under the provisions of this Section may be granted at any time during the year, but all permits granted hereunder shall expire on the 31st day of December of the year in which the same are granted.

SEC. 41.35.4 OPERATOR'S PERMIT REQUIRED - APPLICATION - HEALTH CERTIFICATE - ANNUAL FEE

It shall be unlawful for any person to work at the

business of hairdressing, cosmetician, cosmetologist, manicuring, masseur, or beauty parlor operator, without first applying for and receiving a permit therefor in the manner hereinafter established.

Every applicant for an operator's permit shall file with the Department of Public Health a written application which shall state the name and address of the applicant together with such other information and references which the Department of Public Health of The City of San Diego by regulation may require.

Every application shall be accompanied with a certificate of Health properly executed on a regulation form furnished by the Department of Public Health and signed by a qualified physician, licensed to practice medicine in the State of California and regularly engaged in the practice of medicine in The City of San Diego. The Director of Public Health shall approve all health certificates before a permit shall be issued and is herewith empowered to reject any certificate whenever there is reasonable ground to suspect the presence of any communicable or contagious disease or whenever there is any reasonable grounds to believe that such person may be a disease carrier.

Every applicant for an operator's permit shall at the time of making such application deposit with and pay to the Clerk designated by the Director of Public Health of the City of San Diego to receive such applications, the annual fee of One Dollar ($1.00).

Upon the filing of such application accompanied by the fee herein provided it shall be the duty of the Department of Public Health of The City of San Diego to investigate the matters set forth in said application and if it shall appear to said Department of Public Health or to the Director of Public Health or employee designated by the Department of Public Health to perform such duties that the statements contained in the application are true and that the applicant has met the requirements of the regulations of the Department of Public Health and is qualified to work as an operator in such establishments as are designated in Section 41.35 a permit shall thereupon be granted only upon the express condition that such permit shall be subject to revocation or suspension by said Department of Public Health upon a showing satisfactory to said Department of Public Health of a violation by the holder of said permit, of any provision of the Code of The City of San Diego or any law of the State of California or any rule or regulation of the Department of Public Health of said City or the State Board of Health regulating places of the character designated in Section 41.35 of this ordinance, and provided further that such permit shall not be transferable and shall expire on the 31st day of December of the year in which the same is granted.

SEC. 41.35.5 RENEWAL OF OPERATORS' ~~LICENSE~~ PERMIT

All persons holding an operators' permit shall make application to the Department of Public Health for renewal

thereof on or before the 15th day of January. Upon the filing of such application for renewal of permit accompanied by a fee of One Dollar($1.00) which shall be paid to the Clerk designated by the Department of Public Health to receive such fees, a renewal permit shall be issued and that said permit shall be subject to revocation or suspension as stipulated in Section 41.35.4. It is further provided that no applications for renewal of permits will be received later than the 15th day of January.

SEC. 41.35.6 STUDENT PERMIT REGULATIONS

It shall be unlawful for any person to work as a student in any establishment designated in Section 41.35 without first having applied for and obtained a permit from the Department of Public Health of the City of San Diego. Every applicant for a student permit shall file with the Department of Public Health of The City of San Diego a written application which shall state the name and address of the applicant and the establishment in which the applicant proposes to work as a student and such other information as the Director of Public Health by regulation may require. Said applicant shall have passed a physical examination as required of operators in Section 41.35.4 . Students shall not be less than sixteen years of age. If it shall appear to the Department of Public Health that the health certificate and information filed in the application are satisfactory, a student permit shall

shall be issued without charge, provided however, that said permit is subject to revocation or suspension for cause, as provided for in Section 41.35.4. All student permits shall be valid throughout the term of apprenticeship.

A student shall only be allowed to work under the direct supervision of a licensed operator.

SEC. 41.40 NURSING HOME - PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation to establish, maintain, operate, own, control, lease or conduct within the limits of The City of San Diego any nursing home, without first applying for and receiving from the Department of Public Health of The City of San Diego, a valid permit therefor, or without complying with the regulations and provisions of this Section hereinafter established.

SEC. 41.40.1 APPLICATION FOR PERMIT

Every applicant, applying for a permit shall file with the Department of Public Health a written application upon the official form, approved by the Public Health Commission. Said application shall state the name, address, description of the property, the maximum number of inmates to be cared for, and any other information that the Public Health Commission, by regulation, shall require.

SEC. 41.40.2 INSPECTION FEE

Every applicant for a permit shall at the time of making the application, deposit with the City Treasurer or clerk authorized to receive such fees, the annual inspection fee of Ten Dollars ($10.00). Upon receipt

of the application, together with the inspection fee established in this Section, it shall be the duty of the Director of Public Health to investigate and inspect the establishment for which a permit has been applied for.

SEC. 41.40.3 PLANNING COMMISSION APPROVAL REQUIRED

The Director of Public Health shall transmit to the Planning Commission and to the Building Inspection Department a copy of the application.

If it shall appear to the satisfaction of the Planning Commission that the nursing home does not violate any ordinance providing for some restrictions or any other ordinance, rule or regulation enforced by the Planning Commission, said application shall be returned to the Director of Public Health with the approval or recommendation of the Planning Commission.

SEC. 41.40.4 BUILDING INSPECTION DEPARTMENT APPROVAL REQUIRED

The Director of Public Health shall transmit copies of the application to the Building Inspection Department for approval and/or recommendation. All nursing homes shall comply with the provisions of the San Diego Building Code.

SEC. 41.40.5 PUBLIC HEALTH COMMISSION - AUTHORITY

The Public Health Commission is authorized to establish rules and regulations for the proper enforcement of the provisions of this Section and for the control of all nursing homes and said Commission shall authorize the Health Officer to inspect and report upon the conditions prevailing in all nursing homes holding or applying for a permit under the provisions of this Section.

SEC. 41.40.6 ISSUANCE OF PERMIT - COMPLIANCE WITH CONDITIONS

If it shall appear to the Public Health Commission that the facts as stated in the application are true and correct and that the establishment has complied with the provisions of this Code and all sections of the Code enforced by the Building Inspection Department and Planning Commission, the rules and regulations of the Public Health Commission, the Health and Safety Code of the State of California, and the State Housing Act, then the Public Health Commission shall authorize the Director of Public Health to issue a permit as applied for.

Said permit may be issued at any time during the calendar year, but all permits shall expire on the 31st day of December of the year in which the same is granted.

SEC. 41.40.7 RENEWAL OF PERMIT

Application for renewal of permit shall be filed with the Department of Public Health on or before February first and the annual inspection fee of Ten Dollars ($10.00) shall be paid in the manner established in this Section

and permits shall be renewed only in accordance with the provisions established in this Section.

No permits shall be transferred from person to person or from one location to another.

SEC. 41.40.8 SUSPENSION OR REVOCATION OF PERMIT

A permit for a nursing home shall be granted only upon the express condition that it shall be subject to suspension or revocation by the Public Health Commission upon a showing satisfactory to said Commission of a violation by the holder of the permit, employee, servant, agent, or any other person acting with his consent or under his authority, of any provisions of this Code, or on the arrest and conviction for a violation of the provisions of this Article by a court of proper jurisdiction; or upon a showing satisfactory to the Public Health Commission that there has been fraud or misrepresentation in obtaining the permit; the misuse, maltreating or abusing of any inmate of such nursing home, or the using of practices or methods inimical to the physical, mental or moral well-being of such person; or conducting such nursing home in any manner that shall constitute a breach of the public peace or a menace to public health, safety, morals or welfare.

Said Commission shall grant any person or persons charged with such violations a hearing before the suspension or revocation of permit is ordered.

SEC. 41.45 LAUNDRY - PERMIT REQUIRED

(a) No person, firm or corporation shall, within The City of San Diego, either as principal, agent, solicitor, representative or employee, take orders for laundering or washing of any articles or articles of clothing, napery, blankets, bedclothing or fabrics of any kind whatsoever to be laundered or washed for hire, or conduct or carry on a laundry establishment as principal, agent, solicitor, representative or employee thereof, unless a permit shall have first been granted therefor by the Director of Public Health of The City of San Diego in conformity with the provisions hereinafter set out.

(b) No such license or permit shall be issued by said Director of Public Health until and/or unless the plant or place of laundering or other establishment in which said laundering or washing is to be done, and such of the employees as are engaged in the washing or laundering of clothes therein, shall have been inspected by the Director of Public Health of The City of San Diego or his duly authorized representative, and approved by the Bureau of Safety of The City of San Diego, and the sanitary character of such plant or establishment and absence of contagious or infectious disease among its agents or employees shall be certified to by said Director of Public Health or his duly authorized representative.

(c) Provided, however, that if such laundry establishment is situated outside The City of San Diego, the Director of Public Health, in lieu of such inspection and approval may accept a certificate from the Board of Health, Health

Officer, or other duly organized health authority situated in the city or town where such plant or establishment is located, certifying to such health conditions.

(d) Such inspections called for by this Section, when within The City of San Diego, shall be made by the Director of Public Health of said City without charge.

SEC. 41.45.1 INSPECTION FEES

Whenever any laundry establishment seeking a permit to do business within the City of San Diego is located without the city limits of said City and is unable from any cause to produce a satisfactory certificate from the health authority or authorities in the town or city in which it is located, certifying to the health conditions at such establishment, such plant may, before a permit is granted, be required to submit to an inspection by the Director of Public Health of the City of San Diego. For making such inspection, the Director of Public Health of the City of San Diego is hereby authorized and directed to charge mileage at the rate of fifteen cents ($0.15) per mile for each mile actually traveled by him from his office in the City of San Diego to the place where an inspection is made, and return therefrom. In addition, the Director of Public Health is directed and required to charge a fee for such inspection at the rate of Two Dollars and Fifty Cents ($2.50) per hour, for each hour actually spent in making such inspection, from the time of departure from his office in the City of San Diego until the time of

his return thereto; provided, however, that where two or more laundry establishments are inspected on the same trip, the time occupied in traveling to and from such establishments may be prorated and charged proportionately to such establishments.

SEC. 41.45.2 APPLICATION EXCEPTIONS

The provisions of this Section relative to laundry establishments shall not apply to any owner of a laundry establishment where all the work therein is done by such owner and/or where not more than one employee is engaged in the work thereof in addition to said owner.

SEC. 41.50 PET SHOP, BUSINESS OF DEALING IN ANIMAL PETS - PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation to carry on, conduct or operate either as owner, lessee, agent or superintendent, any building or premises for the purpose of trafficing in or raising, selling or exchanging any birds, cats, dogs or other animal pets within the City of San Diego, California, without first having obtained a permit therefor as in this Section provided.

SEC. 41.50.1 ANNUAL INSPECTION FEE

Every applicant for such permit shall at the time of making such application deposit with and pay to the Clerk designated by the Department of Public Health of The City of San Diego to receive such applications, the annual inspection fee hereinafter in this Section established.

SEC. 41.50.2 PERMIT - INSPECTION AND CONDITIONS

Upon receipt of such application, accompanied by the fee herein required it shall be the duty of the Department of Public Health of The City of San Diego to investigate the matters set forth in such application, and the sanitary conditions in and about the place wherein and whereon it is proposed to conduct the business mentioned in the application, and if it shall appear to said Department of Public Health or any employee designated by the Department of Public Health to perform such duties, that the statements contained inthe application are true, and that the existing conditions in the place mentioned in such application comply with the provisions of this Code and the state laws in force at the time such application is considered, and conforms with the rules and regulations of the Department of Public Health of said City and to the laws of the State of California and the rules and regulations of the Department of Agriculture, Bureau of Animal Industry, State of California, and the laws of the State of California for the Prevention of Cruelty to Animals, pertaining to establishments of the character designated in Section 41.50, a permit shall be granted only upon the express condition, however that it shall be subject to revocation or suspension by said Department of Public Health upon a showing satisfactory to said Department of Public Health of a violation by the holder of such permit, his employee, servant or agent, or any other person acting with his consent, or under his authority, of any provisions of the Code of The City

City of San Diego, or any law of the State of California, or any rule of the Department of Public Health of said City, or the rules and regulations of the Department of Agriculture, Bureau of Animal Industry, State of California, or the rules and regulations of the State of California for the prevention of Cruelty to Animals, pertaining to the establishments mentioned in Section 41.50, regulating places of the character designated in said Section 41.50, and provided, further, that such permit shall be transferable upon application to the Department of Public Health, and with its consent.

~~SEC. 41.50.3 INSPECTION FEES~~

Every person, firm or corporation applying for a permit under the provisions of this Section shall at the time of making application for such permit pay an inspection fee of Five Dollars ($5.00) to the clerk or employee of the Department of Public Health of said City designated to receive such fees. All moneys received as inspection fees under the provisions of this Section shall be paid into the City Treasury. A permit for which application is made under the provisions of this Section may be granted at any time during the year, but all permits granted hereunder shall expire on the 31st day of December of the ~~year in which the same are granted.~~

SEC. 41.50.4 ACCESS TO HEALTH OFFICERS FOR INSPECTION

The Department of Public Health, its Health Officer,

or agent, is empowered and directed at any and all times to visit such establishments as are designated in Section 41.50 for the purpose of inspecting the sanitary condition of buildings, drainage, sewage, cleanliness, equipment, utensils, employees, water supply, disposal of refuse, and they are further authorized and empowered to enforce all the provisions of this Section and all the laws of the State of California and the rules and regulations of the Department of Agriculture, Bureau of Animal Industry, State of California, and the laws of the State of California for the Prevention of Cruelty to Animals. The provisions of said laws and any amendments thereto are by this reference adopted as a part of this Section.

SEC. 41.50.5 AUTHORITY TO PROVIDE. RULES AND REGULATIONS

The Department of Public Health by regulation shall provide suitable rules and regulations for such establishments designated in Section 41.50, as shall be necessary to prevent such establishments from becoming a nuisance, or in any way affecting the peace, health and safety of residents of The City of San Diego.

SEC. 41.55 FERTILIZER MANUFACTURING - REGULATED

It shall be unlawful for any person, firm or corporation to carry on, conduct, or operate, either as owner, lessee, lessee, agent or superintendent, the business of steaming, boiling, reducing, rendering or cooking any animal substance or matter, fish substance or matter, or vegetable substance or matter for the manufacture of fertilizer, fats, oils, chicken meal, or any by-product of any kind or character, or to conduct, operate, maintain or

carry on, either as owner, lessee, agent, or superintendent, or otherwise, any reduction works or fertilizer plant, or other place where the business of steaming, boiling, reducing, rendering or cooking any animal substance or matter, fish substance or matter, or vegetable substance or matter, for the manufacture of fertilizer, fats, oils, chicken meal, or any by-product of any kind or character, is carried on or maintained, within The City of San Diego, California, without first having obtained a permit therefor as in this Section provided.

SEC. 41.55.1 APPLICATION FOR PERMIT - INSPECTION FEE

Every applicant for such permit shall file with the Department of Public Health of The City of San Diego a written application, which shall state the name and address of the applicant, a description of the property, its location, street and number wherein and whereon it is proposed to conduct such establishment or business as mentioned in Section 41.55, and such other information as the Department of Public Health of The City of San Diego by regulation may require.

Every applicant for such permit shall at the time of making such application deposit with and pay to the Clerk designated by the Department of Public Health of The City of San Diego to receive such applications, the annual inspection fee hereinafter in this Section established.

SEC. 41.55.2 PERMIT - INSPECTION AND CONDITIONS

Upon receipt of such application, accompanied by the

fee herein required, it shall be the duty of the Department of Public Health of The City of San Diego to investigate the matters set forth in such application, and the sanitary conditions in and about the place wherein and whereon it is proposed to conduct the business mentioned in the application, and if it shall appear to said Department of Public Health, or any employee designated by the Department of Public Health to perform such duties, that the statements contained in the application are true, and that the existing conditions in the place mentioned in such application comply with the provisions of this Section and the state laws in force at the time such application is considered, and conforms with the rules and regulations of the Department of Public Health of said City and to the laws of the State of California and the rules and regulations of the State Board of Health, and the rules and regulations of the Department of Agriculture, Bureau of Animal Industry, State of California, and the rules and regulations of the Fish and Game Commission, State of California, pertaining to establishments of the character designated in Section 41.55 a permit shall be granted only upon the express condition, however, that it shall be subject to revocation or suspension by said Department of Public Health upon a showing satisfactory to said Department of Public Health of a violation by the holder of such permit, his employee, servant or agent, or any other person acting with his consent, or under his authority, of any provisions of The Code of The City of San Diego, or any law of the State of California, or any

rule of the Department of Public Health of said City, or the rules and regulations of the Department of Agriculture, Bureau of Animal Industry, State of California, or the rules and regulations of the Fish and Game Commission, State of California, pertaining to the establishments mentioned in Section 41.55 regulating places of the character designated in said Section 41.55 and provided, furhter, that such permit shall be transferable upon application to the Department of Public Health, and with its consent.

SEC. 41.55.3 INSPECTION FEES

Every person, firm or corporation applying for a permit under the provisions of this Section shall at the time of making application for such permit pay an inspection fee of Five Dollars ($5.00) to the Clerk or employee of the Department of Public Health of said City designated to receive such fees. All moneys received as inspection fees under the provisions of this ordinance shall be paid into the City Treasury. A permit for which application is made under the provisions of this Section may be granted at any time during the year, but all permits granted hereunder shall expire on the 31st day of December of the year in which the same are granted.

SEC. 41.55.4 AUTHORITY TO VISIT PREMISES

The Department of Public Health, its Health Officer, or agent, is empowered and directed at any and all times to visit such establishments as are designated in Section 41.55

for the purpose of inspecting the sanitary conditions of buildings, drainage, sewage, cleanliness, equipment, utensils, employees, water supply, disposal of refuse, and they are further authorized and empowered to enforce all the provisions of this Section and all laws of the State of California and the rules and regulations of the Department of Agriculture, Bureau of Animal Industry, State of California, and the rules and regulations of the Fish and Game Commission, State of California. The provisions of said laws and any amendments thereto are by this reference adopted as a part of this Section.

SEC. 41.55.5 AUTHORITY TO ESTABLISH RULES AND REGULATIONS

The Department of Public Health by regulation shall provide suitable rules and regulations for such establishments as are designated in Section 41.55, as shall be necessary to prevent such establishments from becoming a nuisance, or in any way affecting the peace, health and safety of residents of The City of San Diego.

SEC. 41.60 STABLES - PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation to construct or use any buildings or premises as a stable, barn or yard for horses, mules or other animals, of a kind ordinarily used for draught or riding or commercial or domestic purposes, without first obtaining a written permit from the Director of Public Health, specifying the name of the permitee and the location of the buildings or premises to be used, and the number of animals intended to be kept therein.

SEC. 41.65 TATTOOING - PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation, owning, controlling and leasing, acting as agent for, conducting, managing or operating any establishment for the purpose of practicing the art of tattooing or to engage in the practice of tattooing, without first applying for and receiving a permit from the Director of Public Health of The City of San Diego therefor, as hereinafter provided.

SEC. 41.65.1 CONTENTS OF APPLICATION

Every applicant for such permit shall file with the Clerk of the Department of Public Health of The City of San Diego, a written application, which shall state the name and address of the applicant, a description of the property by street and number, wherein and whereon it is proposed to conduct the tattooing establishment, the number of persons to be employed in such establishment, together with a description of the experience and qualifications of each person engaged in the practice of tattooing, and any other information that the Public Health Commission by regulation may require.

SEC. 41.65.2 INVESTIGATION

It shall be the duty of the Director of Public Health of The City of San Diego to investigate the facts stated in the application, and the sanitary conditions pertaining to the establishment where it is proposed to practice the business of tattooing, and if it shall appear to the Director of Public Health that the statements contained in

the application are true and that the existing sanitary conditions comply with the provisions of this Section and the State laws in force at the time the application was filed, and conform to the rules and regulations of the Public Health Commission of The City of San Diego, a permit therefor shall be granted for the establishment. Such permit shall be granted only upon the express condition that it shall be subject to suspension or revocation by the Public Health Commission upon a showing satisfactory to said Commission of a violation by the holder of such permit, or person or employee, acting with his consent or under his authority, of any provision of this Section or any law of the State of California, or any Rule or Regulation of the Public Health Commission of The City of San Diego regulating tattooing establishments.

SEC. 41.65.3 CERTIFICATE OF APPROVAL

At the time of issuance of the permit, the Director of Public Health shall give to the applicant a certificate of approval which certificate shall be presented to the City Treasurer together with the license tax herein provided.

SEC. 41.65.4 OPERATOR'S CARD REQUIRED

It shall be unlawful for any person to employ an operator or to be employed as an operator in the practice of tattooing without such operator having first an operator's card. The issuance of the operator's card herein provided, shall be subject to the applicant complying with the regulations and passing the physical examination

required by the rules and regulations of the Public Health Commission. An operator's card shall be granted only on the express condition that it shall be subject to suspension or revocation by the Director of Public Health upon a showing satisfactory to the Director of Public Health of a violation by the holder of said operator's card of any provision of this Section, or upon a satisfactory showing that the operator does not possess sufficient skill or that he is negligent and has been responsible for severe infections or for violation of any rule or regulation of the Public Health Commission.

SEC. 41.65.5 REVOCATION OF PERMIT REVOKES LICENSE

Suspension or revocation of a permit or an operator's card shall automatically suspend or revoke any license issued to such person under the provisions of the Code of this City. Upon the making of any order of suspension or revocation, the Director of Public Health shall in writing, notify the City Treasurer.

SEC. 41.65.6 EXPIRATION OF PERMIT AND OPERATOR'S CARD

A permit for tattooing establishments and operator's cards under the provisions of this Section may be granted at any time during the year, but all permits and operator's cards issued hereunder shall expire on the 30th day of June. Said permit or operator's card shall not be transferable.

SEC. 41.90 GARBAGE AND REFUSE COLLECTION

(Note: The following ordinance, No. 7691 adopted and ratified April 18, 1919, is a "Peoples Ordinance." It is,

therefore, included here in its entirety, Section 1 through Section 13, inclusive.

(The language in this Ordinance is based upon the Charter in existence at the date of its adoption. Pursuant to the present Charter (1931), as amended, "Common Council" shall mean "City Council;""Manager of Operations" shall mean "City Manager;" "Board of Health" shall mean "Department of Public Health.")

Be it ordained by the People of the City of San Diego, as follows:

Section 1. It shall be the duty of the Manager of Operation of The City of San Diego to gather, collect and dispose of all City refuse, except as hereinafter provided, within said City, and it shall be the duty of the Common Council of said City to levy and collect a sufficient tax each year for the purpose of paying the cost of the collection and disposal of said City refuse. Said Common Council may authorize and empower said Manager of Operation to dispose of said City refuse in such manner as it may deem proper for the best interests of said City and in compliance with the rules and regulations of the Board of Health of said City.

Section 2. The term "City refuse" shall be construed to include garbage, waste matter, ashes, night soil, market refuse and dead animals.

For the purpose of this Ordinance, the word "Garbage" shall be held to include and mean kitchen and table refuse and offal, swill, and also every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowls, birds, fruits or vegetables.

For the purpose of this ordinance, the term "market refuse" is defined to be and to include decayed and unsound meat, fish, fruit and vegetables, from meat, fish, fruit and vegetable markets, and animal and vegetable refuse from such markets.

The term "waste matter" shall include and be held to mean broken crockery, broken bottles, glass, tin vessels, trimmings from lawns, flower gardens, shrubs and trees, berry boxes, pasteboard boxes, paper, rags, packing materials, shavings, ashes and all non-combustible waste matter.

The term "ashes" shall be held to include and mean the residue of materials burned.

The term "night soil" shall include and mean contents of privy vaults, cesspools, dry wells and sinks.

Section 3. The garbage shall be placed in portable vessels, tanks or receptacles for holding garbage. It shall be unlawful for any person to mix any other form of City refuse with garbage in said receptacle. Each such vessel, tank or receptacle shall be constructed of metal, and shall be water-tight, and shall be so constructed as to contain not less than three, nor more than

sixteen gallons, and shall be provided with a handle or handles on the outside thereof, and with a tight-fitting metal cover. Such cover must not be removed except when necessary to place garbage therein, or to take the contents therefrom. Said vessels, tanks or receptacles shall be provided by and at the expense of each person, firm or corporation requiring the collection or removal of City refuse.

Section 4. It shall be the duty of the Manager of Operation to collect all garbage in said City at least once each week, and at such other times as the Common Council may provide, or the Board of Health may direct.

Section 5. For the purpose of said collection the Manager of Operation may divide the City into as many districts as he may deem necessary for the convenient collection of said City refuse, and said Manager of Operation may fix a day or days on which said City refuse shall be collected in said districts.

Section 6. All persons, firms or corporations requiring the removal of garbage, ashes or waste matter shall place the receptacles containing the same in some accessible place in the yard, or on the ground

floor of their respective premises on each collection day; provided that special permission may be granted by the Manager of Operation of said City, for the placing of said receptacles in some other accessible place on the premises, other than the yard or on the ground floor, in the event that no accessible place can be found on the ground floor, or in the yard of said premises, and all such receptacles shall be kept and placed in some accessible place such as is above prescribed.

That such City refuse shall be carried through said City in such receptacles and in such manner as may be recommended by the Board of Health of said City, and approved by the Common Council.

Section 7. It shall be unlawful for any person or persons, other than the person or persons authorized by law to collect City ~~refuse~~ refuse, to interfere in any manner with any receptacle containing garbage, or the contents thereof, or to remove any such receptacle from the location where the same was placed by the owner thereof, or to remove the contents of any such receptacle, except that any person, firm or corporation producing table refuse or other form of

garbage
~~garage~~, may sell, give away or otherwise dispose of the same in such manner as he or it may desire; provided that any table refuse or garbage handled, conveyed or otherwise treated by any person other than an employee of the Operating Department of said City shall be handled, conveyed or otherwise disposed of in a manner strictly in accordance with the rules and regulations of the Board of Health of said City.

Section 8, It shall be unlawful for any person, firm or corporation to deposit, or to cause or permit to be deposited, any City refuse upon or in any public street, alley, or other public place, or upon any premises in said City.

Section 9. It shall be the duty of every owner of any animal or poultry found dead within the City of San Diego, within three hours after the death of said animal or poultry, to report the same to the office of the Board of Health of said City. The provisions of this ordinance shall not apply to any animal or poultry killed for food, unless in the state of decomposition, or which shall have been condemned by the Board of Health.

Section 10. That no manure collected for transportation shall be loaded on to cars or

other vehciles and left standing within the City limits, except in a yard or premises belonging to, or under the control of, the person or corporation intending to transport the same, and then only for a period of not longer than one day of twenty-four hours.

Section 11. It shall be unlawful for any person, firm or corporation to allow garbage to accumulate upon the premises occupied by such person, firm or corporation.

Section 12. That any person, firm or corporation violating any of the provisions of this ordinance, shall, upon conviction thereof, be punished by a fine of not more than Two Hundred Dollars ($200.00), or by imprisonment in the City Jail of said City for a period not exceeding one hundred (100) days, or by both such fine and imprisonment. And, in the event that the fine imposed hereunder is not paid, then by imprisonment in the City Jail of said City at the rate of one day for every two dollars ($2.00) of the fine so imposed.

Section 13. That all ordinances and parts of ordinances in conflict with the provisions of this ordinance be, and the same are hereby repealed.

ARTICLE - 2

HOUSING - HOSPITALS - NURSING HOMES

SEC. 42.01 BUILDINGS UNFIT FOR HUMAN HABITATION - ORDERS OF DEPARTMENT OF PUBLIC HEALTH

It shall be, and is hereby declared unlawful for any person, firm or corporation, being the owner, agent or lessee of any building or apartment, to refuse or neglect for a period of five (5) days to obey any order of the Director of Public Health to vacate such building or apartment, whenever the Health Officer shall have certified that such building, apartment, or any part thereof, is, from any cause, unfit for human habitation, and whenever said Director of Public Health shall issue an order to vacate such building, apartment, or any part thereof.

SEC. 42.10 NURSING HOME - FIRE HAZARD

It shall be unlawful for any person operating or conducting a nursing home to permit any fire hazard within the building or on the premises constituting said home.

At the beginning of each calendar year the Director of Public Health shall transmit to the Fire Marshal a list of all nursing homes, whereupon the Fire Marshal shall inspect or cause an inspection to be made. The Fire Marshal shall serve a written notice upon the person or persons operating said home to install all necessary equipment for the protection of the inmates and comply with all local laws and State laws regulating nursing homes and similar buildings. Whenever a violation occurs in said nursing homes, the Fire Marshal shall

serve written notice to correct or abate such violations within ten (10) days. A written copy of such notice shall be forwarded to the Director of Public Health. Failure to comply with said orders shall be deemed sufficient grounds for the Public Health Commission to suspend or revoke the permit issued under the provisions of this Code.

SEC. 42.11 NURSING HOME - SANITARY RULES AND REGULATIONS

(a) Every nursing home shall have posted in a conspicuous place a valid permit issued by the Department of Public Health.

(b) All rooms occupied by inmates shall be outside rooms. The rooms shall be of sufficient size to allow not less than 800 cubic feet of air space and 100 square feet of floor space for each inmate.

(c) Window space shall not be less than one-fifth of floor space.

(d) All doors and windows shall be effectively screened with metal screen of at least 16 mesh.

(e) No gas stove or heater shall be used which is not approved by the American Gas Association or some other laboratory acceptable to the Director of Public Health.

(f) All gas space heaters in nursing homes shall be directly connected with an outside flue and all gas connections shall be of metal piping.

(g) Provisions for the isolation of tuberculosis and infectious or communicable diseases shall be made, and all communicable diseases subject to quarantine regulations

under the Health and Safety Code shall be transferred to the Contagious Disease Ward, County Hospital.

(h) An adequate supply of bedding and body linen shall be provided. Sufficient sheets and towels shall be kept on hand at all times. This bedding and linen shall be kept apart from household supply and reserved for patients only.

(i) Equipment for sterilization of bed pans, instruments, bandages, etc., shall be installed. All such equipment shall be approved by the Director of Public Health.

(j) There shall be at least one water closet and one hand basin on each floor of any nursing home. Said hand basin to be supplied with hot and cold water.

(k) The water closet compartment shall be so arranged that a person may have access to the water closet compartment without having to pass through any bedrooms.

(l) If there are more than ten (10) inmates on any floor of a nursing home at least two (2) water closets shall be installed in separate compartments on a public hallway on the floor. One of the water closet compartments shall be distinctly marked "Men" and one shall be distinctly marked "Women."

(m) There shall be one lavatory with hot and cold water located in each water closet compartment in the same ratio with water closets.

(n) If there are more than twenty (20) inmates on any

floor of a nursing home, at least one water closet shall be provided in separate compartment in a public hallway for every twenty (20) or a fraction part of twenty (20) inmates on each floor.

(o) No door or other opening in a water closet compartment shall open from or into any room in which food is stored or prepared.

(p) The walls enclosing a water closet compartment in a nursing home shall be well plastered or constructed of non-absorbent material.

(q) There shall be at least one bath tub on each floor of any nursing home. Said tub to be supplied with hot and cold water.

(r) If there are more than ten (10) inmates on any floor of a nursing home, at least two (2) bath tubs supplied with hot and cold water shall be installed in separate compartments on a public hallway on the floor. One compartment shall be distinctly marked "Men"and one shall be distinctly marked "Women."

(s) At least one bath tub or shower provided with hot and cold water shall be installed in a separate compartment on a public hallway in any nursing home for every twenty (20) or fractional part of twenty (20) inmates on the same floor as the hallway.

(t) The walls of every bath or shower compartment in a nursing home shall be well plastered or constructed of non-absorbent material.

(u) Every kitchen in a nursing home shall comply with the provisions of Sections

SEC. 42.12 NURSING HOME - RULES AND REGULATIONS PROVIDING FOR MINIMUM STANDARDS

(a) A record shall be kept of every patient and shall contain the name and address of the nearest relative, the date of admission and the date of discharge from the hospital, the medical history, physical examination, progress record and record of nursing and medical care of the patient, and laboratory reports and other necessary information that the Public Health Commission may require.

(b) It shall be unlawful for any person or persons, maintaining, operating or controlling or leasing and conducting a nursing home to receive for treatment any patient who is insane and requires restraint and/or may become violent.

(c) It shall be unlawful for any person maintaining or operating a nursing home to receive for treatment any persons suffering from acute or chronic alcoholism who requires restraint and/or may become violent, without first having provided special equipment and housing approved by the Public Health Commission.

(d) Every person maintaining or operating a nursing home shall be required to employ at least one Registered Nurse holding a valid nursing credential issued by the State of California, and it shall be such nurse's duty to supervise

and direct all nursing personnel within said institution and she shall be held responsible for the performance of all standard nursing procedures.

~~SEC. 42.15 AUTO COURTS, PUBLIC CAMPS - CARETAKER AND~~ SUPERVISION

All auto courts and public camps shall be provided at all times with a resident caretaker, whose duty shall be to enforce all sanitary rules and regulations and see that no part of the ordinance is violated. The management of every auto court and/or public camp shall assume responsibility for maintaining in good repair and operation all sanitary appliances on the premises. Dogs shall at no time be turned loose or permitted to run at large.

Supervision and equipment sufficient to prevent littering of the ground with rubbish, garbage, or other refuse shall be provided and maintained. Fly-tight metal depositories with tight fitting covers for such materials shall be provided and conspicuously located. Each and every dwelling and/or camping space shall be within a distance of not over one hundred (100) feet from such depository. Said depositories shall not be permitted to become foul-~~smelling, unsightly, or breeding places for flies.~~

~~SEC. 42.16 AUTO COURTS, PUBLIC CAMPS - REGISTRATION AND INSPECTION~~

~~It shall be the duty of the management or caretaker to keep a record of all guests and camping parties. The record shall be in the form of a hotel registry. Said~~

registry shall specify the date of arrival and in the event said guests or camping parties are traveling by means of an automobile, said registry shall further specify the name of the owner of the automobile, the make of the automobile, the state in which said automobile is registered, the number of the license thereof, and the year of its issuance. The register shall at all times be open for inspection to all police officers of the City of San Diego.

Each and every auto court and public camp must be thoroughly inspected by the City Department of Public Health, and said Department shall collect an annual inspection fee of five dollars ($5.00) therefor from each owner or proprietor.

ARTICLE - 3

WATER COURSES AND SUPPLY

SEC. 43.01 WATERWAYS - DUMPING OF REFUSE PROHIBITED

It shall be unlawful for any person, firm or corporation to dump, or allow to be dumped, or cause to be dumped any City refuse or waste matter in any water or waterways within the corporate limits of the City of San Diego.

SEC. 43.02 WATER SUPPLY TO PREMISES INTENDED FOR HUMAN HABITATION

All premises intended for human habitation or occupancy and all pipes, conduits, tanks or any other means of supplying water for human or domestic consumption or use, shall be supplied with good, wholesome and potable water.

SEC. 43.03 WATER SUPPLY - INTERCONNECTION WITH CITY SUPPLY PROHIBITED

No person, firm or Corporation who installs, allows to be installed, or operates any equipment of any kind, class or description which may contain water unfit for human or domestic consumption shall inter-connect or allow such inter-connection of such equipment to the water supply system of the City of San Diego.

SEC. 43.04 SAN DIEGO RIVER - BATHING PROHIBITED

It shall be unlawful for any person or persons to swim, wade or bathe in the waters of The San Diego River within the limits of The City of San Diego.

ARTICLE - 4

ANIMALS AND POULTRY

~~SEC. 44.01 SLAUGHTER HOUSES, REDUCTION PLANTS - DECOMPOSABLE MATTER DECLARED NUISANCE~~

Any place within the limits of The City of San Diego where any animals may be slaughtered, or where any fat may be rendered, or where any swine may be fed or where any garbage or decomposable matter may be dumped or remain in violation of the provisions of this Section, are hereby declared to be nuisance and within twenty-four hours after notice being given by the Department of Public Health to the owner, agent or other person having the same in charge, such person shall remove and abate the same; and in the event of failure by such owner, agent, or other person in charge, or having control of such premises, to remove and abate the said nuisance, such nuisance shall be removed and abated under the instructions of the Department of Public Health at the expense of the owner, agent or occupant of such premises, to be recovered in the name of The City of San Diego.

(Note - Ordinance No. 83 Contains rules on various subjects and the Sections are in various Articles of the Chapter.

The penalty provides $300 fine or 90 days in jail.)

~~SEC. 44.01.1 SLAUGHTERING - PERMIT REQUIRED~~

No person shall slaughter or butcher animals within ~~the limits of the City of San Diego without a permit~~

SEC. 44.02 STABLES - SANITARY PREMISES

The floor of all structures or premises hereafter constructed and intended to be used for the purpose of housing or stabling horses, mules, or other such animals must be reasonably impervious to moisture and be kept free from excreta and in a sanitary condition. All such structures shall be whitewashed with reasonable frequency.

SEC. 44.03 STABLES - SANITARY REQUIREMENTS

Every person, firm or corporation now or hereafter maintaining any stable, barn or other place in which manure, animal excreta, or stable refuse accumulates shall provide a galvanized iron, tin, zinc or other metal lined box or bin within the area walls of said stable, barn or other such place; said box or bin in a stable, barn or place with a capacity of 10 or more of the animals mentioned in Section 44.02 shall be vented by means of a duct or flue not less than 12 inches square extending through the roof. The termination of said vent shall be carried above the roof of adjoining premises, and in no instance be less than ten feet from any window or light well. Boxes or bins in stables, barns or places of a

smaller capacity shall be ventilated in accordance with a written permit to be obtained from the Department of Public Health. No person, firm or corporation having charge of such stable, barn or place shall keep any manure or animal excreta or permit any manure or animal excreta to be kept in or upon any portion of the premises other than the bin or pit described, nor shall any such bin or pit be allowed to be over-filled. All manure, animal excreta or stable refuse must be removed from such stable, barn or place at least semi-weekly, and at all times shall such stable, barn or place, and every part and appurtenance thereof, be kept in a clean and sanitary condition. No ventilators or windows which may be used as ventilators shall be constructed in the area walls of the stable if within ten feet of adjacent property lines, except by special written consent of the Department of Public Health. All stables and barns must be ventilated by means of louvre ventilators in the roof, or by openings in area walls where said walls are more than ten feet from adjacent property lines, except as herein provided.

SEC. 44.04 STABLES - PROXIMITY TO OTHER STRUCTURES - PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation to hereafter construct or maintain in The City of San Diego, California, within fifty feet of any residence, dwelling place, schoolhouse, or church, any structure or enclosure for more than four horses, mules or other

animals mentioned in Section 44.02 excepting cows or cattle, without a special written permit from the Department of Public Health.

SEC. 44.05 PETS - SUITABLE HOUSING REQUIRED

It shall be unlawful for any person, firm or corporation to own or operate a place where birds, cats, dogs or other animal pets are kept without first having provided suitable housing facilities to protect such animal pets or birds against inclement weather.

SEC. ~~44.05~~ 44.06 PETS - MAINTENANCE OF STRUCTURE

The floors of all structures used, or hereafter constructed and intended to be used for the purpose of housing or keeping birds, cats, dogs or other animal pets must be impervious to moisture and be kept in a sanitary condition. All such structures shall be whitewashed or painted a light color and maintained in good repair at all times.

SEC. ~~44.06~~ 44.07 DISEASED PETS - UNLAWFUL TO SELL OR DISPOSE

It shall be unlawful for any person, firm or corporation to sell or dispose of any birds, cats, dogs or other animal pets, having any disease whatever.

SEC. ~~44.07~~ 44.08 DISEASED PETS - NOTICE TO DEPARTMENT OF PUBLIC HEALTH

Whenever any animal pets or birds shall appear to have any communicable disease the Department of Public Health shall be notified immediately of such condition existing with such information as may be necessary, and such animals shall be immediately isolated from healthy animals,

or if in the discretion of the Health Officer or its authorized representative said animal is considered a menace to the health of other animals or people he shall condemn said animal to be removed entirely from the premises and destroyed.

SEC. ~~44.08~~ 44.09 PETS - NOISE, ODORS - DECLARED NUISANCE

The presence of obnoxious odors or insanitary conditions, or the failure to muzzle or place in sound proof kennels all dogs barking excessively or to a degree that annoys the immediate neighborhood under the provisions of this Article is hereby declared to be a public nuisance, and may be summarily abated by the Director of Public Health of The City of San Diego.

SEC. 44.20 FOWL - PROXIMITY TO RESIDENCES PROHIBITED

It shall be unlawful for any person owning or having control or custody of any of the following fowls, to-wit; chickens, turkeys, geese, ducks, pigeons, guinea fowl or peafowl, to permit such fowl or fowls to run at large or to keep, place or confine such fowl or fowls in the front yard of any premises within The City of San Diego or within twenty (20) feet of any building used for residential purposes in The City of San Diego.

SEC. 44.20.1 FOWL - KEEPING IN OFFENSIVE, UNHEALTHY MANNER - PROHIBITED

It shall be unlawful for any person to keep within the residential zones of The City of San Diego, any fowl or fowls described in Section 44.20 in a manner which

is injurious to health or is offensive to the senses or is an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property.

SEC. 44.20.2 FOWL - AUTHORITY OF DEPARTMENT OF PUBLIC HEALTH

The Department of Public Health of The City of San Diego shall have charge of the enforcement of this section ~~ordinance~~.

~~SEC. 44.30 CITY POUND ESTABLISHED~~

That there is hereby established in The City of San Diego a City Pound for impounding estrays, and the same shall be maintained in said City as a City Pound upon such place or places as may be hereinafter selected by the Department of Public Health.

SEC. 44.31 DEPARTMENT OF PUBLIC HEALTH SUPERVISION

The Department of Public Health of The City of San Diego shall have charge of the direction and supervision of said pound.

SEC. 44.32 POUNDMASTER

There is hereby created in the Department of Public Health of The City of San Diego the position of Poundmaster.

Before entering upon the discharge of his duties the Poundmaster shall give good and sufficient bond of the amount specified in the Section of this Code prescribing and regulating official bond, conditioned for the faithful discharge of his duties, and said

Delete from Code Sections 44.30 - 44.56 incl; 46.23 - 46.30 incl
Add to Chap IV, Article 4

Sec 44.30 ~~Section 1.~~ City Pound.- Established

A City Pound shall be maintained in The City of San Diego at such location or locations as may be selected by the City Manager.

The Pound shall be under the direction and supervision of the City Manager, in the department which he designates, and shall be staffed by a poundmaster and such deputies as may be necessary for its proper operation. The poundmaster and such deputies; the Director of Public Health, his assistant and deputies; the members of the Police Department; and within the park and recreational areas under their control, the Director of Park and Recreation and all employees of the Park and Recreation Department, shall have the authority to enforce this ~~ordinance~~ article and to impound or take into custody animals which

are not in compliance with this or other ~~ordinances~~ sections of ~~The City of San Diego~~ this Code, or which are lost, suffering or dangerous to the public welfare.

Interference by any person with such enforcement as by rescue or attempted rescue of any animals being impounded or in the process of being impounded shall be a violation of this ~~ordinance~~ article.

~~Section 2. Uniforms.~~

SEC 44.30.1 SAME - UNIFORMS OF EMPLOYEES

The Poundmaster and deputies when on duty shall wear a uniform approved by the City Manager and shall carry an official identification card. Uniforms need not be worn however, during special investigations which, in the opinion of the Poundmaster, may best be conducted out of uniform.

SEC 44.30.2 Same ~~Section~~ Methods of Disposal.

Animals which have been impounded may be disposed of by any of the following methods:

(a) Release to the owner upon his full compliance with all provisions of this ~~ordinance~~ article including the payment of all license and pound fees. No other method of disposal shall be resorted to for 72 hours from the time of impounding, or in the case of animals bearing a current license tag of this or any other governmental agency for 120 hours.

(b) Release to any non-profit society or organization approved by the City Manager, provided that the animal is free from communicable disease and, if a dog, has been vaccinated against rabies;

(c) Public auction as in ~~Section 44.31.3~~ Section 44.31.3 provided;

(d) Release of the animal to persons authorized or directed to receive it in accordance with section 400 of the Agricultural Code, or other applicable statute;

(e) Causing the death of the animal in a humane and painless manner and disposing of the body in accordance with the regulations of the Director of Public Health.

SEC 44.30.3 Same ~~Section~~ Pound Fees.

The following pound fees are hereby established and shall constitute a lien against the impounded animal:

(a) For impounding any domestic animal, $5.00, plus 10¢ for each necessary mile of travel.

(b) For impounding any other animal, $2.00.

(c) For every day or fraction thereof, excepting the first, that any domestic animal has been impounded, $2.00.

(d) For every day or fraction thereof, excepting the first, that any other animal has been impounded, 50¢.

Sec 44.30.4 Same - Accounting for fees

[redacted] The Poundmaster shall issue receipts for all fees collected by him and such fees shall be accounted for and deposited with the City Treasurer for deposit in the General Fund of the City.

SEC 44.30.5 Same - Definitions

[redacted] Any reference herein to the Poundmaster shall be construed to refer also to his deputies and any reference to the Director of Public Health shall be construed to refer also to all officers of the Department of Public Health.

SEC 44.30.6 Same - Noncompliance a Violation

[redacted] The control and regulation of animals within The City of San Diego is hereby declared to be a serious public health problem. Therefore, any person who owns, maintains, allows, permits, suffers, or causes any animal to be, or which is, not in compliance with the provisions of this article [redacted] is guilty of a violation hereof.

~~TITLE II — DOMESTIC ANIMALS~~

SEC 44.31 Domestic Animals — Definitions

~~Section 1.~~ For the purpose of this ~~ordinance~~ section, a domestic animal is defined to be any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep, or goat.

SEC 44.31.1 Same — Running at large prohibited

~~Section 2.~~ It shall be unlawful for the owner or person having the control and custody of any such animal to permit the same to run at large within the corporate limits of The City of San Diego.

SEC 44.31.2 Same — Pasturing Prohibited — Exceptions

~~Section 3.~~ It shall be unlawful for any person owning or having control of any such animal to graze or pasture the same, or cause the same to be grazed or pastured, or permit the same to graze or pasture, upon any land within the limits of The City of San Diego, except upon land owned or leased by the owner of such animal, or upon land for which he has secured permission in writing to use for grazing or pasturing such animals. No such animal shall be picketed or staked out in such a manner as to permit it to cross or trespass upon lands of adjoining owners, or upon any traveled street or sidewalk within the said corporate limits of said City; and provided also, that such animal shall be adequately fed and watered and reasonably protected and sheltered against inclement weather.

SEC 44.31.3 Same — Methods of Disposal — Auction

~~Section 4.~~ Whenever the Poundmaster shall discover, or be notified by any person that any such animal is grazing or pasturing or running at large or is picketed or staked out so as to permit it to cross or trespass upon the lands of adjoining owners, or upon any traveled street or sidewalk, or is improperly cared for in violation of this ~~ordinance~~ article, it shall be his duty and he is hereby directed to immediately take said animal and impound it in the City Pound. Within twenty-four (24) hours thereafter, unless said

animal be claimed, he shall, in his discretion, dispose of the animal in accordance with ~~Title I, Section 3 (a)~~ Section 44.30.2 (d), or he shall notify, by registered mail, the owner or reputed owner, if the name and address of such owner or reputed owner be known to him, and shall cause a notice to be posted in each of three (3) conspicuous public places in The City of San Diego, and shall likewise publish for three (3) consecutive days in the official newspaper of the City, a notice describing such animal so impounded, giving marks or brands, or other distinguishing points thereof, and fixing an hour, date and place for public auction thereof, which date shall be not less than five (5) nor more than ten (10) days after the first publication of such notice. Unless the owner thereof comes and claims the same prior to sale thereof and proves ownership of said animal and pays all lawful charges thereon, as hereinafter provided, said Poundmaster is hereby authorized and it is his duty to expose said animal for sale at public auction at the time and place fixed in said notice to the highest bidder for cash All proceeds of such sale, together with all fines, charges, fees and other expense chargeable against said animal, according to the schedule of charges hereinafter specified, shall be delivered to the Treasurer of The City of San Diego, together with a full description of the animal sold as aforesaid, and said Poundmaster shall deliver to the purchaser of any animal sold as aforesaid, a bill of sale therefor, which shall vest the title to said animal in the purchaser.

In the event the animal is not claimed by the owner, and there are no bidders at the aforesaid sale, the owner's interest in said animal shall be foreclosed; and the Poundmaster may dispose of said animal by any method provided for by ~~Title I, Section 3.~~ Section 44.30.2

~~TITLE III - DOG LICENSES~~

SEC 44.32 DOG LICENSES

~~Section 1.~~ All dogs over the age of four months that have been within the City limits of San Diego for more than thirty days shall be licensed in accordance with this ~~ordinance.~~ article. This provision shall not apply to dogs which are confined in kennels licensed pursuant to this ~~ordinance.~~ article

SEC 44.32.1 Same - Duration

~~Section 2. Dog licenses shall be valid for not to exceed~~

~~Section 2.~~ Dog licenses shall be valid only during the calendar year for which issued and shall expire on December 31 of such year.

~~twe ... or dat ...), or December 31, whichever is later; and such later date shall thereafter be the re-issue date of such license.~~

SEC 44.32.2 Same - Tag Affixed - Receipt Required

~~Section 3.~~ A numbered receipt bearing a brief description of a licensed dog, and a correspondingly numbered license tag, bearing the ~~expiration date~~ year for which issued, shall be issued with each license granted. The numbered license tag shall be firmly attached by the licensee to the collar or harness of the dog for which issued, except when the dog is securely confined on or within the premises of the owner. No licensee, or any other person, shall attach, or permit to be attached, such a tag to the collar or harness of, or otherwise cause such tag to be worn or carried by, any dog other than the dog for which such a tag was issued.

SEC 44.32.3 Same - Applications - Proof of Vaccination Required

~~Section 4.~~ Each license applicant shall provide such information as may be required on the license application form approved by the City Manager, and shall, prior to the granting of such a license, furnish proof that the dog for which the license is requested has been vaccinated for rabies within such a recent period that the interval between the date of such vaccination and the expiration date of the license requested shall not exceed by three (3) months the interval required for repeated vaccinations under ~~Title V, Section 1.~~ Section 44.34 Licenses shall be issued by the office of the City Treasurer.

SEC. 44.32.4 Same - Replacement Tag Authorized

~~Section 5.~~ Whenever a license tag has been lost or destroyed, a new receipt and tag, expiring on the same date as the original,

may be issued for the same dog on the payment of a replacement fee of Fifty Cents ($0.50).

Sec 44.32.5 Same - Transfer Authorized - Fee

~~Section 6.~~ Whenever the ownership of a dog has changed, the new owner may secure a transfer of license to him by endorsement on the records of the City Treasurer on the payment of a transfer fee of Fifty Cents ($0.50) and the presentation to the City Treasurer of the original receipt endorsed by the original licensee as a transferor.

SEC 44.32.6 Same - Fee Established - Exceptions

Section 7. No license fee shall be required with respect to licenses issued for dogs which have been honorably discharged or released from the service of the armed forces of the United States during World War II, or dogs which have been specifically trained and are principally used for the purpose of leading persons with defective eyesight. **The license fee for other dogs shall be Two Dollars and Fifty Cents ($2.50) If application is made prior to June 30 of the year for which the license is desired, or One Dollar and Twenty-five Cents ($1.25) if application is made subsequent thereto. Provided, however, that to such license fees there shall be added a penalty of One Dollar ($1.00) in the event that application is made subsequent to the date on which the animal is required to be licensed under this ~~ordinance~~ article.**

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~~TITLE IV - REGULATION OF DOGS~~

SEC 44.33 REGULATION OF DOGS

~~Section 1.~~ Care of Dogs.

It shall be unlawful for any person owning or having the custody of a dog to fail to provide such a dog with adequate food, water and shelter at all times. Female dogs in the oestrual period must be kept in such a manner as to eliminate the congregating of other dogs in the immediate vicinity of the female.

SEC 44.33.1 Same ~~Section 2~~ Dogs at Large.

No dog shall run at large within the City limits of San Diego. A dog is defined to be at large whenever it is elsewhere than on the owner's premises and is not restrained by a substantial leash. This and the next succeeding section shall not apply to dogs which are in special areas of parks designated and posted by the Park and Recreation Director as dog exercise and training areas and so long as the regulations of the Park and Recreation Director with respect to the use of such areas are complied with.

SEC 44.33.2 Same - Committing Nuisance - Exceptions ~~Section 3.~~ No person shall allow or permit a dog to commit a nuisance on any public property or any improved private property other than that of the owner or person who has accepted custody of such dog, provided that the foregoing shall not apply to street gutters. It shall be the duty of all persons having control of a dog to curb such dog in order to carry out the intent of this section.

Persons with defective eyesight while relying upon a dog specifically trained for the purpose shall be exempt from the operation of this section.

SEC 44.33.3 Same ~~Section 4.~~ Harboring Lost Dogs.

Any person who harbors or exercises dominion over a dog which appears to be lost, strayed or stolen shall forthwith notify the City Pound and make all reasonable and just efforts to find the owner and restore the dog to him.

SEC 44.33.4 Same ~~Section 5.~~ Vicious Dogs.

It shall be the duty of the Poundmaster to maintain in a

separate file, a record of all vicious dogs within the City. A dog is defined to be a vicious dog when said dog has bitten three (3) or more persons, or which is known or should be known to have a propensity to bite or attack persons, or other animals.

The possession of any vicious dog is unlawful unless such dog is so restrained, tied, confined, or muzzled that it cannot bite or attack any person or animal.

Should a criminal complaint be filed under this section with respect to an incident involving the biting of a person by such a dog, proof that the person bitten was at this time entering upon property with criminal intent or engaged in assault or battery, shall be a complete defense to such action under this section. Such proof shall have no effect, however, with respect to other provisions of this article authorizing or requiring the impounding or observation of such dog or payment of fees or charges prior to its release.

SEC 44.33.5 Same Communicable Diseases.

It shall be unlawful for any person knowingly to harbor or keep within The City of San Diego, any dog or other animal afflicted with mange, ringworm, distemper or any other contagious disease, unless such dog or other animal is being given treatment for such disease.

It shall be the duty of the Poundmaster to immediately take possession of any such dog not being so treated or which is not responding to such treatment, and he shall immediately dispose of the dog in accordance with Section 44.30.2 (e), unless the owner shall forthwith place such animal under the control and treatment of a licensed veterinarian.

SEC 44.34 RABIES CONTROL ~~TITLE V - RABIES CONTROL~~

~~Section 1.~~ Vaccination. Required

All dogs shall be vaccinated for rabies at intervals of not less than every twelve (12) months, unless the Board of Health Commissioners, and the Director of Public Health, establish by regulation, a longer interval of time for such repeated vaccinations, the authority to do which, is hereby conferred on them.

Such vaccination must be performed by a licensed veterinarian. The biological used for vaccination shall be approved by the Director of Public Health. The persons causing the vaccination to be made shall demand and shall be given an official certificate certifying to the fact of such vaccination and the date thereof and containing a brief description of the dog. Such vaccination shall be a condition of the license required under [redacted] Section 44.32 and the certificate may serve as the proof of vaccination required under [redacted] Section 44.32.3

SEC 44.34.1 Same [redacted] Vaccination at City Pound.

The Poundmaster, is hereby authorized to cause dogs to be vaccinated at the City Pound and to issue certificates of vaccinayion. The City Manager is hereby authorized and empowered to fix and establish a fee which will reimburse the City for cost of such service, to be charged and collected by the Poundmaster for each such vaccination. The City Manager shall have the right to issue an order to have a dog so vaccinated without charge, when in his opinion, the owner of the dog is unable to pay the fee therefor.

SEC 44.34.2 SAME - EXCEPTIONS TO VACCINATION

~~Section 8.~~ Nothing herein to the contrary notwithstanding, no dog need be vaccinated for rabies if:

(a) A licensed veterinarian has examined the dog and certified that at such time vaccination would endanger the dog's health because of its age, infirmity, debility, or other physiological considerations; and

(b) Such certificate is presented to the Director of Public Health within thirty days of such examination; and

(c) The Director of Public Health concurs in the opinion of the veterinarian contained in such certificate and indorses on such certificate his approval thereof or indorses the license application form as being free from the requirement of vaccination.

The Treasurer is hereby authorized to accept such indorsed certificate or application in lieu of the proof of vaccination elswhere in this ~~ordinance~~ article required, but may issue in connection with such license a tag so differing from the regular tag as to indicate that no vaccination was required therefor.

Any such waiver of vaccination shall expire at the same time as the license with respect to which it is granted.

SEC 44.34.3 SAME - QUARANTINE

Whenever the Poundmaster has reasonable cause to believe a dog is afflicted with rabies, or whenever a dog has bitten a person or other animal, the Poundmaster may, in his discretion,

cause such animal to be impounded or cause such animal to be placed with a licensed veterinarian for observation. If the Poundmaster has placed a dog with a veterinarian, he shall be deemed to have acted as agent of the owner and all charges shall become a lien upon the animal. Unless some other violation of this article is involved, in which case the Poundmaster may proceed in accordance with other applicable sections of this article, such dog shall be held under observation for not to exceed fourteen (14) days.

If The dog is found to have rabies, it shall be disposed of in accordance with [redacted] Section 4-4.30.2 (e) and the head thereof turned over to the Director of Public Health for examination. If the dog is found to be free of rabies, it may be released by the veterinarian to the owner or to the Poundmaster, and/or the Poundmaster may dispose of any such animal in any manner authorized by this ordinance.

~~TITLE VI - DOG KENNELS~~

SEC 44.35 DOG KENNELS — ~~Section 1~~ — Permits. — Definition

A dog kennel is defined as any place or premises where three or more dogs are kept for breeding purposes and where the pups are sold to any other person for profit, or where dogs are received for care or for boarding by the day, week or month, or for longer periods of time. Every person conducting or operating either as owner, lessee, agent or superintendent, any dog kennel or any premises or building for the purpose of trafficking in or raising, selling or exchanging dogs, shall secure a permit and otherwise comply with the provisions of ~~Ordinance No. 10332 of The City of San Diego~~ Section 41.50, and with the provisions of this ~~ordinance~~ article, which shall be construed to be additional to and not in conflict with said ~~Ordinance No. 10332~~ Section 41.50.

SEC 44.35.1 ~~Section 2~~ Same — Planning Commission Approval.

No permit required by the foregoing section to be secured under ~~Ordinance No. 10332~~ Section 41.50 shall be issued by the Health Officer unless the application therefor is first referred to and approved by the Planning Commission of The City of San Diego.

Sec 44.35.2 ~~Section 3~~ Same — Location of Kennels.

All kennels shall be located in a section of The City of San Diego which is well isolated and all animals shall be kept not less than twenty (20) feet from any door, window or opening from any private dwelling. If, however, any kennel has been established in a congested area, the animals shall be held in a sound proof room.

SEC 44.35.3 ~~Section 4~~ Same — Feed.

Adequate feed and water shall be furnished to all animals in the kennel. All feed shall be stored in rat-proof containers tightly covered and protected against all rats and other contamination. Whenever meat is used, it shall be held in a properly maintained refrigerator.

ARTICLE - 5

FOOD - WATER - BEVERAGES

SEC. 45.01 REGULATIONS FOR SLAUGHTERING

It shall be unlawful for any person, firm or corporation to sell, have, keep or expose for sale for human food, the flesh of any cattle, calves, sheep, swine, goats or poultry unless the same shall have been slaughtered in an official establishment under the supervision of a United States Government Inspector in accordance with the regulations relating to the inspection of meat as prescribed by the Department of Agriculture of the United States, or under the supervision of the Meat Inspector of the City of San Diego, in accordance with the provisions of this Section and Subsections, or under the supervision of the Meat Inspector of any other city in the State of California, which city requires by law the inspection of meat by all meat inspectors of said City in accordance with the regulations relating to the inspection of meat as prescribed by the Department of Agriculture of the United States.

SEC. 45.01.1 INSPECTED MEAT TO BE STAMPED

(As amended by Ordinance 7808. Approved July 28,1919.)

It shall be unlawful for any person, firm or corporation to sell, have, keep, or expose for sale the flesh of any cattle, calves, sheep, swine or goats, unless there has been placed on each primal part thereof, by and under the personal supervision of an inspector of the United States, or of The City of San Diego, or of any other city

therof are pickled, cured, smoked, rendered, or there is added thereto condiment, spices, preservatives or seasoning. This applies to any of the operations mentioned, either alone or in combination, and includes such practices as adding seasoning to ground meats, placing in cure pigs' feet, trimmings, et cetera.

SEC. 45.05 DISEASED ANIMALS - SLAUGHTERING FOR PURPOSE OF ANIMAL FOOD PROHIBITED

It shall be unlawful for any person to kill or permit to be killed, any diseased animal for the purpose of feeding the carcass of said animal to any other animal in The City of San Diego.

SEC. 45.05.1 FEEDING DISEASED CARCASS TO ANIMALS PROHIBITED

It shall be unlawful for any person to feed to any animal in The City of San Diego, the carcass, or any part thereof, of any other animal that was diseased, whether said animal died from the effects of said disease or was killed or slaughtered.

SEC. 45.10 STORAGE OF FOODSTUFFS - USE OF BARNS, ETC., PROHIBITED

It shall be unlawful for any person, firm or corporation to use any stable, barn or other place where any animals are kept as a place of storage for for fruits, vegetables, meats, milk or any other foodstuffs for human consumption.

SEC. 45.15 SEAFOOD -LOBSTER, CRAWFISH, SHELLFISH - SALE OR ~~REPOSSESSION~~ Possession REGULATED

It shall be unlawful for any person or persons, firm

or the agent of, or employee of any person or persons, firm or corporation
or corporation, to sell or exchange for other thing of value within The City of San Diego, any lobster, crawfish, or shellfish, or to have in his possession for the purpose of preparing same for human consumption, any lobster crawfish or shellfish that does not ~~show~~ show conclusive signs of life immediately before cooking or preparing same in any manner as food for human consumption.

SEC. ~~45.15~~ 45.15.1 CONFISCATION AUTHORIZED

Whenever it shall appear to the satisfaction of the Health Officer, or his agent, that any lobster, crawfish, or shellfish does not show signs of life, or that any lobster, crawfish, or shellfish or parts thereof, may be unfit for human food, or offered for sale contrary to the provisions of this Section, such lobster, crawfish, or shellfish shall be subject to confiscation by the Health Officer, or his agent, or subjected to such treatment as shall satisfy said agent that such lobster, crawfish, shellfish or parts thereof, cannot be sold for human consumption.

SEC. 45.20 MILK, CREAM, MILKFOOD PRODUCTS - REGULATED

It shall be unlawful for any person, firm or corporation, or agent or employee of any person, firm or corporation, to sell, offer for sale, distribute, or have in possession for sale or distribution, in The City of San Diego, California, any milk or cream unless it conforms to the standards of grading and to the requirements for the production of milk and cream established by the provisions

of the Agricultural Code of the State of California and amendments thereto and by the rules and regulations of the State Department of Agriculture for enforcement of said statutes; and to the provisions of this Code, and to the rules and regulations of the Public Health Commission of The City of San Diego and the Board of Health of the State of California.

SEC. 45.20.1 MARKET MILK AND CREAM - GRADES ESTABLISHED

All market milk, or raw market cream to be sold in The City of San Diego shall be of a grade not lower than Grade A Raw Milk, produced in a county or area wherein only cows which are regularly tuberculin tested and are found to be non-reactors, are permitted to be kept for dairy purposes.

All market cream other than raw cream, to be sold in The City of San Diego, shall be of a grade not lower than Grade A milk for pasteurization, produced on dairies scoring not less than seventy per cent (70%) on the official dairy farm score card adopted by the Department of Agriculture, State of California, produced from tuberculin tested herds from which all reactors have been removed, and shall reach the plant where separated and cooled within four hours after the completion of each milking.

SEC. 45.20.2 GOAT MILK, ETC. - REGULATED

Goat milk and milk of all other animals shall conform in the manner of production, grading, labeling, handling, pasteurization and distribution to such standards as are

provided in Section 41.10.4 and the sanitation of such dairy or dairy farms producing milk other than cows milk shall be the same as required for the production and handling of cows milk.

SEC. 45.20.3 MILK PRODUCTS STATE FEDERAL TUBERCULOSIS CONTROL AREAS

It shall be unlawful for any person, firm, association or corporation to sell, offer for sale, traffic in or distribute or transport in The City of San Diego any milk products or by-products other than imported cheese approved by the Federal Bureau of Foods and Dairies or the Department of Public Health, State of California, unless the same shall have originated in areas under Federal, State or Federal-State tuberculosis control and shall have been produced from non-reacting tuberculin tested herds; and unless all rules and regulations pertaining to tuberculin testing and control, and requests as to time of testing made by the United States and/or State Department of Agriculture controlling the area in which said milk, milk products or by-products of milk have been produced have been fully complied with.

Certificates from United States, State or County au thorities certifying that the provisions of this section have been complied with may be required by the Director of Public Health of The City of San Diego, and all milk products or cream products shall be labeled so that it is

clearly indicated at the time of delivery to the distributor that said product has originated in a tuberculosis-free area and is the product of tuberculosis-free herds.

SEC. 45.20.4 BUTTERMILK, ETC. - REGULATED

It shall be unlawful to offer for sale or distribute any buttermilk, cultured milk or acidophilis milk in any container other than standard milk bottles mechanically filled and capped in an approved milk house or plant inspected by an approved milk inspection service.

It shall be unlawful for any hotel, boarding-house, restaurant, saloon, soda fountain, lunch counter, or other places serving meals, food, or beverages to the public, to serve any buttermilk, cultured milk or acidophilis milk for human consumption in any containers other than standard milk bottles, mechanically filled and capped in an approved milk house or plant, inspected by an approved inspection service, each of which bottles shall contain no more than the individual requirements of the consumer at the time of serving and the cap of said bottle shall not be removed except in the presence of the consumer or patron.

Provided that any establishment with a valid permit issued under the provisions of Section 41.10.1 and said buttermilk is served to patrons in an individual drinking cup, glass or utensil, and consumed within the establishment; such buttermilk may be served from a container having a capacity of not less than three gallons, and which has been first approved by the Director of Public Health;

said container shall be constructed of stainless steel or other approved metal, and shall be surrounded by a jacket so constructed as to contain ice or other refrigerant, so the temperature of said buttermilk may be held at not more than 50 degrees until it reaches the consumer. The valve shall be detachable so that it may be easily cleaned and the entire apparatus shall be sterilized in a manner approved by the Director of Public Health at least once each day.

SEC. 45.20.5 GENERAL REGULATIONS

It shall be unlawful for any person, firm or corporation engaged in the production, sale, distribution or traffic in milk to fail or neglect to comply with the following regulations;

~~(a) All milk houses shall contain not less than two (2) rooms.~~

~~(b) A stable shall be required which meets with the minimum standards of the Agricultural Code.~~

(a) ~~(c)~~ Dry roughage shall not be fed in milking barns.

(b) (d) Milking stools must be made of metal or wood painted with waterproof paint and shall be washed after each milking.

(c) (e) Feed must not be mixed or stored in the milking barn.

~~(f) The cows' udder, flanks, tail and hind legs shall be thoroughly washed clean with running water, brushed when necessary, and must be dry before milking.~~

(d) (g) A lavatory, soap and clean individual towels shall

be conveniently accessible to all workers between milking barn and milk house and all employees shall keep their hands clean at all times and washed after the handling of any contaminated substance.

(e) ~~(h)~~ Clean, washable milking suits shall be provided for all milkers and employees working in the milking barn and milk house. Suits used for general farm work shall not be worn by milkers or milk house workers.

(f) ~~(i)~~ All buildings used for milking shall be kept in a clean, sanitary condition. Floors shall be scraped or cleaned after each string has been milked and thoroughly washed after the milking is finished.

(g) ~~(j)~~ Metal covers must be provided for aerators.

(h) ~~(k)~~ Metal screen strainers shall be provided for dump tank and dump tank shall be provided with a hinged metal cover that will not remain open. The use of strainer cloths is prohibited.

(i) ~~(l)~~ All corrals must be thoroughly cleaned once each week.

(j) ~~(m)~~ A concrete platform must be provided for the accommodation of manure, removed from milking barn. This platform must be so constructed that no fly larvae can get to the ground and must be located at least fifty (50) feet from the milking barn. Specifications, approved by the Director of Public Health, for this platform, shall be furnished by the Department of Public Health.

SEC. 45.20.6 CREAM FOR PASTRIES CONFECTIONS, ETC. - GRADES

All cream to be used in the manufacture of bakery

goods, pastry, confections and other food products for human consumption shall be pasteurized and shall meet the same standard requirements provided in this ordinance for Grade A Pasteurized Milk, and shall be derived from milk produced on dairy farms scoring not less than 70% on the dairy farm score card, adopted by the State Department of Agriculture, from dairy herds certified by an approved inspection as free from bovine tuberculosis.

SEC. 45.20.7 CREAM USED IN FROZEN CONFECTIONS - REGULATED.

All cream other than Grade A Raw or Pasteurized Cream, to be used in the manufacture of ice cream, ice milk, and other frozen confections shall be clean, sweet, free from undesirable flavors and odors, and shall contain, when pasteurized, not more than 75,000 bacteria per milliliter, official plate count. Ice Cream Mix or Ice Milk Mix shall be pasteurized in accordance with the provisions of the Agricultural Code, except that it shall be heated in approved apparatus to not less than 151° Fahrenheit and held for thirty (30) minutes.

SEC. 45.20.8 FROZEN CONFECTIONS - INGREDIENTS REGULATED

All ingredients used in the manufacture of ice cream or other frozen substances composed in whole or in part of milk or milk products shall be pasteurized as provided in Section 45.20.6, and shall originate in areas under the inspection of the Department of Public Health of The City or County of San Diego or originate in areas under an inspection service approved by the Public Health Commission of The City of San Diego, for which a permit has

been issued under the provisions of Section 41.10.1.

SEC. 45.20.9 USE OF FROZEN MIXES - REGULATED

Whenever ice cream mix and/or ice milk mix is used in the manufacture of ice cream or ice milk in places other than the plant or establishment engaged in the manufacture of such mixes, and whenever a counter freezer or other similar apparatus, approved by the Department of Agriculture, State of California, and the Public Health Commission of The City of San Diego, is employed in the freezing of the ice cream or ice mix, said mix shall contain milk or cream of a standard not less than Grade A, Pasteurized and shall be finally frozen within sixty (60) hours after the mixture is first made. All mixes shall be delivered to the establishment for the freezing or final manufacture of ice cream and/or ice milk within four (4) hours from the time of leaving the plant where said mix is made and shall be maintained at a temperature of 50° Fahrenheit or lower during delivery and until it reaches the consumer.

If delivered to a local distributing plant for redistribution, said mix shall be immediately cooled below 50° Fahrenheit and be maintained at that temperature. Deliveries between plants shall be made within four (4) hours, and in no case shall the time from processing at the plant from which the mix originated to time of delivery and mixing at the establishment engaged in the final freezing of the ice cream mix exceed sixty (60) hours.

SEC. 45.20.10 MALTED MILK, MILK SHAKES, ETC. - INGREDIENTS REGULATED

It shall be unlawful to prepare, serve, sell or distribute

in any establishment any malted milk unless Grade A Raw or Pasteurized whole milk is used in the preparation of the mixture and the milk has been poured from the original standard bottle from which the cap has been removed in the presence of the customer or patron, and the content of said bottle shall contain no more than the individual requirement of the customer at the time of serving; provided that any establishment serving malted milk, malted skim milk, milk shakes or other milk drinks may hold the milk in a special container having a capacity of not more than two gallons and approved by the Director of Public Health. Said container shall be constructed of stainless steel or similar metal with detachable valve and surrounded by a suitable jacket so constructed as to contain ice or other means for refrigeration whereby the temperature may be held at 50° Fahrenheit or below until it reaches the consumer, and the entire apparatus shall be sterilized before being refilled in a manner approved by the Director of Public Health.

SEC. 45.20.11 SKIM MILK SHAKES, ETC. - REGULATED

All skim milk used in any establishment where skim malted milk is prepared, served or distributed, shall have met the required standards of Grade A Pasteurized milk and shall be pasteurized and bottled in standard milk bottles in an approved pasteurizing and bottling plant, and whenever used for the preparation of Malted Skim Milk mixture, it shall be poured from the original standard milk bottle

from which the cap has been removed in the presence of the customer or patron, and the contents of said bottle shall contain no more than the individual requirement of the customer at the time of serving.

SEC. 45.20.12 MILK DRINKS - GRADE OF MILK USED

Milk shakes and other milk drinksserved or prepared with the addition of flavoring substances or other ingredients added thereto, shall be prepared from whole milk or skim milk which has met the required standards of Grade A and shall be poured from the original standard milk bottle from which the cap has been removed in the presence of the consumer or patron, and the contents of said bottle shall contain no more than the individual requirement of the consumer at the time of serving.

SEC. 45.20.13 SIGNS DISPLAYED

The establishment shall display a sign in legible lettering at least four (4) inches high, which shall state that Malted Skim Milk or Malted Milk is served. The bacterial count of skim milk shall not exceed the minimum standard for Grade A Pasteurized milk.

SEC. 45.20.14 BUTTER - REGULATED

All butter offered for sale or distribution for human consumption shall meet the requirements for butter provided in Division 4, Chapter 6, Article 3, Sections 590 to 601 inclusive, of the State of California Agricultural Code and shall be made from Pasteurized cream produced on dairies

meeting the sanitary requirements of the Agricultural Code.

SEC. 45.25 REGULATIONS FOR RESTAURANTS, LUNCHCOUNTERS, CAFETERIAS, CONFECTIONERIES, CANDY FACTORIES, SODA FOUNTAINS, ICE CREAM PARLORS, HOTEL KITCHENS, BAKERIES AND MEAT MARKETS

All owners, operators, proprietors or managers of the places mentioned in Section 41.15 shall keep up-to-date, accurate and complete lists of all persons employed in such places, indicating sex and race, duties performed by such employee, and such other information as the Public Health Commission by regulation may require, and shall furnish a copy of the same to the Director of Public Health of The City of San Diego upon demand.

SEC. 45.25.1 COMMUNICABLE DISEASES - EMPLOYMENT OF PERSONS PROHIBITED

No owner, proprietor or manager of any of the establishments mentioned in Section 41.15 shall require or permit any person to work on said premises who is affected with any infectious, contagious or communicable disease, nor shall any person, so affected, work or be on such premises.
It shall be the dtuy of all owners, proprietors, or managers to report to the Director of Public Health any person afflicted with, or reasonably suspected of being afflicted with venereal disease, smallpox, diptheria, scarlet fever, yellow fever, dysentery, measles, mumps, German measles, tuberculosis, typhoid fever, chickenpox, or any other infectiousor contagious disease, whereupon it shall be the duty

of the Director of Public Health to examine or cause to be examined any such person afflicted with or reasonably suspected of being afflicted with the above-mentioned diseases, and said person shall no longer be permitted to work in any of the places mentioned in Section 41.15 of this ordinance, without a written permit and Certificate of Health signed by the Director of Public Health.

SEC. 45.25.2 FOOD COVERED OR PACKAGED - REGULATIONS

It shall be unlawful for any person, firm or corporation to sell, expose or offer for sale, or to cause or permit to be sold, exposed, or offered for sale, in or upon any premises in The City of San Diego any article of food prepared for human consumption, including crackers, rolls, buns, biscuit, muffins, bread, cake, cookies, pies, candies or cooked, smoked or pickled meat or fish, cooked or pickled vegetables or fruit, salad, butter, cheese or any article of food intended for human consumption, which article of food is smoked, cooked, or otherwise prepared and intended for human consumption without further cooking, washing or other preparation, unless such article or articles of food are covered or enclosed by glass or with some other substance or material in such a manner as to prevent the handling of any such article or articles of food by any person or persons other than the person or persons selling, offering or exposing any such article or articles for sale; and to prevent any such article or articles of food from coming in contact with any deleterious, unwholesome or unhealthy substance or commodities: Provided, however, that the provisions of this Section shall not apply to uncovering

food in the process of preparation or display for immediate consumption on the premises where steam tables or other approved service tables are in use and properly protected ~~from~~ from unwholesome or unhealthy contamination as hereinafter provided in this Section and Subsections.

SEC. 45.25.3 SLEEPING IN FOOD DISTRIBUTING PLACE PROHIBITED

No person or persons shall be permitted to sleep or live or store articles used for living or sleeping purposes, in the kitchen, dining room, or any other room of a restaurant, cafe, cafeteria, ice cream parlor, soft drink stand, fruit stand, grocery meat market or other food distributing place where food is prepared, served or displayed.

SEC. 45.25.4 ANIMALS PROHIBITED

No dogs, cats or other animals shall be harbored or permitted in a food handling establishment.

SEC. 45.25.5 LIGHT

Adequate, natural or artificial light shall be furnished while the establishment is open for business.

SEC. 45.25.6 VENTILATION

Mechanical ventilation must be supplied with suction fans whenever natural ventilation is inadequate.

SEC. 45.25.7 FLOORS, WALLS AND CEILINGS

The floors shall be of good non-absorbent material, and shall be kept in a clean, sanitary condition at all times. The walls and ceilings shall be smooth, sound and cleanable, and shall be kept painted with oil paint or other approved finishing material and maintained in a clean

and sanitary condition. The walls in the proximity of sinks, mixers, stoves, ranges, or other equipment where water, grease, or other matter is likely to be splashed on the walls, shall be flashed with metal, tile or other approved flashing of sufficient height thoroughly to protect said walls.

SEC. 45.25.8 LAVORATORY AND TOILETS REQUIRED

Every place of the character of those mentioned in Section 41.15 shall be equipped with a water flushed toilet, sink and running water, which shall be so located as to be directly accessible to the room or rooms used for food handling purposes. All toilets shall be adjacent to lavatories or wash rooms, which shall at all times be supplied with soap and paper towels. No door or other opening from a toilet room shall open directly into a kitchen, dining room or other place where foods are served, cooked, or prepared. When such an opening occurs, an ante room shall be provided. All such anterooms shall be ventilated to the outside air by means of a separate ventilating flue of not less than 144 square inches. No owner, proprietor, or manager of a place of the character of those mentioned in Section 41.15 shall provide or expose any toweling or similar article except individual paper towels, for use of the public generally, in any place under his control, or permit any towel or similar article to be so provided, exposed or used unless such towel has been laundered after each separate use.

SEC. 45.25.9 DRAINBOARD SPECIFICATION

All drainboards shall be made or constructed of metal, tile or tile substitute. The use of wooden drainboards, or wooden drainboards covered with metal, is prohibited.

SEC. 45.25.10 EMPLOYEES' CLOTHING

All clothing of all employees, clerks, and other persons therein employed must be kept clean, and whenever practical, white washable garments shall be worn and changed whenever soiled.

SEC. 45.25.11 MACHINERY, UTENSILS

All machinery, utensils, slicers, mixers, tools, or other equipment shall be kept in a clean, sanitary condition at all times.

SEC. 45.25.12 RODENTS, VERMIN ~~PETS~~ PESTS, ETC., PROHIBITED

The owner, operator or manager of every food handling place shall take every precaution to keep the premises free and rid of rats, mice, roaches, ants, or other vermin or pests.

Whenever it shall appear to the satisfaction of the Director of Public Health or Food Inspector that any premises or establishment engaged in the handling or preparation of food for sale, or distribution, is infested with rodents, vermin, or pests, a written notice shall be given to the persons, firm or corporation, owning, controlling, leasing or acting as agent for, or managing any establishment referred to in Section 41.15, that said infestation with rodents,

vermin, or pests, constitutes a public nuisance and endangers public health, peace and safety, and that such infestation shall be abated within the time specified in said written notice. Failure to comply with said written notice in such time shall constitute a violation of the provisions of this Code and the Director of Public Health shall suspend or revoke the permit and close such establishment until such nuisance has been abated.

SEC. 45.25.13 CANNED GOODS - DISPOSITION OF "SWELLS," "SPRINGERS," "LEAKERS," ETC.

Gorcery stores or other places where food is received or stored in cans, shall take steps to keep all "swells," "springers" and "leakers" on the premises at a minimum. Whenever disposition is made of "swells," "springers" or "leakers," where they might come into use as food, they shall first be emptied from the original container, and denatured with kerosene or other approved non-poisonous denaturing substance, so as ~~are~~ to render them unfit for food.

SEC. 45.25.14 BOXES, CRATES, CONTAINERS

All surplus boxes, crates, lug boxes, and similar containers in which fruits, vegetables and other products are delivered or received shall be kept in orderly condition, and shall not be allowed to accumulate on the premises.

SEC. 45.25.15 USE OF NEWSPAPER AS FOOD WRAPPING PROHIBITED

The use of newspapers for wrapping fruits, vegetables, or other food products, shall not be permissible, unless

such fruits, vegetables, or other food be first wrapped in clean wrapping paper.

SEC. 45.25.16 VEGETABLE TRIMMINGS - SCREEN ROOM

All fruit stands, grocery stores, or other places of business, where an excess of vegetable trimmings or other waste material, subject to decomposition, is kept, shall provide a screen room, Such screen room shall be constructed of screen wire of a mesh not less than 14 mesh to the square inch, and shall be fly-tight. All such waste material shall be kept in said screen room until removal from the premises.

SEC. 45.25.17 DECIDUOUS FRUITS, ETC.

Deciduous fruits, or other goods subject to damage by the rays of the sun, shall be kept at all times well inside of the building proper.

SEC. 45.25.18 GARBAGE CANS REQUIRED

Sufficient metal garbage cans, with fly-tight covers, shall be provided for all garbage, vegetable trimmings, trash, or other refuse. A sufficient number of cans shall be available to prevent overloading, and tight fitting covers shall at all times be kept in place.

SEC. 45.25.19 CERTAIN FOOD STUFFS REQUIRED TO BE PROTECTED

It shall be unlawful for any person, firm or corporation to keep or cause to be kept for sale, hold, offer or expose for sale, as human food in The City of San Diego, at any time during the year any figs, dates, dried fruits, dried berries, butter, butterine, olives, sauerkraut, pickles,

mincemeat, lard, coco oil products, candy, crackers, cakes, bread, or any bakery product, fresh or cured meat, fresh or cured fish, sea food or other prepared foodstuffs, unless the same shall be protected from dust, flies, insects or dirt, by coverings of glass, wood or metal, or to keep for sale, hold, offer, or expose for sale as human foods, any fowls, berries, or fruits other than citrus fruits, melons, bananas, apples, potatoes, or onions, unless the same shall be protected from dust dirt, flies and insects, by coverings of glass, metal or wire screen of not less than 14 mesh. Where a wire screen is used, it must not rest upon or come in contact with the food covered. Doors, windows and other openings shall be fitted with self-closing screen doors and wire window screens of not less than 14 mesh to the inch, which shall be close fitting and in good condition, except as hereinafter provided.

SEC. 45.25.20 OPTIONAL METHOD FOR PROTECTING FRUIT STANDS

It shall be unlawful for any person, firm or corporation owning, conducting or managing any fruit stand in The City of San Diego, to fail, neglect or refuse to comply with each and every provision in this Section and Subsections contained except as hereinafter provided: That said fruit stands may either be equipped as provided in Section 45.25.19 or at the option of said person, firm or corporation to provide said fruit stands with electric fans, and all deciduous

fruits on display in any fruit stand or kept uncovered or unprotected in said fruit stand shall be so displayed or kept as to have constantly in motion over said fruit, an electric fan; that said fan shall be kept constantly in operation at all times when said fruit stand is not screened as provided in Section 45.25.19 of this ordinance, or so closed as to protect all of said fruit from flies and other contamination. All fruits and vegetables on display shall be kept raised not less than eighteen (18) inches above the surface of any floor or sidewalk.

SEC. 45.25.21 USE OF SAWDUST, ETC. PROHIBITED

No owner, proprietor, or manager of a place of the character of those mentioned in Section 41.15, shall provide or use on the floors any sawdust, or similar material, except that meat markets may use sawdust on the floors of coolers or behind counters.

SEC. 45.25.22 RESTAURANT, CAFE, ETC. - SPECIAL REGULATIONS

It shall be unlawful for any person, firm or corporation to operate any restaurant, lunch counter, cafeteria, confectionery, candy factory, soda fountain, ice cream parlor, hotel kitchen, bakery or meat market, without complying with the general provisions of this Article regulating establishments designated in this Section and complying with the regulations in the Subsections of this Section hereinafter provided.

a. All stoves, ranges, candy kettles, doughnut kettles

ovens, hot plates or other cooking devices shall be equipped with a metal canopy of a size at least four inches larger than the entire cooking surface of said cooking device, on all sides. Such canopy shall be ventilated to the outside air by a separate ventilating flue of not less than six inches in diameter, for an ordinary stove, or as much larger as the Department of Public Health may deem necessary for effective operation.

b. Water. Every restaurant, cafe, soda fountain, cafeteria, eating house or hotel kitchen must have an adequate supply of running hot and cold water available at all times.

c. All dishes, glasses, drinking glasses, or other utensils, or articles used for table service or used by customers or for the public generally, shall be kept in first-class condition and repair. Dishes, glasses, drinking glasses or other utensils becoming cracked, chipped or damaged shall not be used, and may be confiscated at any time when in the opinion of the Director of Public Health or Food Inspector such procedure is necessary to protect public health and safety.

All drinking glasses shall be sanitized after each separate use, in compliance with rules and regulations of the Public Health Commission and the Department of Public Health of The City of San Diego. Individual paper drinking cups and plates must be used whenever facilities for sanitization methods do not meet the requirements of the Department

of Public Health. It shall be the duty of the Public Health Commission to promulgate rules and regulations for the sanitization of all such glasses, dishes, utensils and silverware, and to provide methods by which such sanitization shall be accomplished.

d. All persons engaged in the practice of cooking, preparing, or serving of foods, shall wear a suitable head dress to prevent the falling of hair into such foods, The use of tobacco or smoking by persons so engaged is hereby prohibited.

e. A case shall be provided for all pie, pastry and other prepared foods, and shall be constructed of glass, with a screen ventilator in each end to allow a free circulation of air through the case.

f. No tin can, lard stand, or other such container shall be used for the purpose of cooking preparing, or storing of food stuffs. All canned goods shall be transferred immediately upon opening, from the original container to one of glass, crockery, agate ware, glass ware, or other approved receptacle, intended for that purpose

g. All flour, meal, sugar, or other ingredients used in the making or preparation of food in bakery, restaurant, cafe, lunch counter, or similar place of business, shall be kept raised above the surface of the floor to allow cleaning of the floor beneath such ingredients.

h. Soda straws shall be kept in a fly tight, dust-proof container.

i. All food displayed for sale in cafeterias shall

be kept protected, behind either glass, or other suitable material, so as to prevent handling or contamination of said food by the public, and shall be inaccessible to anyone except employees of the establishment.

j. All kitchens of hotels, restaurants, lunch counters, cafeterias, candy factories, soda fountains, ice cream parlors, or other places where food is prepared or kept, shall have wire screens at all openings, for the purpose of excluding flies and other insects. All screen doors must be self-closing, and outside doors shall open outward only. In addition to the screens so provided, all foods in such places, unless kept in covered receptacles, shall be protected from dust, dirt and flies. All screening used in such places shall be no less than 14 mesh.

SEC. 45.25.23 VEHICULAR FOOD VENDING - SPECIAL REGULATIONS

It shall be unlawful for any person, firm or corporation to maintain, conduct, operate, or manage any truck, trailer, wagon, cart, basket, or other vehicle or container for the purpose of peddling, vending, or distributing any fruits, vegetables, bakery products, meat, fish, poultry, or the flesh of any animal, or the product of any factory, bakery, or slaughter house or other place, in The City of San Diego, without complying with the following regulations.

a. The number of the permit granted under the provisions of Section 41.15 shall be painted, or otherwise placed on the outside of the vehicle, in a conspicuous place by

means of numbers not less than 3 inches in height nor less than one-half inch in width.

b. All implements, tools and receptacles shall be kept in a clean, healthful, and sanitary condition at all times.

c. Sufficient metal containers with fly-tight covers shall be provided for all vegetable trimmings, tops and other refuse and shall be emptied and washed daily

d. A fly-tight, dust-proof compartment shall be provided for all berries, peaches, plums, figs, apricots, prunes, grapes, or other soft fruits, and no such soft fruits shall be permitted to be exposed to dust, dirt, flies, or other foreign or injurious contamination.

e. Fresh meats, fish, poultry, or the flesh or any other animal, or sea food, shall be kept in a refrigerated compartment. Said compartment shall be so refrigerated that the temperature of said compartment shall not exceed 50 degrees Fahrenheit, at any time.

f. Fresh meats, fish, poultry, or the flesh of any animal or sea food, intended for sale or distribution as food for human consumption shall be cut, sliced, cleaned or dissected in a regularly inspected establishment before being placed in a vehicle for distribution or sale, and no owner, operator, manager, or employee shall be allowed to undertake the cutting, slicing, cleaning, dressing, or dissecting of any such fowl, fish, or animal, except in such regularly inspected and approved establishments.

g. The ice-box, refrigerator, or other compartment used for icing or refrigerating food products, shall be

lined on the inside with metal or tile, with all corners, cracks, and crevices either soldered or cemented.

h. A chopping block shall be provided, and shall be removed and cleaned with clean water and soap as often as it becomes necessary.

i. The scales, balances, or other weighing devices of the meat, fish, or poultry vehicle, shall be so placed as to protect them from dust, dirt and flies.

j. Any owner, operator, manager, agent, employee, or other person operating a vehicle of the character of those already mentioned shall, after visiting a toilet, changing a tire, or otherwise coming in contact with any substance or matter that might cause contamination, thoroughly wash his or her hands and arms before continuing to carry on the business of food handling.

k. No automobile, truck, trailer, wagon, cart or other vehicle or container used in the sale or distribution of fruits, vegetables, meat, fish, poultry, or any other food product, except peanuts and popcorn stands, selling only peanuts and popcorn or wrapped candy, shall at any time be allowed to stop on a vacant lot, highway, or street, for the purpose of displaying, selling, offering for sale, or giving away such food products, and no owner, operator, or manager of any automobile, truck, trailer, wagon, cart, basket or other vehicle or container, shall be permitted to sell, offer for sale, distribute, or give away, any deciduous

fruit or other perishable food products, unless said automobile, truck, wagon, trailer, cart, basket, or other vehicle or container, be so equipped as to keep all such deciduous fruits, or other perishable foods, protected from dust, dirt, flies, or any other foreign or injurious contamination.

l. No person, firm or corporation shall be allowed to sell, distribute, offer for sale or to give away any manufactured or prepared food product in The City of San Diego unless it is the product of an establishment that is regularly inspected by said Department of Public Health of The City of San Diego, or another such department or institution that is recognized and approved by said Public Health Department of The City of San Diego.

m. All fruit juices, soft drinks, honey, or other such beverages or foods shall be bottled in a regularly inspected plant, and shall not be poured or changed from one container to another except in said plant.

n. The Department of Public Health, its employees and agents shall have the right to enter into or on any vehicle, building or structure at all times, for the purpose of inspecting said vehicle, building or structure.

SEC. 45.30 SMORGASBORDS - REGULATES THE OPERATION

It shall be unlawful for any person, firm or corporation to operate, carry on or conduct a smorgasbord in The City of San Diego, California, without first complying with the terms and provisions of this Section and Subsections and Sections 41.20, 41.20.1.

SEC. 45.30.1 HOURS OF OPERATION

Any permit issued pursuant to the terms of Section 41.20 shall prescribe that the permittee is authorized to operate a smorgasbord only for limited periods daily, and not longer than two (2) successive hours in any one twenty-four hour period. The permit shall further provide that upon the expiration of any one two-hour period any food not sold or consumed shall be forthwith discarded and not used again or thereafter offered for sale for human consumption.

SEC. 45.35 DRUGS, MEDICINES, ETC. - FREE DISTRIBUTION PROHIBITED

That it shall be unlawful for any firm, corporation, person or persons to distribute or cause to be distributed any free or trial packages of medicines, drugs, chemicals or chemical compounds or medicines of any kind or nature or to leave the same exposed on the sidewalks, yards, letter boxes, porches, doors or elsewhere upon any private premises or in any manner or in such a way that children may become possessed of the same.

ARTICLE - 6

DISEASE CONTROL

SEC. 46.01 RAT CONTROL - PREMISES SHALL BE RAT-PROOF AND FREE OF RATS

It shall be unlawful for any person within the corporate limits of The City of San Diego to construct, maintain, operate, or permit to exist any building or other structure or premises wholly or partly in his possession or under his control, which is not rat-proof and free of rats in accordance with the provisions of this Article.

SEC. 46.02 RAT CONTROL - AUTHORIZATION GIVEN THE HEALTH OFFICER, AND BEING AN OFFENSE NOT TO COMPLY WITH HEALTH OFFICER'S ORDER

(a) The Health Officer is authorized to make frequent and unannounced inspections of all buildings, structures, and premises within the corporate limits of The City of San Diego for the purpose of determining signs or existence of rat infestation and compliance with this ordinance. The Health Officer is directed to make periodic inspections of all business buildings in the City as frequently as the number of personnel permit. No person shall interfere with or refuse to permit such inspection.

(b) The Health Officer is authorized to order by written notice the owner, occupant, agent, or any other person in charge, management, or custody of a building, structure, or premises showing any evidence that rats are or have been present, to have said building, structure, or premises

rat-proofed at once as herein provided. He may in addition order such other rat control measures as he may deem necessary to eliminate all rats, other rodents, and rat-harborages present. The written order or notice shall specify the time, in no event less than fifteen (15) days, for completion of the rat-proofing or rat-stoppage work.

(c) The Health Officer is authorized to make inspections during the course of and upon completion of any construction, repair, remodeling, or installation of any building, structure, or premises to insure compliance with the provisions of this Article, and no person shall interfere with or refuse to permit such inspection. Furthermore, should the construction, repair, remodeling or installation fail to comply with the standards or provisions of this Article, such work shall be altered according to the directions of the Health Officer.

(d) The Health Officer is authorized to notify the owner, occupant, agent, or any other person in charge, management, or custody of a building, structure, or premises that there is evidence of rat or other rodent infestation and to order in writing such person or persons to institute immediately appropriate measures for freeing the premises each occupies or controls of all rats, other rodents and rat-horborages. The written order or notice shall specify the time, in no event less than five (5) days, for institution of the rat eradication work.

(e) Whenever the Health Officer finds that satisfactory rat-proofing of any rat infested building or premises is impossible or impracticable, or whenever the owner or occupan t

of such premises or building shall fail to commence such rat-proofing as the Health Officer may order in writing, within the time specified in such order, or whenever the owner or occupant of such premises or building shall fail to carry to completion all such rat-proofing with reasonable diligence, the Health Officer is authorized and directed to prosecute any or all legal or equitable actions for the abatement of the nuisance created by such rat infestation and/or the condition of such building or premises. The existence of a condition of rat infestation in or on any building or premises, and the existence of any building or premises in such a condition as to provide shelter, protection, or food for rats, are each declared hereby to be and constitute a public nuisance.

(f) Any person who fails to comply with the order of the Health Officer within the time specified therein, or within the time to which a written extension may have been granted by the Health Officer, shall be deemed guilty of a misdemeanor.

SEC. 46.03 RAT CONTROL - BASEMENTS AND CELLARS SHALL BE KEPT RUBBISH FREE

Basements and cellars shall be kept free of all rubbish and debris at all times, and all merchandise or other materials stored therein shall be so kept or piled that they will not provide a place of harborage for rats.

SEC. 46.04 RAT CONTROL - RAT BURROWS

All rat burrows found in the ground or elsewhere shall

be effectively treated, destroyed and rat-proofed as the Health Officer may direct.

SEC. 46.05 RAT CONTROL - ADJACENT POLES, VINES, ETC.

In order to protect business buildings from climbing or roof rats, it shall be unlawful to permit poles, ladders or any other object not in actual use to lean against the sides of buildings, and it shall be unlawful to permit vines to grow up the sides of business buildings. All trees near business buildings shall be kept trimmed and cut so that no part of any branch or any part of said tree shall be closer than four (4) feet from the sides of any business building and shall under no circumstances overhand the roof of the building.

SEC. 46.06 SPECIAL PRECAUTIONS FOR DOCKS AND WHARVES

All docks and wharves in The City of San Diego shall be specially protected by wire or metal screens, netting, guards, or other materials and procedures designated or approved by the Health Officer so installed as to prevent rats from gaining entrance to such docks or wharves at either high or low tide from vessels anchored or moored alongside or from other sources. All food products and other goods, wares, and merchandise stored in or on docks or wharves shall be so kept, stored, and specially protected as to prevent rats from gaining access thereto or coming in contact therewith.

SEC. 46.07 RAT CONTROL - PUBLIC MARKETS AND STANDS

Public curb, or farmers' markets and other markets in

which fruits, vegetables, meats, or any other food products are exposed or offered for sale on racks, stands, platforms, or in vehicles alongside, shall have floors paved with concrete, asphalt, or other material impervious to rats for the entire surface area of the market. Display racks, stands, or platforms on which foods are displayed or offered for sale shall be at a distance of not less than eighteen(18)inches from the floor and shall be so constructed that rats cannot hide or harbor therein or thereunder.

SEC. 46.08 RAT CONTROL - STORING FOOD AND FEED

All food or ~~foe~~ feed kept within the corporate limits of The City of San Diego for feeding humans, horses, cows, pigs, chickens and other animals and fowl shall be kept in rat-free and rat-proofed containers, compartments, or rooms unless the entire building is rat-proofed. Sacks of grain, flour, feed, and other material upon which rats might feed shall be piled in small separate piles away from walls and from other piles, and preferably not resting directly upon the floor, in such a way as to prevent the formation of rat-harborages, even in rat-proof buildings.

SEC. 46.09 RAT CONTROL - GARBAGE, SCRAPS OF FOOD, ETC.

(a) The occupants of all buildings, including both business buildings and private residences, shall provide an adequate number of covered metal containers approved by the Health Officer in which all garbage or refuse, consisting of waste vegetables, fish, or animal matter of any kind, including all small dead animals which may serve as rat food, shall be placed and stored so that such items may not be accessible to rats until removed from the premises

by the garbage collectors. Partly or completely filled garbage containers shall be tightly covered at all times.

(b) It shall be unlawful for any person to dump or place on any land or waterway within The City of San Diego any dead animals, butchers' or fisherman's offal, or any waste vegetable, fish, or animal matter, or any other matter whatsoever suitable as food for rats, except upon proper garbage fills designated and approved by the Health Officer or City Manager.

(c) No garbage, rubbish, trash, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in The City of San Diego so that same shall or may afford food, harborage, shelter, or breeding place for rats.

(d) All establishments where employees eat lunches, on the premises shall provide a sufficient number of suitable metal containers with tight fitting covers in which the employers shall cause to be placed all remnants of such lunches so that they will not be accessible to rats at any time.

(e) Whenever there is evidence of rat infestation of any theatre or other place of amusement wherein the audience eats peanuts, popcorn or other foods, the Health Officer may require that all particles or remnants of all such foods shall be removed from the floors of the place of amusement immediately after the last performance each evening.

SEC. 46.10 RAT CONTROL - RAT HARBORAGES DUE TO DISORDERLY ACCUMULATIONS, DEBRIS, ETC.

It shall be unlawful for any person to permit any premises, whether improved or unimproved, or any open lot or alley, to accumulate lumber, boxes, barrels, bricks, stones, junk, debris, or similar materials unless same is piled in an even and orderly manner upon open racks elevated not less than eighteen (18) inches above the ground and away from walls of buildings or other structures, so that those materials will not afford a shelter or harborage for rats.

SEC. 46.11 RAT CONTROL - NOTICES

All notices and orders required by this Article to be given by the Health Officer to any person shall be given substantially in the following manner: The notice or order shall be in writing and shall state in general terms what is required of the person or persons to whom it is directed; one copy of such notice or order shall be posted in a conspicuous place upon the building or premises to which such notice or order refers, or in lieu of such posting, one copy of such notice or order may be delivered to any person in possession or control of such building or premises, or his agent; one copy of such notice or order shall be delivered personally to, or sent by registered mail addressed to, any person who owns or is in possession or control of such building or premises, or his agent, if the name and address of such person is known to the Health Officer.

SEC. 46.20 MOSQUITO CONTROL - POOLS OF WATER DECLARED NUISANCE

All pools of water, or other places in which mosquitoes may breed, or are being bred, are hereby declared to be a public nuisance. The Department of Public Health and its officers are hereby given authority to condemn as a nuisance any such pools of water, or other places in which mosquitoes may breed or are being bred, and to order the summary abatement thereof.

SEC. 46.21 MOSQUITO CONTROL - REFUSAL TO ABATE NUISANCE DECLARED MISDEMEANOR

Upon being notified by such Department of Public Health or its officers, of the existence of such pools of water, or other places in which mosquitoes may breed, or are being bred, and that the same has been declared a public nuisance, it shall be the duty of the person or persons responsible for the maintenance thereof to forthwith abate such nuisance as directed by said Department of Public Health or its officers, shall be deemed guilty of a misdemeanor.

SEC. 46.22 MOSQUITO CONTROL - ABATEMENT OF NUISANCE BY HEALTH OFFICER

Upon the neglect or refusal of any owner, occupant, or agent, or other person, having control of the premises, within said City, upon which said nuisance above mentioned exists, to comply with such notice, the Health Officer may abate such nuisance, and the owner, agent, occupant or other person having control of such premises, in addition to the penalty provided by this Code, shall be liable to said City for the cost of such abatement, to be recovered in a civil action in any court of competent jurisdiction within said City.

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46.31

SEC. ~~46.25~~ FUMIGATION - PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation, whether as owner, agent, employee or otherwise, to fumigate or disinfect with cyanide or other dangerously poisonous material, or to cause or to permit to be fumigated or disinfected with cyanide or any other dangerously poisonous material any house or other building built or constructed for the habitation of human beings, within the City of San Diego, California, unless under and by authority of a written permit from the Department of Public Health of the said City of San Diego, California.

Permits to carry on or engage in the business of fumigating or disinfecting may be issued by the said Department of Public Health upon the written application of any person for himself or on behalf of any corporation or association of persons, which application shall state the name and address of the applicant, together with any other additional facts required by the said Board, for their information as to the qualification of the applicant.

When any permit is issued under the provisions of this Ordinance it may be revoked at any time it appears to the satisfaction of the Board that the permittee, or his servants or agents or any person acting under his direction has violated any Ordinance of the City of San Diego or any rule of the Department of Public Health thereof regulating the fumigation or disinfecting of houses or other buildings in the City of San Diego.

46.32

SEC. ~~46.26~~ FUMIGATION - NOTICE REQUIRED

It shall be unlawful for any person, firm or corporation to put or place, or cause to be put or placed, any cyanide or other

dangerously poisonous material in any house or building for the purpose of fumigating or disinfecting the same, unless notice has been given the Department of Public Health at least 24 hours in advance, of the intention so to do and of the exact location of the house or building to be fumigated or disinfected.

SEC. ~~46.27~~ 46.33 FUMIGATION - WARNING SIGNS REQUIRED

It shall be unlawful for any person, firm or corporation to use or to cause or permit to be used any cyanide or other dangerously poisonous material to fumigate or kisinfect any house or other building unless a warning sign be first posted at the principal door or entrance thereto, said warning sign to be in size and form as prescribed by the Department of Public Health.

ARTICLE - 7

GARBAGE AND REFUSE DISPOSAL - OBNOXIOUS TRADES AND OCCUPATIONS

SEC. 47.01 GARBAGE AND REFUSE DISPOSAL REGULATED

That no person shall place or deposit, or cause to be placed or deposited, any garbage, dead animals, rubbish, tin cans, waste paper, night-soil, or any vegetable or animal matter, or other waste or refuse matter into or upon any street, alley, park, lot, or other place within the said City of San Diego.

SEC. 47.02 GARBAGE AND REFUSE DISPOSAL - BURYING REQUIRED

That no person shall place or deposit, or cause to be placed or deposited, any garbage, dead animals, or any animal or vegetable matter, or any putrid or decaying matter of any kind, at any place within the corporate limits of The said City of San Diego, without burying the same in trenches at least six feet deep and covering the same with not less than two feet of soil

SEC. 47.10 REDUCTION WORKS, FERTILIZER PLANTS - CONSTRUCTION OF BUILDINGS

Floors and gutters shall be constructed of concrete or other material with smooth finish. Walls, ceilings, partitions, posts, doors and other parts of all structures shall be of such materials, constructions and finish as will permit them to be readily and thoroughly cleaned.

SEC. 47.11 REDUCTION WORKS, FERTILIZER PLANTS - FISH IN STATE OF DECOMPOSITION PROHIBITED

It shall be unlawful to accept for any process of

rendering or reduction any fish or parts of fish in any state of decomposition or putrefaction. All decomposed or putrefied fish, or parts of fish, shall be condemned and disposed of in such manner as the Department of Public Health by regulation shall require.

SEC. 47.12 REDUCTION WORKS, FERTILIZER PLANTS - OBNOXIOUS ODORS DECLARED NUISANCE

The escape into the open air of any offensive or obnoxious odors or gases from any material in the process of reduction, under the provisions of this Article, is hereby declared to be a public nuisance, and may be summarily abated by the Department of Public Health of The City of San Diego.

SEC. 47.13 REDUCTION WORKS, FERTILIZER PLANTS - INSPECTION BY DEPARTMENT OF PUBLIC HEALTH

All fish or parts of fish received by reduction plants for the process of reducing or rendering shall be immediately processed, and the processing of same shall continue until the entire catch or supply shall have been entirely reduced. The Department of Public Health shall be notified when all such reduction begins, whereupon an inspection shall be made during the process of reduction.

SEC. 47.14 REDUCTION WORKS, FERTILIZER PLANTS - REMOVAL OF FISH OR OFFAL - PERMIT REQUIRED

Parts of fish or offal of fish shall be removed only under permit and under the direction of the Director of Public Health or employee of the Department of Public Health designated to perform such duties.

Fish, or parts of fish or fish guts, if not suitable

for reduction, shall be condemned and disposed of in a manner designated by the Department of Public Health.

SEC. 47.20 FERTILIZING MATERIAL - STORAGE REGULATED

It shall be unlawful for any person, firm or corporation to keep, store or deposit for any purpose whatever, on any premises within fifty (50) feet of any window or door of any building occupied as a residence by a human being, any fertilizing material which may be a harbor for rodents or be a breeding place for flies, or which may give off an offensive odor or dust, or may otherwise become a public nuisance.

SEC. 47.21 FERTILIZING MATERIAL - STORAGE BINS OR ROOMS - PERMIT REQUIRED

Any person, firm or corporation keeping, storing or depositing any fertilizing material in excess of two cubic yards on any premises within fifty (50) feet of any building occupied as a residence by human beings, shall keep, store or deposit the same in a container, bin or room which is fly-tight, dust-proof and ventilated in such manner as to prevent the odor or dust from becoming offensive. Permits for the use of such containers, bins or rooms for purposes indicated herein shall be first obtained from the Department of Public Health of The City of San Diego, prior to such use. The Director of Public Health of The City of San Diego, on application being made for such permit, as herein provided for, does not conform to the provisions of this Article and/or if the use of the said premises fails to

conform to the provisions of the general laws of the State of California, the rules and regulations of either the State Board of Health or The City of San Diego Board of Public Health, no such permit shall be granted.

SEC. 47.30 TRANSPORTATION OF MANURE, STABLE REFUSE, ETC. - PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation to remove, transport or carry manure, animal excreta or stable refuse except in a tight vehicle which must be effectively covered with canvas or other covering so as to prevent the contents from being dropped, or to remove, transport, or carry manure without a written permit from the Department of Public Health certifying its approval of the construction of such vehicle.

SEC. 47.31 SAME - DROPPING ON STREETS PROHIBITED - LARVICIDE TREATMENT REQUIRED

It shall be unlawful for any person, firm or corporation to load manure, animal excreta or stable refuse for transportation upon any vehicle elsewhere within the premises from which the same is to be removed, or to remove, transport or carry manure or stable refuse through the public streets in such manner as to permit the same to fall upon any street; or to unload, deposit or store manure, animal excreta or stable refuse anywhere within the City without being treated by a larvicide approved by and under the supervision of the Department of Public Health.

ARTICLE - 8

HEALTH AND SANITATION REGULATIONS FOR BUSINESSES

DIVISION - 1

BATH HOUSE

SEC. 48.0101 BATH HOUSE - CLEANING OF TANKS

Any person or corporation owning, controlling or managing any bath or bath house in The City of San Diego, California, where a tank or tanks are used for public bathing purposes, shall cause the said tank or tanks to be emptied and properly cleansed before refilling, at least twice in each week during the months of July, August, and September, and at least once a week during the months of January, February, March, April, May, June, October, November and December.

DIVISION - 2

BEAUTY PARLORS, SCHOOLS, SHOPS, ETC. - COSMETICIAN, MANICURIST, MASSEUR, ETC.

SEC. 48.0201 GENERAL HEALTH AND SANITARY REGULATIONS

It shall be unlawful to operate any establishment designated in Section 41.35 without complying with the following regulations:

(a) All beauty parlors, hairdressing, cosmetician and cosmetologist shops shall be equipped with running hot and cold water and with all such applicanes, frunishings and materials as may be necessary to enable persons employed in and about said beauty parlors, hairdressing, cosmetician and cosmetologist shops to comply with the requirements of this regulation, and the owners, proprietors or managers of said beauty parlors, hairdressing, cosmetician and cosmetologist shops and similar places shall keep their shops, furniture, tools, applicance and equipment therein used in a sanitary condition at all times.

(b) All combs, ~~hair~~ hair brushes, dusters and other articles must be washed at frequent intervals and shall be kept clean at all times. All scissors, pincers, needles, clippers and other instruments must be sterilized either by the use of an approved steam sterilizer, immersion in boiling water or in a compound solution of cresol 5% strength or other method approved by the Department of Public Health, after each separate use.

(c) No operator shall use for service of any customer any towel or wash cloth that has not been boiled or laundered since last used.

(d) All operators must wear while serving customers washable white coats or aprons.

(e) Every operator shall clean his or her hands thoroughly immediately before serving each customer.

(f) No operator shall stop the flow of blood, use alum or other material unless the same is applied as a powder and with a clean towel. The use of styptic pencils, alum blocks or other solid styptics is prohibited.

(g) No operator shall permit any person to use the head rest of any chair under his or her control unless the head rest is covered by clean new paper or by a fresh clean towel.

(h) No persons affected with any disease of the skin or scalp shall have their hair cut in any beauty parlor, hairdressing, cosmetician or cosmetologist shop.

(i) No owner, proprietor or manager of any establishment designated in Section 41.35 shall require or permit any person to work, nor shall any person work in any establishment designated in Section 41.35 who is affected with any venereal disease, tuberculosis, typhoid fever, smallpox, diptheria, scarlet fever, yellow fever, dysentery, measles, mumps, German measles, whooping cough, chickenpox, or any other contagious or infectious diseases or any disease that may be reportable to the Department of Public Health or the State Board of Health.

(j) No operator shall be allowed to remove the cut hairs from the face or neck of a customer by the process of blowing (i.e. blowing through the lips). Mechanical bellows or sanitary brush may be used.

(k) The use of rubber collar protectors is hereby prohibited.

SEC. 48.0202 BUSINESS OPERATED IN PRIVATE RESIDENCE-REGULATED

It shall be unlawful to operate any business designated in Section 41.35 in any home or private residence without complying with the following regulations:

(a) All rooms wherein said character of work is being done shall be conducted apart and separate from the residence.

(b) No room wherein such an establishment is conducted shall be used as a dormitory or a place wherein meals are cooked and served.

(c) Separate plumbing shall be installed to comply with the provisions of Section 48.0201.

(d) No instruments shall be sterilized in any kitchen or bath room used for residential purposes.

(e) No room in any private residence used in the conduct of the business herein regulated shall be used for any other purpose.

SEC. 48.0203 POSTING OF REGULATIONS AND PERMIT

The owner, proprietor or manager of every beauty parlor, hairdressing, cosmetician or cosmetologist shop or similar place shall keep a copy of these regulations posted in a conspicuous place in his or her place of business, which copy shall be furnished by the Department of Public Health of The City of San Diego; and shall also keep posted in a conspicuous place in his or her place of business the permit granted to him or her under the provisions of Section 41.35.

DIVISION - 3

LAUNDRY ESTABLISHMENTS

SEC. 48.0301 HEALTH CONDITIONS OF OUTSIDE LAUNDRY

If the health conditions existing in laundry establishments situated outside The City of San Diego, for which a certificate from its Board of Health or Health Officer has been given as provided in Section 41.45 (c), do not comply with the rules and regulations and health conditions required by the Director of Public Health of The City of San Diego for laundry establishments located within the City of San Diego, then the permit for said laundry located without the boundaries of said City as aforesaid shall not be approved until it is satisfactorily shown that the minimum health conditions required of laundry establishments within The City of San Diego are maintained in said outside laundry.

SEC. 48.0302 RESTRICTIONS AS TO BUILDING

It shall be unlawful for any person, firm or corporation, or association of persons to establish, maintain, operate or carry on the business of a laundry establishment within the corporate limits of The City of San Diego in any building or any portions thereof, or any annex or outhouse thereto, that shall be occupied or used either directly or indirectly as a public hall or store, or that is frequented by persons likely to spread infectious or contagious diseases, or that is occupied or used or frequented, directly or indirectly, for any immoral or unlawflu purposes; provided, however, that a family connected

with the operation of said business may occupy a portion of said building not used for laundry purposes.

SEC. 48.0303 DRYING IN SEPARATE ROOM

It shall be unlawful for any person, firm or corporation or association or persons conducting, maintaining or operating a laundry establishment within the corporate limits of The City of San Diego to dry any articles of clothing, washed in such laundry, in any room other than the one used exclusively for drying purposes, which room must be entirely cut off from any other room, excepting that it may be connected with another room by means of a door opening thereto, in which event such door shall always be kept closed when not being used by a person entering or leaving such drying room; and said drying room, unless provided with a steam drying process, must be ventilated by the means of at least two windows, opening to the outer air, one of which windows shall be on the side opposite to another one thereof.

SEC. 48.0304 CEMENT FLOOR IN WASHROOM

It shall be unlawful for any person, firm or corporation, or association of persons conducting, maintaining or operating a laundry establishment within the corporate limits of The City of San Diego to wash or permit to be wahsed any article of clothing in any room the floor of which is not constructed of cement and drained into a public sewer, in accordance with the plumbing regulations of said city, and so set as to prevent sewer gas from entering

into such room.

SEC. 48.0305 SPRAYING CLOTHING

It shall be unlawful for any person or persons, owning or employing in any laundry establishment in The City of San Diego, to spray the clothing of any person or persons with water or other fluid emitted from the mouth, or forced from any container by the mouth of said owner or employees.

SEC. 48.0306 LAUNDRY ESTABLISHMENTS TO BE KEPT CLEAN

Laundry establishments conducted and operated within the meaning of this Division shall at all times be kept in a clean and sanitary condition.

SEC. 48.0307 LAUNDRY ESTABLISHMENT, APPLICATION EXCEPTIONS

The provisions of this Division relative to laundry establishments shall not apply to any owner of a laundry establishment where all the work therein is done by such owner and/or where not more than one employee is engaged in the work thereof in addition to said owner.

DIVISION - 4

TATTOOING ESTABLISHMENTS

SEC. 48.0401 RULES AND REGULATIONS

It shall be unlawful for any person to maintain, conduct, operate or manage any tattooing establishment without complying with the following regulations:

(a) All establishments shall be equipped with hot and cold running water, and adequate toilet facilities, properly installed in compliance with the health requirements of said City and all premises and equipment shall at all times be kept in a clean and sanitary condition.

(b) All needles and instruments used shall be kept in a closed glass case while not in use.

(c) Steam sterilizers, approved by the Public Health Commission, shall be provided and all needles and operating instruments shall be sterilized before using on each customer.

(d) Sterilizing solutions, approved by the Public Health Commission, may be used on instruments whenever it can be shown to the Director of Public Health that such instruments, other than needles, are damaged by boiling in a sterilizer.

(e) All operators are required to scrub their hands thoroughly before beginning operations and the customer's skin shall be thoroughly cleansed with an approved antiseptic solution, before applying any tattooing operations.

(f) All operating tables shall be constructed of metal

with white enamel or porcelain finish or stainless steel.

(g) All establishments shall be provided with clean laundered towels in sufficient quantities which shall be kept in closed dust proof containers, and no operator shall use for service of any customer, any towel or wash cloth that has not been boiled or laundered since last used.

(h) All operators shall wear clean white washable garments.

(i) It shall be unlawful to practice tattooing on any person with any skin infection or other disease of the skin or any communicable disease.

(j) It shall be unlawful to tattoo any person under the age of twenty-one (21) years, unless the written consent of the parent or guardian is obtained and such written consent shall be kept on file for two years in the office of said establishment.

(k) All infections resulting from the practice of tattooing shall be reported to the Director of Public Health by the person owning or operating the tattooing establishment.

(l) There shall be not less than one hundred fifty (150) square feet of floor space, and the light and ventilation shall be of a standard approved by the Director of Public Health.

SEC. 48.0402 POSTING OF REGULATIONS AND PERMIT

All permits, operator's cards and regulations of the Public Health Commission shall be posted at all times in a conspicuous place in the establishment.

DIVISION - 5

GAS APPLIANCE - RENT OR SALE

SEC. 48.0501 APPROVAL OF CITY REQUIRED

No person, firm or corporation shall sell, offer for sale, loan, rent or dispose of by gift or premium any material, device or appliance, designed or intended for attachment, directly or indirectly to any house gas piping system using natural or artificial gas for light, heat or power in The City of San Diego, unless such material device or appliance to be used in connection with natural or artificial gas complies with the provisions of this Division and has been approved for such installation and use in The City of San Diego.

SEC. 48.0502 RATING OF GAS APPLIANCES

All materials, devices and appliances designed or intended for attachment directly or indirectly to any house gas piping system using natural or artificial gas for light, heat or power hereafter shall be only those which have been approved for the purpose and the same shall bear or contain the maker's name, trademark, or identification symbol, together with such rating by the manufacturer as may be necessary in order to determine the purpose and intended use, and no person, firm or corporation shall remove, alter, deface or obliterate said maker's name, trademark, identification symbol or the required rating schedule or mark.

SEC. 48.0503 APPROVAL OF RECOGNIZED LABORATORY DEEMED TO COMPLY WITH REQUIREMENTS

All materials, devices and appliances covered and

intended to be regulated by this Division, when conforming with the requirements of Section 48.0502 and when bearing the stamp, label or other indication of approval by the American Gas Association, or any other recognized laboratory approved by the Department of Public Health of The City of San Diego, will be approved and shall be deemed to comply with the requirements of this Division.

SEC. 48.0504 PROVISIONAL APPROVAL

The Department of Public Health of The City of San Diego may grant "Provisional Approval" of materials, devices or appliances intended to be installed and used in the consumption of natural or artificial gas, under the following conditions:

(a) Where no standard has been prepared or adopted to which such materials, devices or appliances should conform.

(b) Where no other materials, devices or appliances or similar type are regularly listed or approved.

(c) Temporary acceptance may be given to materials, devices and appliances not listed by the American Gas Association, or other laboratory standards which may be approved by the Department of Public Health of The City of San Diego, provided such materials, devices or appliances have been submitted to the Laboratories for test and approval. Such temporary acceptance shall not be granted for a period in excess of 90 days.

The above mentioned "Provisional Approval" applies

only to the particular material, device or appliance so "provisionally approved" and such "Provisional Approval" shall be granted only for the particular materials, devices and appliances which the Department of Public Health of The City of San Diego finds are safe and suitable for the purpose for which they are to be used or intended.

SEC. 48.0505 ENFORCEMENT

The Department of Public Health of The City of San Diego is hereby authorized and empowered to enforce all of the provisions of this Division; the Director of Public Health shall logically and consistently interpret and rule as to the meaning of the various provisions in this Division and shall adopt such rules and regulations as may be necessary in carrying out the full spirit and intent of this Division to a logical conclusion. In the enforcement of this Division the Director of Public Health may delegate any of his powers to his deputies.

The Director of Public Health or his authorized representative may enter any building or premises at any reasonable time for the purpose of inspection or to prevent the violation of this Division upon presentation of the proper credentials.

SEC. 48.0506 LIABILITY FOR DAMAGES

This Division shall not be construed to relieve or lessen the responsibility or liability of any party owning, operating, controlling, or installing any materials, devices, appliances or equipment using natural or artificial gas,

for damages to persons or property caused by any defect therein, nor shall The City of San Diego, or any member of the Department of Public Health of The City of San Diego, be held as assuming any such liability by reason of the approval of any materials, device appliance or equipment authorized under this Division.

ARTICLE - 9

GENERAL REGULATIONS

SEC. 49.01 FOUL OR OFFENSIVE ODORS PROHIBITED

That all persons within the limits of The City of San Diego, shall at all times keep the premises used by them or subject to their control as agent or otherwise, in such condition as not to endanger the public by having or permitting any privy valut, cesspool, or decaying vegetables or other decomposable matter to become foul or offensive.

SEC. 49.02 PREMISES UNCONNECTED TO SEWER LINE - NOTICE - CONNECTION TO BE MADE

That all persons living along the line of any sewer shall, within the time specified in a written notice given by the Director of Public Health that by reason of such premises not being connected with the sewer that the same are detrimental to the public health, connect such premises with such sewer in accordance with the Rules of the Department of Public Health.

(a) That upon failure or neglect of such person, after such proper notice being given, to comply therewith, the Director of Public Health may have such premises connected with the sewer and the owner or agent or person having control of such permises, in addition to the penalty hereinafter provided shall be liable to said City for the cost of making and connecting such premises with the sewer, to be recovered by said City in any court of competent jurisdiction within said City.

SEC. 49.03 PREMISES ENDANGERING PUBLIC HEALTH - NUISANCE

That whenever any premises or place in The City of San Diego, California, either within or outside of buildings, or on unimproved property, becomes or is in a condition so that it endangers the health of the public or of the people living in the vicinity of such property, or of persons occupying such premises or place, or any part or portion thereof, then such premises and place is hereby declared to be a nuisance.

SEC. 49.04 SAME - ABATEMENT OF NUISANCE

That whenever the Director of Public Health of said City shall certify to the Department of Public Health of said City that such nuisance exists, stating the location and the nature of such nuisance, the said Department of Public Health may cause a written or printed notice to be posted upon such premises or place, and served on the occupants (if the same is occupied) and said Department of Public Health shall also cause a copy of such notice to be served on the owner of such premises or place, if he is known to said Department of Public Health and lives in The City of San Diego, California, but if the owner does not live in the said City and has an agent of said property in the said City of San Diego, known to said Department of Public Health, a copy of such notice

shall be served on the agent. Said notice shall state that the said premises or place (describing it) is in an unsanitary condition, and is endangering the health of the people of the said city, or the people residing in the vicinity of such property, or the occupants of such property, and shall require the owner or agent to put the said premises or place in a sanitary condition within a time to be stated in such notice, which shall not be less than 48 hours nor more than ten days from the date of the service of such notice and such notice shall state what is required to be done in order to put said premises or place in a sanitary condition. If the said premises or place is occupied, the notice served upon the occupant or occupants shall require him or them to vacate the same within a time to be stated in said notice which time shall not be less than 48 hours nor more than ten days from the date of the service of said notice, unless said premises or place shall have been put in a sanitary condition since the service of said notice.

SEC. 49.05 EXPECTORATING IN PUBLIC CONVEYANCES OR BUILDINGS PROHIBITED

No person shall expectorate on the floor of any street railway car or other public conveyance or public building, or on any sidewalk in the City of San Diego.

SEC. 49.06 SWEEPINGS, RUBBISH, TRASH, ON PUBLIC STREETS, PLACES - PROHIBITED

That it shall be and is hereby declared to be unlawful

for any person, firm, company or corporation to sweep any material of any kind whatever onto any sidewalk, street, lane, alley or public ground, or place used as sidewalk, street, lane, alley or public ground, in The City of San Diego, California.

SEC. 49.07 SAME - WASHING WITH WATER WITHOUT FIRST SWEEPING PROHIBITED

That it shall be and is hereby declared to be unlawful for any person, firm, company or corporation to clean or wash any sidewalk with water in that portion or district of The City of San Diego described in Section 49.06 unless the sidewalk to be so cleaned or washed by water be first swept clean of all loose material of any kind whatever, and such material, so swept from the sidewalk, shall be removed in a pan, shovel or other container and placed in a receptacle for rubbish.

SEC. ~~49.09~~ 49.08 SAME - SAME - DEPOSITING IN PUBLIC PLACE PROHIBITED

That it shall be and it is hereby declared to be unlawful for any person, firm, company or corporation to deposit upon any sidewalk, or street within that portion or district of The City of San Diego described in Section 49.06, any sweepings from any sidewalk, stairway or other opening leading to the street or sidewalk. All such sweepings or material from any sidewalk or any other opening leading to the street or sidewalk within said district shall be removed in a pan, shovel or other container and placed in a receptacle for rubbish.

CHAPTER V

PUBLIC SAFETY, MORALS AND WELFARE

ARTICLE 1

CIVIL DEFENSE AND DISASTER. ~~EMERGENCY DISASTER COUNCIL~~

SEC. 51.01 PURPOSES

The declared purposes of this Article are to provide for the preparation and carrying out of plans for the civil defense of persons and property within this City in the event of a disaster, and to provide for the coordination of the civil defense and disaster functions of this City with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such civil defense and disaster activities, including mutual aid activities shall be ~~deemed~~ deemed conclusive to be for the direct protection and benefit of the inhabitants and property of the City of San Diego. The exercise of all powers granted herein are deemed to be pursuant to and as authorized by the provisions of the Charter of The City of San Diego.

SEC. 51.02 DEFINITIONS

(a) Civil Defense. As used in this Article, the term "civil defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. It shall not include, nor does any provison of this Article apply to any condition relating to a labor controversy.

(b) Disasters. As used in this Article , the term "disaster" shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm , epidemic,

riot, earthquake or other similar public calamity.

SEC. 51.03 CIVIL DEFENSE AND DISASTER COUNCIL, MEMBERSHIP

The City of San Diego Civil Defense and Disaster Council is hereby created and shall consist of the following:

(a) The Mayor, who shall be Chairman.

(b) The Director of Civil Defense and Disaster, who shall be Vice-Chairman.

(c) The Assistant Director, appointed by the City Manager with the advice and consent of the City Council, who under the supervision of the Director, shall develop civil defense and disaster plans and organize the civil defense and disaster program of this City, and shall have such other duties as may be assigned by the Director.

(d) Such Deputy Directors and Chiefs of operating civil defense and disaster departments, services or divisions as are provided for by resolution pursuant to this Article.

(e) Such individuals or representatives of civic, business, labor, veterans, professionals or other organizations as may be appointed by the Mayor with the advice and consent of the City Council.

SEC. 51.04 CIVIL DEFENSE AND DISASTER COUNCIL - POWERS AND DUTIES

It shall be the duty of the San Diego Civil Defense and Disaster Council, and it is hereby empowered, to review and recommend for adoption by the City Council, civil defense and disaster and mutual aid plans and agreements and such Ordinances and Resolutionsand rules and regulations as are necessary to implement such plans and agreements. The

Civil Defense and Disaster Council shall meet upon call of the Chairman or in his absence from the City or inability to call such meeting, upon the call of the Vice-Chairman.

SEC. 51.05 THE CITY MANAGER SHALL BE THE DIRECTOR OF CIVIL DEFENSE AND DISASTER

The Director is hereby empowered:

(a) To request the City Council to proclaim the existence or threatened existence of a disaster and the termination thereof, if the City Council is in session, or to issue such proclamation if the City Council is not in session, subject to confirmation by the City Council at the earliest practicable time;

(b) To request the Governor to proclaim a state of extreme emergency when in the opinion of the Director the resources of the area or region are inadequate to cope with the disaster;

(c) To control and direct the effort of the civil defense and disaster organization of this City for the accomplishment of the purposes of this Article.

(d) To direct coordination and cooperation between divisions, services and staff of the civil defense and disaster organization of this City, and to resolve questions of authority and responsibility that may arise between them;

(e) To represent the civil defense and disaster organization of this City in all dealings with public or private agencies pertaining to civil defense and disaster.

SEC. 51.06 POWERS IN EVENT OF PROCLAMATION OF DISASTER

In the event of the proclamation of a disaster as herein

provided, or the proclamation of a state of extreme emergency by the Governor or the State Director of Civil Defense, the Director is hereby empowered:

(a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council.

(b) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the city for the fair value thereof, and if required immediately, to commandeer the same for public use;

(c) To require emergency services of any City officer or employee and, in event of the proclamation of a state of extreme emergency by the Governor in the region in which this City is located, to command the aid of as many citizens of this community as he thinks necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered civil defense and disaster worker volunteers;

(d) To requisition necessary personnel or material of any City department or agency;

(e) To execute all of his ordinary powers as City Manager, all of the special powers conferred upon him by this Article or by Resolution adopted pursuant thereto, all powers conferred upon him by any statute, agreement

approved by the City Council, or by any other lawful authority to exercise complete authority over the City and to exercise all police power vested in the City by the Constitution and general laws.

SEC. 51.07 CIVIL DEFENSE AND DISASTER ORGANIZATION

All officers with employees of this City, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 51.06 (c), be charged with duties incident to the protection of life and property in this City during such disaster, shall constitute the Civil Defense and Disaster Organization of the City of San Diego.

SEC. 51.08 DIVISIONS, SERVICES AND STAFF OF THE CIVIL DEFENSE AND DISASTER ORGANIZATION

The functions and duties of the San Diego Civil Defense and Disaster Organization shall be distributed among such divisions, services and special staff as the City Council shall prescribe by Resolution.

The City Council shall concurrently with the adoption of this Article adopt a Resolution setting forth the form of organization,establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the Federal Government and the Civil Defense Agency of the State of California.

SEC. 51.09 [redacted] VIOLATIONS

It shall be a misdemeanor for any person during a disaster:

(a) To wilfully to obstruct, hinder or delay any member of the civil defense and disaster organization in the enforcement of any lawful rule or regulation issued pursuant to this Article or in the performance of any duty imposed upon him by virtue of this Article.

(b) To do any act forbidden by any lawful rules or regulations issued pursuant to this Article if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this City, or to prevent, hinder or delay the defense or protection thereof;

(c) To wear, carry or display, without authority, any means of identification specified by the civil defense and disaster agency of the State.

SEC. 51.10 CONTINUATION OF ORDINANCE

That it is the intent of the City Council in enacting this Article that it shall be considered as a revision and continuation of Ordinance Number 4767 (New Series).

ARTICLE - 2

POLICE - POLICE REGULATIONS - OFFENSES AGAINST GOVERNMENT

SEC. 52.05 FURNISHING FALSE INFORMATION TO PEACE OFFICER - PROHIBITED

It shall be unlawful for any person, firm or corporation, either as principal, agent, servant or employee, to wilfully and knowingly report to the Police Department of The City of San Diego, or any member or agency thereof or to any law enforcement agency or officer of the County or San Diego, of the State of California and/or of the United States of America, within The City of San Diego, any false event, circumstance, fact or accusation, calcuated, designed or intended to furnish the basis for any investigation, arrest or prosecution.

SEC. 52.05.1 SAME - PRIMA FACIE PROOF

Proof under the foregoing section that any person, firm or corporation, either as principal, agent, servant or employee, did in fact report to the Police Department of The City of San Diego, or any member or agency thereof or to any law envorcement agency or officer of the County of San Diego, of the State of California and/or of the United States of America within The City of San Diego, any false event, circumstance, fact or accusation, calculated, designed or intended to furnish the basis for any investigation, arrest or prosecution, shall constitute prima facie proof that he did so wilfully and knowingly.

SEC. 52.10 SIGNS TENDING TO DISCRIMINATE BECAUSE OF RACE OR COLOR - PROHIBITED

That it shall be unlawful for any person to display in any restaurant, hotel, eating-house, place where ice cream or soft drinks are sold for consumption on the premises, barber shop, bath house, theater, skating rink, public conveyance, and all other places of public accommodation or amusement, any sign, written or printed, or notice of any kind whatsoever, which attempts to discourage patronage of members of any certain race or color and/or which tends to discriminate in the public service offered against any person because or race or color.

SEC. 52.15 SHOE SHINE STANDS ON PUBLIC PLACE - PROHIBITED

That it shall be unlawful for any person, firm, or corporation to conduct, manage, or carry on upon any public street, alley or other public place, in The City of San Diego, California, any stationary or portable Boot Black Stand or Shoe Shining Outfit.

SEC. 52.20 OBSTRUCTING PUBLIC PLACES - PROHIBITED

That it is hereby declared to be unlawful for any person to stand or sit on any sidewalk or cross-walk or occupy the same so as in any manner to obstruct the free use thereof by the public and the passage thereon by pedistrians, or to hinder molest or annoy any person or persons in passing along the same, or to obstruct or stand around the entrances of any public hall or public building within said City of San Diego.

SEC. 52.25 LOITERING IN PEDESTRIAN TUNNEL NEAR SCHOOLS, PLAY-GROUNDS - PROHIBITED

That is is unlawful for any person to enter, be, or remain within any pedestrian tunnel beneath any public street within 300 feet of any public school or playground, before sunrise or after sunset of any day; provided, however, that any public officer or employee may enter, be or remain within any such tunnel in the course of his official duties, at any time.

SEC. 52.25.1 PEDESTRIAN TUNNEL - FACILITIES FOR LOCKING

That each entrance to every pedestrian tunnel beneath any public street, which tunnel is situated within 300 feet of any public school or playground, shall be fitted with a strong door or gate, capable of being securely locked in a closed position, and which door or gate, when closed, shall completely close and bar such tunnel, so that no person may enter such tunnel.

SEC. 52.25.2 SAME - LOCKING TUNNELS

That the Police Department of The City of San Diego, or some person or persons designated for that purpose by the City Manager, shall cause each of said doors or gates to be securely closed and locked at sunset of each day, and shall cause each such door or gate to remain securely closed and locked until sunrise of the following day.

SEC. 52.30 NO TRESPASSING SIGNS - POSTING AUTHORIZED

Any person, firm or corporation, governmental agency, department or instrumentality having possession or control,

of any of the facilities, plants or utility properties enumerated in Section 52.30.1 hereof, may post, at each entrance of any structure devoted to any use so enumerated, at each entrance to any fenced or enclosed area devoted to any such use, and at intervals of not more than three hundred feet around any area devoted to such use, substantial signs not less than one square foot in area, displaying prominently in addition to such other information as may be deemed desirable, the words, "TRESPASSING - LOITERING - FORBIDDEN BY LAW " in legible letters not less than two inches in height; porvided, however that any public waiting room, dining room, office or other portion of any such structure or premises to which general public access is required in the normal use and operation thereof or where materials are delivered to or received by the public, shall not be so posted; provided, further, anything herein to the contrary notwithstanding, that in the case of power transmission lines and main telephone lines it shall be a sufficient compliance with the posting requirements of this ordinance if the sign is placed upon each main transmission pole or tower, in which case the limits of the easement or right of way need not be posted.

The "posted boundary" of any area shall be a line running from sign to sign, and such line need not conform to the legal boundary or legal description of any lot, parcel or acreage of land.

SEC. 52.30.1 SAME - POSTING - WHERE PERMITTED

The places which may be so posted are the following:

(a) Every airport, and every plant, field and structure used for the manufacture, assembling or testing of aircraft;

(b) Every tank-farm, refinery, compressor-plant or absorption plant, marine terminal, pipe line, pumping station and reservoir, used for the bulk treatment, bulk handling or bulk storage of petroleum or petroleum products;

(c) Every reservoir, dam, pumping station, aqueduct, main canal or pipe line, or a public water system;

(d) Every reservoir, dam, generating plant, receiving station, distributing station and transmission line of a company or agency furnishing electrical energy;

(e) Every gas generating plant, compressor plant, gas holder, gas tank, and gas main used for the production, storage and distribution of gas;

(f) Every plant or vital part thereof or other principal property essential to rendering telephone or telegraph service;

(g) Every radio broadcasting central plant or station;

(h) Every railroad bridge or tunnel;

(i) Every plant for the bulk storage of dynamite, giant powder, gun powder, or other explosive.

SEC. 52.30.2 LOITERING - A MISDEMEANOR

It shall be unlawful for any person to loiter in the immediate vicinity or any premises posted as provided in this section and these Subsections.

SEC. 52.30.3 SAME - EXEMPTIONS

This ordinance does not apply to any entry in the course of duty of any peace officer nor to any person traversing any established and existing public sidewalk, street or highway.

Nothing in this Section or these Subsections shall be deemed to prohibit or interfere with any lawful activities of a labor organization, or other body of citizens, in peacefully disseminating information to their own members, to the public, or to individuals, regarding the existence of a bona fide labor dispute.

SEC. 52.30.4 SAME - DAMAGING SIGNS

Every person who tears down, defaces or destroys, or causes to be torn down, defaced or destroyed, any sign placed or posted under the provisions of this Section and these Subsections, without the consent of the person, firm, corporation, governmental agency, department or instrumentality having possession or control of the premises on which such sign has been erected, is guilty of a misdemeanor.

SEC. 52.35 DEFACING, REMOVING, ALTERING, ETC. NOTICES - PROHIBITED

That it be and is hereby declared to be unlawful for any person to intentionally alter, change, deface, destroy, mutilate, remove, take down, or take away any notice posted or put up in The City of San Diego, California, by any department, office, or officer of The said City of San Diego, California, by authority of the Charter

of said City, or of any ordinance or law of said City, or for the purpose of calling attention to the provisions of any penal law or health regulation of said City, without the consent of the department, office, or officer which issued, posted, or put up such notice.

SEC. 52.40 SMOKING ON PUBLIC BUS - PROHIBITED

It shall be, and it is hereby declared to be unlawful for any person to smoke any pipe, cigar, cigarette or other device or appliance for smoking tobacco or any other weed or plant in or upon any public bus while it is engaged in the service of transporting passengers within The City of San Diego for hire.

SEC. 52.40.1 SAME - SIGNS DISPLAYED

There shall be displayed in every street car and bus plainly legible signs calling attention to the prohibition contained in this Section.

SEC. 52.45 DEVICES INTERFERING WITH RADIO RECEPTION - REGULATED

Ir shall be unlawful for any person to operate in The City of San Diego, any device, appliance, equipment, and/or apparatus generating and/or causing high frequency oscilations and/or radiations which interfere with radio broadcast receiving ~~apparatus~~ apparatus or wireless receiving apparatus or television receiving apparatus; provided, however, that X-ray pictures, examinations, or treatments may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and are not negligently operated; provided, further, complete screening of the room in which offending X-ray apparatus is operated may be required when such screening is necessary in order to avoid said interference. And provided,

further that neon signs shall be deemed to comply with the provisions of this Section when such signs are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception, wireless reception or television reception and are not negligently operated.

SEC. 52.45.1 SAME - EXCEPTIONS

It is expressly understood and provided, however, that this Section shall not apply to radio stations, either broadcast, commercial or amateur, licensed by the federal government and/or which are engaged in interstate communication, or public utilities under the supervision of the State Railroad Commission.

SEC. 52.45.2 SAME - INSPECTION AUTHORIZED

The City Manager is hereby charged with the enforcement of this Section. He may appoint or deputize such other persons as he deems necessary, to assist him in enforcing the provisions of this Section. The enforcement officer, and/or his duly authorized deputies shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the installation of all apparatus or equipment coming within the terms of this ordinance, and it shall be unlawful for any person to interfere with said enforcement officer, or his duly authorized deputy and/or deputies in making such inspection or to refuse to permit the said enforcement officer, or his duly authorized deputy and/or deputies to enter

the premises for such purposes.

SEC. 52.45.3 SAME - VIOLATION - NOTICE

When an inspection and test shall have been made by the enforcement officer or his duly authorized deputy, and/or deputies, and it is found that equipment or apparatus coming within the terms of ~~the Section~~ this Section is being operated in violation of its terms, the person responsible for the operation of such equipment shall be notified in writing to discontinue its use, or to make additions, repairs or modifications thereof, in order that the same may be operated in a manner which complies with the provisions of this Section. The mailing ~~or~~ of a registered letter addressed to the owner at the premises where the equipment or apparatus is located shall constitute a sufficient notice for the purpose of this ~~Section~~ Section. In event that the owner or operator of such equipment or apparatus does not, within ten (10) days after receipt of notice to repair or discontinue the use of such equipment or apparatus, either entirely discontinue the use of such equipment or apparatus or repair the same so that it complies with the provisions of this Section, such owner shall be deemed to be operating such machine or equipment or apparatus in violation of the provisions of this Section and such person shall be subject to the penalties hereinafter provided for such violation.

~~SEC. 52.50 CAMPING - PERMIT REQUIRED FROM OWNER OF PREMISES~~

~~It shall be unlawful, and it is hereby declared to~~

be unlawful, for any person to camp in a tent, camp, camp car, trailer, and/or other portable shelter on any property other than his own without having first secured from such owner a regular permit so to do. Such permit must be shown to any peace officer or duly authorized official of The City of San Diego upon request, and failure so to do shall be deemed a violation of this Section.

SEC. 52.55 LABOR OF PRISONERS IN CITY JAIL - AUTHORIZED

That all able-bodied persons confined in the City Jail pursuant to having been duly convicted of public offense, may be required to labor every day in every week excepting Sunday and legal holidays.

SEC. 52.55.1 SAME - SUPERVISION - LABOR APPLIED ONLY TO CITY PROPERTY

That such labor shall be under the direction and supervision of the Chief of Police, providing, that the actual supervision of such labor may be delegated by the Chief of Police to some other member or members of the Police Department, and such labor shall be a part of the regular governmental dicipline of said City Jail, and shall be applied only to public works, buildings, lands, enterprises and improvements belonging or appertaining to said City.

SEC. 52.55.2 SAME - TRANSPORTATION TO PLACE WITHIN OR WITHOUT CITY

That the Chief of Police is authorized to select,

each day, from among the persons mentioned in Section 52.55 hereof, such number of them as he shall deem expedient for the labor to be performed upon such day, and cause them to be transported, for such purpose, to any place within or without the said City.

SEC. 52.55.3 SAME - DETENTION CAMPS, ETC. - AUTHORIZED

That, in the event that the place to which such aforesaid persons are to be transported for the purpose of labor, is too far from said City Jail to conveniently permit them to be returned to said City Jail each day, the said Chief of Police may cause to be established and maintained temporary detention camps and other places of confinement at any place or places where such labor is required to be performed.

SEC. 52.60 REGISTRATION OF PERSONS CONVICTED OF CERTAIN CRIMES - REQUIRED

Any person who has been or who may hereafter be convicted of any offense punishable as a felony in the State of California or elsewhere, or who has been or who may be hereafter convicted of the violation of any law in any place other than the State of California, which crime, if committed in the State of California, would have been a felony, or would have been punishable as a felony; also, any person who has been or who may hereafter be convicted in the State of California or elsewhere of the violation of any law relating to the following subjects, to-wit:

(a) Regulating the possession, distribution, furnishing

or use of any habit-forming drug;

(b) Regulating or prohibiting the carrying, possession or ownership of any concealed weapon or deadly weapon, or any weapons capable of being concealed, or regulating or prohibiting the possession, sale or use of any device, instrument or attachment designed or intended to be used for the purpose of silencing the report of or concealing the discharge or flash of any firearms;

(c) Regulating or prohibiting the use, possession, manufacture or compound of tear gas, or any other gas which may be used for the purpose of temporily or permanently disabling any human being;

(d) Subdivision 12 of Section 647 of the Penal Code of the State of California, or the law of any state under which said person has been convicted of or is or has been adjudicated a drug addict;

(e) Section 647 a of the Penal Code of the State of California;

(f) Subdivisions 1 or 2 of Section 311 of the Penal Code of the State of California;

(g) Sections 315 and 316 of the Penal Code of the State of California;

who comes in the City of San Diego from any point outside of said City, whether in transit through said City outside of said City, whether in transit through said City or otherwise, shall report to the Chief of Police of said City within forty-eight (48) hours after his arrival within the boundaries of said City, and shall furnish to such Chief of Police a statement in writing

signed by such person giving the following information:

1. His true name and all aliases which he has used or under which he may have been known;

2. A full and complete description of his person;

3. The kind, character and nature of each crime of which he has been convicted;

4. The place where any of such crimes were committed and the place of conviction of the same;

5. The name under which he was convicted in each instance and the date thereof;

6. The name, if any, and the location of each prison, reformatory, jail, or other penal institution in ~~which~~ which he was confined, or to which he was sentenced;

7. The location and/or address of his residence, stopping place, living quarters, or place of abode in the City, and each one thereof, if more than one; or the address or location of his intended residence, stopping place, living quarters, or place of abode therein, and each one thereof; with a description of the character of each such place, whether an hotel, apartment house, dwelling house or otherwise, giving the street number thereof, if any, or such description of the address or location thereof as will so identify the same as to make it possible of location; and the length of time for which he expects or intends to reside within the territorial boundaries of said City.

At the time of furnishing such information said

person shall be photographed and fingerprinted by said Chief of Police, and said photograph and fingerprints shall be made a part of the permanent record herein provided for.

SEC. 52.60.1 SAME - REGISTRATION OF RESIDENTS - REQUIRED

Every person residing within The City of San Diego who has been within ten (10) years prior to the effective date of this Code or who may hereafter be convicted of any of the offenses referred to in Section 52.60 hereof, shall, within forty-eight (48) hours from and after the effective date hereof, comply with the provisions of Section 52.60.

SEC. 52.60.2 SAME - EXCEPTIONS

Provided, however, that no person shall be required to comply with the provisions of Section 52.60 or 52.60.1 hereof whose conviction shall have occurred at least ten (10) years prior to his or her arrival in The City of San Diego.

SEC. 52.60.3 SAME - CHANGE OF RESIDENCE WITHIN CITY - NOTICE REQUIRED

In the event that any person specified in Section 52.60.1 hereof shall change any such place of residence, stopping place, or living quarters, to any new or different place or places within said City other than any place last shown in such report to said Chief of Police, he shall, within twenty-four (24) hours after the making of such change, notify said Chief of Police, in a writen and signed statement, of such change of address, and

shall furnish in such written statement to said Chief of Police his new address, and each one thereof.

It shall be unlawful for any person required by any provision of this Section to furnish any such report, to furnish in such report any false or fictitious address, or any address other than a true address or intended address, or to furnish, in making any such report, any false, untrue, or misleading information or statement relating to any information required by any provision of this Section to be made or furnished.

SEC. 52.60.4 SAME - RECORDS KEPT BY CHIEF OF POLICE

The statements, photographs and fingerprints provided for in Section 52.60 hereof shall at all times be kept by the Chief of Police in a file separate and apart from other files and records maintained and kept by the Police Department, and shall not be open to inspection by the public, or by any person other than a regular member of the Police Department; provided, however, that any such photographs, or duplicates thereof, may be exhibited to persons other than Police officers of The City of San Diego for the purpose of assisting in identifying perpetrators of any crime.

Copies of said statements, photographs and fingerprints may be transmitted to the Sheriff of any County of the State of California, to the head of any department of the State of California engaged in the enforcement of any criminal law of this state, or to the head of any

Federal law enforcement agency, or to any sheriff or Chief of Police of a municipality, or the head of any other law enforcement agency of any state or territory outside the State of California, when request is made in writing by such sheriff or other head of a law enforcement agency, asking for the record of a certain person named therein, or for the record of a person whose photograph or fingerprings reasonably correspond with photographs or fingerprints submitted with such request, provided such written request states that such record is deemed necessary for the use of such law enforcement officer or agency in or concerning the investigation of any crime, or any person who is accused of committing a crime, or any crime which is reported to have been committed; and provided, further, that said request in writing shall state that the record will be used only for such purpose.

SEC. 52.60.5 SAME - FAILURE TO FURNISH INFORMATION - FALSE INFORMATION - UNLAWFUL

It shall be unlawful for any person required by any provision of this Section to furnish any such report or information, to fail, neglect or refuse to make such report, or to furnish such information, photographs or fingerprints, or to fail, neglect or refuse to render or furnish the same within the time hereinbefore prescribed, or to fail, neglect or refuse to furnish to said Chief of Police within such time any information, photograph or fingerprints required to be furnished by said provision of this Section

or to furnish any false, untrue or misleading information or statement relating to information required by any provision of this Section to be made or furnished.

SEC. 52.60.6 SAME - EXCEPTIONS TO REGISTRATION

Nothing in this Section shall be deemed or construed to apply to any person who has received or who shall receive a full and unconditional pardon for each or any crime whereof he shall have been convicted, or to any person who is or shall be on probation under the laws of the State of California, or whose probation period under the laws of the State of California shall have expired without any revocation of such probation having been made; provided, however, that any person who shall have been convicted or who is hereafter convicted in California or elsewhere or any offense which, if committed in this state, would be punishable under the provisions of Section 264, 265, 286, 288, 288a, subdivisions 1 or 2 of Section 311, Section 315, 316 and 647a of the Penal Code of the State of California shall comply with the requirements of Section 52.60 hereof regardless of the kind or extent of punishment inflicted, and regardless of whether such person was granted probation.

SEC. 52.60.7 SAME - PENALTY

Each separate day, or any portion thereof, during which any violation of this Section occurs or continues, and each failure, neglect or refusal to make any such report or to furnish any such information, photograph

or fingerprints during each or any day or portion thereof, from and after the expiration of the time specified in this Section within which such report must be made or such information, photograph or fingerprints furnished shall be deemed to constitute a separate violation hereof, and a separate offense hereunder, and upon conviction thereof each such violation shall be punishable as provided.

ARTICLE - 3

FIREARMS - DANGEROUS WEAPONS - EXPLOSIVES - HAZARDOUS TRADES

SEC. 53.01 BLASTING - PERMIT REQUIRED

It shall be unlawful for any person or persons, firm or corporation, without obtaining a permit from the Superintendent of Streets of San Diego, California, as hereinafter provided, to do any blasting within the corproate limits of the City of San Diego, California, or to explode or cause to be exploded any gunpowder, dynamite, giant powder, gun cotton or other explosives for the purpose of blasting out rock, gravel, earth or other substance or material.

SEC. 53.01.1 SAME - APPLICATION FOR LICENSE BOND REQUIRED

Any person, firm or corporation desiring to use explosives within the limits of The City of San Diego, California, for the purpose of blasting shall make application in writing to the Superintendent of Streets for a blasting license which application shall set forth: the name of the applicant with his address together with a showing of his qualifications to safely handle and use explosives. When the Superintendent of Streets is satisfied as to the qualifications of the applicant, he may issue a license to such applicant upon his deposit with the City Clerk of a good and sufficient bond in the sum of not less than One Thousand Dollars ($1000.00) to protect The City of San Diego or any person from loss or damage that might result from blasting by the licensee; and said bond shall be conditioned that the licensee will

conduct all ~~balsting~~ blasting operations in a careful and prudent manner and at the times and places specified in the permits obtained for same; and that he will pay all damages resulting to persons and property by reason of such blasting operations, and such bond ~~sahll~~ shall inure to the benefit of the City of San Diego and all persons who may suffer damage in person or in property by reason of blasting operations conducted by the licensee and such bond shall not be void after the first recovery thereon but may be sued and recovered upon until the whole penalty is exhausted.

SEC. 53.01.2 SAME - DURATION OF LICENSE - NOTICE OF BLASTING - PERMIT

The blasting license issued pursuant to Section 53.01.1 shall remain in force for a period of one year. Upon every occasion that the licensee desires to do blasting within the City of San Diego he shall notify The Superintendent of Streets in writing stating the time and place of such proposed blasting operation, and the necessity or purpose thereof, and if the Superintendent of Streets is satisfied of the propriety and necessity of such blasting, he shall issue a permit under such conditions as he may prescribe for the licensee to do and perform such blasting.

For each permit obtained by a licensee hereunder, he shall pay to the Operating Department of The City of San Diego a fee of Fifty Cents ($0.50). Provided, further, that if in the judgement of the Superintendent of Streets

a blasting operation proposed by a licensee is particularly hazardous or dangerous to property, he may require an additional bond for the particular operation.

SEC. 53.01.3 SAME - PERMITS ISSUED ONLY TO LICENSE-HOLDER

No person not the holder of a blasting license shall be entitled to obtain a permit for a blasting operation within The City of San Diego.

SEC. 53.05 EXPLOSIVES - DEFINITION

For the purpose of this Section certain words and phrases are defined as follows, and shall be construed to have the meaning herein given the, unless it appears from the context that different meaning is intended:

Explosive or Explosives: Any chemical compound, or any mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

Magazine: Any approved building, or other structure used to store explosives.

Efficient Artificial Barricade: An artificial mound or properly revetted wall of earth of a minimum thickness of not less than three (3) feet.

Highway: Any public street or public road.

Railroad: Any steam, electric, or other railroad that carries passengers or articles of commerce for hire.

Where People Are Accustomed to Assemble: All such places, whether public or private.

Chief of the Fire Department, or Fire Marshal: The Chief of the Fire Department, the Fire Marshal, or any deputy Fire Marshal, or any officer, member or inspector of the Fire Department specially deputized by the Chief of the Fire Department to act for him.

Public Conveyances: any railroad car, street car, cab, bus, or other vehicle which is carrying passengers for hire.

SEC. 53.05.1 SAME - REGULATED

It shall be unlawful for any person to have, keep, store, sell, offer for sale, give away, use, transport, or manufacture in The City of San Diego, any liquid nitroglycerin; high explosives containing over sixty per cent (60%) of nitroglycerin (except gelatin dynamite); high explosives having an unsatisfactory absorbent or one that permits leaking of nitroglycerine under any condition in quantity greater than ten (10) pounds in one exterior package; fulminate of mercury in bulk in a dry condition; and fulminates of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden; provided, however, that nothing in this Section shall be construed as prohibiting the keeping, use or manufacture of any of said articles by and in the laboratories of schools, colleges and scientific

institutions, for the purposes of study, investigation or instruction; and provided, further, that motion picture films shall be excluded from the provisions of this Section.

SEC. 53.05.2 SAME - PERMIT REQUIRED - INSPECTION

Except as specifically provided in this Section explosives shall be kept in an approved magazine, and it shall be unlawful for any person to have, keep, store, sell, offer for sale, give away, use or transport any explosives within the corporate limits of The City of San Diego, without first obtaining a written or printed permit from the Fire Marshal of The City of San Diego. A permit to transport, sell, keep or store explosives is not transferable, and in case a business conducted under a permit is sold or transferred, the new proprietor, before assuming control of such business, must obtain a new permit therefor. Permits shall be renewed annually unless modified, suspended or revoked by the Fire Marshal. A permit issued pursuant to this Section shall at all times be subject to inspection by any member of the Police or Fire Departments, or by any authorized inspectors, and shall be subject to revocation by the Fire Marshal for any violation of the provisions of this Section.

SEC. 53.05.3 SAME - MAGAZINES FOR STORAGE

Magazines in which explosives may lawfully be kept or stored shall be of two (2) classes as follows:

Magazines of the first class shall consist of those

containing explosives exceeding fifty (50) pounds, and shall be constructed wholly of brick, wood covered with iron, or other fire proof material, and must be fire-proof, and, except magazines where gunpowder or black blasting powder only is stored, must be bullet-proof, and shall have no openings except for ventilation and entrance. The doors of such magazine must be fire-proof and bullet-proof, and must be kept closed and locked at all times, except when necessarily opened for the purpose of storing or removing explosives therein or therefrom by persons lawfully entitled to enter the same. Every such magazine shall have sufficient openings for the ventilation thereof, which openings must be screened in such manner as to prevent the entrance of sparks of fire through the same. Upon each side of such magazine there shall at all times be kept conspicuously posted a sign with the words, "Magazine," "Explosives," "Dangerous," legibly printed thereon, in letters not less than six (6) inches high, or if barricaded with an efficient artificial barricade said words shall be printed thereon. No matches, fire or lighting device of any kind shall be permitted in any such magazine at any time. No package of explosives shall at any time be opened in any magazine, nor shall any open package of explosives be kept therein. No blasting caps, or other detonating or fulminating caps or detonators, or electric fuses, shall be kept or stored, but such caps, detonators, or ~~fuses~~ fuses may be

kept or stored in a magazine constructed as above provided, which must be located at least one hundred (100) feet from any magazine in which explosives are kept or stored. Magazines in which explosives are kept or stored must be detached, and must be located at least one hundred (100) feet from any other structure.

Magazines of the second class shall consist of a stout wooden box, covered with sheet iron, or other approved metal, and not more than fifty (50) pounds of explosives shall be kept therein at any time; and except when necessarily opened for use by authorized persons, shall be kept securely locked at all times. Upon each such magazine there shall be at all times kept conspicuously posted a sign with the words "Magazine," "Explosives," "Dangerous," legibly printed thereon.

Nothing in this Section shall be held to prohibit the keeping or storing of explosives in any tunnel where no persons are employed; provided, always, that such tunnel so used for the storage of explosives shall be far enough removed from any habitation, building, railroad or highway, and shall have fire-proof doors which must be kept closed and locked at all times, except when necessarily opened as provided for magazines of the first class. The door of such tunnel magazine shall at all times have legibly printed thereon the words "Magazine,""Explosives," and "Dangerous."

Any explosives within The City of San Diego must be kept stored in a magazine complying with the requirements of this Section unless such explosives are being

transported or used as prescribed and authorized by law.

SEC. 53.05.4 SAME - DISTANCE FROM BUILDINGS - QUANTITY OF EXPLOSIVE

The quantity of explosives that may legally be kept or stored in any magazine of the first class shall depend on the distance that such magazine is situated from buildings, highways, railroads, or places where people are accustomed to assemble, and upon the protection afforded to such buildings, highways or railroads by natural or efficient artificial barricades.

In determining the proper distance from buildings, highways or railroads for the legal location of a magazine of the first ~~cales~~ class, and the legal amount or quantity of explosives to be kept in any such magazine, the Fire Marshal shall be guided by regulations or requirements prescribed or recommended by the National Board of Fire Underwriters..

One (1) magazine of the second class shall be permitted in a building or place of business, but no such magazine shall be permitted where the premises are being occupied by a tenement house, dwelling, school, theatre, or other place of public amusement, or assembly, or where cigars, cigarettes, tobacco or liquors are kept for sale, or where paints, ~~varnished~~ varnishes, lacquers, matches, gasoline, alcohol, or other articles of a highly inflammable nature are manufactured, stored or kept for sale. Any such

magazine kept in a building shall be located not more than ten (10) feet from, and shall be on the same floor with the entrance on the floor nearest the street level.

SEC. 53.05.5 SAME - ENCLOSED AND ENCASED IN CONTAINERS

No person shall keep, store, or transport any explosives at any place within The City of San Diego unless such explosives are completely enclosed and encased in tight metal, wooden or fibre containers. No person having explosives in his possession or control shall under any circumstances permit or allow any grains or particles to be or remain on the outside or about the containers in which such explosives are held. All containers in which such explosives are held shall be plainly marked with the name of the explosives contained therein.

SEC. 53.05.6 SAME - PERMIT TO TRANSPORT

The applicant for a permit to transport explosives by vehicles shall be deemed competent if he is at least twenty-one (21) years of age, is able to read the English language understandingly, and is familiar with the risks incident to the service to be performed by him, and is capable of taking all the necessary precautions.

SEC. 53.05.7 SAME - VEHICLES FOR TRANSPORTATION

A vehicle used for the transportation of explosives shall be in good condition for service. If the vehicle is not provided with a substantial top extending over the bed enclosing both sides and back, then the explosives shall be securely covered with tarpaulin, painted canvas or some other approved material.

Each vehicle carrying explosives shall have painted or a sign displayed on each side and at the back with the words "Explosives," "Dangerous," in legible letters, together with the owner's name, or a red flag of approved

dimensions may be displayed bearing the aforesaid words in legible white letters.

A vehicle carrying explosives shall be drawn by horse, or be propelled by motor amply able to draw or propel the load, and must avoid stoppages except to load or unload.

No explosive shall be delivered, kept or left on a vehicle unless in the actual personal charge of a person holding a permit to transport the same, and explosives shall not be transferred from one vehicle to another without a special permit from the Fire Marshal, unless made necessary by an accident; and the explosives shall remain in the custody of a person authorized to transport the same until delivered.

Vehicles carrying explosives shall not be allowed nearer to each other than five hundred (500) feet, and the driver shall avoid, whenever possible, those streets on which there is a large number of persons.

SEC. 53.05.8 SAME - SMOKING PROHIBITED - STORAGE OF BLASTING CAPS

It shall be unlawful to smoke when transporting explosives in a vehicle, or when handling, or in close proximity to explosives. Blasting caps, or other detonating or fulminating caps or detonators shall not be kept or stored in any magazine in which explosives are kept or stored, and shall not be transported in the same compartment with explosives. No intoxicated person shall be permitted on a vessel or vehicle carrying explosives,

SEC. 53.05.9 SAME - QUANTITY OF DETONATORS TRANSPORTED

Not more than fifty thousand (50,000) electric fuzees, detonators, or exploding caps shall be transported at any time in any one vehicle through any highway; provided, that an amount of explosives not exceeding twenty-five pounds, or in the case of blasting caps, not exceeding five hundred (500) in number may be transported in any vehicle (not a public conveyance), if the boxes or packages containing the explosives are placed at the bottom of the vehicle and securely covered with tarpaulin, canvas or other suitable material.

SEC. 53.05.10 SAME - RECORDS REQUIRED

Every person selling, giving away, or delivering explosives shall keep a complete journal or record in his principal office or place of business, showing name and quantity of explosives sold or otherwise disposed of; name, place of residence, and business of the purchaser or transferee, and the name of the person to whom delivered with his address.

SEC. 53.05.11 SAME - SELLING OR DISPOSING - STATEMENT REQUIRED

It shall be unlawful to sell or otherwise dispose of explosives without taking from the person receiving the explosives, a written statement signed by him, or his agent, in the presence of two (2) witnesses known to the person selling or otherwise disposing of explosives, showing the name of the person receiving the explosives, and the place where, and the purpose for which such explosives are intended for use. The witnesses of such

statement shall certify that to the best of their knowledge and belief, the explosives are required by such person for the use and purpose set forth in the statement. Such statements shall be kept on file in the principal office or place of business of person selling or otherwise disposing of explosives.

SEC. 53.05.12 SAME - DISCHARGE OF FIRE ARMS IN PROXIMITY OF EXPLOSIVE PROHIBITED

No person shall discharge any fire arms within five hundred (500) feet of any magazine, or any explosive manufacturing plant.

No person shall wilfully carry any explosive on his person in any public conveyance, or place, or carry any explosive while on board any such public conveyance in any hand baggage, roll or container, or place any explosive in any baggage thereafter checked with any common carrier.

SEC. 53.05.13 SAME - SMALL ARMS AMMUNITION - REGULATED BY FIRE MARSHAL

No permit shall be required for the keeping, storing, selling or transporting of small arms ammunition in amounts up to one thousand (1000) cartridges or shalls; provided, however, that the storage and transportation of small arms ammunition in any amount shall be subject to the approval of the Fire Marshal.

SEC. 53.10 FIREARMS, ETC. - FIRING PROHIBITED - EXCEPTIONS

It shall be unlawful for any person to shoot, fire,

or discharge any pistol, revolver, gun, rifle, cannon, anvil, or any other firearm or device fired or discharged by explosives, within The City of San Diego.

Provided, that nothing herein contained shall apply to or prevent the firing of salutes for men-of-war or other steamships or sailing vessels on San Diego Bay, nor to the firing of guns under the authority of the United States, or of the State of California, nor to shooting galleries or target ranges.

Provided, further, that the Council of Said City may issue, by resolution, its permit or permits to any person or persons to shoot, fire or discharge guns, pistols, or firearms of any description upon such terms, under such conditions and for such time as it deems advisable, and which terms, conditions and time shall be set forth in such permit when exercising the privileges granted therein.

SEC. 53.15 AIR GUNS, SLING SHOTS, POINTED MISSILES, ETC. - DISCHARGE, PROPELLING PROHIBITED

That it shall be unlawful for any person to discharge any air gun, or sling shot, or bean shooter, or throw, hurl, heave or propel any sharp pointed missile, or dart, or arrow upon any public street or sidewalk or public gathering place within the corporate limits of The City of San Diego.

SEC. 53.15.1 SAME - SALE TO MINORS PROHIBITED

That it shall be unlawful for any person to sell to any minor child any dart, arrow, or sharp pointed

missile within the corporate limits of The City of San Diego.

SEC. 53.20 STEAM BOILER, STEAM ENGINE, UNFIRED PRESSURE VESSEL - INSPECTION - OPERATION REGULATED

It shall be unlawful for any person, firm or corporation to use or operate or cause or permit to be used or operated any steam boiler or unfired pressure vessel until the same shall have been inspected and tested and approved by the State of California or by an inspector of an insurance company certified by said State and such certificate issued therefor, provided however, nothing in this Section contained shall be construed as applying to domestic cookers and water heaters.

SEC. 53.20.1 SAME - OPERATING PRESSURE

It shall be unlawful for any person, firm or corporation to permit any boiler, steam engine, or steam generating apparatus to be subjected to or to carry a greater pressure than is allowed and stated in the certificate of inspection thereof, or to use, or cause or permit to be used any such boiler or steam generating apparatus after the same shall have been condemned as unsafe and before the same shall have been reconstructed to the satisfaction of the said boiler inspector.

SEC. 53.25 FIREWORKS, TOY CANNON, PISTOLS, ETC. REGULATED

It shall be unlawful for any person, firm, partnership or corporation to offer for sale, expose for sale, sell, possess or use or explode any blank cartirdge, toy pistol, toy cannon, toy cane or toy gun in which explosives

are used; the type of balloon which requires fire underneath to propel the same; firecrackers, torpedoes, sky rockets, Roman candles, combs, sparklers, or other fireworks of like construction, or any fireworks containing any explosive or inflammable compound, or any tablets or other device commonly used and sold as fireworks, containing nitrates, chlorates, oxalates, sulphide of lead, barium, antimony, arsenic, murcury, nitro glycerin, phosphorus, or any compound containing any of the same, or other explosives, or any substance or combination of substances or article prepared for the purpose of producing a visible or any audible effect by combustion, explosion, deflagration, or detonation, other than aviation and railroad signal lighting flares, except as in this Section provided.

SEC. 53.25.1 SAME - PERMITS FOR DISPLAY

Notwithstanding any of the provisions of this Section to the contrary, the City Council may upon the application in writing, upon the posting of a suitable bond or insurance policy, grant a permit for the public display of fireworks by religious, fraternal or civic organizations, amusement parks, or other organizations or groups of individuals, approved by the Council, when such display is to be handled by a competent operator to be approved by the Chiefs of Police and Fire Departments of the City. Such display shall be of a character and so located, discharged or fired as in the opinion of

the chiefs or said departments, after proper inspection, shall not be hazardous to property or endanger any person or persons. After such permits shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only.

SEC. 53.25.2 SAME- APPLICATION FOR PERMIT

All such applications for permits shall set forth the date, the hour, place of making such display and place of storing fireworks prior to the firing of such display, and further the name or names of the person, persons, firm, partnership, corporation, association or group of individuals making the display; the name of the person or persons in charge of the igniting, firing, setting off, exploding, or causing to be exploded, such fireworks, The location of the storage place shall be subject to the approval of the Chief of the Fire Department of The City. No permit granted hereunder shall be transferable.

SEC. ~~53.25.2~~ 53.25.3 SAME - PERMIT - BOND REQUIRED

No permit, hereinabove provided for shall be valid unless the applicant therefore shall execute and file with the City Clerk a good and sufficient bond or insurance policy in a sum of not less than One Thousand Dollars ($1,000.00), nor more than Ten Thousand Dollars ($10,000.00), and complying with the following requirements:

(a) The bond shall be conditioned upon the payment of all damages which may be caused either to a person or persons or to property by reason of the display as aforesaid licensed, and arising from any act of the licensee, his agent, employees or sub-contractors.

Such bond shall run to The City of San Diego and shall be for the use and benefit of any person, persons or the owner or owners of any property so damaged. Said bond shall further provide that any person or persons so injured or damaged shall be authorized to maintain an action thereon, or his or their heirs, executors, administrators, successors or assigns.

(b) The insurance policy shall be executed and delivered by a company authorized to carry on an insurance business in the State of California, the financial responsibility of which company shall theretofore have been approved by the City Manager, insuring The City of San Diego and the permittee herein against injuries to person or persons and/or property caused by the public display of fireworks. Provided, however, that no policy of insurance issued by municipal assessment or reciprocal company as defined by the insurance Code of the State of California shall be accepted by the City of San Diego.

ARTICLE - 4

PUBLIC HAZARDS

SEC. 54.01 CAPTIVE BALLOONS - DEFINITION

For the purposes of this ordinance, "captive balloons" shall be defined as any apparatus permitted to remain in the air, which displaces a volume of air weighing as much as, or more than, its own weight, and anchored to either a permanent or a moveable object.

SEC. 54.01.1 SAME - PROHIBITED

It shall be unlawful for any person, firm or corporation to use, or permit to be used, captive balloons of any kind whatsoever within The City of San Diego; provided, however, that nothing herein contained shall in any wise effect or prohibit the United States Government or any of its departments in the use of captive balloons.

SEC. 54.05 WARES OR MERCHANDISE DISPLAYED ON SIDEWALK - PROHIBITED

It shall be unlawful for any person, firm or corporation to set out for exhibition, show or otherwise, or to maintain or allow any goods, wares or merchandise upon any sidewalk or curb within The City of San Diego, between the outer edge of the sidewalk or curb and the property line, and no goods, wares or merchandise, or other thing of whatsoever nature, shall be by any person placed, or allowed to remain on any sidewalk or curb

within said City, between the outer edge of the sidewalk or curb and the property line where such goods, wares and merchandise, or other thing of any kind or nature, are placed, or allowed to remain, provided that nothing herein contained shall prohibite the right of any person, firm or corporation to load or unload goods, wares and merchandise in front of the place of business of said person, firm or corporation, and to leave such goods, wares and merchandise upon said sidewlak or curb for such length of time as is necessary for the purpose of loading or unloading the same.

SEC. 54.10 BLINKER LIGHTS - DEFINITIONS

The following words and pharase used in this Section shall have the meanings herein ascribed to them.

"Street." Every public street, alley, lane, court, place, drive, bridge, viaduct or trestle intended for use or used by the general public.

"Blinker light." A light whether colored or uncolored which emits an intermittent light.

SEC. 54.10.1 SAME - PERMIT REQUIRED

No person shall erect, construct, maintain or establish, or cause or permit to be erected, constructed, maintained or established a blinker light or lights upon or adjacent to any street in The City of San Diego, wither on public or private property, which blinker light or lights shall be so located and situated as to be visible to persons traveling in and upon any such street unless application be first made to the City Council

of said City of San Diego, and permit obtained from said City Council for the erection, establishment and maintenance of said blinker light or lights.

SEC. 54.10.2 SAME-APPLICATION FOR PERMIT

Any person desiring to erect, construct, maintain or establish any such blinker light or lights shall make application in writing to the City Council for permission so to do, which application shall state the proposed location of such light or lights and a brief description of the nature and construction of such proposed light or lights, and if in the opinion of said City Council said light or lights will serve as a warning to persons traveling in and upon such street and will tend to increase the safety of the traveling public, said City Council shall issue a permit in writing authorizing the erection, construction, maintenance and establishment of such blinker light or lights. Such permit shall be valid until revoked, and no charge shall be made for any such permit.

SEC. 54.10.3 SAME - EXCEPTIONS

The provisions of this Section shall not be deemed to apply to advertising signs upon private property, consisting of continuous or intermittent lights in the form of illuminated words, letters or figures, or portraying any advertising scene, figure or emblem and so constructed, arranged and located as to be distinguishable from a highway warning, danger or signal light, nor shall

the terms of this Section be deemed to apply to any warning, danger or signal light heretofore or hereafter erected, constructed or maintained as required by law or by order of any Board or Commission of the State of California or any subdivision thereof.

SEC. 54.15 DEBRIS ETC., ON STREET- PROHIBITED

It is hereby declared to be unlawful for any person, company or corporation to throw, deposit or drop, or cause to be thrown, deposited or dropped, any dirt, pebbles, boulders, hard pan, rock, crushed rock, glass or debris upon any paved street of The City of San Diego or to permit or allow any dirt, pebbles, boulders, hard pan, rock, crushed rock, glass or debris to drop, roll or leak from any vehicle upon any paved street of The City of San Diego.

SEC. 54.15.1 SAME - PENALTY

Each day that any such dirt, pebbles, boulder, hard pan, rock, crushed rock, glass or debris shall be allowed to remain upon any paved street of said City, by any person, company, or corporation, after the same shall have been thrown, deposited or dropped, or permitted or allowed to drop, roll or leak from any vehicle by them, shall constitute a separate offense under this Section.

SEC. 54.16 BUILDING MATERIALS ON STREETS, ETC. - WARNING LANTERN REQUIRED

That any person or persons, firm or corporation placing or causing to be placed any building material, cement, sand, gravel, dirt, or other substance, in any street or alley in the City of San Diego, California, shall place lighted lanterns at each end of the same, sufficient in number so that such material may be plainly visible to any person passing along said street or alley. Each lantern shall be two feet above the ground and so arranged as to be plainly visible to any person passing along the street or alley where said material may be deposited. Said lanterns shall be kept burning from half an hour before sunset to half

an hour before sun rise of each day; and when so ordered by the Superintendent of streets, such person or persons, firm or corporation, shall erect and maintain around the portion of the street or alley so used a good and substantial barrier so long as such material remains on the said stree or alley.

SEC. 54.20 EXCAVATIONS - PERMIT REQUIRED

It shall be unlawful for any person to make, or cause or permit to be made, any excavation in or under the surface of any land, public or private, in The City of San Diego, without first obtaining a permit so to do,

in the manner hereinafter provided, or in violation of any of the terms or conditions of such permit; provided, however, that no permit shall be required for excavations for the foundation or basement of any building for which a building permit has been issued, or for grading in subdivisions according to plans which have been approved by the City Council, or for excavations by any public utility for the installation, operation, inspection, repair or replacement of any of its facilities, or for the grading of any parcel of land where no cut bank is left standing more than four (4) feet in height and the excavated material is not removed from the land from which it is excavated.

SEC. 54.20.1 SAME - PROCEDURE ON APPLICATION FOR PERMIT

The application for the permit referred to in Section 54.20 hereof shall be filed with the City Clerk in quadruplicate, the original being verified. The application shall set forth the following information:

(a) A full identification, and the residence and business address of the applicant and the owner or owners of the land on which the excavation is proposed to be made, including all members of any firm or partnership and all officers and directors of any corporation applying; if the applicant is the agent or employee of any person for whose benefit the permit is asked, this fact, with a full identification of such person and his business and residence address, shall be stated in the application.

(b) A complete description and location of the property on which the excavation is to be made.

(c) The exact nature of the proposed excavation and material to be removed, and an estimate of the approximate number of cubic yards to be removed.

(d) A statement of the manner in which it is proposed to excavate and remove the excavated materials, including the slope of the sides and the level of the floor, the kind of equipment proposed to be used in making such excavation and removing such materials, and whether the material is to be removed for sale or for delivery at some other place in fulfillment of an agreement to provide filling material at such other place.

(e) The time within which such excavation is to be commenced after the granting of such permit, and the time when it is expected to be completed.

SEC. 54.20.2 SAME - PAYMENT OF FEES

At the time of filing the application the applicant shall pay a filing fee of Ten Dollars ($10.00) to cover the cost of the City's investigation of said application. At the time said application is granted, the applicant shall pay an additional fee to cover the expense of inspection and examination of the progress of the excavation at the rate of One Dollar ($1.00) for each 1000 cubic yards, or fraction thereof, of material which the permit authorizes the applicant to remove from the proposed excavation. All fees shall be paid to the City Treasurer.

When the excavation is to be made by the United States, the State of California, the County of San Diego, or any agency of either, no fees or any kind shall be required.

SEC. 54.20.3 SAME - INVESTIGATION AND RECOMMENDATION

Immediately upon the filing of an application for a permit to excavate, one copy of such application shall be delivered to the City Manager, one copy to the Superintendent of Streets, and one copy to the Planning Engineer. The Superintendent of Streets and the Planning Engineer shall each make an investigation of the facts alleged in the application, and shall each make a written report of their investigations, together with their recommendations, to the City Manager. Such reports shall be made within ten (10) days from the date of filing of such application.

SEC. 54.20.4 SAME - CONSIDERATION BY THE CITY MANAGER

The City Manager, in granting in whole or in part, or in granting on conditions expressed in the permit, or in denying any application for a permit to excavate, shall take into consideration the character of the applicant as respects honesty and integrity, his experience in the matters to which the permit appertains, his financial responsibility, and all pertinent matters concerning the proposed excavation which may affect the public health, safety and general welfare in the district in which the excavation is proposed to be made, and shall exercise a reasonable and sound discretion in the premises. The

application shall be denied if it shall appear to the City Manager from the investigation that such excavation would remove the lateral and subjacent support of the adjacent land, and would result in a dangerous topographic condition, or result in seepage or slides, or would create or increase an attractive nuisance dangerous to public safety, or would otherwise in any manner endanger the public health or safety or be detrimental to the public welfare, despite all precautions which the applicant is willing, ready and able to take.

SEC. 54.20.5 SAME - BOND AND CERTIFICATE OF INSURANCE

The City Manager shall require, as a condition to the granting of any permit hereunder, that the applicant deposit with the City Clerk a surety bond, in an amount to be fixed by the City Manager not exceeding the sum of fifty thousand and no/100 Dollars ($50,000.00), inuring to the benefit of The City of San Diego and of the general public, guaranteering that the applicant will faithfully perform all of the conditions and requirements specified in the permit. Such surety bond shall be executed by sureties approved by the City Manager as being sufficient in number and in financial responsibility. The City Manager shall also require, as a condition to the granting of any such permit, that the applicant deposit with the City Clerk a certificate of a responsible insurance company, showing that the applicant is insured

in an amount not less than a sum certain, to be fixed by the City Manager, not to exceed one hundred thousand and no/100 Dollars ($100,000.00), against any loss or damage to persons or property arising directly or indirectly from the operations of the applicant or any person acting in his behalf in carrying on any operation connected directly or indirectly with the making of the excavation and/or the removal of the excavated materials for which such permit is issued. With the approval of the City Manager, the applicant may deposit such surety bond and/or certificate of insurance on an annual or continuing basis, to cover one or more permits for excavations in the same or different locations. When the excavation is to be made by the United States, or the State of California, the County of San Diego, or any agency of either, no surety bond or certificate of insurance shall be required.

SEC. 54.20.6 SAME - PREVENTING COLLAPSE OF SIDES OF EXCAVATIONS

In order to minimize the danger of collapse of adjacent lands into the excavation, the City Manager shall specify in the permit the permissible angle of slope of the sides of the excavation. No side of such excavation may be made steeper at any point than the angle so specified in the permit, unless supported by a substantial, permanent retaining wall of sufficient strength to permanently support such side or sides of the excavation, and constructed in accordance with a permit so to do,

as provided herein. Such retaining wall shall be of concrete, brick, stone, or other material not subject to deterioration, and shall extend the full height and length of each side of such excavation which is at any point made steeper in slope than the angle specified in the permit to excavate. If the applicant desires to cut any side of the excavation steeper than the angle specified in the permit to excavate, he shall so state in his original application or in a supplemental application, and shall file therein, in quadruplicate, detailed plans and specifications for said retaining wall. One copy of said plans and specifications shall be forthwith delivered to the Building Inspector, who shall examine the same ~~and shall examine the same~~ and shall promptly report to the City Manager whether the retaining wall, if built according to said plans and specifications, will satisfy the requirements of the Building Code ordinance of The City of San Diego and the requirements of this Section. Upon the approval of such plans and specifications by the Building Inspector, and the issuance of a building permit therefor, the City Manager shall include in the permit to excavate, or in a supplemental permit to excavate, a provision allowing the sides of such excavation to be made steeper than the angle of slope specified therein, if supported by a retaining wall constructed according to said plans and specifications.

SEC. 54.20.7 SAME - OTHER CONDITIONS REQUIRED OF APPLICANT

Any person to whom a permit to excavate is issued

shall also comply with the following requirements:

(a) The bottom of such excavation shall not be made lower than the level specified in such permit to excavate or in a supplemental permit to excavate.

(b) If, in the opinion of the City Manager, any such excavation will create or aggravate a dangerous condition if left open, such excavation shall be enclosed by a fence sufficiently high, tight and strong to eliminate such dangerous condition.

(c) Any rock, earth, or other material which may be dropped or deposited on any public street or place from any vehicle transporting such materials from any such excavation shall be immediately removed in a manner and to an extent satisfactory to the Superintendent of Streets, at the expense of the person to whom the permit to excavate was issued.

SEC. 54.20.8 SAME - REVOCATION OR SUSPENSION OF PERMIT

Any permit granted hereunder may be revoked or suspended by the City Manager, as in his discretion may seem reasonable and just, for any reason for which the issuance of such permit might lawfully be denied, or for any failure to comply with any of the terms of this Section or of such permit. Revocation of such permit shall be made only upon a hearing granted to the person to whom such permit was issued, held before the City Manager, after five (5) days' notice to the person to whom the permit was issued. Written notice, deposited in the United States mail, addressed to such person at his business or residence

address as stated in his application for such permit, shall be sufficient notice. If, in the opinion of the City Manager, public health, safety or welfare requires it, the City Manager may suspend any permit granted hereunder, pending the hearing for the revocation or such permit. Such revocation or suspension shall be in addition to any other penalties provided in this Section.

SEC. 54.20.9 SAME - EXPIRATION OF PERMITS - ISSUANCE OF SUPPLEMENTAL PERMITS

In the even that any excavation for which a permit has been granted hereunder is not commenced within six (6) months from the date of issuance of said permit, or in the event that work on said excavation is at any time abandoned for a period of six (6) consecutive months, said permit shall automatically expire, without notice, and no further excavation shall be made; however, the conditions expressed in said permit shall remain binding upon the person to whom such permit was issued, and all legal and equitable remedies shall be available against him for any breach thereof. When the amount of material excavated equals the number of cubic yards which said permit authorizes to be excavated, no further excavation may be made until a new or supplemental permit to excavate has been issued. In either event, an application for a supplemental permit to continue or enlarge the excavation may be filed, setting forth all the information required in the original application; no further filing fee shall be required, but if such supplemental permit

is issued, the applicant shall pay an additional inspection fee of One Dollar($1.00) per thousand cubic yards of material which such supplemental permit may authorize him to excavate. The City Manager may dispense with any further investigation or hearing, if, in his opinion, the information furnished him by the original investigation (and hearing, if any) is sufficient to enable him to determine whether the supplemental permit should be issued, and upon what conditions, if any.

SEC. 54.20.10 SAME - PERMIT DOES NOT EXCUSE COMPLIANCE WITH OTHER LAWS

Nothing in this Section, or in any permit granted hereunder, shall be deemed to authorize the doing or the omission of any act contrary to any term or provision of any other law in this City, or without any license or permit required by any other law of this City.

SEC. 54.21 DISTRIBUTION OF HANDBILLS AND ADVERTISING - FROM AIRCRAFT PROHIBITED

That it shall be unlawful to throw, drop, cast, or distribute or cause or permit to be thrown, dropped, cast or distributed, any handbill, dodger, poster, circular, notice, or other advertising matter from any aircraft while in flight over the City of San Diego.

ARTICLE - 5

FIRE PROTECTION AND PREVENTION

SEC. 55.01 PETROLEUM PRODUCTS - REGULATED

It shall be unlawful for any person, firm or corporation to sell, offer for sale, or deliver, or to cause or permit to be sold, offered for sale or delivered, in The City of San Diego, any of the products of petroleum specifically defined and described in Sections 55.01.1 to 55.01.5 inclusive, unless such products of petroleum shall conform to the standards and tests fixed and established in said Sections 55.01.1 to 55.01.5 inclusive.

SEC. 55.01.1 SAME - GASOLINE - REGULATED

For the purpose of this Section gasoline sold, offered for sale or delivered, in The City of San Diego, as fuel for internal combustion engines, is defined as follows:

The liquid distilled from petroleum, or extracted from natural gas, or a blend thereof, which conforms to the following requirements:

(a) It shall be free from undissolved water, suspended matter, and from admixture of any substance.

(b) It shall have a vapor tension not greater than ten pounds per square inch at a temperature of one hundred degrees fahrenheit, when tested in accordance with the method prescribed in Bureau of Explosives Pamphlet No. 21-A.

(c) It shall distill within the following limits, when tested in accordance with American Society for Testing

Materials, Standard D-86-21-T, using the Low Distillation Thermometer:

(1) When the first drop has been recovered in the receiver, the thermometer shall not read more than 140° F.

(2) When 20% has been recovered in the receiver, the thermometer shall not read more than 221° F.

(3) When 50% has been recovered in the receiver, the thermometer shall not read more than 284° F.

(4) When 90% has been recovered in the receiver, the thermometer shall not read more than 374° F.

(5) The end point shall not be higher than 437° F.

(6) At least 95% shall be recovered as distillate in the receiver from the distillation.

Provided that the following modification of the methods of test hereinabove described shall be used:

(a) The condenser bath shall be maintained at a temperature between 36° F. and 40° F.

(b) The first drop shall be recovered in the receiver in from 5 to 6 minutes after the heat is applied.

SEC. 55.01.2 SAME - ENGINE DISTILLATE - REGULATED

For the purpose of this Section engine distillate sold, offered for sale, or delivered in The City of San Diego, as fuel for internal combustion engines, is defined as follows:

The liquid distilled from petroleum which conforms to the following requirements:

(a) It shall be free from undissolved water, suspended matter, and from admixture of any substance.

~~(b) It shall distill within the following temperature limits, when tested in accordance with American Society for Testing Materials Standard D-86-21-T, using the High Distillation Thermometer:~~

(b) It shall distill within the following temperature limits, when tested in accordance with American Society for Testing Materials Standard D-86-21-T, using the High Distillation Thermometer:

(1) When the first drop has been recovered in the receiver the thermometer shall not read more than 260° F.

(2) When 50% has been recovered in the receiver the thermometer shall not read more than 380° F.

(3) When 90% has been recovered in the receiver, the thermometer shall not read more than 470° F. nor shall the thermometer read less than 374° F.

(4) The end point shall not be higher than 530° F., nor less than 437° F.

SEC. 55.01.3 SAME - KEROSENE - REGULATED

For the purposes of this Section, Kerosene (also known as coal oil) sold, offered for sale, or delivered, in The City of San Diego, is defined as follows:

The liquid distilled from petroleum which conforms to the following requirements:

(a) It shall have a flash point not lower than 115° F.,

when tested in accordance with American Society for Testing Materials Standard D-56-21.

(b) The end point of distillation shall not be higher than 625° F., when tested in accordance with American Society for Testing Materials Standard D-86-21-T, using the High Distillation Thermometer.

(c) It shall be neutral in reaction and shall contain not more than 0.09% sulphur, when tested in accordance with American Society for Testing Materials Standard D-90-21-T.

(d) It shall burn steadily and clearly, without smoke or incrustation, for five hours, in a lamp fitted with a No. 1 Sun hinge burner. The height of the flame above the top of the burner at the beginning of the five-hour period shall be twenty millimeters; the flame shall not be adjusted during the test.

SEC. 55.01.4 SAME - STOVE DISTILLATE - REGULATED

For the purpose of this Section, stove distillate sold, offered for sale, or delivered in The City of San Diego, is defined as follows:

The liquid distilled from petroleum which conforms to the following requirements:

(a) It shall have a specific gravity not higher than .8642 at sixty degrees fahrenheit.

(b) It shall have a flash point not lower than 140° F., when tested in accordance with American Society for Testing Materials Standard D-56-21.

(c) It shall not contain more than five percent by volume of acid sludge when tested as follows:

To 100 cubic centimeters of water-free distillate, 5 cubic centimeters of chemically pure sulphuric acid, of 1.84 specific gravity, shall be added, thoroughly shaken for at least three minutes, and allowed to settle one hour. The precipitate, less the quantity of sulphuric acid added, shall be considered as the acid sludge.

SEC. 55.01.5 SAME - FURNACE DISTILLATE REGULATED

For the purpose of this Section, furnace distillate sold, offered for sale or delivered in The City of San Diego, is defined as follows:

The liquid distilled from petroleum which conforms to the following requirements:

(a) It shall have a specific gravity not higher than .8946 at 60° F.

(b) It shall have a flash point not lower than 140° F. when tested in accordance with American Society for Testing Materials Standard D-56-21.

(c) It shall not contain more than 8% of acid sludge, when tested as follows:

To 100 cubic centimeters of water-free distillate, 5 cubic centimeters of chemically pure sulphuric acid, of 1.84 specific gravity, shall be added, thoroughly shaken for at least three minutes and allowed to settle one hour. The precipitate less the quantity of sulphuric acid added, shall be considered as the acid sludge.

SEC. 55.01.6 SAME - SIGNS REQUIRED

It shall be unlawful for any person, firm or corporation to sell, offer for sale, or deliver or to cause or permit to be sold, offered for sale or delivered, in The City of San Diego, any of the products of petroleum specifically defined and described in Sections 55.01.1 to 55.01.5 inclusive above, unless there shall be firmly attached or painted at or near the point of outlet from which said petroleum products are drawn or poured out for sale or delivery, a sign or label consisting of the word "Gasoline," "Engine Distillate," "Kerosene,""Stove Distillate," or "Furnace Distillate," as the case may be. A sign or label, with the word "Gasoline" as designated above appearing thereon in black letters not less than three inches high on a red background is required; a sign or label with the words "Engine Distillate," "Stove Distillate" or "Furnace Distillate," as the case may be designated above, appearing thereon in black letters not less than three inches high on a blue background is required; and a sign or label with the word "Kerosene," as designated above, appearing thereon in black letters not less than three inches high on a white background is required; Provided, that when the above required sign or label is attached to the faucet or valve of a tank, receptacle or container that is part of a tank-truck or tank-wagon, the letters shall be not less than three-fourths of an inch in height.

SEC. 55.01.7 SAME - LUBRICATING OIL - SIGNS REQUIRED

It shall be unlawful for any person, firm or corporation to sell, offer for sale or delivery,or to cause or permit to be sold, offered for sale or delivery in The City of San Diego, any oil represented as lubricating oil for the cylinders of internal combustion engines unless there shall be firmly attached or painted at or near the point of outlet from which said oil represented as lubricating oil for the cylinders of internal combustion engines is drawn or poured out for sale or delivery, a sign or label consisting of the word or words, in letters not less than one inch in height, comprising the brand or trade name of said lubricating oil; provided that when said sign or label is attached to the faucet or valve or a tank-truck or tank-wagon, the letters shall be not less than three-fourths of an inch in height; and provided that if the above-required sign or label is on a container having a capacity of fifteen (15) gallons or less, the letters shall be not less than one-half inch in height; and provided that if any of said lubricating oil shall have no brand or trade name, the above-required sign or label shall consist of the words, in letters not less than three inches high, with the exceptions above provided, "Lubricating oil, no brand."

SEC. 55.01.8 SAME - BUREAU OF STANDARDS CIRCULAR ADOPTED

For the purpose of these Sections, the United States States Standard Tables for Petroleum Oils/Bureau of Standards

Circular No. 57) shall be used for temperature correction to 60 degrees fahrenheit.

SEC. 55.01.9 SAME - AUTHORITY TO TAKE SAMPLES

The City Manager of the City of San Diego, or any person authorized by the City Council, is hereby authorized and empowered to take such sample or samples, as may be deemed necessary, of any petroleum or any product thereof, when the same is kept or stored within The City of San Diego.

It shall be unlawful for any person, firm or corporation to refuse to permit any such person or persons authorized as aforesaid, to take such sample or samples, or to prevent or attempt to prevent said person or persons from taking said sample or samples.

SEC. 55.01.10 SAME - SIGNS MISREPRESENTING - PROHIBITED

It shall be unlawful for any person, firm or corporation to display any sign, label or other designating mark which describes any petroleum oil or petroleum product not actually sold or offered for sale or delivery at the location at which the sign or other designating mark is displayed, or to display any label upon any container, which label names or describes a petroleum product not actually contained therein, but offered for sale or sold as such.

SEC. 55.05 VOLATILE, INFLAMMABLE LIQUIDS - REGULATED

The storage, handling and use of all inflammable

liquids in The City of San Diego shall be governed by the following regulations:

SEC. 55.05.1 SAME - AUTHORITY OF FIRE MARSHAL

The Fire Marshal of The City of San Diego shall be the official charged with the enforcement of this and other laws relating to volatile and inflammable liquids and their storage and use.

SEC. 55.05.2 SAME - ABOVE-GROUND STORAGE TANKS - SPECIFICATIONS

The storing of large quantities of gasoline, coal oil, fuel oils, distillate and other inflammable and volatile liquids shall be allowed to be stored in above-ground tanks by dealers and distributors thereof, only and in accordance with the following rules and regulations, and not otherwise:

All above-ground storage tanks, including tops, shall be constructed of iron or steel of a thickness according to the capacity, and shall be not less than the following table:

Capacity in gallons:	Minimum thickness of material:
10 to 60 gallons	18 gauge
61 to 350 gallons	16 gauge
351 to 560 gallons	14 gauge
561 to 1100 gallons	12 gauge

Tanks under forty (40) feet in diameter, and containing not more than five thousand (5,000) gallons: bottom 8 guage: bottom ring 8 gauge: other rings 10 gauge.

Larger tanks shall have a thickness not less than 3/16 of an inch.

The Fire Marshal may require tanks to be of a thickness greater than specified above, if he shall deem it necessary.

Tanks shall be set upon a firm foundation, and no unprotected steel shall be used as a support for tanks, but all steel columns, beams, etc., shall be protected with concrete.

Tanks shall be rivited, welded or brazed and shall be calked or otherwise made tight in a competent manner.

The top of tank shall be securely fastened to top ring with joints of equal tightness to those between the rings.

A reinforced concrete wall shall surround all above-ground tanks of one thousand (1,000) or more gallons in capacity for storing oil or other inflammable liquid with flash point below 600° fahrenheit. This wall shall be of such height and construction as to be capable of impounding a total capacity of the largest tank plus ten percent (10%) of the capacity of all other tanks contained within said wall. The structural design of the wall shall be such as to provide sufficient strength to retain contents within wall if entire space inside wall is filled with water.

At the top of the inside, or tank side, of the wall there shall be a lip or coping extending inward

a distance of eight (8) inches from the face of the wall. This coping shall have a thickness of ten (10) inches at the wall and a thickness of two (2) inches on the face.

Before construction of any above-ground storage plant, a blue print of all tanks, walls and other details of plant, including location, shall be submitted to the Fire Marshal, and it shall be unlawful to proceed with the construction of any such plant unless plans have been approved by him. After plans have been approved by the Fire Marshal, they must be approved and passed by the Council of The City of San Diego.

SEC. 55.05.3 SAME - STORAGE OF OIL FOR OIL-BURNING EQUIPMENT

Oil burning apparatus using commercial fuel oil, furnace oil, Diesel oil, or other inflammable liquids, shall be constructed and installed in compliance with the regulations of the National Board of Fire Underwriters for the construction and installation of oil burning equipment, and for the storage and use of fuel oils in connection therewith recommended by the National Fire Protection Association, effective April 1st, 1934.

SEC. 55.05.4 SAME - PERMIT REQUIRED FOR STORAGE TANKS

Before the installation of any oil tanks for oil-burning systems is started, a written permit must be secured from the Fire Marshal. It shall be unlawful for any person to cover any oil tank with earth until such tank shall have been inspected and the installation

approved by the Fire Marshal of The City of San Diego.

SEC. 55.05.5 SAME - STORAGE AND USE OF GASOLINE, BENZINE, BENZOLE, OR OTHER VOLATILE AND INFLAMMABLE LIQUIDS

Except as in these Sections otherwise permitted, gasoline, benzine, benzole, or any other inflammable liquid which will flash or emit an inflammable vapor in excess to five (5) gallons in the aggregate at any one location shall be stored in approved underground tanks.

No person, firm or corporation shall place any of said volatile or inflammable liquids in any tank or tanks, or other receptacle or container contrary to any of the provisions of these Sections; provided, that nothing herein contained shall apply to said liquids in the fuel tank attached to and forming a part of any motor vehicle or engine using such liquid as fuel.

The storage tanks required by this section shall be installed outside the walls of any building, and shall be composed of iron or steel of a thickness not less than that specified in the following table:

Capacity in gallons:	Thickness of metal:
5 to 285	16 gauge
286 to 560	14 gauge
561 to 1,100	12 gauge
1,101 to 4,000	7 gauge
4,001 to 12,000	½ inch
12,001 to 20,000	5/16 inch
20,001 to 30,000	3/8 inch

SEC. 55.05.6 SAME - PERMITS REQUIRED FOR STORAGE TANKS

Permits must be obtained from the Fire Marshal for the installation of any oil tanks mentioned in Section 55.05.5 hereof, and it shall be unlawful for any person to cover any tanks with earth until they have been inspected and approved by the Fire Marshal. He shall have authority to refuse permission for the installation of any tank or tanks if they violate any of the provisions of these Sections, or if, in his opinion, the proposed installation would be unsafe in any way or likely to cause fire. He shall also have authority to specify or limit the amount of inflammable oil that may be stored in any one tank or location.

SEC. 55.05.7 SAME - STORAGE TANKS - OIL TIGHT VENTS REQUIRED

All tanks shall be rivited, brazed or welded and shall be made oil-tight in a competent manner. A vent pipe not less than one inch in diameter shall be installed on each tank, but where more than one tank is installed separate vents may be run to one header. Vents shall extend above the roofs of buildings, except that in excessively high buildings, vents may terminate on blank walls not less than three (3) feet from any window or other opening. Vents shall be capped with a return bend fitted with a fine mesh brass, bronze or copper screen.

SEC. 55.05.8 SAME - STORAGE TANKS - PIPES - AIR PRESSURE PROHIBITED

All pipes must lead out of the tops of the tanks

to which they may be attached. All piping shall be galvanazed and put together with litharge and glycerine. No air pressure shall be put directly on any tank to lift the liquid from the tank to the pump except small auxiliary tanks attached to the main tank. No gasoline tank, barrel, or drum shall, when filled in whole or in part, or empty, be kept in, upon, or about any garage or clothes-cleaning establishment.

SEC. 55.05.9 SAME - DEFINITIONS

For the purpose of this Section the terms "garage" and "Clothes-cleaning establishment" are defined as follows:

(a) GARAGE: Any building, structure, shed, battery station, wash rack, auto paint shop, service or filling station, or portion thereof, in which is ~~condicted~~ conducted the business of housing for storage, rent, care, shelter, repair, painting, demonstration, inspection or sale, self-propelled vehicles, or other wheeled machinery using or containing in the tanks thereof volatile or inflammable liquids for power or fuel.

(b) CLOTHES-CLEANING ESTABLISHMENT:

Any building or premises in or upon which the business or process of cleaning, dyeing, or renovating clothes, wearing apparel, feathers, hats, or any fabric or textile, is conducted, maintained or carried on and where such cleaning, dyeing or renovating is accomplished by a process of immersion and agitation of such clothing, wearing apparel, feathers, hats, ~~fabricks~~ fabrics or textile in any volatile or inflammable substance, and where any

liquid volatile product or substance in an amount exceeding one (1) gallon in the aggregate is kept or stored.

SEC. 55.05.10 SAME - GASOLINE - SIZE OF CONTAINERS FOR DELIVERY

No gasoline shall be sold or delivered in greater amounts than one (1) gallon in separate cans unless such can is painted a bright red color, and labeled with the word "Gasoline," in letters not less than one-half inch high. Approved safety cans shall be provided for the handling of gasoline in garages, filling stations and similar locations.

SEC. 55.05.11 SAME - GARAGES - PORTABLE FILLING TANKS PERMITTED

Portable filling tanks or buggies shall be allowed in garages when their capacity does not exceed sixty (60) gallons. Such buggies shall be constructed in a substantial manner, and have metal wheels with rubber tires, and have hose attached with shut-off nozzle. They shall be kept close to the door of the building, so that they can be easily removed in case of fire.

SEC. 55.05.12 SAME - GASOLINE PUMPS - WIRE PROTECTORS REQUIRED

Gasoline pumps of the visible type shall have heavy metal or wire screens to protect glass containers.

SEC. 55.05.13 SAME - SERVICE STATION - COIN-OPERATED DISPENSERS PROHIBITED

No coin-operated dispensing equipment shall be permitted in any service station, nor shall any type of nozzle be installed or used which employs any kind of mechanical device to hold the nozzle in the open position. This provision shall not be deemed to prohibit the use

of approved nozzles with an auxiliary automatic shut off to stop flow when the tank is full when such nozzles are designed to be held open manually when gasoline is being discharged.

SEC. 55.05.14 SAME - GASOLINE SERVICE STATION - SMOKING PROHIBITED

It shall be unlawful for any person, either in or out of a motor vehicle, on any gasoline service station, to smoke or have in his possession or within the vehicle, any lighted form of tobacco or any open flame while gasoline is being dispensed and in the immediate vicinity of said dispensing into the tank of any vehicle or into a container of any kind.

SEC. 55.05.15 SAME - GASOLINE SERVICE STATION - RUNNING ENGINES OF MOTOR VEHICLES PROHIBITED

It shall be unlawful for the operator of any motor vehicle to permit the motor of the vehicle being served to continue running while gasoline is being dispensed into the tank of said vehicle or into a container of any kind in the immediate vicinity of said vehicle.

SEC. 55.05.16 SAME - GASOLINE SERVICE STATION - SIGNS REQUIRED

A sign reading "NO SMOKING - STOP MOTOR" or words to that effect shall be prominently displayed on each pump island so that same is clearly visible from both sides of the island and it shall be the duty of the person or persons in charge of and/or on duty at such gasoline service station to secure compliance with the "NO SMOKING" and "STOP MOTOR" provisions of these Sections before serving.

SEC. 55.05.17 SAME - GASOLINE SERVICE STATION - AUTOMATIC SHUTOFF NOZZLES REQUIRED - EXCEPTIONS

Every gasoline pump shall be provided with an automatic shut-off nozzle having a vacum-operated over-flow valve, approved by the Fire Department, and so designed and constructed as to automatically prevent gasoline from spilling or running over while the tank is being filled. Such nozzles shall be maintained in proper and effective operating condition at all times; provided further that the provisions of this Section shall not apply where said gasoline is dispensed by a regular employed and skilled service station attendant.

SEC. 55.05.18 SELF-SERVICE GASOLINE SERVICE STATION - ADULT MALE ATTENDANT REQUIRED

There shall be a mimimum of one (1) competent adult male attendant on duty and in immediate supervision of all pumps and dispensing equipment during such time as said pumps and dispensing equipment are in operation; provided further, that this Section shall apply only to self-service gasoline stations with more than six (6) pumps.

SEC. 55.05.19 SAME - GASOLINE SERVICE STATION FIRE EXTINGUISHER REQUIRED

An approved fire extinguisher shall be provided for each three pumps at gasoline service stations, with a minimum of two (2) extinguishers for each station.

Extinguishers shall be of a type and size approved by the Fire Department, and shall be so located that they will be least likely to be involved in a fire and where they will be most accessible in case of fire.

SEC. 55.06 TRANSPORTATION AND STORAGE OF LIQUID PETROLEUM REGULATED - DEFINITIONS

For the purpose of this Section, the following terms shall be construed to have the meaning herein given.

(a) LIQUID PETROLEUM gas shall mean and include any material which consists predominately of any of the following hydrocarbons or mixtures of them; propane, propylene, butanes (normal butane and iso-butane) and butylenes, whether in liquid or gaseous stage.

(b) FIRE CHIEF shall include the Fire Chief of the City of San Diego or his assistant, the Fire Marshal of The City of San Diego, or any Deputy Fire Marshal of The City of San Diego.

(c) VEHICLE shall include any truck, automobile, trailer, or semi-trailer, but shall not include any railroad train car.

(d) PERSON IN CHARGE shall include the driver or owner of, or any representative or agent of the owner in control of movements of a vehicle.

(e) REASONABLE SAFETY REGULATIONS shall include any requirement or directive or standard for the storage, handling, and/or transportation of liquid petroleum gas established, promulgated, or published by the Fire Chief and shall also include any standard for the design, installation or construction of containers and pertinent equipment for the storage and handling of liquid petroleum gas established by the National Board of Fire Underwriters, contained in

National Board of Fire Underwriters' Pamphlet No. 58, which pamphlet is on file in the office of the City Clerk of The City of San Diego, designated as Document No. 434779, and shall also include any standards to be established in the future for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquid petroleum gas by the National Board of Fire Underwriters, which standards shall be published in a publication on file in the office of the City ~~Cerlk~~ Clerk of The City of San Diego.

Should any regulation established, promulgated or published by the Fire Chief conflict with any standard established by the National Board of Fire Underwirters, the regulation so established, promulgated or published by the Fire Chief shall control.

(f) FIRE ZONE I shall include that area defined as Fire Zone 1 by Section 91.1601.

(g) Storage place shall include any container or tank or other receptacle not affixed to a vehicle, said vehicle being used or in use for the purpose of transporting liquid petroleum gas.

SEC. 55.06.1 SAME - PERMIT TO ENTER FIRE ZONE 1 REQUIRED INSPECTION

It shall be unlawful for the person in charge of any vehicle transporting liquid petroleum gas to enter Fire Zone 1 of the City of San Diego without procuring a permit from the Fire Chief for such transportation prior to such transportation; and such permit will be granted by said Fire Chief for such a time

and subject to such reasonable safety regulations as he may deem necessary to protect the lives and safety of the persons and property in The City of San Diego; provided further, that the person in charge of a vehicle transporting liquid petroleum gas shall not be required to procure such a permit for such transportation when:

(a) The transporting vehicle proceeds through Fire Zone 1 of The City of San Diego directly and without delay on the route described as follows:

Over Pacific Highway, between its intersection with Date Street to the intersection of Pacific Highway with Harbor Drive; along Harbor Drive from said intersection to the intersection of Harbor Drive and 16th Street.

(b) The transporting vehicle is required to be inspected by the Sealer of Weights and Measures of the County of San Diego and proceed directly without delay to the office of said Sealer of Weights and Measures by the shortest practical route from the point on the boundary of Fire Zone 1 closest to said office of the said Sealer of Weights and Measures; said route to be designated by the Fire Chief; provided further that prior notice of each trip to be made to the said office of the Sealer of Weights and Measures shall be given to the Fire Chief by the person in charge of said transporting vehicle and, provided further, that the driver or person in charge of said transporting vehicle shall comply with such reasonable safety regulations as may be established, promulgated, or published by the Fire Chief for such trip.

(c) The transporting vehicle requires bona fide repairs and proceeds directly and without delay to any repair shop and garage in Fire Zone 1 by the shortest practical route from that point on the boundary of Fire Zone 1 closest to said repair shop or garage; said route to be designated by the Fire Chief; provided further, that prior notice of each trip to such repair shop or garage shall be given to the Fire Chief by the person in charge of said transporting vehicle; and, provided further, that the driver or person in charge of said transporting vehicle shall comply with such reasonable safety regulations as may be established, promulgated, or published by the Fire Chief for such trip.

SEC. 55.06.2 SAME - TEMPORARY STORAGE IN FIRE ZONE 1 - PERMIT REQUIRED

It shall be unlawful for any person to establish or maintain a permanent or temporary storage place for liquid petroleum gas or to use such gas in Fire Zone 1 of The City of San Diego unless said person procure a permit from the Fire Chief for said establishment and maintenance of said storage or for such use prior to the establishment or maintenance of such storage or use; and such permit may be given by the said Fire Chief for such a time and subject to such reasonable safety regulations as he may deem necessary.

SEC. 55.06.3 SAME - PENALTY

Any person, firm or corporation shall be deemed guilty of a separate offense for each trip made into Fire Zone 1 without compliance with any and all applicable provision or provisions of this Section.

~~Extinguishers shall be of a type and size approved by the Fire Department, and shall be so located that they will be least likely to be involved in a fire and where they will be most accessible in case of fire.~~

SEC. 55.10 CHRISTMAS TREES, FIREPROOFING - REQUIRED WHERE PLACES OF PUBLIC ASSEMBLY

These regulations apply to the flameproofing or fire-resisting treatment of Christmas trees intended to be placed in any place of public assembly.

SEC. 55.10.1 SAME - DEFINITIONS

(a) The term "Place of Public Assembly" as used in These Sections shall mean any room or space which can or may be occupied for religious recreation, educational, political, social, amusement or lodge purposes, and shall also include all hotels, apartment houses, stores, restaurants, cocktail bars and other places where intoxicating beverages and/or ~~liquors~~ liquors are served or permitted to be consumed.

(b) For the purpose of the above definition, said room or space shall include any occupied connecting room or space in the story or stories above or below the place where entrance is common to said room or space.

SEC. 55.10.2 SAME - PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation to flameproof or apply fire-resistant treatment to any Christmas tree intended to be placed in any place of public assembly unless they shall have been issued a permit by the Chief of the Fire Department. Permits may be revoked by the Chief of the Fire Department for

wilful violation of the provisions of These Sections over which the permit holder has direct control.

SEC. 55.10.3 SAME - EXAMINATION OF APPLICANT

Prior to the issuance of any permit for flame proofing or fire-resistant treatment of Christmas trees, the Chief of the Fire Department, shall give an examination to determine that the applicant possesses the necessary qualifications required to perform a satisfactory job of flameproofing or fire-resisting treatment.

SEC. 55.10.4 SAME - APPROVAL OF CHEMICALS USED

In the flameproofing or fire-resisting treatment of any Christmas tree, only such chemicals or compounds and methods of treatment as are approved by the Chief of the Fire Department shall be used .

SEC. 55.10.5 SAME - LABEL AFFIXED TO TREE

Following the flame-proofing or rire-resisting treatment of any Christmas tree there shall be firmly affixed thereto, on the base of the tree, a tag or label, which shall contain the following information:

Name of the person giving the treatment,

Firm or business name and address,

Name or description of chemical or compound used for treatment, and the Date of application.

Each tag or label shall be serially numbered and a record kept thereof.

SEC. 55.10.6 SAME - REPORTS REQUIRED

At least once each day, each person, firm or corporation

giving flameproofing or fire-resisting treatment shall furnish or mail to the Chief of the Fire Department a complete written list of all such work performed since the submission of the last report, giving the serial number of the tag or label attached to the tree, and the name and address of the person, firm, corporation, club, lodge, etc., for whom the work was performed, and the date of treatment and location where tree is to be placed.

SEC. 55.10.7 SAME - ENFORCING OFFICIAL

The Fire Marshal of The City of San Diego, shall be the official charged with the enforcement of These Sections.

SEC. 55.15 DOMESTIC STOVE OR RANGE, OIL BURNING EQUIPMENT REGULATED

These Sections are for controlling the installation and operation of stove or range oil burning equipments and the storage and handling of oil fuels in connection therewith for domestic purposes only, and are in no way to conflict with the provisions of Section 55.05 and subsections thereof.

SEC. 55.15.1 SAME - ENFORCING OFFICIAL

The Fire Marshal of The City of San Diego shall be the official charged with the enforcement of these Sections.

SEC. 55.15.2 SAME - APPLICATION AND SCOPE

(a) These regulations apply to stove or range oil burners and oil burning equipment, defined as follows:

For the purpose of These Sections Stove or Range oil burners shall mean oil burners designed to burn kerosene, range oil or similar distillate fuel having a flash point of 100 degrees fahrenheit or higher, as determined by the Tag Closed Tester in accordance with the method of test adopted by the American Society for Testing Materials (A.S.T.M.Designation D56-21), and intended for installation in stoves, ranges or similar devices. Stove or range oil burning equipment shall include the burners and all tanks, piping, control devices, and accessories connected to the burners.

These Sections do not apply to portable burners nor requiring connection to a flue, such as oil stoves, oil heaters and oil lamps equipped with a wick or a mechanical device, the movement of which is essential to flame adjustment, or to such portable apparatus as blow torches, soldering pots, etc.

These regulations are intended to prescribe reasonable provisions for the installation of oil burning equipments, based on minimum requirements for safety to life and property from fire. Careful attention to the maintenance and proper operation of the equipment is necessary for the continued safety of oil burning equipments.

(b) Where the circumstances or conditions of any particular installation are unusual and such as to render the strict application of these regulations impracticable, the Fire Marshal may permit such modifications as will

provide a substantially equivalent degree of safety.

SEC. 55.15.3 SAME - PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation to install any stove or range oil burning equipment unless they shall have been issued a permit by the Fire Marshal. Permits may be revoked by the Fire Marshal for willful violation of the provisions of These Sections over which the permit holder has direct control.

It shall be unlawful for any person, firm or corporation to operate or maintain, or to cause to be operated or maintained, any stove or range oil burner or equipment, which shall have been installed in violation of these Sections or any portion thereof.

SEC. 55.15.4 SAME - REPORTS REQUIRED

Every person, firm or corporation selling or installing any stove or range oil burning equipment shall report in writing to the Fire Marshal not later than the tenth day of each month, the location of each sale or installation made in the previous month, the name and address of person making purchase, together with the name of the burner and the number and size of storage or supply tanks.

SEC. 55.15.5 SAME - SPECIFICATIONS FOR TESTING AND INSTALLATION

All burners and stoves shall be of an approved type and must have been tested and approved by the Fire Marshal or other competent authority (Underwriters' Laboratories, Inc., or other recognized laboratory) and must be installed in compliance with these regulations and the instructions

of the manufacturers. Stoves and burners bearing the approval of the National Board of Fire Underwriters' Laboratories shall be considered to have fulfilled the requirements of these Sections.

SEC. 55.15.6 SAME - FUEL OIL

The grade of fuel oil used with any stove or range burner shall be one which tests and experience have shown to be suitable for use with that burner. The oil shall have a flash point of not less than 100 degrees fahrenheit, determined as specified in these Sections, and shall be free from acid, grit, and fibrous or other foreign matter likely to clog or injure the burners or valves.

No dealer may deliver any grade of oil other than that which is intended for use in the burner according to tests and specifications of the manufacturer, and it shall be a violation of these Sections for any person, firm or corporation so to do.

SEC. 55.15.7 SAME - INSTALLATION

(a) Stove and range oil burners, including their supply tanks and connecting piping, shall be securely installed in a workmanlike manner, by qualified mechanics experienced in making such installations and shall be installed in accordance with the instructions of the manufacturer and the provisions of these Sections.

(b) Suitable means for preventing dangerous accumulations of oil vapors in the bottom of the combustion or ash chambers of stoves and ranges shall be provided.

(c) Cracks and crevices between the combustion

chamber and the oven or other parts of the stove or range shall be carefully sealed with fire clay.

(d) Burners shall be rigidly secured in place. ~~Dampers~~ Dampers which may be operated so as to entirely close the chimney uptake are prohibited.

(e) A card giving complete instructions in regard to the care and operation of the burner shall be posted near the burner.

(f) Stoves or ranges in which oil burners are installed shall be connected to flues having sufficient draft at all times to assure safe operation of the burner, said vents to be installed in compliance with the provisions of Chapter lX, Buildings and Building Regulations, of this Code.

(g) Rooms in which oil burners are located shall be provided with adequate ventilation to assure continuous complete combustion of the oil.

(h) Before installations are made it is expecially important to make certain that the range or stove is so elevated above the floor, or insulated by means of a suitable hearth as to preclude dangerous temperatures coming into contact with woodwork or other combustible material. For the same reason proper clearance between smoke pipes and combustible materials should be secured.

(i) When placing burner in operation only the lighting device supplied or recommended by the manufacturer shall be used.

(j) The use of gasoline for priming is a dangerous practice and is prohibited.

SEC. 55.15.8 SAME - SUPPLY AND STORAGE TANKS AND CONNECTIONS

(a) Tanks supplying stove or range oil burners shall not exceed a capacity of 275 gallons except that where tanks are an integral part of a complete assembly of stove and burner they shall not have a capacity in excess of 10 gallons. If oil drums are used they shall not exceed a capacity of 55 gallons and not more than two such drums shall be used, and said drums must be connected with a three-way valve in such a way that no more than one tank can discharge its contents at one time.

(b) Piping between burners, supply tanks and storage tanks shall be standard steel, wrought iron or brass pipe not smaller than 1/4-inch in size, or brass or copper tubing not less than 5/16-inch outside diameter and not less than 0.049-inch wall thickness. Joints and connections shall be tightly made with substantial fittings. Piping shall be protected against mechanical injury and shall be installed with proper allowance for expansion, contraction and vibration.

(c) Oil burning equipments shall be provided with a shut-off valve for manually stopping the flow of oil to the burner, said valve to be located at the tank.

(d) Gravity feed shall be used only with burners arranged to prevent abnormal discharge of oil at the burner by automatic means specifically approved for the

burner with which it is used.

NOTE: A trip bucket or other automatic anti-flooding device or the proper arrangement of the burner equipment to maintain a constant or fixed level of oil to prevent abnormal discharge of oil shall be considered as meeting this requirement.

(e) All tanks shall be located outside, except tanks which are an integral part of the stove and burner and which conform to the provisions of paragraph (a) of this Section.

(f) Thickness of tanks permitted under this Section shall be a minimum of 16-gauge, and all tanks shall be vented in an approved amnner.

(g) Outside above-ground tanks shall be set on a firm foundation and shall be not less than 12 inches from any dwelling or other building or any property line. Tank shall be so located that no part of it is more than ten feet above the bruning point of the oil.

No combustible material shall be stored under or within 10 feet of such tanks.

SEC. 55.15.9 SAME - CITY NOT LIABLE

No part of these Sections shall be construed to imply that The City of San Diego, California, or any officer, agent, inspector, or employee thereof be held as assuming any liability by reason or in consequence of any license, permit, permission, certificate of inspection,

inspection or approval authorized herein, or by any law of The City of San Diego, or by reason or in consequence of any things done or act performed pursuant to any of the provisions of these Sections or any of the laws, rules and regulations of The City of San Diego, pertaining to the work covered and described by these Sections.

SEC. 55.20 GARAGES, CLEANING ESTABLISHMENTS - DEFINITIONS

For the purpose of this Section certain words and phrases are defined as follows, and shall be construed to have the meaning herein given them:

GARAGES: Any building, structure, shed, battery station, wash rack, auto paint shop, service or filling station or portion thereof, in which is carried on the business of housing for storage, rent, care, shelter, repair, painting, demonstration, inspection or sale, self-propelled vehicles, or other wheeled machinery, using or containing in the tanks thereof volatile or inflammable liquids for fuel or power.

CLOTHES-CLEANING ESTABLISHMENTS: Any building or premises in or upon which the business or process of cleaning, dyeing, or renovating clothes, wearing apparel, feathers, hats or any fabric or textile, is conducted, maintained or carried on, and where such cleaning, dyeing, or renovating is accomplished by a process of immersion or agitation of such clothing, wearing apparel, feathers, hats, fabric or textile in any volatile or inflammable substance, and where any liquid, volatile product or substance

in an amount exceeding one gallon in the aggregate is kept or stored.

SPOTTING AND SPONGING ESTABLISHMENTS: Any building or premises where the business of cleaning, pressing and spotting and sponging is carried on, and where any liquid volatile or inflammable product in an amount not exceeding one gallon in the aggregate of all such liquid volatile or inflammable products is kept or stored.

SEC. 55.20.1 SAME - ESTINGUISHERS REQUIRED IN PUBLIC GARAGES

There shall be provided and maintained in every public garage having a floor space, exclusive of offices and show rooms, of one thousand (1,000) square feet or less, at least two chemical fire extinguishers. If of more than one thousand (1,000) square feet, there shall be provided and maintained at least one chemical fire extinguisher for each one thousand (1,000) square feet of floor space, except as otherwise provided in this Section.

SEC. 55.20.2 SAME - TYPE OF EXTINGUISHERS

Either the two and one-half ($2\frac{1}{2}$) gallon soda and acid; two and one-half ($2\frac{1}{2}$) gallon Foam type; or the one quart carbon-tetra-chloride extinguishers may be used in garages, clothes-cleaning or spotting and sponging establishments. Dry powder extinguishers of any kind are not recognized by this ordinance. Not more than one-hlaf of the total number required shall be of the one quart carbon-tetra-chloride type of extinguisher. If Foam type extinguishers are provided, one Foam extinguisher shall be equal to two of the other types; that is, there

shall be provided one Foam type extinguisher for each two thousand (2,000) square feet of floor space in any public garage. All fire extinguishers shall be kept fully filled and charged and ready for use at any time. Soda and acid extinguishers shall be recharged once each year. Foam type extinguishers shall be recharged once every two years. Carbon-tetra-chloride type extinguishers need not be recharged, but must be kept filled at all times. There shall be provided and maintained at least one Foam type extinguisher in every service or filling station.

SEC. 55.20.3 SAME - SAND RECEPTACLES REQUIRED IN PUBLIC GARAGES

There shall be provided in every public garage one receptacle of clean sand for each two thousand (2,000) square feet of floor space. Each such receptacle shall be of metal, and contain not less than seven and one-half ($7\frac{1}{2}$) gallons of sand, and be provided with a scoop.

SEC. 55.20.4 SAME - SMOKING IN PUBLIC GARAGES PROHIBITED - SIGN

It shall be unlawful for any person to smoke, or for any person, firm or corporation to permit any smoking in any building used as a public garage. A notice containing the words "No Smoking," in large plain letters shall be posted in conspicuous places in every public garage.

SEC. 55.20.5 SAME - WASTE CANS REQUIRED IN GARAGES

No waste rags or rubbish of any description shall be allowed to accumulate in or about any garage, and each

such garage shall provide and maintain a sufficient number of metal cans with tight-fitting metal covers, in which to store all such waste, rags or rubbish. Covers shall be kept on cans at all times, except when they are being filled or emptied.

SEC. 55.20.6 SAME - SPRAYING INFLAMMABLE LIQUIDS IN GARAGE PROHIBITED

No spraying device or atomizer, or any other device or equipment for spraying or atomizing distillate or other volatile or inflammable liquid shall be used inside any garage.

SEC. 55.20.7 SAME - INSPECTION BY FIRE ~~MARSAHL~~ MARSHAL AUTHORIZED

The Fire Marshal and his deputies shall be empowered to enter any public garage, or any clothes-cleaning establishment, at any time that they may be open for business, for the purpose of inspecting the same, and no person shall refuse to permit, the Fire Marshal, or any of his deputies, to enter any garage or clothes-cleaning establishment, nor interfere in any manner with them in the performance of their duty.

SEC. 55.20.8 SAME - EXTINGUISHERS IN SPONGING ESTABLISHMENTS REQUIRED

In every room or premises used as a spotting or sponging establishment, there shall be installed and maintained at least one (1) two and one-half ($2\frac{1}{2}$) gallon chemical fire extinghisher.

SEC. 55.20.9 SAME - EXTINGUISHERS IN CLEANING ESTABLISHMENTS REQUIRED

Immediately adjoining and outside of every room used for washing and extracting in any clothes-cleaning establishment, there sahll be installed and maintained one (1) two and one-half ($2\frac{1}{2}$) gallon Foam type fire extinguisher.

SEC. 55.20.10 SAME - REGULATIONS FOR STORAGE OF INFLAMMABLE LIQUIDS IN SPONGING ESTABLISHMENTS

Every spotting and sponging establishment shall provide an approved safety can for the storage of volatile and inflammable liquid, and no such can shall be more than one gallon in capacity, and it shall be unlawful to store or keep more than one gallon of volatile or inflammable liquid in the aggregate of all such liquids in or about or on the premises of any spotting or sponging establishment. All such liquid or liquids shall be kept in the said safety can at all times, and no other receptacle shall be used for the storage or keeping of any volatile or inflammable liquid.

SEC. 55.20.11 SAME - WASTE RECEPTACLES REQUIRED IN CLEANING OR SPONGING ESTABLISHMENTS

No person, firm or corporation shall permit in any spotting or sponging establishment, or clothes-cleaning establishment conducted or maintained or operated by any such person, firm or corporation, any waste, rags, paper, grease, lint, or rubbish or any kind to accumulate in or about any such spotting or sponging or clothes-

cleaning establishment, except it be stored and kept in a metal receptacle fitted with a tight-fitting metal cover. The cover shall be kept on the can at all times except when it is being filled or emptied.

~~SEC. 55.25 PUBLIC CAMP, AUTO COURT - PROTECTION AGAINST FIRES~~

No fires shall at any time be so located in any public camp or auto court as to endanger automobiles or other property. No fires in any public camp or auto court shall be left unattended at any time, and all fires shall be completely extinguished before leaving. No camp fires will be permitted excepting in approved ~~allotted public camps having approved camping spaces~~.

SEC. 55.30 REGULATIONS FOR FIRE PREVENTION - RECEPTACLE FOR ASHES

It shall be unlawful for any person or persons to deposit ashes or cause the same to be deposited or placed, or permit or allow the same to be or remain in any wooden vessel or receptacle, or in any vessel or receptacle composed of combustible material; but said ashes shall be placed and kept in some safe depository or receptacle of galvanized iron, or other incombusticle material located not less than two (2) inches from any woodwork, or structure, or the same shall be deposited on the ground not less than ten (10) feet from any building or structure.

SEC. 55.30.1 SAME - COMBUSTIBLE MATERIAL - DISPOSAL

Any person in The City of San Diego making, using or having charge or control of shavings, hay, straw, sacks,

bags, litter, or any other combustible waste material or fragments, shall, at the close of each day cause the same to be securely disposed of or removed, so asto be safe from fire.

SEC. 55.30.2 SAME - WASTE ACCUMULATION - CONTAINERS REQUIRED

It shall be unlawful for any person to keep or allow to be kept, accumulations of waste, rags, paper, or other substance liable by spontaneous combustion, or otherwise, to cause fire, in a receptacle made of combustible material, and all such stubstances must be kept in a metal container with a tight-fitting metal cover, and such cover shall be kept on such container at all times when any combustible material is in the container.

SEC. 55.30.3 SAME - COMBUSTIBLE, EXPLOSIVE MATERIALS NEAR DOOR, ETC, PROHIBITED

It shall be unlawful for any person to keep or allow or permit to remain any explosive or inflammable compound or substance or combustible material or any kind near any doorway or stairway of any building, in such place or manner as to obstruct the same, or render egress hazardous in case of fire.

SEC. 55.30.4 SAME - COMBUSTIBLE MATERIAL ON ROOF PROHIBITED

It shall be unlawful for any person to place, or allow or permit to remain upon any roof in the City of San Diego any accumulation of paper, hay, moss, or any other inflammable or combustible rubbish or material of any description.

SEC. 55.30.5 SAME - DANGEROUS FIRE CONDITIONS TO BE REMEDIED WHEN ORDERED BY FIRE MARSHAL

Whenever in the judgment of the Fire Marshal any building

or structure, or any appurtenance or fixture thereto, or any chimney, smokestack, stove, stove pipe, vent, flu, oven, or furnace, or anything connected with such building, structure, or premises is defective or unsafe, so as to be liable to cause fire, the said Fire Marshal shall give the owner or person having control of such property, notice in writing, requiring him, within five (5) days, to make such changes, alterations or repairs as may be necessary to render the same safe, and any person failing to comply with said notice shall be deemed guilty of a violation of this Section.

SEC. 55.30.6 SAME - UNOCCUPIED BUILDINGS REQUIRED TO BE SECURED

Whenever any unoccupied building is found by the Fire Marshal to be not properly secured or enclosed, he shall notify, in writing, the owner or person having control thereof, to secure or enclose the same forthwith, so as to prevent unauthorized persons from gaining access thereto; and any person so notified as aforesaid who shall, within forty-eight (48) hours, fail to comply with such notice shall be deemed guilty of a violation of this Section.

SEC. 55.30.7 SAME - STORAGE OF HAY, STRAW, LUMBER, SHINGLES, ETC. - PERMIT REQUIRED

It shall be unlawful for any person, either on his own account, or as the agent or employee of another, at any place within the fire limits of said City, to do any of the following things:

(a) To keep for sale, store, or permit to be stored on any premises owned, occupied or controlled by him, any quantity of loose hay or straw of any kind exceeding three (3) tons

in weight, or any quantity of baled hay or straw exceeding ten (10) tons in wieght, without having first secured a permit from the Fire Marshal so to do.

(b) To stack, keep or maintain in the open any quantity of hay or other combustible material within fifty (50) feet of the premises of another.

(c) To keep, store or permit to be stored or kept on any premises owned or controlled by any such persons, any lumber, shingles, slabs or timbers, without having first obtained a permit from the Fire Marshall.

SEC. 55.30.8 SAME - BURNING OF RUBBISH, ETC. REGULATED - PERMIT REQUIRED

The burning of any rubbish or debris, grass, brush or inflammable material of any kind is prohibited within the City of San Diego, except in accordance with the following regulations:

(a) It shall be unlawful to set fire to, or burn any building, debris from any wrecked buildings, or other large amounts of inflammable waste matter, without first securing a permit from the Fire Marshal for such burning.

(b) The burning of any trash or rubbish of any kind is prohibited within the inner Fire Limits without a permit from the Fire Marshal.

(c) Having secured a permit to do any burning mentioned in this Section shall not relieve any person doing such burning from responsibility for any damage to property of another which may occur as a result of such burning.

(d) It shall be unlawful to build or maintain a fire

on any roof, except that the provisions of this sub-Section shall not apply to those buildings which have a concrete slab roof.

(e) No rubbish shall be burned within fifteen (15) feet of any building or other inflammable material or structure of any kind.

Rubbish shall be burned during daylight hours only.

Some person must be in constant attendance when any rubbish or debris is being burned, and it shall be unlawful to leave any rubbish fire unattended.

Garden hose attached to faucet, buckets of water, or some other effective means must be kept at hand to prevent spread of any fire mentioned in this Section.

(f) Any rubbish fire, regardless of whether a permit has been obtained for the same or not, must be extinguished when so ordered by the Fire Marshal, and it shall be a violation of this Section for any person to refuse to comply with any such order.

(g) Care must be taken when burning rubbish to guard against any nuisance from excessive smoke, offensive odors, and flying ashes and cinders.

SEC. 55.30.9 SAME - EMISSION OF SMOKE - NUISANCE

(a) The emission of dense smoke anywhere in The City of San Diego from flues, chimneys or smokestacks, or from any other structures, devices or appliances from which smoke is discharged, for a period longer than, or for periods aggregating more than, five (5) minutes in any one hour of the day or night, is hereby declared to be a nuisance.

For the purpose of grading the density of smoke, the

Ringelmann Smoke Chart as published and used by the Federal Bureau of Mines shall be the standard of comparison. Smoke shall be considered "dense" when it is of a greater density than No. 3 of the chart.

(b) No person, firm, association or corporation owning, operating or in charge of any flue, chimney, smokestack or other structure, device or appliance from which smoke is discharged, shall cause, permit or allow the emission of such dense smoke in The City of San Diego, in violation of the provisions of this Section; nor shall any such person, firm, association or corporation cause, permit or allow such nuisance hereinbefore mentioned to exist within The City of San Diego.

(c) No person, firm, association or corporation shall cause, permit or allow soot, ashes or cinders to issue or to be discharged from any flue, chimney, smokestack or other structure, device or appliance from which smoke is discharged.

(d) If any flue, chimney, smokestack or other structure, device or appliance from which smoke is discharged, shall become so filled with soot as to become a menace to adjacent property, it shall be the duty of the person, firm, association or corporation owning or using such flue, chimney, smokestack, or other structure, device or appliance from which smoke is discharged, to thoroughly clean the same.

SEC. 55.30.10 SAME - COMBUSTIBLE MATERIAL NEAR FENCES, BUILDINGS, ETC., PROHIBITED

Any accumulation of combustible or inflammable material,

boxes, broken wood, trash, waste paper, rags, or other debris of any kind whatever, back of fences or sign boards, or in or near buildings, stairways, cellars, basements or any other location, which is located so as to be liable to cause fire, is hereby prohibited, and it shall be unlawful to place or allow any such material named in this Section to remain in such location named herein.

SEC. 55.35 WEEDS REGULATED

It shall be unlawful for the owners or occupants of any vacant ~~vacant~~ land, yard or premises in the City of San Diego to allow the same to be overrun or overgrown with noxious or dangerous weeds.

SEC. 55.36 RUBBISH DUMPING PROHIBITED

It shall be unlawful for any person to dump or throw rubbish of any kind upon any lot or tract of land, or upon any street, alley, lane, court or place or sidewalk within the City of San Diego, except by the written premission of the City Council; and it shall be unlawful for any occupant or owner of any permises within said city to place or allow to be placed, or allow to remain on any premises within the City of San Diego such rubbish without the written permission of the City Council.

ARTICLE - 6

DISORDERLY CONDUCT, PLACES AND PUBLICATIONS - ~~PUBLICATIONS~~ GAMBLING.

SEC. 56.01 OBSCENE, INDECENT, IMMORAL BOOKS, PHOTOGRAPHS, WRITINGS, FIGURES, ETC. - PROHIBITED

It shall be unlawful for any person, firm or corporation to make, write, compose, sterotype, print, design, copy, or otherwise prepare or cause to be prepared any obscene, indecent or immoral writing, paper, article, book, pamphlet, picture, photograph, drawing, cast, image or figure, or to circulate, sell or exhibit such obscene, indecent or immoral paper, article, book, picture, pamphlet, photograph, drawing, cast, image or figure within the City of San Diego.

SEC. 56.01.1 SAME - SEIZURE AND DESTRUCTION

Any officer or person authorized to arrest any person for violation of this Section is hereby authorized and empowered to seize any obscene, indecent or immoral writing, paper, article, book, pamphlet, picture, photograph, drawing, cast, image or figure found in the possession of or under the control of the person so arrested, and forthwith deliver the same to the Court before whom the person arrested is required by law to be taken, and upon the conviction of the person arrested, the said obscene, indecent, or immoral writing, paper, article, book, pamphlet, picture, photograph, drawing, cast, image or figure, or each and all of them shall be forthwith destroyed by order of the Court.

SEC. 56.02 PROSTITUTION, FORNICATION, OTHER LEWD OR INDECENT ACTS, ETC. - PROHIBITED

It shall be unlawful for any person to offer or agree

to commit or to solicit another to commit, or to offer to secure another for the purpose of committing, or to be in or near any thoroughfare or public place for the purpose of soliciting, inducing, enticing or procuring another to commit, or to knowingly transport any person to any place for the purpose of committing, or to knowingly receive, offer or agree to receive any person into any place or building for the purpose of committing, or to direct any person to any place for the purpose of committing, any act of prostitution, or fornication, or assignation, or any other lewd or indecent act, or act of unlawful sexual intercourse with any other person, or to knowingly permit any other person to remain at any place or building for the purpose of doing any of the acts prohibited herein; or for any person to direct another person to any place for the purpose of doing any or either of the acts prohibited herein, or in any way to aid or abet, or in any way participate in the doing of any of the said acts.

~~SEC. 56.03 GAMBLING DEVICES IN BARRICADED PREMISES PROHIBITED.~~

~~That it be, and it is hereby declared to be unlawful for any person within the limits of The City of San Diego, California, to exhibit or expose to view in any barred or barricaded house or room or in any place built or protected in a manner to make it difficult of access or ingress to police officers, when three or more persons are present, any cards, dice, dominoes, fan tan table or layout, or any part of such layout, or any gambling implements whatsoever; or for~~

SEC. 56.03 GAMBLING IMPLEMENTS IN BARRICADED PREMISES - PROHIBITED

That it be, and it is hereby declared to be unlawful for any person within the limits of The City of San Diego, California, to exhibit or expose to view in any barred or barricaded house or room or in any place built or protected in a manner to make it difficult of access or ingress to police officers, when three or more persons are present, any cards, dice, dominoes, fan tan table or layout, or any part of such layout, or any gambling implements whatsoever; or for any person to visit or resort to any such barred or barricaded house or room or other place in the said City of San Diego, built or protected in a manner to make it difficult of access or ingress of police officers, where any cards, dice, dominoes, fan tan table or layout or any part of such layout, or any gambling implements whatsoever are exhibited or exposed to view when three or more persons are present.

SEC. 56.04 VISITING GAMBLING PREMISES - PROHIBITED

That it be, and it is hereby declared to be unlawful for any person in said City to become a visitor at any place where gambling is in progress in said City of San Diego.

SEC. 56.05 BETTING AT GAMES WITH MONEY, CREDIT, REPRESENTATIVE OF MONEY - PROHIBITED - EXCEPTIONS

That it be, and it is hereby declared to be unlawful for any person to play or bet at or against any game, not mentioned in Section 330 of the Penal Code of the State of California, which is played, conducted, dealt or carried

on with dice, dominoes or checkers for money, checks, chips, credit, or any other representative of money or any other valuable consideration, including, but not limited to, liquor, cigars, cigarettes, and/or tobacco.

SEC. 56.06 SOLICITATION FOR THE PURPOSE OF GAMBLING - PROHIBITED

That it be, and it is hereby declared to be unlawful for any person, through invitation or device, to solicit another person to visit any place for the purpose of gambling.

~~for any person, through invitation or device, to solicit another person to visit any place for the purpose of gambling.~~

SEC. 56.07 COIN OPERATED CONTRIVANCE, GAMBLING DEVICES, ETC., DELIVERING MONEY OR TOKENS, ETC., EXCHANGEABLE FOR MONEY - PROHIBITED

That it shall be unlawful for any person to have in his possession, or under his control, either as owner, lessee, agent, employee, ~~mortgage~~ mortgagee, or otherwise, or to permit to be placed, maintained or kept in any room, space, enclosure or building owned, leased or occupied by him or under his management or control, any clock, joker, tape, card or slot machine, appliance, contrivance or mechanical device which is operated or played by placing or depositing therein any coins, checks, slugs, balls, or other articles of device, or in any other manner, and by means whereof, or as a result of the operation of which, any merchandise, money, representative or articles of value, checks, or tokens, redeemable in or exchangeable for money, or any other thing of value, is won or lost or taken from or obtained from such machine.

SEC. 56.07.1 SAME - CONFISCATION AND DESTRUCTION

That every clock, joker, appliance, tape, card or slot machine, or other machine or device, whether or not the same shall indicate the ~~regard~~ reward to be paid thereby before each subsequent play, action, or operation thereof, for the reception of money, checks, slugs, balls, or other articles of device, or upon the action or operation of which money, merchandise, representative, or articles of value, checks or

tokens redeemable in or exchangeable for money or any other thing of value, is paid, won or lost, or obtained, is hereby declared to be a gambling device, and shall be subject to seizure, confiscation and destruction by the Police Department of said The City of San Diego.

SEC. 56.07.2 SAME - SCOPE OF SECTION - EXCEPTIONS

This Section is designed and intended to cover the operation of machines in The City of San Diego which do not give each and every time played the same value in goods, wares or merchandise, token, slug, ticket, or anything exchangeable directly or indirectly for any thing of value, and is designed and shall be construed to prohibit all devices as well as slot machines, howsoever operated, or howsoever played, which do not give the same value in goods, wares or merchandise, or token of value exchangeable for goods, wares or merchandise or money, each time said device is operated, and is intended to include boards or other devices equipped with pegs and slots guiding or directing the fall or deposit of coins or slugs or balls, where such fall or deposit govern the amount received by the depositor in merchandise or other article of value or exchange, and the amount or article or merchandise or token received is not always the same; PROVIDED, however, that nothing herein contained shall be construed to prohibit the maintenance and operation of mechanical devices which deliver to the operator exactly the same result each time played in goods, wares or merchandise.

SEC. 56.07.3 SAME - POSSESSION OR CONTROL PROHIBITED

That it shall be unlawful for any person to have in his

possession, or under his control, as owner, lessee, agent, employee, mortgagee or otherwise, or to permit to be placed, maintained or kept in any room, space, enclosure or building owned, leased or occupied by him, or under his management or control, any gambling device.

SEC. 56.08 PUNCHBOARD, SIMILAR GAMBLING DEVICE - PROHIBITED

That it shall be unlawful for any person, firm or corporation to keep, lease, exhibit, rent, possess or offer for display any punchboard or similar gambling device in The City of San Diego.

It is the object and purpose of this Section to declare unlawful any punchboard, whether the design and purpose thereof contemplates its use singly or in connection with or as part of another game, art or skill or combination of games, arts and skills, when such punchboard is designed, used or understood or intended to be used as a lottery or gambling device.

SEC. 56.09 LOTTERY TICKET - PROHIBITED

No person shall have in his possession any lottery ticket or have, keep or store upon any premises in his possession or under his control any lottery ticket.

SEC. 56.10 LOTTERY DEVICE - PROHIBITED

No person shall have in his possession any lottery device.

SEC. 56.11 POSSESSION OF RECORDS OF LOTTERY, ETC., PROHIBITED

No person shall have in his possession any book, tablet, ledger, account, bill, paper, memorandum, list or record

used or understood or intended to be used or to represent any record whatsoever of any lottery, lottery company, lottery ticket, device or drawing had or to be had.

SEC. 56.12 MANUFACTURING, WRITING, ETC. OF LOTTERY TICKET PROHIBITED

No person shall make, manufacture, print, engrave, stamp, paint or write, either in whole or in part, any lottery ticket.

SEC. 56.13 DISSEMINATING INFORMATION REGARDING LOTTERY - PROHIBITED

No person shall give, publish, disseminate or impart any knowledge or information regarding the alleged result or outcome of any lottery or lottery drawing.

SEC. 56.14 LOTTERY - PROOF REQUIRED FOR VIOLATION OF SECTIONS

Upon a trial for the violations of any of the provisions of Sections 56.09 to 56.13 inclusive, it shall not be necessary to prove the existence of any lottery or lottery company in, for, or by which any lottery ticket is intended to be issued or used or purported to be or to have been issued or used; nor to prove the existence of any lottery or lottery company, actual or pretended, in, for or by which any book, tablet, ledger, account, bill, paper, memorandum, list, record, device or other object is or has been made, kept, issued, printed, written, marked, stamped, set up or drawn; but in all such cases proof that such articles enumerated herein are used or intended to be used or where or have been used or are purported or understood to belong to or be a part of or relate to any lottery, lottery company, lottery ticket or lottery drawing, is sufficient; provided, that no provision in the foregoing Sections shall be construed to apply to any peace

officer in the course of his official duties or to any other person employed by the said City of San Diego in the course of the duties of his employment.

SEC. 56.15 GAMBLING DEVICES, ETC. - DECLARED NUISANCE

Any machine, contrivance, appliance, device, game, ticket, chance, share, interest, instrument, punchboard or article operated, used kept, possessed, placed or maintained in violation of the provisions of:

(a) Section 330a of the Penal Code of the State of California;

(b) Any Section enumerated in Part 1, Title 9, Chapter 1X of the Penal Code of the State of California;

(c) Sections 56.09 to 56.13, inclusive,

is hereby declared to be a nuisance and shall be subject to abatement as hereinafter provided.

When any person has been convicted or or pleaded guilty to any violation of any law of this City or of any law of this state which offense involves the operation, use, maintenance or possession of any article declared by this Section to be a nuisance, then such article shall be destroyed by the Chief of Police after the plea or after the judgment of conviction has become final.

If any article subject to destruction, as hereinabove provided, is in the custody of any court within this city, the Chief of Police shall cause an application to be made to the judge of said court for an order releasing such article to him in order that he may comply with this Section.

SEC. 56.16 VISITING AT PREMISES WHERE LOTTERY CONTRIVED, CONDUCTED, ETC. - PROHIBITED

It is hereby declared to be unlawful for any person in The City of San Diego to visit or to become a visitor at any office, house, room, tenement or other place where any lottery is conducted, contrived, prepared, set up or drawn, or to visit or become a visitor at any office, house, room, tenement or other place where the sale or transfer of lottery tickets is conducted or carried on or to visit or to become a visitor at any place where the sale or transfer of any share, chance or interest in or depending upon the event of any lottery or any paper, certificate or instrument purporting or understood to be or to represent any ticket, chance, share or interest in or depending upon the event of any lottery is conducted or carried on.

SEC. 56.20 CERTAIN TYPES OF COIN GAMES AND SIMILAR CONTRIVANCES - DEFINITIONS

For the purposes of this Section, the following terms are defined as hereinafter set forth:

(a) "Pin Ball Game" Any table, cabinet or mechanism equipped for the playing of any game whereby any marble, ball, pellet or other moving object is propelled released, rolled or shot along, over or above a surface set with pins, pegs or other obstructions or irregularities which deflect or impede the course of the moving object or which may divert or direct it beyond the control of the player.

(b) "Marble Game" Any table, cabinet or stand equipped

for the playing of a game whereby marbles or balls are, with the aid of a mechanical plunger or other affixed device, propelled, released, shot or rolled so as to drop or come to rest in holes, slots, cups or traps, resulting in a score or tally being electrically or otherwise registered or shown, which score or tally depends upon the course followed or point reached by the marble or ball or upon the contact points touched by it along its course, or upon any combination of such factors.

(c) The phrase "any game similar to a marble game" shall mean: "Balley-Alley" and other miniature mechanical bowling game device, by whatever name called: any table, cabinet or mechanical device equipped for the playing of any game whereby any marble, ball, pellet or any moving object is propelled, rolled, shot or released toward a goal, pin, set of pins, or other objective by means of any plunger, ejector, mechanical bat, mechanical hand or by means of any other striking or releasing mechanism which is affixed or attached to the table or cabinet or which is an integral part of the mechanical device or which is mechanically manipulated, controlled or guided, and which game is so contrived that, at the conclusion of the operation or play thereof the score or result of play thereof is visible or otherwise discernible so as to permit or make practicable the paying off or awarding of a price or reward upon the operation or play of the game.

(d) "Claw, "Hook" or Grab" Machine. Any amusement machine or device so designed that articles placed or heaped

therein for the purpose of the game may be grabbed, hooked, or otherwise displayed, recovered or removed by the operation of any contrivance simulating in miniature a power-shove, clamshell, dragline, or similar excavating tool or machine; it being the intent hereby to include machines or devices which do not deliver, disgorge or eject any article contained therein, or permit the operator to obtain possession of any such article or duplicate thereof.

(e) "Horse Racing Machine" Any mechanically operated amusement machine or device contriced to simulate in miniature the running of a horse race or any other race run by beasts, humans or machines, or which is contrived to put in motion any number of objects or symbols which then do, or appear to, run or move against each other in the manner of a miniature race, or which is designed to represent, by symbols, the running of any race and the order of the finish thereof.

SEC. 56.20.1 SLOT MACHINES, MARBLE MACHINES, PIN BALL MACHINES, ETC. - USE PROHIBITED

It shall be unlawful for any person to own or have in his possession or under his custody or control, either as owner, lessee, agent, employee, mortgagee or otherwise, any slot machine, pin ball machine, marble machine or any similar device or contrivance, upon the result of the action of which money, amusement or other valuable thing is or may be staked or hazarded, and which is or may be operated or played by placing or depositing therein any coins, checks or slugs, or as a result of the operation of which any money, amusement, value, or representative of value is or may be

won or lost, when the result of the action or operation of said slot machine, pin ball machine, marble machine, or similar device or contrivance is dependent, in whole or in part, upon hazard or chance.

SEC. 56.20.2 SAME - POSSESSION PROHIBITED

It shall be unlawful for any person to keep, maintain or possess in any place of business, or in any place of public resort:

(a) Any pin ball game, any marble game, or any game similar to a marble game, or any claw, hook or grab machine, or any horse racing machine, the operation of which game or machine is controlled, permitted or made available by placing therein a coin, plug, disk, key or token, or which is let for use, operation or play upon the payment or delivery of anything of value therefor, or upon the making of any purchase.

(b) Any mechanical device or mechanically operated contrivance for the playing of any game of chance, the use or operation of which is controlled, permitted or made available by placing therein any coin, plug, disk, key or token, or which is let for use, operation or play upon the payment or delivery of anything of value therefor, or upon the making of any purchase.

SEC. 56.20.3 SAME - EXCEPTIONS

The provisions of this section shall not apply to the keeping, possessing or exhibiting any such mechanical contrivance or device at or in any mercantile store in which such mechanical contrivances or devices are kept solely for sale

and which mechanical contrivances or devices members of the public are not permitted or allowed to operate, manipulate or play except as incident to a demonstration for the purpose of sale.

SEC. 56.20.4 SAME - ADAPTED TO GAMBLING

The classes and types of devices hereinabove described are regarded as peculiarly adapted to gambling, or to incite the gambling tendency, and are not bona fide amusement machines.

SEC. 56.20.5 SAME - UNLAWFUL POSSESSION - DECLARED TO BE A NUISANCE

Any machine, contrivance, appliance, device, game, ticket, chance, share, interest, instrument or article operated, used, kept, possessed, placed or maintained in violation of the provisions of:

a) Section 330a of the Penal Code of the State of California; or

b) Any section enumerated in Part 1, Title 9, Chapter 9 of the Penal Code of the State of California; or

c) Any of the provisions of this Section and these Subsections

Is hereby declared to be a nuisance and shall be subject to abatement as hereinafter provided.

When any person has been convicted of or pleaded guilty to any violation of any law of this City or of any law of this state, which offense involved the operation, use, maintenance or possession of any article declared by this Subsection to be a nuisance, then such article shall be destroyed by the Chief of Police after the plea or after the

judgment of conviction has become final.

If any article subject to destruction as hereinabove provided is in the custody of any court within this City, the Chief of Police shall cause an application to be made to the judge of said court for an order releasing such article to him in order that he may comply with this section.

SEC. 56.25 INTOXICATION IN PUBLIC PLACE - PROHIBITED

It shall be unlawful for any person to be or appear in any public place, or in any place open to public view, or on any street, alley, highway, court, park, railway depot, plaza, or public square in a state of drunkenness or intoxication.

SEC. 56.26 INTOXICATION ON PRIVATE PREMISES - PROHIBITED

It shall be unlawful for any person to be on any private premises or in any private house, in a state of drunkenness or intoxication, to the annoyance of any other person.

SEC. 56.27 DISORDERLY OR OFFENSIVE CONDUCT IN PUBLIC PLACES - PROHIBITED

That it shall be and is hereby declared to be unlawful for any person to be guilty of any offensive or disorderly conduct in or upon any of the streets, alleys, sidewalks, squares, parks, or in any store, or other public place in said City, and it shall be unlawful for any person to make any loud noise, or distrubance, or use any loud, noisy, boisterous, vulgar, or indecent language on any of the streets, alleys, sidewalks, square, park, or in any store or other public place in said City.

SEC. 56.28 INTOXICATION - RELEASE OF VIOLATOR UPON RECOGNIZANCE AUTHORIZED

The officer in charge of the Police Station may release

upon his own recognizance an intoxicated person if and when such person becomes sober and signs a written agreement to appear at the time and place designated therein, to answer in court to the charge filed against him.

SEC. 56.29 POSSESSION OF INTOXICATING LIQUOR PROHIBITED ON MISSION BEACH AMUSEMENT CENTER

It shall be unlawful for any person to bring, or be in possession of, any intoxicating liquor other than beer or wine, on Mission Beach Amusement Center.

SEC. 56.29.1 SAME - PROHIBITED ON SANTA CLARA POINT IN MISSION BAY PARK

It shall be unlawful for any person to bring or be in possession of any intoxicating liquor on Santa Clara Point in Mission Bay Park.

SEC. 56.30 SEDITIOUS LANGUAGE - PROHIBITED

That it shall be and hereby is declared to be unlawful for any person within the said City of San Diego to utter or use within the hearing of one or more persons any seditious language, words or epithets, or to address to another, or to utter in the presence of another, any words, language or expression, or seditious remarks, having a tendency to create a breach of the public peace.

~~SEC. 56.31 PUBLIC SPEECHS, AUDIENCE ENCROACHING ON PUBLIC STREETS OR SIDEWALKS - PROHIBITED - PERMIT REQUIRED~~

~~It shall be unlawful for any person to make or deliver any public speech, lecture, address or exhortation upon any of the public streets in the City of San Diego; or in any public parks; or upon any premises in such manner that the~~

~~person speaking, or any of the audience or persons listening~~ to the same shall encroach upon any public street or sidewalk in said City, except such persons shall first apply for and receive from the Common Council of the City of San Diego, ~~a permit so to do.~~

SEC. 56.35 LOUD, UNUSUAL NOISES - PROHIBITED - EXCEPTIONS

It shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of said City, any loud, unnecessary or unusual noise which injures or endangers the health, peace or safety of others; provided however, that this Section and these Subsections shall not in any way affect, restrict or prohibit any activities incidental to scientific or industrial research or manufacturing, construction or repairing conducted in areas zoned for such purposes or upon lands which are under the jurisdiction of the Harbor Commission of said City

SEC. 56.35.1 SAME - DECLARATION OF CERTAIN ACTS CONSTITUTING

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Section but said enumeration shall not be deemed to be exclusive, namely:

(a) HORNS, SIGNALLING DEVICES, ETC. The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling

device when traffic is for any reason held up.

(b) RADIOS, PHONOGRAPHS, ETC. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 9:00 o'clock P.M. and 8:00 o'clock A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building structure or vehicle in which it is located, shall be prima facie evidence of a violation of this Section.

(c) LOUD SPEAKERS, AMPLIFIERS FOR ADVERTISING The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loud-speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(d) YELLING, SHOUTING, ETC. Loud or raucous yelling, shouting, hooting, whistling, or siging on the public streets, particularly between the hours of 9:00 o'clock P.M. and

8:00 o'clock A.M. or at any time or place so as to annoy or distrub the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(e) ANIMALS, BIRDS, ETC. The keeping of any animal or bird which by causing frequent or long continued noise shall distrub the comfort or repose of any persons in the vicinity; provided, however, that nothing contained herein shall be construed as applying to occasional noises emanating from legally operated dog and cat hospitals, Humane Societies and City Pound.

(f) EXHAUSTS The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom; provided that this Subsection and these subsections shall not in any way affect, restrict or prohibit any activities incidental to scientific or industrial research, or manufacturing, construction or repairing conducted in areas zoned for such purposes or upon lands which are under the jurisdiction of the Harbor Commission of said City.

(g) SCHOOLS, COURTS, CHURCHES HOSPITALS The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital, provided

conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street

(h) HAWKERS, PEDDLERS The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(i) DRUMS The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(j) BLOWERS The operation of any nois-creating blower or power fan or any internal combustion engine, the operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device suffieient to deaden such noise; provided, however, tha t this Section and Subsections shall not in any way affect, restrict or prohibit any activities incidental to sceintific or industrial research, or manufacturing, construction or repairing conducted in areas zoned for such purposes or upon lands which are under the jurisdiction of the Harbor Commission of said City.

SEC. 56.36 HOSPITAL QUIET ZONES - ESTABLISHED

That all territory within a distance of 200 feet in all directions from any hospital, sanitarium, or similar institution in the said City of San Diego is hereby declared to be a quiet zone.

SEC. 56.37 HOSPITAL QUIET ZONE - LOUD NOISES PROHIBITED

That it shall at all times be unlawful for any person to make, cause or allow to be made any loud or unusual noise

in said quiet zone, or to sound or play upon any musical instrument therein between the hours of ten o'clock P.M. and seven o'clock A.M.

SEC. 56.40 MAR, DEFACE WINDOWS - PROHIBITED

That it shall be unlawful for any person or persons to mark, mar or daub windows with paraffin, soap, beeswax or other substance, in The City of San Diego.

SEC. 56.41 TAMPERING WITH AIRCRAFT - PROHIBITED

It shall be unlawful for any person in The City of San Diego, without the written consent of the owner of any aircraft, to climb into or enter such aircraft with the intent to commit any malicious mischief, whether the same be at rest or in motion, or attempt to manipulate the same or any part thereof, or to set same in motion, or to interfere or tamper with any parachute or other accessory thereof.

SEC. 56.42 TAMPERING WITH WASTE RECEPTACLE - PROHIBITED

It shall be unlawful for any person or persons other than the owner and/or person or persons authorized by law to collect City refuse, to rummage in, disturb, or interfere in any manner with any receptacle containing refuse, or the contents thereof, or to remove any such receptacle from the location where the same was placed by the owner thereof, or to remove the contents of any such receptacle or any portion thereof.

SEC. 56.45 MARATHON CONTEST - PROHIBITED - DEFINED

It is hereby declared unlawful for any person, firm or corporation to conduct, manage, carry on or operate any marathon contest within The City of San Diego. For the purpose of this Section, a marathon contest shall be construed to

mean any contest in which the contestants or participants are permitted to compete either continuously or intermittently for a longer period than eight hours in any one calendar day.

Section 56.50 Loud Noises or Disturbances as Threats - Prohibited. That it shall be unlawful for any person or persons in or upon any public street, sidewalk, alley, or other public place in The City of San Diego, to make any loud or unusual noise, or to speak in a loud or unusual tone, or to cry out and proclaim, or to use any threatening, profane or vulgar language for the purpose of inducing or influencing any person:

(a) To refrain from or discontinue entering or leaving any works, factory, shop, store, hotel, restaurant, public conveyance, or any other place where business is transacted, conducted or carried on, or where any person is employed, or,

(b) To refrain from or discontinue using any goods, wares, or merchandise, or patronizing the business of any person, firm, or corporation, or,

(c) To refrain from or discontinue the services or employment of any person, firm or corporation, whether such services be personal, professional, or otherwise, or,

(d) To refrain from or discontinue performing any service, employment, or labor in any works, factory, shop, store, hotel, restaurant, public conveyance, or any other place where business is transacted, conducted or carried on, or where any person is employed;

Or, for the purpose of intimidating, threatening, or coercing any person who is performing or seeking employment or labor in any works, factory, shop, store, hotel, restaurant, public conveyance, or any other place where business is transacted, conducted or carried on, or where any person is employed.

Section 56.51 PICKETING for Purpose of Intimidation - Prohibited. That it shall be unlawful for any person or persons in or upon any public street, sidewalk, alley, or other public place in The City of San Diego, to picket, act as a picket, or assist or engage in any act of picketing for the purpose of intimidating, threatening and coercing any person, or in such manner, or in such numbers, as to intimidate, threaten and coerce

any person; or to place, carry, show or display any banner, badge, sign or other signal in front of or in the vicinity of, any works, factory, shop, store, hotel, restaurant, public conveyance, or any other place where business is transacted, conducted, or carried on, for the purpose of intimidating, threatening and coercing any person, or in such a manner, or in such numbers as to intimidate, threaten and coerce any person;

(a) To refrain from entering or leaving such place, or,

(b) To refrain from or discontinue purchasing or using any goods, wares, or merchandise, or other articles manufactured, prepared, sold or kept for sale in such place, or,

(c) To refrain from or discontinue visiting, entering or leaving any place where professional or other services are to be had or engaged, or,

(d) To refrain from or discontinue performing any service, work, or labor in any such place;

(e) To refrain from performing, engaging to perform, or seeking service, work or labor in such place.

Section 56.52. CAUSING BREACH OF PEACE BY PICKETING - PROHIBITED. That it shall be unlawful for any person or persons in or upon any public street, sidewalk, alley, or other public place in The City of San Diego to picket, act as a picket, or assist or engage in any act of picketing, or to place, carry, show or display any banner, badge, sign or other signal in front of or in the vicinity of any works, factory, shop, store, hotel, restaurant, public conveyance, or any other place where business is transacted, conducted or carried on, in a manner calculated or intended to cause or incite a public disturbance, or a breach of the peace, or in a manner the natural and reasonable tendency of which may cause or incite a public disturbance or a breach of the peace.

ARTICLE - 7

SOLICITING - BEGGING - CHARITABLE SOLICITATIONS

SEC. 57.01 PUBLIC CHARITABLE SOLICITATIONS - DEFINITIONS

For the purpose of this Section and Subsections certain terms used herein are defined as follows:

CHARITABLE shall mean and include the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported.

RELIGIOUS and RELIGION as used herein shall not mean and include the word CHARITABLE as herein defined, but shall be given their commonly accepted definitions.

CONTRIBUTION shall mean and include the words alms, food, clothing, money, subscription, property or donations under the guise of a loan of money or property.

PERSON shall mean any individual, firm, co-partnership, corporation, association, society, league, organization, church, or religious body and includes any trustee, receiver, assignee, agent or other representative thereof.

SOLICITATION shall mean and include the following:

(a) Any direct oral or written asking or request for money, property or anything of value or any financial assistance of any kind;

(b) The distribution, circulation, mailing to an address within The City of San Diego, posting or publishing of letters, posters, handbills, cards, folders, pamphlets, books, or circulars for the purpose of soliciting funds;

(c) The giving or making of an announcement to the press or over the radio or telephone or telegraph concerning or

involving an appeal, assemblage, athletic or sports event, bazaar, benefit, card party, campaign, contest, dance, drive, entertainment, exhibition, exposition, lecture, party, performance, picnic, sale or social gathering to which the public or any portion thereof is requested to meet or patronize or to which the public or any portion thereof is requested to make a contribution, by reason of or because of any charitable (as defined in this Section), purpose or benefit, or other purpose or benefit, or other purposes connected with or involved in any such appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, card party, contest, dance, drive, entertainment, exhibition, exposition, lecture, party, perfromance, picnic, sale, or social gathering;

(d) The sale of, offer to sell, or attempt to sell any advertisement, advertising space, article or service, book card, chance coupon, ~~defice~~ device, magazine, membership, merchandise, subscription, ticket or thing whatsoever in connection with which or when or where any appeal is made for any charitable purpose whatever (as "charitable" is defined in this Section), or for other purpose, or the name of any charity, philanthropic or charitable association (as "charitable"and "association" are so defined), or of any other association, is used or referred to in any such appeal as an inducement or reason for the making of any such sale, or when or where in connection with any such sale, offer to sell or attempt to sell, any statement is made that the whole or any part of the proceeds from any such sale or selling will go to or be donated to any charitable purpose or association, as "charitable" and "association" are defined in this Section, or to any other association.

(e) A solicitation as defined herein shall be deemed completed when made, whether or not the person making the same receives any contribution (as defined in this Section), or makes any sale herein, referred to.

DEPARTMENT means the Department of Social Welfare of the City of San Diego.

PROMOTER shall mean any person who, for pecuniary compensation or consideration received or to be received, solicits or is engaged in the business of or holds himself out to the public as engaged in the business of soliciting contributions for or on behalf of any other person or any charitable association or institution, or any other association or institution, or conducts, manages or carries on or agrees to conduct manage or carry on, or is engaged in the business of or holds himself out as engaged in the business of conducting, managing or carrying on any drive or ~~campaign~~ campaign for any such purpose; provided, however, that pecuniary compensation or consideration, as used herein, shall include, but shall not be limited to,participation on a percentage basis in any fund solicited or raised for or on behalf of any other person, firm or association; provided, further, that no person who is a bona fide paid officer or employee of a social service agency shall be considered a promoter within the meaning of this Section.

SEC. 57.01.1 PUBLIC CHARITABLE SOLICITATIONS - (a) PERMIT NECESSARY

No person shall solicit contributions for any charitable purpose or for any other purpose within The City of San Diego

without a permit from the Director of Social Welfare authorizing such solicitation. PROVIDED, HOWEVER, that when a campaign or drive for raising funds for any charitable purpose is given extensive publicity through the press or otherwise, that the permit holder therefor shall not be prohibited from using any number of volunteer workers to solicit funds without any remuneration or compensation, either direct or indirect, and the names of such volunterrs need not be reported to the Department of Social Welfare when in the opinion of said Director of Social Welfare the number of such persons makes it impracticable to name them all.

PROVIDED FURTHER, that the provisions of this Section shall not apply to any established person organized and operated exclusively for religious or charitable purposes and not operated for the pecuniary profit of any person if the solicitations by such established person are conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies or services of any such established person.

SEC. 57.01.2 SAME - PERMIT ~~PROVIDED~~ PROVIDED FOR - PROCEDURE

An application for a permit to solicit as provided by Section 57.01.1 shall be made to the Director of Social Welfare upon forms provided by The City of San Diego. Such application shall be sworn to and filed with the Director at least fifteen (15) days prior to the time at which the permit applied

(b) (1) No person shall for pecuniary compensation or consideration conduct or make any solicitation by telephone for or on behalf of any actual or purported charitable use, purpose, association, corporation or institution.

(2) The provisions of Sub-section (1) hereof shall not apply to any communication by telephone between persons personally known to each other.

(3) Provided further, that no person who is a bona fide paid officer or employee of an established social service agency shall be considered a promoter or solicitor within the meaning of the provisions of Subsection (1) above.

(c) (1) No person shall solicit any contributions by printed matter or published article, or over the radio, telephone, television, or telegraph, unless such publicity shall contain a statement showing the total amount of funds proposed to be raised, the estimated cost of the solicitation, including wages, fees, commissions, and expenses or emoluments to be expended or paid any person in connection with the solicitation and the estimated amount which will remain for the designated charitable purpose.

(2) At the time of issue of Solicitations Permits, the Director of Social Welfare shall furnish all permit holders with Information Cards, which cards shall show the pertinent facts set forth in paragraph (1) and any additional information obtained as shall in his opinion be of assistance

to the public to determine the nature and purpose for which the solicitation is made.

(3) No person shall solicit any contribution unless he exhibits an Information Card provided for in paragraph (2) and reads it to the person solicited or presents it to said person for his perusal, allowing him sufficient opportunity to read same before accepting any contribution so solicited.

(4) Provided, that when any solicitation is made by telephone, the solicitor shall present to each person who consents, or indicates a willingness to contribute, prior to accepting a contribution from said person, such Information Card or a true written copy thereof.

(5) Provided, however, that when a campaign or drive for raising funds for any established charitable or religious purpose is given extensive publicity through the press or otherwise, that the permit holder therefor, when any solicitation is made in person or by telephone, by the volunteer workers widely used by said permit holder, shall not be obliged to present to each person who consents, or indicates a willingness to contribute, prior to accepting a contribution from said person an Information Card as provided for in Subsection (4) above, when in the opinion of the Director of Social Welfare the large number of such volunteer workers makes such a presentation impracticable.

(6) The provisions of Subsection (4) hereof shall not apply to any communication by telephone between persons personally known to each other.

SEC. 57.01.2 SAME - PERMIT PROVIDED FOR - PROCEDURE

An application for a permit to solicit as provided by Section 57.01.1 shall be made to the Director of Social Welfare upon forms provided by The City of San Diego. Such application shall be sworn to and filed with the Director at least fifteen (15) days prior to the time at which the permit applied

for shall become effective; PROVIDED HOWEVER, that the Director of Social Welfare may for good cause shown allow the filing of an application less than fifteen (15) days prior to the effective date of the permit applied for. The application herein required shall contain the following information, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished.

(a) The name, address or headquarters of the person or persons applying for the permit;

(b) If applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitations, certified to as a true and correct copy of the original by the officer having charge of the applicant's records;

(c) The purpose for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any ~~receipts~~ receipts therefrom;

(d) A specific statement, supported by reasons and figures, showing the need for the contributions to be solicited;

(e) The names and addresses of the person or persons by whom the receipts of such solicitations shall be disbursed and the address or location of the place or places from which disbursement of said funds shall be made for such purpose or object;

(f) The name and address of the person or persons who will be in direct charge of conducting the solicitation and the names of all promoters connected or to be connected with

the proposed solicitation;

(g) An outline of the method or methods to be used in conducting the solicitations;

(h) The time when such solicitations shall be made, giving the preferred dates for the beginning and ending of such solicitation;

(i) The estimated cost of the solicitation;

(j) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitations, and the names and addresses of all such persons;

(k) A financial statement for the last preceeding fiscal year of all funds collected for charitable purposes by the applicant, said statement giving the amount of money so raised, together with the cost of raising it, and final distribution thereof;

(l) A full statement of the character and extent of the charitable work being done by the applicant within the City of San Diego;

(m) A statement that the actual cost of the solicitation will not exceed twenty-five per centum of the total amount to be raised;

(n) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by The City of San Diego or by any department or officer thereof;

(o) Such other information as may be reasonably required by the Director of Social Welfare in order for him to determine the kind and character of the proposed solicitation and

whether such solicitation is in the interest of the public welfare.

If, while any application is pending, or during the term of any permit, granted thereon, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the Director of Social Welfare in writing thereof within twenty-four hours after such change.

SEC. 57.01.3 SAME - APPLICATION IS PUBLIC RECORD

Upon such filing said application shall become and remain a public record open to the inspection of all persons.

SEC. 57.01.4 SAME - INVESTIGATION BY DIRECTOR OF SOCIAL WELFARE

Upon receipt of the application as provided for in Section 57.01.2, said Director of Social Welfare shall make an investigation, and he and his agents shall have power to investigate the allegations of said application or any statement or reports filed with the said Department pertaining to any such solicitation, and to have access to and to inspect all the books, records or papers of such person or association by or on whose behalf any such solicitation is made, pertaining to such solicitation for the use or expenditure of any contributions so solicited. Said Director of Social Welfare shall have power to investigate at any time the methods of making or conducting any such solicitation.

SEC. 57.01.5 SAME - STANDARDS FOR GRANTING OR DENYING PERMITS

The Director of Social Welfare shall issue the permit provided for in Section 57.01.1 whenever he shall find the

following facts to exist:

(a) That all the statements made in the application are true;

(b) That the applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation ~~for~~ ~~fro~~ honesty and integrity;

(c) That the control and supervision of the solicitation and the distribution or disbursement of the proceeds will be under responsible reliable persons;

(d) That the applicant has not engaged in any fradulent transaction or enterprise;

(e) That the solicitation will not be a fraud on the public;

(f) That the solicitation is prompted solely by a desire to finance the charitable cause described in the application, and will not be conducted primarily for private profit;

(g) That the cost of raising the funds will be reasonable. Any such cost in excess of 25% of the amount collected shall be considered to be unreasonable unless special facts are presented showing that peculiar reasons make a cost higher than 25% reasonable in the particular case.

Said Director of Social Welfare shall issue or refuse to issue said permit within fifteen (15) days of the filing of such application and shall file in his office for public

inspection and shall serve upon the applicant by registered mail a written statement of his findings of facts and his decision upon each application.

SEC. 57.01.6 SAME - FEE PAID TO CITY TREASURER

Upon the granting of said permit, said Director of Social Welfare shall forward said permit to the City Treasurer, who shall deliver said permit upon payment by the applicant of a fee of three dollars ($3.00).

SEC. 57.01.7 SAME - PERMIT DURATION AND RENEWAL

Permits issued under Section 57.01.1 shall bear the name and address of the person by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by The City of San Diego or by any of its departments, officers or employees, of the purpose or of the person conducting the solicitation. All permits must be signed by the Director of Social Welfare. No permit may grant the right to solicit longer than ninety (90) days from its date, but the Director of Social Welfare may extend any permit for not more than ninety (90) additional days upon a showing that unnecessary hardship would be created by a failure to extend the original ninety (90) day period for such additional days. Any permit issued under Section 57.01.1 shall be returned to the Department of Social Welfare within two (2) days after its expiration, together with all facsimile copies thereof.

SEC. 57.01.8 SAME - HEARING AFTER DENIAL

Within five (5) days after receiving notification by

registered main that his application for a permit to solicit under this Section and Subsections has been denied, any applicant may file a written request for a public hearing on the application before the Director of Social Welfare together with written exceptions to the findings of fact, upon which the Director of Social Welfare based his denial of the application. Upon filing of such a request, the Director of Social Welfare shall fix a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within five days after the request is filed. At the hearing the applicant may present evidence in support of his application and exceptions. Any interested person may, in the discretion of the Director of Social Welfare, be allowed to participate in the hearing and present evidence in opposition to the application and exceptions. Within ten(10) days after the conclusion of the hearing, the Director of Social Welfare shall render a written report either granting or denying the application for a permit. In this report the Director of Social Welfare shall state the facts upon which his decision is based, and his ruling upon any exceptions filed to his original findings of fact upon the application. This report shall be filed in the office of the Director of Social Welfare for public inspection and a copy shall be served by registered mail upon the applicant and all parties to the hearing.

Any applicant for a permit hereunder upon the denial of his application for such permit, may within five (5) days of such denial, appeal from the action of the Director of

Social Welfare to the City Manager of The City of San Diego.

SEC. 57.01.9 SAME - REVOCATION OF PERMITS - HEARING

Whenever it shall be shown, or whenever the Director of Social Welfare has knowledge, that any person to whom a permit has been issued under Section 57.01.1 has violated any of the provisions of this Section and Subsections, or that any promoter, agent or solicitor of a permit holder has misrepresented the purpose of the solicitation, the Director of Social Welfare shall immediately suspend the permit and give the permit holder written notice by registered, special delivery, mail of a hearing to be held within two (2) days of such suspension to determine whether or not the permit should be revoked. This notice must contain a statement of the facts upon which the Director of Social Welfare has acted in suspending the permit. At the hearing, the permit holder, and any other interested person shall have the right to present evidence as to the facts upon which the Director of Social Welfare based the suspension of the permit, and any other facts which may aid the Director of Socail Welfare in determining whether this Section and Subsections have been violated and whether the purpose of the solicitation has been misrepresented. If, after such hearing, the Director of Social Welfare finds that this Section or Subsections have been violated, or the purpose of the solicitation has been misrepresented, he shall within two (2) days after the hearing file in his office for public inspection and serve upon the permit holder, and all interested persons participating in the hearing, a written statement of the facts upon which he bases such finding and

shall immediately revoke the permit. If, after such hearing the Director of Social Welfare finds that this Section or Subsections have not been violated and the purpose of the solicitation has not been misrepresented, he shall, within two (2) days after the hearing give to the permit holder a written statement cancelling the suspension of the permit and stating that no violation or misrepresentation was found to have been committed.

Any person granted a permit hereunder, upon the revocation of his permit, may within five (5) days of such revocation, appeal from the action of the Director of Social Welfare to the City Manager of the City of San Diego.

SEC. 57.01.10 SAME - PERMIT NONTRANSFERRABLE

Any permit approved and issued under Section 57.01.1 shall be non-transferrable; provided, however, that this shall not prevent any permittee from using any number of solicitors and representatives as shall be reported to or registered with the Department of Social Welfare, except as provided for in Section 57.01.1

SEC. 57.01.11 SAME - REQUIRING REPORTS

It shall be the duty of every association and person issued permits under Section 57.01.1 to file with the Department within thirty (30) days after the close of any such solicitation a detailed report and financial statement, duly sworn to showing the amount raised by the solicitation, the amount expended in collecting such funds, including a detailed report of the wages, fees, commissions, and expenses paid to any person in connection with such solicitation, and the

disposition of the balance of the funds collected by the solicitation. Provided, however, that the Director may extend the time for the filing of the report required by this Section for an additional period of thirty (30) days upon proof that the filing of the report within the time specified will work unnecessary hardship on the permit holder.

The permit holder shall make available to the Director of Social Welfare, or to any person designated in writing by the Director of Social Welfare as his representative for such purpose all books, records and papers whereby the accuracy of the report required by this Section may be checked. It shall be unlawful for any person, association or solicitor not to comply with each and every provision of this Section. Failure to provide any report required in this Section shall automatically bar the association or person from receiving a permit for any additional solicitations.

SEC. 57.01.12 SAME - PUBLIC RECORD

Upon such filing said report shall become and remain a public record open to the inspection of all persons.

SEC. 57.01.13 SAME - AUTHORIZED SOLICITATIONS

It shall be unlawful for any person to solicit within The City of San Diego any contribution in the name of, or on behalf of, any charitable association or any other association unless such person is authorized in writing by such association to make such solicitation, such authorization to be signed by at least two (2) officers of the association and unless a copy of such authorization has been previously filed with the Department shall each bear a specimen signature of the solicitor,

and unless the solicitor shall have such written authorization with him ~~whenon~~ when making any such solicitation and exhibit such authorization on request of the person solicited or any police officer or agent of the Department. Such authorization shall expressly state on its face that is valid for a period of not longer than three (3) months from the date of the issuance thereof, which date shall be stated, therein.

PROVIDED, HOWEVER, that when a campaign or drive for raising funds for any charitable purpose is given extensive publicity through the press or otherwise, and has so many volunteer workers as to make it impracticable to report or register them all with the Director of Social Welfare, said volunteer workers may solicit with any means of identification provided by such person.

SEC. 57.01.14 SAME - PERMISSION TO USE NAME

It shall be unlawful for any person to use within The City of San Diego the name of any association in charge or control of any charity, philanthropy, benevolence, social service, welfare, educational, civic, fraternal, religious, or patriotic activity, or any other association, in any solicitation without having written permission from two (2) of the officers of such association to so use its name, or the name of or reference to such charity, philanthropy, benevolence, social service, welfare, educational, civic, fraternal, religious, or patriotic activity, or any other association which written permission must be for a specific event or a specified period of time, and a copy of which permission must be filed

with the Department prior to any such use.

SEC. 57.01.15 SAME - WRITTEN RECEIPT

It shall be unlawful for any person to solicit in public within The City of San Diego any contribution for any charitable purpose or other purposes, or in the name of, or on behalf of, any charitable association or any other association, unless such person shall tender to each person making such contribution a written receipt signed by the solicitor. Provided, however, that no receipt need be given or tendered if donation of money is made by placing the same in a receptacle previously approved by the Department. Provided, further, that no receipt need be given for any donation of money in an amount less than one dollar ($1.00).

SEC. 57.01.16 SAME - BOX OR RECEPTACLE

It shall be unlawful for any person or association to solicit or for any officer or member of any association to authorize any person to solicit, within The City of San Diego, any contribution for any box or receptacle in any place immediately abutting upon any public park, street, sidewalk or way or in any place of business open to the public, or in any room, hallway, corridor, lobby or entranceway or other place open to or accessible to the public or in any place of public resort within The City of San Diego, unless said person, officer or member shall have first obtained a permit therefor from the Director of Social Welfare of said City and every person so soliciting must in all other respects comply with the provisions of this Section and Subsections.

SEC. 57.01.17 SAME - ACCOUNTING SYSTEM

It shall be unlawful for any person to solicit in public within The City of San Diego any contribution for any charitable purpose, or for any purpose whatever, for or on behalf of any association, unless such association is maintaining a system of accounting whereby all donations to it and all disbursements made by it are entered upon the books or records of its treasurer, or other financial officer.

SEC. 57.01.18 SAME - RESTRICTED SOLICITATIONS

The provisions of Section 57.01.1 to 57.01.17 , both inclusive, shall not be applicable to any solicitation made upon premises owned or occupied by the association upon whose behalf such solicitation is made, nor shall they be applicable to any association soliciting contributions solely from persons who are members thereof at the time of such solicitation or if the solicitations are in the form of collections or contributions at the regular assemblies or services of any such association.

SEC. 57.01.19 SAME - RELIGIOUS SOLICITATIONS - REGISTRATION AND CERTIFICATE REQUIRED

No person shall solicit contributions for any religious purpose within The City of San Diego without a certificate from the Director of Social Welfare. Application for a certificate shall be made to the Director of Social Welfare upon forms provided by The City of San Diego. Such application shall be sworn to, or affirmed, and shall contain the following information, or in lieu thereof, a statement of the reason

or reasons why such information cannot be furnished:

(a) The name and address or headquarters of the person applying for the permit;

(b) If applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any authorizing such solicitation certified to as a true and correct copy of the original by the officer having charge of applicant's records;

(c) The purpose for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom;

(d) A specific statement, supported by reasons and, if ~~afailable,~~ available, figures, showing the need for the contributions to be solicited;

(e) The name and address of the person or persons by whom the receipts of such solicitations shall be disbursed;

(f) The name and adress of the person or persons who will be in direct charge of conducting the solicitation and the names of all promoters connected or to be connected with the proposed solicitation.

(g) An outline of the method or methods to be used in conducting the solicitations;

(h) The time when such solicitations shall be made, giving the perferred dates for the beginning and ending of such solicitation;

(i) The estimated cost of the solicitation;

(j) The amount of any wages, fees, commissions, expenses

or emoluments to be expended, or paid to any person in connection with such solicitations; and the names and addresses of all such persons;

(k) A financial statement for the last preceding fiscal year of any funds collected for religious purposes by the applicant, said statement giving the amount of money so raised, together with the cost of raising it, and final distribution thereof;

(l) A full statement of the character and extent of the religious work being done by the applicant within The City of San Diego.

(m) A ~~statement~~ statement to the effect that if a permit is granted it will not be used or represented in any way as an endorsement by The City of San Diego, or by any department or officer thereof;

(n) Such other information as may be submitted to the Director of Social Welfare in order for him to determine the kind and character of the proposed solicitation.

If, while any application is pending, or during the term of any certificate granted thereon, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the Director of Social Welfare in writing thereof within twenty-four hours after such change.

Upon receipt of such application, the Director of Social Welfare shall forthwith issue the applicant a certificate of registration. The certificate shall remain in force and effect for a period of six (6) months after the issuance thereof,

and shall be renewed upon the expiration of this period upon the filing of a new application as provided for in this Section. Certificates of registration shall bear the name and address of the person by whom the solicitation is to be made, the number of the certificate, the date issued,and a statement that the certificate does not constitute an endorsement by The City of San Diego or by any of its departments or officers, of the purpose or of the person conducting the solicitation. All persons to whom certificates of registration have been issued shall furnish credentials to their agents and solicitors, and a copy of such credentials shall be filed with the Director of Social Welfare at the time of the filing of the application for a certificate. No person shall solicit for any religious cause without having such credentials in hispossession, together with a copy of the certificate of registration under which the solicitation is being conducted, and such person shall, upon demand present these credentials and this copy of the certificate to any person solicited or to any police officer of The City of San Diego. Provided, however, that the provisions of this Section shall not apply to any established person organized and operated exclusively for religious purposes and not operated for the pecuniary profit of any person if the solicitations by such established person are conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies or services of any such established person.

SEC. 57.01.20 SAME - RELIGIOUS SOLICITATIONS - INVESTIGATION OF PERSONS SOLICITING

Upon written complaint being filed with the Director of Social Welfare and after verification by him, the said Director of Social Welfare is authorized to investigate the affairs of any person soliciting for religious purposes under a certificate issued under Section 57.01.19, and make public his written findings in order that the public may be fully informed as to the affairs of any of said persons. Said persons shall make available to the Director of Social Welfare, in writing for such specific purpose, all books, records, or other information reasonably necessary to enable the Director of Social Welfare to fully and fairly inform the public of all facts necessary to a full understanding by the public of the work and methods of operation of such persons. PROVIDED, that five (5) days before the public release of any findings under this Section, the Director of Social Welfare must first serve a copy of said findings upon the person investigated and at the time of the release of his findings, he must release a copy of any written statement said person may file with the Director of Social Welfare in explanation, denial, or confirmation of said findings.

SEC. 57.01.21 SAME - PROMOTERS - LICENSE REQUIRED

It shall be unlawful for any promoter, in any manner whatsoever, to solicit in public within The City of San Diego any contribution for any actual or purported charitable purpose, or for other purposes, association, or institution, unless said promotor shall have first obtained a license from the Director of Social Welfare so to do.

SEC. 57.01.22 SAME - PROMOTERS - APPLICATION

To obtain such license such promoter shall make and file, at least fifteen (15) days before the proposed commencement of such solicitation in public, an application in writing and under oath with the said Director of Social Welfare. In such application the applicant shall set forth, in addition to such other information as may be required by the Director of Social Welfare:

(a) The name and address of the applicant, and if such applicant be a corporation, the name and address of each of its managing officers and agents, and, if it be an unincorporated association, firm or partnership, the name and address of each member of such unincorporated association, firm or partnership;

(b) A succinct statement of facts showing that the applicant, if not a corporation or an unincorporated firm, association or partnership, is of good character and reputation, or if the applicant be a corporation that each of its managing officers and agents is of good character and reputation, or if the applicant be an unincorporated association, firm or partnership that each of its members is of good character and reputation;

(c) The general plan, character and method in or by which applicant proposes to conduct its or his business as a promoter, a statement of any and all agreements or understandings made or had with any person or association in whose behalf such solicitation is being conducted, together with at least

one copy each of any such agreement or understanding which may be in writing, and specifically the amount of pecuniary compensation or consideration or percentage of any fund solicited or raised he or it is to receive for said promotion or solicitation.

SEC. 57.01.23 SAME - PROMOTERS - BOND

At the time of so filing with the Director of Social Welfare an application for such license the applicant shall file and thereafter maintain with the Department if the said license is granted, a good and sufficient bond in the aggregate sum of five thousand dollars ($5,000.00), running to The City of San Diego for the use and benefit of interested persons and parties, to be approved by the City Attorney, executed by the applicant and by two or more responsible sureties, or a surety company authorized to do business in the State of California. The total aggregate liability on said bond shall be limited to the payment of five thousand dollars ($5,000.00), said bond shall be conditioned upon the strict compliance by the Principal with the provisions of this Section and the payment of any direct pecuniary loss sustained through any act of grand or petty theft on the part of the Principal, by any donor, or by any person on whose behalf the funds or personal property were solicited or received by the Principal.

(a) Said bond shall remain in force and effect until said bond and undertakings in the solicitation of contributions by the promoter are cancelled by the sureties. The sureties may cancel said bond and be relieved of further liability thereunder by delivery of thirty days' written notice

to the Department. Such cancellation shall not affect any liability incurred or accrued thereunder prior to the termination of said thirty-day period.

(b) Any person who sustains any injury covered by said bond may in addition to any other remedy that he may have, bring an action in his own name upon said bond for the recovery of any damage sustained by him.

(c) Upon such action being commenced, such bond shall not be void upon first recovery thereon, but may be sued upon from time to time until the whole of such penalty shall be exhausted. The Director of Social Welfare may require the filing of a new bond, and immediately upon the recovery in any action on such bond such promotor shall file a new bond, and upon failure to file the same within ten (10) days in either case the Director of Social Welfare shall forthwith suspend such promoter's license to solicit.

(d) The time within which any action may be brought against a surety upon any bond filed hereunder may, by express provisions of the bond to that effect, be limited to a period of two (2) years from and after the discovery by the person aggrieved of the act or default complained of.

SEC. 57.01.24 SAME - PROMOTERS - INVESTIGATION

The Director of Social Welfare shall examine such application, and shall make such further investigation of the applicant and its or his affairs as he shall deem necessary. If from such investigation the Director of Social Welfare shall be satisfied:

(a) That the applicant is of good character and reputation,

or that every managing officer or agent of the applicant, if the applicant is a corporation, is of good character and reputation, or if the applicant is an unincorporated association, firm or partnership, each member thereof is of good character and reputation;

(b) That applicant has sufficient financial responsibility to carry out the obligations incident to any solicitation such applicant may make within The City of San Diego as such promoter, and that all of the statements made in such application are, and each of them is, true and that neither the applicant, nor any officer, agent or member of the applicant has engaged in any ~~fradulent~~ fraudulent transaction or enterprise, and that the applicant intends to conduct its business fairly and honestly and agrees in writing to uphold the provisions of this Section and Subsections, the Director of Social Welfare shall issue to the applicant a license to solicit as a promoter within The City of San Diego. Otherwise, the Director of Social Welfare shall deny the application and refuse to issue a license, and shall notify the applicant of his decision by registered mail, giving him a written statement of his findings of fact, and notifying him of his right to a hearing and appeal on the denial. Said Director of Social Welfare shall issue or refuse to issue said license within fifteen (15) days of the filing of said application.

(c) Provided, however, that if the only ground for such refusal or denial is such that it does not substantially affect applicant's honesty and integrity, and if the inability of the applicant to meet any requirement will not in any

way interfere with a proper performance by the applicant of his duties as such promoter, the Director of Social Welfare may waive such grounds and grant the application. This proviso relates only to paragraphs (a) and (b) of this Section.

SEC. 57.01.25 SAME - PROMOTERS - FEE PAID TO CITY TREASURER

Upon the granting of such license said Director of Social Welfare shall forward said license to the City Treasurer, who shall deliver said license upon payment by the applicant of a fee of twenty-five dollars ($25.00).

SEC. 57. 01.26 SAME - PROMOTERS - LICENSE REVOCATION

Upon complaint being filed with and verified by the said Director of Social Welfare or upon his own investigation, if it be found after a hearing upon written notice containing charges, that any person to whom a license has been issued under Section 57.01.21 has violated any of the requirements of this Section and/or Subsections, or if any other law or that the said license holder, his agent or solicitor has made untrue statements or misrepresented the purpose of the solicitation, the Director of Social Welfare shall within two days after the hearing, file in his office for public inspection and serve upon the license holder a written statement of the facts upon which he bases such findings and may suspend or revoke the said license.

If the said Director of Social Welfare shall refuse to approve an application for license as provided for in Sections 57.01.21 to 57.01.25 both inclusive, or if the license already issued shall be revoked, the person,organization,society,

association, corporation, firm or partnership, or any agent or representative thereof, affected thereby, may appeal to the City Manager of The City of San Diego within five (5) days after receiving notice of such revocation on or refusal.

SEC. 57.01.27 SAME - PROMOTERS - LICENSE TERMINATION

Every such license shall terminate or expire at the end of the year terminating on the 30th day of June in which such license is issued.

SEC. 57.01.28 SAME - PROMOTERS - FUNDS

No promoter shall commingel any contribution with the promoter's own funds or property, or fail at any time to maintain and keep all contributions separate and apart from the promoter's own funds or property.

SEC. 57.01.29 SAME - SOLICITORS - CERTIFICATE REQUIRED

It shall be unlawful for any promoter to cause or permit any person for pecuniary compensation or consideration received or to be received by such person to solicit or receive on his behalf or at his instigation, under his direction or control, or in his employment, any contribution unless such person shall have a Certificate of Registration from the Director of Social Welfare:

(a) Except as provided in Sections 57.01.21 to 57.01.28 inclusive, it shall be unlawful for any person for pecuniary compensation or consideration to solicit contributions in public for or on behalf of any other person, association, or institution unless such person first obtain a Certificate of Registration from the Director of Social Welfare.

SEC. 57.01.30 SAME - SOLICITORS - APPLICATION - INVESTIGATION - BOND

To obtain a Certificate of Registration, such solicitor shall make and file at least five (5) days before the proposed commencement of such solicitation in public an application in writing and under oath with the Director of Social Welfare. In such application the applicant shall set forth, in addition to such other information as may be required by the Director of Social Welfare:

(a) The name and address of the applicant and a showing that the applicant is a person of good moral character and that his reputation for honesty is good;

(b) The Director of Social Welfare shall make such further investigation of the applicant as shall be necessary. Said Director of Social Welfare shall approve or deny the application for a Certificate of Registration within ten (10) days of the filing of such application, and shall notify the applicant of his decision by registered mail, giving him a written statement of his findings of fact and notifying him of his right to a hearing and appeal on the denial;

(c) At the time of filing said application for a Certificate of Registration, the applicant shall file with the Department and thereafter maintain, if he is granted a Certificate of Registration, a bond approved by the City Attorney in the sum of Five hundred dollars ($500.00), conditioned for the payment of any direct pecuniary loss which may be sustained by any donee, or by any person or association on whose behalf any contribution was solicited or received

through any act of grand or petty theft committed by such person;

(d) The provisions of paragraphs (a), (b), (c) and (d) of Section 57.0.123 above shall apply to bonds filed pursuant to this Section;

(e) If the application for a Certificate of Registration is approved by the Director of Social Welfare, said applicant shall be granted a Certificate of Registration signed by the Director of Social Welfare stating that said applicant is a Registered Solicitor. Upon the granting of said certificate said Director of Social Welfare shall forward said Certificate to the City Treasurer who shall deliver said Certificate upon payment by the applicant of a fee of three dollars ($3.00);

(f) The holder of the Certificate of Registration must notify the Department in writing of any change of address, and if employed by more than one person, association, corporation or institution, he must inform the Department in writing of such fact and of any subsequent termination or change of employment;

(g) Each Certificate of Registration required by this Section shall terminate at midnight, June 30th of each year. Thereafter such holder of Certificate of Registration shall be re-registered by the Department upon the payment of a fee of three dollars ($3.00) and the posting of a bond in the sum of five hundred dollars ($500.00). Such bond shall comply with the requirements of Sections 57.01.29 and 57.01.30.

SEC. 57.01.31 SAME - SOLICITORS - REVOCATION - APPEALS

Upon complaint being filed with and verified by the said Director of Social Welfare, or upon his own investigation, if it be found that any person soliciting under a Certificate of Registration, issued under the provisions of Sections 57.01.29 and 57.01.30 , is misrepresenting or making untrue statements or that he has violated any of the requirements of Section or Subsections, or of any other law, the said Director of Social Welfare after a hearing upon written notice containing charges, may suspend or revoke such Certificate. If the said Director of Social Welfare shall refuse to approve an application for a Certificate of Registration, as provided for in Sections 57.01.29 and 57.01.30, or if such Certificate already issued shall be revoked, the said solicitor affected thereby may appeal to the City Manager of the City of San Diego within five (5) days after receiving notice of such revocation or refusal.

SEC. 57.01.32 SAME - FRADULENT MISREPRESENTATION

No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any fraud in connection with any solicitation of any contribution for any purpose in The City of San Diego or in any application or report filed under this Section or Subsections.

SEC. 57.01.33 SAME - PENALTY

The sentence of any person convicted of a violation of

this Section or subsections shall at the discretion of the court include an order prohibiting such person or association from soliciting within The City of San Diego, during the period of one year from and after the date of such conviction, any contribution for any charitable purpose, or any purpose whatever.

SEC. 57.05 SOLICITING PATRONAGE ON RAILROAD TRAINS FOR TRANSPORTATION FIRMS, HOTELS, RESTAURANTS, ETC. - PROHIBITED

It shall be unlawful for any person to solicit patronage for or on behalf of any person, firm or corporation engaged in the business of transporting or transferring, persons or property or baggage, or to solicit patronage for or on behalf of any hotel, lodging house, apartment house, cafe, restaurant or boarding house, in or upon any railroad train or car wirhin the limits of The City of San Diego without the written consent of the owner of such railroad train or car.

SEC. 57.06 SOLICITING PATRONAGE FOR HOTEL, BOARDING HOUSE, LODGING HOUSE - PROHIBITED - EXCEPTIONS

It shall be unlawful for any person, in The City of San Diego, California, whether as principal, servant, employee or agent, for hire or otherwise, or as an officer of a corporation, or otherwise, to engage in the occupation of a runner, agent or solicitor for any hotel, boarding house, or any lodging house, or any place where board or lodging is furnished, or to solicit from any person patronage for any hotel, boarding house or lodging house, or any place where board or lodging is furnished. Provided that nothing herein contained shall apply to publishing, distributing and circulating within The City of San Diego under the direction of

the publisher or publishers, their servants and agents, regularly published newspapers, magazines and periodicals, notwithstanding said papers, magazines and periodicals may contain advertising matter relating to hotels, boarding houses, lodging houses and other places where board or lodging is furnished.

SEC. 57.07 PROCUREMENT OR SALE OF TRANSPORTATION TICKETS ON BEHALF OF ANOTHER - REGULATED - FEES CHARGEABLE

It shall be unlawful for any person to require, charge, make or receive, within the corporate limits of The City of San Diego, for the procurement on behalf of another, by purchase or otherwise, of any ticket, reservation or passenger accommodation, issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, a fee or service charge or any payment or consideration for rendering such service in excess of $1.00 for the first transportation ticket, reservation or passenger accommodation or first parlor car or sleeping car reservation or passenger accommodation, or in excess of $1.00 for any additional transportation ticket or parlor car or sleeping car reservation or passenger accommodation over the established tariff charge or charges therefor.

SEC. 57.07.1 SAME - PROOF OF INTENT

It shall be unlawful for any person to procure on behalf of another person, within the corporate limits of The City of San Diego by purchase or otherwise, any ticket, reservation or passenger accommodation, issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, with the intent, with respect to such

other person, to require, charge, make or receive a service charge or any payment or consideration for rendering service in excess of the amount or amounts hereinabove specified in Section 57.07 over the established tariff charge or charges therefor.

Proof of the making or a service charge or of the receipt of any payment or consideration, in connection with the procurement of such ticket, reservation or passenger accommodation, for such other person, in excess of the amount or amounts hereinabove specified in Section 57.07 over such established tariff charge or charges, shall be presumptive evidence of the intent mentioned in the next preceding Section.

SEC. 57.07.2 SAME - SALE IN EXCESS OF SPECIFIED AMOUNTS - PROHIBITED

It shall be unlawful for any person to sell, resell or cause to be resold, within the corporate limits of The City of San Diego, any ticket, reservation or passenger accommodation issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, at a price in excess of the amount or amounts hereinabove specified in Section 57.07 over the established tariff charge or charges therefor.

SEC. 57.07.3 SAME - PROOF OF INTENT

It shall be unlawful for any person to procure, within the corporate limits of The City of San Diego, by purchase or otherwise, any ticket, reservation or passenger accommodation, issued by any railroad, parlor or sleeping car

owner or operator, steamship company, air line or bus line, with the intent to sell or resell the same, or cause the same to be sold or resold, at a price in excess of the amount or amounts hereinabove specified in Section 57.07 over the established tariff charge or charges therefor.

Proof of the sale or resale of such ticket, reservation or passenger accommodation or combination thereof at a price in excess of the amount or amounts hereinabove specified in Section 57.07 over such established tariff charge or charges shall be presumptive evidence of the intent mentioned in the next preceding Section.

SEC. 57.07.4 SAME - DEFINITIONS

The term "person" as used in this Section includes any officer or employee of a corporation or a member or employee of a partnership who as such officer, member or employee, is responsible for the act in respect of which the violation occurs.

The term "established tariff charge" shall be the charge set forth in the tariff as published and filed by the railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line involved.

SEC. 57.07.5 SAME - POSTING NOTICES

The person responsible for the management of each travel agency and hotel operating within the corporate limits of The City of San Diego, shall cause a copy of this Section and these Subsections to be posted in a conspicuous

place upon the premises of the agency or hotel for the information of patrons, guests and members of the public at large.

SEC. 57.07.6 SAME - EXCEPTIONS

This law shall not apply to tickets, reservations or passenger accommodations:

(a) To or from places outside of the continental United States and Canada, excluding Alaska; nor

(b) To existing written contracts between any travel agency with corporations, firms or government agencies covering tourist or travel services.

SEC. 57.08 SALE OF TRANSPORTATION BY PUBLIC OUTCRY IN PUBLIC PLACES - PROHIBITED

It shall be unlawful for any person, as principal or as agent, or otherwise, to sell, or offer for sale, or attempt to sell by public outcry upon any street, alley, park, or other public place in The City of San Diego, California, any ticket or contract for transportation.

SEC. 57.08.1 DIRECTING ATTENTION TO PLACES WHERE TRANSPORTATION TICKETS ARE SOLD - PUBLIC OUTCRY PROHIBITED

It shall be unlawful for any person, as principal or as agent, or otherwise, upon any street, alley, park, or other public place in The City of San Diego, California, to call attention by public outcry to any place in The City of San Diego where tickets or contracts for transportation are sold or offered for sale.

SEC. 57.08.2 SAME - DEFINITIONS

The term "transportation" as used in this Section and Subsections shall mean the carrying of passengers by means of any vehicle, automobile, automobile stage, railroad train,

electrically propelled street car, or interurban car, boat, ship or launch.

SEC. 57.10 FORTUNE TELLING, ETC., ADVERSISING - PROHIBITED

It shall be unlawful for any person or persons to advertise by sign, circular, handbill or in any newspaper, periodical or magazine, or other publication or publications, or by any other means, to tell fortunes, to find or restore lost or stolen property, to locate oil wells, gold or silver or other ore or metal or natural product, to restore lost love or friendship or affection, to unite or procure lovers, husbands, wives, lost relatives or friends, for or without pay, by means of occult or psychic powers, facilities or forces, clairvoyance, psychology, ~~phychometry~~ psychometry, spirits, mediumship, seership, prophecy, astrology, palmistry, necromancy, or other craft, science, cards, talismans, charms, potions, magnetism or magnetized articles or substances, Oriental mysteries or magic of any kind or nature, or numerology, or to engage in or carry on any business the advertisement of which is prohibited in this Section and Subsections.

SEC. 57.10.1 SAME - EXCEPTIONS

The provisions of this Section and Subsections shall not be construed to include, prohibit or interfere with the exercise of any religious or spiritual function of any priest, minister, rector or an accredited representative of any bona fide church or religion where such priest, minister, rector or accredited representative holds a certificate of credit, commission or ordination under the ecclesiastical laws of a religious corporation incorporated under the laws of any

state or territory of the United States of America, or any voluntary religious association, and who fully conforms to the rites and practices prescribed by the supreme conference, convocation, convention, assembly, association or synod of the system or faith with which they are affiliated.

Provided, however, that any church or religious organization which is organized for the primary purpose of conferring certificates of commission, credit or ordination for a price and not primarily for the purpose of teaching and practicing a religious doctrine or belief, shall not be deemed to be a bona fide church or religious organization.

SEC. 57.15 DISTRIBUTION OF NEWSPAPERS, ETC., UPON ROADWAYS - PROHIBITED

It is hereby declared to be unlawful for any person to sell, ~~give~~ away or distribute any newspaper, handbill, periodical or other printed matter, or any article of merchandise, in or upon any roadway in The City of San Diego, as said roadway is defined by the Vehicle Code of the State of California.

Nothing in this Section shall be deemed to apply to any person otherwise licensed or regulated by any of the laws of The City of San Diego.

SEC. 57.20 CIVIC CENTER BUILDING - SOLICITING, PEDDLING, VENDING-PROHIBITED

That the selling, vending and peddling of any article or ware, or soliciting the sale of any article or ware within the San Diego City and County Administration Building, also known as the Civic Center Building, or within 100 yards of any part of said building, is hereby prohibited.

SEC. 57.20.1 SAME - DISTRIBUTION OF LITERATURE, ADVERTISING MATTER - PROHIBITED

That circulating petitions, distributing literature and

advertising matter and soliciting of contributions for any purpose within the San Diego City and County Administration Building also known as the Civic Center Building, or within 100 yards of any part of said building, is hereby prohibited.

SEC. 57.20.2 SAME - EXCEPTIONS

That nothing inthis Section and Subsections shall be construed to prohibit any sale or any soliciting of sales by any person who conducts his selling or soliciting in an established place of business, licensed under any law of The City of San Diego.

SEC. 57.20.3 SAME- SOLICITATION FOR APPROVED FUNDS - PERMITTED

Nothing in this Section and Subsections shall be construed to prevent solicitation for funds in the San Diego City and County Administration Building, or within 100 yards of any part of such building, where such solicitation is for funds for a purpose which has been found by either the City Council or The City of San Diego or the Board of Supervisors of the County of San Diego to be for the public benefit, and such solicitation is carried out under the direction of either the City Manager of The City of San Diego or the Chief Administrative Officer of the County of San Diego or both of such officers.

SEC. 57.20.4 SAME - EXCEPTIONS- WHERE ONE PARTY IS AGENT OF EITHER CITY OR COUNTY

Nothing in this Section and Subsections shall be construed to prohibit the selling, vending or peddling of any article or ware or soliciting the sale of any article or ware to either the City or County of San Diego, which transaction takes place between any person and any employee or representative

of the City or the County of San Diego, who is authorized by the City or the County of San Diego to represent the City or the County of San Diego in such transaction.

ARTICLE - 8

MINORS

SEC. 58.01 CURFEW FOR MINORS - EXCEPTIONS

It shall be unlawful for any minor under the age of eighteen (18) years, to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places, between the hours of ten o'clock P.M. and daylight immediately following; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parents, guardian, or other adult person having the care and custody of the minor, or when the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the care and custody of the minor, or when the minor is returning directly home from a meeting, entertainment or recreational activity directed, supervised or sponsored by the local educational authorities, or when the presence of such minor in said place or places is connected with and required by some legitimate business, trade, profession or occupation in which said minor is lawfully engaged.

Each violation of the provisions of this Section shall constitute a separate offense.

SEC. 58.01.1 SAME - PARENT OR GUARDIAN PROHIBITED FROM PERMITTING MINOR TO VIOLATE CURFEW

It shall be unlawful for the parent, guardian or other

adult person having the care and custody of a minor under the age of eighteen (18) years, to permit or allow such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places, between the hours of ten o'clock P.M. and daylight immediately following, contrary to the provisions of Section 58.01.

Each violation of the provisions of this Section shall constitute a separate offense.

SEC. 58.01.2 PENALTY

Any minor violating the provisions of Section 58.01 shall be guilty of a misdemeanor, and shall be dealt with in accordance with juvenile court law and procedure.

SEC. 58.02 LETTING HOTEL ROOM, ETC. TO MINOR - PROHIBITED - EXCEPTIONS

Any person or corporation owning, controlling or managing any hotel, motor court or trailer court in the City of San Diego, California, who rents or lets any room or rooms to, or allows any room or rooms to be occupied by any minor under the age of seventeen (17) years, unless said minor is accompanied by his or her parent, parents or legal guardian, shall immediately by telephone, and within twenty-four (24) hours by written report, thereafter notify the San Diego Police Department of said fact.

SEC. 58.04 MINOR POSSESSING TOBACCO FOR USE - PROHIBITED

That it shall be unlawful for any person under the age of eighteen (18) years to use, in any form or to have in their possession for the purpose of using, any cigars or cigarettes made of tobacco, or to use tobacco in any form.

SEC. 58.05 MINOR LOITERING IN BILLIARD OR POOL HALL - PROHIBITED

That it shall be unlawful for any person, under the age of seventeen years, to visit, enter, or loiter, in any billiard room or pool room in The City of San Diego, California.

SEC. 58.06 PROPRIETOR PERMITTING MINORS LOITERING IN BILLIARD OR POOL HALL - PROHIBITED

That it shall be unlawful for any proprietor, manager, or person in charge of any billiard room or pool room in the City of San Diego, California, to allow any person, under the age of seventeen years to visit, enter, or loiter in such place; provided, that this Section shall not apply to parents of such persons, under the age of seventeen years, or to guardians of their wards.

CHAPTER VI

PUBLIC WORKS AND PROPERTY; PUBLIC IMPROVEMENT AND ASSESSMENT PROCEEDINGS

ARTICLE 1

AUTHORITY AND PROCEDURE - DEFINITIONS

SEC. 61.01 PUBLIC IMPROVEMENT, SPECIAL ASSESSMENT - PUBLIC NOTICE AND HEARING

Whenever any proceedings shall be taken by The City of San Diego for the construction of any public improvement, or the acquisition of any property for public use, or both, where the cost thereof is to be paid in whole or in part by special assessments levied upon property, and it appears that public convenience and necessity require the improvement and that the necessary proceedings should be taken without complying with the provisions of the Special Assessment Investigation Limitation and Majority Protest Act of 1931, a public hearing shall be held on said question of public convenience and necessity and said hearing shall be called and notice of the time and place thereof shall be given in accordance with the provisions of this and following Sections.

SEC. 61.02 PUBLIC IMPROVEMENT, SPECIAL ASSESSMENT - RESOLUTION OF PRELIMINARY DETERMINATION - NOTICE OF HEARING

Before adopting any resolution or ordinance of intention under or pursuant to any improvement procedure act a resolution of preliminary determination shall be adopted describing the proposed improvement or acquisition, and setting a time and place when and where any and all persons

interested may appear and show cause, if any they have, why the City Council should not find and determine that the public convenience and necessity require the proposed public improvement without compliance with the Special Assessment Investigation Limitation and Majority Protest Act of 1931.

SEC. 61.03 PUBLIC IMPROVEMENT, SPECIAL ASSESSMENT - NOTICE TO OWNERS OF PROPERTY

Notice of hearing provided for in Section 61.02 shall be given to the owners of property liable to be assessed to pay the costs and expenses of the proposed improvement, which notice shall be given in the following manner:

(a) A notice setting forth the time and place of the hearing on the public convenience and necessity of said improvement shall be published twice in the official newspaper of the City at least ten days before the date of said hearing.

(b) There shall be conspicuously posted along the line of the proposed public improvement, at not more than 300 feet distance apart, but not less than three in all, notices setting forth the time and place of the aforesaid hearing. Such posting shall be completed at least ten days before the day set for said hearing. Said notices shall be headed and be of size and form required for notice of hearing on resolution of intention by the Improvement Act under which it is intended to proceed. They shall briefly describe the proposed improvement

SEC. 61.04 PUBLIC IMPROVEMENT, SPECIAL ASSESSMENT - INTERESTED PERSONS MAY FILE OBJECTIONS

Any person interested, owning or having an interest in real property within the proposed assessment district, at or before the time fixed for said hearing on the public convenience, and necessity of the work, may file with the City Clerk a written objection to undertaking said proceedings without first complying with the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931. Said objection shall bear the signature of the objector and contain a description of his property and a statement of the nature of his interest therein.

SEC. 61.05 PUBLIC IMPROVEMENT, SPECIAL ASSESSMENT - ADOPTION OF RESOLUTION - NUMBER OF VOTES REQUIRED

If no protests are filed as provided herein, or when said protests shall have been heard and overruled, the City Council may adopt a resolution finding and determining that public convenience and necessity require the proposed improvements and/or acquisitions, and that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply. Said resolution shall be adopted by not less than four-fifths vote of the City Council, and its findings and determination shall be final and conclusive.

SEC. 61.10 DISPOSITION BY CITY OF LIEN OR PROPERTY ACQUIRED BY DELINQUENT ASSESSMENT - DISPOSITION PRIOR TO CITY ACQUIRING TITLE - REQUIREMENTS

That when any lien or any property has been acquired by The City of San Diego under the provisions of Delinquent

Assessment, Acquisition and Sale Law of 1915 (Article 8, Government Code) and amendments thereto, the same may be released, assigned, sold or otherwise disposed of at any time prior to the conveyance of title in fee of said property to the City; provided, however, that no such release, assignment, sale or other disposition of any such lien or any such property shall be so made unless there shall be first paid to the City Treasurer of The City of San Diego a sum of money equal to not less than the amount paid therefor, all accrued penalties and delinquencies, and interest or expenses required by law from the date of the acquisition of such lien or property.

SEC. 61.11 DISPOSITION BY CITY OF LIEN OR PROPERTY ACQUIRED BY DELINQUENT ASSESSMENT - REDEMPTION BY OWNER

That upon the expiration of one year from the date of sale of said lien or property to The City of San Diego, the City Council, by resolution, may permit the owner, or any party in interest to redeem the same at any time prior to the execution and delivery of the deed by the City Treasurer conveying a title in fee to said property; provided, however, that no such redemption by the owner or any party in interest will be permitted unless there shall first be paid to the City Treasurer of The City of San Diego a sum of money equal to the amount for which the property was sold, together with the penalty required by law accruing during the period of one year after the date of sale, and in addition thereto the interest or expenses as provided for under provisions

to the date of redemption as authorized by resolution of the City Council

SEC. 61.12 DISPOSITION BY CITY OF LIEN OR PROPERTY ACQUIRED BY DELINQUENT ASSESSMENT - PUBLICATION OF PROPERTY ACQUIRED

That the City Auditor of said City shall publish a list in the official newspaper of said City, which publication must be made by two insertions in said paper in the manner provided by Section 9, of Municipal Improvement Act of 1913, and Amendments thereto (Statutes of 1913, Page 421; Act 5215, Deering's General Laws); of such lien or property acquired under the provisions of Delinquent Assessment, Acquisition and Sale law of 1915 (Article 8, Government Code) and amendments thereto, before requesting a deed from the City Treasurer conveying a title in fee of said property.

SEC. 61.13 DISPOSITION BY CITY OF LIEN OR PROPERTY ACQUIRED BY DELINQUENT ASSESSMENT - VOTE OF COUNCIL

That the City Auditor shall before requesting a deed from the City Treasurer for any such lien or property after a notice has been published as hereinbefore provided, notify the City Council of the failure to collect the amounts and charges computed as required by law, in which event the said City Council would be authorized by a four-fifths vote of such body to sell any lien or property for the best price obtainable before a deed has been executed and delivered conveying a title in fee to said property.

ARTICLE - 2

STREETS AND SIDEWALKS

SEC. 62.01 STREET GRADE DATUM LINE - ESTABLISHED

That a datum line as a basis for the establishment of street grades in said City is hereby fixed at an elevation of six (6) feet above mean tide in the San Diego Bay, as established by the United States Coast Survey in 1872.

SEC. 62.02 ELEVATION OF STREET GRADE - ESTABLISHED BY ORDINANCE

That hereafter all street grades shall be established by ordinance fixing the elevations of the street crossings above said datum line, and the line of said grade between said crossings.

SEC. 62.03 SEWER, WATER, GAS MAIN ETC. - MINIMUM DEPTH OF LATERAL CONNECTIONS

It shall be and is hereby declared to be unlawful for any person to lay or put in place any pipe which is a lateral to any sewer, water, or gas pipe, or to any other main, or to lay or place any service pipe or tap running from the main pipe to the property line upon any graded street in The City of San Diego, California, at a depth less than two feet below the official grade of the street.

SEC. 62.04 PIPE, CABLE, TRACK, WIRE - INSTALLATION ON PUBLIC STREETS, PROPERTY - PERMIT REQUIRED

No person, firm, association or corporation shall erect, lay, install, hang, string, or remove, or cause to be erected, laid, installed, hung, strung, or removed, any pipe, cable, track or wire, in, along, over, across or under any street, alley or public grounds in The City of San Diego, without having first obtained a franchise or permit so to do.

It is not intended that this Section and Subsections shall change, alter, modify, affect or amend any provisions relative to the granting of a franchise by The City of San Diego.

SEC. 62.04.1 SAME - APPLICATION FOR PERMIT - INVESTIGATION - PERMIT

Permits issuable under the terms of this Section and Subsections shall comply with and conform to the following provisions and requirements:

(a) A written application shall be filed with the City Manager and shall contain the name of the person, firm, association or corporation desiring the permit, a map or plans and specifications showing the location and nature of the installation, purpose for which it is to be erected, constructed or installed, and the duration of such permit.

(b) The City Manager after proper investigation, shall file a written report with the Council which said report shall set forth his findings and his recommendation thereon.

(c) The Council may, if it deems it advisable, require the applicant to execute a good and sufficient bond to The City of San Diego in the sum to be determined by the City Council of said City, with at least two (2) sureties, or a bond issued by a surety company authorized to do a surety business in the State of California, which said bond shall be approved by the Council, and conditioned that said person, firm, association or corporation will save and keep the City and all of its officers thereof harmless from any and all costs, damages or expenses that the City

or any of its officials may be obliged to pay by reason of, or that may arise out of, the granting of such permit for the erection, construction, installation, maintenance and/or removal of the structure or appliance for which the permit is granted.

(d) The Council of The City of San Diego may, upon receipt of the written report and recommendation of the City Manager, by resolution grant such revocable permit upon such conditions as it may deem proper and upon approval by it of the hereinbefore mentioned bond, if such bond be required.

(e) Revocation of permit issuable under the provisions of this Section and Subsections may be made by resolution of said Council, which resolution shall state the time or date when the structure, installation or appliance shall be wholly removed from the location stated in the permit. In the event that such removal is not perfected within the time specified, The City of San Diego may remove such installation and charge the permittee the cost thereof.

SEC. 62.05 STREET BENCHES, CONDITIONS AND REGULATIONS

It shall be unlawful for any person, firm, association or corporation to place, or cause to be placed, any bench, seat, chair or settee in, over, along or upon any street in The City of San Diego, without complying with the following conditions:

(a) Location of any bench, seat, chair or settee shall be approved by the City Manager, and any change thereof shall be subject to his direction and control.

(b) The applicant shall obtain and file with the City Manager at the time of making his application, the written consent of the legal or equitable owner of the property

adjacent to the proposed location, approving the placing of such a bench, seat, chair or settee in front of his property.

(c) The type, design and construction of any bench, seat, chair or settee shall be submitted with the application and shall be subject to the approval of the City Manager.

(d) The permittee under this Section shall at all times keep and maintain each and all of said benches, seats, chairs or settees in a good state of repair and in a neat, clean and sanitary condition and to the satisfaction of the said City Manager.

(e) That the permittee may use said benches, seats, chairs or settees for the purpose of placing advertising matter thereon; provided, however, that no objectionable advertisements shall be placed thereon, and all advertising shall be subject to the approval of the City Manager of The City of San Diego; and provided, further, that the permittee first granted advertising privileges shall have exclusive advertising rights at said location.

(f) That the permittee shall not sell, assign, transfer or dispose of any interest contained in any of said benches, seats, chairs or settees, or sell, assign or otherwise dispose of any of the said articles placed upon the City streets of The City of San Diego, without first obtaining consent of the City Manager of said City.

(g) The permittee for a bench, seat, chair or settee having advertising placed thereon shall furnish a good and sufficient bond to The City of San Diego in the sum of Five Hundred Dollars ($500.00), to be conditioned upon the faithful performance of the terms of this Section.

For the first 100 benches, seats, charis or settees...$1.00
per month or fraction thereof;
For the second 100 benches, seats, charis or
settees.....$0.75
per month or fraction thereof;
For the third 100 benches, seats, charis or settees .$0.50
per month or fraction thereof;
All over 300 benches, seats, charis or settees $0.25
per month or fraction thereof;
Payable monthly in advance.

An itemized report shall be filed by the owner or permittee with the City Manager, showing the location of each bench, seat, chair or settee; and on the first day of each month thereafter an itemized report shall be made, showing a list of the locations which have been discontinued in use and a list showing the locations which have been put into use since the last report.

SEC. 62.06 CURBS, SIDEWALKS, CUTTING BREAKING REMOVING, WITHOUT PERMIT - PROHIBITED

It shall be unlawful for any person, firm or corporation to cut, break or remove any curbing or sidewalk, or cause to have cut, broken or removed any curbing or sidewalk on any public street in The City of San Diego without first obtaining a permit to do so from the Director of Public Works.

SEC. 62.07 DRIVEWAY - INSTALLATION WITHOUT PERMIT - PROHIBITED

It shall be unlawful for any person, firm or corporation to install, or cause to be installed, any driveway on any public street in The City of San Diego without first obtaining

a permit from said Director of Public Works.

SEC. 62.08 CURBS, SIDEWALKS, DRIVEWAYS - REGULATIONS - FEES

No such permit issued under Sections 62.06 and 62.07 shall be in conflict with the following regulations:

(a) The maximum width of any driveway shall be not more than thirty (30 feet, as measured at the top of the curbing.

(b) The minimum distance between driveways serving the same lot or parcel of land shall be not less than eighteen (18) feet, as measured at the top of the curbing

(c) Not to exceed forty (40) per cent of the frontage upon any street of the lot or lots or parcel of land to be served thereby shall be devoted to driveways.

(d) No driveway shall be located so as to interfere with intersecting sidewalks, traffic signals, lamp posts, fire hydrants, or utility poles.

(e) No permit shall be issued to remove any curbing unless a concrete driveway between curbing and sidewalk is to be installed.

(f) Before any permit is issued to remove any curbing or install any driveway, other than minimum width driveways in residential areas, the person, firm or corporation owning the property to be served thereby shall sign an agreement with the City to replace any curb removed, if and when requested to do so by the City Manager.

(g) All concrete work shall be done in accordance with city Specifications in effect at the time of such work.

(h) Before any permit shall be issued to remove curbs or install driveways, an inspection fee shall be paid to

the City. Such fee shall be $2.50, plus $0.10 per lineal foot of driveway over 25 feet.

(i) Any abandoned driveway shall be removed and the curb and sidewalks shall be properly restored.

Provided, however, that the Council may, in special cases, by resolution, order the issuance of a permit to construct and maintain driveways in excess of the limitations contained in subsections (a), (b) and (c)of this Section. Applications for such special permits shall be made to the City Manager, who shall recommend to the City Council the granting or denial of the same. A fee of Five Dollars ($5.00) shall accompany each application for such special permit. No application shall be considered unless said fee shall have been paid.

SEC. 62.09 HOME OWNERS DRIVEWAY PERMIT

Any person occupying property as his own home or constructing a house to be occupied as his own home, may obtain a Home Owner's Driveway Permit upon the following conditions:

(a) Applicant shall be the owner-occupant, or constructing the house for his own occupancy;

(b) Applicant shall construct the driveway to official grade and in accordance with standard plans for driveways, as filed with the City Clerk, being Document No. 377260, a copy of which will be furnished applicant at the time of his application

(c) Forms shall be inspected before any concrete is poured.

(d) Applicant shall furnish a cash deposit in the amount of $25.00, guaranteeing completion of the driveway in a satisfactory manner.

(e) Applicant shall pay the sum of $2.50 in addition to the regularly prescribed permit fee, to cover the cost of inspecting the forms prior to pouring the concrete.

(f) Applicant shall maintain the premises in a safe manner, and shall provide adequate barridades and lights at his own expense to protect the safety of the public using the adjacent streets or sidewalks, and shall hold the City free from any damages incurred by his operations.

(g) All debris and surplus material shall be promptly removed upon completion of the work.

(h) In the event the applicant does not complete the work, including the removal of debris and surplus material, within a period of ten (10) days from the date of inspection of forms, the Department of Public Works shall complete the construction and/or removal of debris and material, and shall recover from the cash deposit the actual cost of the work, including overhead, plus a surcharge of fifty per cent (50%).

SEC. 62.10 CURBS, SIDEWALKS, DRIVEWAYS - PAINTING WITHOUT PAYING FEE - PROHIBITED - EXCEPTIONS

It shall be unlawful for any person, firm or corporation to paint, repaint, or cause to be painted or repainted, any curbing, driveway, or sidewalk in The City of San Diego, for any purpose whatsoever, except that a householder may, at his own expense, and without paying the hereafter specified fee, have his house number painted thereon according to the specifications prescribed by the Director of Public Works of The City of San Diego.

Upon application to the City Manager of The City of San Diego,

accompanied by the appropriate fee in accordance with the schedule of fees as follows:

9 fee or less in length $5.00

Over 9 feet but not exceeding 18 feet $6.00

Over 18 feet but not exceeding 27 feet $7.00

Over 27 feet but not exceeding 36 feet.....$8.00

Over 36 feet but not exceeding 45 feet.....$9.00

Over 45 feet in length $10.00

and upon his approval of said application, the Department of Public Works is hereby authorized to paint or repaint such section of the curbing, driveway or sidewalk as shall be designated by the City Manager.

SEC. 62.11 CURBS, SIDEWALKS, DRIVEWAYS - SPECIFICATIONS FOR PAINTED HOUSE NUMBERS

The Director of Public Works of the City of San Diego is hereby authorized and directed to establish specifications for type, method, character and colors of numbers designating house numbers as herein authorized, and to keep on file in his office a copy of said specifications.

SEC. 62.12 SIDEWALKS, CURBS, GUTTERS - SPECIFICATIONS

That whenever any sidewalks, curbs, or concrete gutters are hereafter constructed upon any street, avenue, boulevard, alley, plaza or other public place in the City of San Diego, California, by private contract, said sidewalks, curbs and concrete gutters shall be constructed in accordance with the following specifications, and shall conform to the lines, levels and official grade of the street, avenue, boulevard, alley, plaza or other public place upon which said work is to

be constructed, which said lines and levels shall be shown on the ground by stakes to be set by the City Engineer of said city.

SEC. 62.12.1 SAME - WORK

The work to be done shall be as follows:

(a) Preparing the foundation for the sidewalk and gutter and digging the trench for the curb.

(b) Constructing and laying the curb, sidewalk and gutter.

(c) Furnishing all material and labor necessary to perform said work and to complete the same.

(d) Removing from the street and sidewalk adjacent to the work all surplus material and debris.

SEC. 62.12.2 SAME - GRADING

The foundation upon which the sidewalk, curb and gutter is to rest shall be brought to the proper sub-grade, as indicated by stakes set by the City Engineer. All soft or spongy material shall be removed to a depth of at least six inches below sub-grade and replaced with good material, and the whole foundation shall be tamped and rolled until it is solid. In all cases where the soil upon which the cement work is to be laid is adobe, it shall be removed to a depth of four (4) inches below the sub-grade. The adobe on the surface of the foundation remaining shall then be broken up into material not much coarser than pea-size, which material shall then be brought to sub-grade by filling with damp sand, or decomposed granite which shall then be thoroughly compacted by rolling or tamping, and kept moist until the cement base is deposited.

SEC. 62.12.3 SAME - ONE-COURSE OR TWO-COURSE SIDEWALKS

Sidewalks hereafter constructed shall be either one-course,

or two-course, as may be determined preliminary to the issuing of a permit to construct the same, as hereinafter in this Section and subsections provided.

SEC. 62.12.4 SAME - PLASTERED OR UNPLASTERED CURBS

Curbs hereafter constructed shall be either plastered, or unplastered, as may be determined preliminary to the issuing of a permit to construct the same, as hereinafter in the ordinance provided.

SEC. 62.12.5 SAME - CURB DIMENSIONS

Unplastered curb shall be eight (8) inches in thickness at the top, ten (10) inches in thickness at the bottom, and sixteen (16) inches in depth, and shall be constructed with a batter of two (2) inches on the face.

Plastered curb shall, in addition to the above requirements be plastered with a coat of cement mortar as follows:

The face of the curb for a depth of at least thirteen (13) inches shall be plastered with a coat of cement mortar not less than one-quarter ($\frac{1}{4}$) inch in thickness, and the top of said curb shall have a finish coat of cement mortar not less than one-half ($\frac{1}{2}$) inch in thickness.

The radii of all curbs shall be as given by the City Engineer at the time said curbs are constructed.

SEC. 62.12.6 SAME - SIDEWALK DIMENSIONS

One-course sidewalks shall be not less than four (4) inches in thickness.

Two-course sidewalks shall be constructed with a concrete base not less than four (4) inches in thickness, with a cement mortar wearing surface of not less than one-half ($\frac{1}{2}$) inch in thickness.

There shall be a rise of three-eights (3/8) inch per foot in the grade of the sidewalk from the curb line to the property line.

All sidewalks within that portion of the City of San Diego within the following described district shall extend from curb line to property line, to-wit: All streets included in that portion of The City of San Diego, bounded and described as follows: Beginning at a point at the Northwesterly corner of Fourth and A Streets, thense East to the East line of Fifth Street, thence South to the North line of B Street, thence East to the East line of Eighth Street, thence South to the North line of Broadway, thence East to the East line of Twelfth Street, thence South to the South line of Broadway, thence West to the East line of Eighth Street, thence South to the South line of F Street, thence West to the East line of Sixth Street thence South to the South line of Market Street, thence West to the West line of Fourth Street, thence North to the South line of F Street, thence West to the West line of First Street, thence North to the North line of B Street, thence East to the West line of Fourth Street, thence North to the North line of A Street, to the point of beginning.

Outside of the limits of the above described district the cement walks shall be five (5) feet wide. In blocks where cement walks have already been constructed, any new work shall be located to conform to same; and in blocks where there are no cement walks constructed, the center line of the walk shall be located half way between the property line and the curb line of the street.

SEC. 62.12.7 SAME - CONCRETE GUTTERS

Concrete gutters shall be constructed according to

cross-section prepared by the City Engineer. The concrete shall be thoroughly tamped until all stones are below the surface and then troweled to a true surface slightly roughened.

SEC. 62.12.8 SAME - CEMENT MATERIALS

All cement used shall be Portland cement and must conform to the following requirements and be subject to the following tests which will be open to the contractor. Samples for tests may be taken from every package delivered or proposed to be used upon the work, and unless they meet the requirements herein specified, such package or packages of cement will be rejected. No cement will be accepted, tested or permitted to be used unless delivered in the original unopened packages with the manufacturer's name and the brand of cement thereon. All samples of Portland cement required by the Superintendent of Streets, or his authorized agent, shall be given him free of charge and he shall have authority at any time to take such samples as he, or his agent may desire. All tests made will be made in the cement testing room provided by the City of San Diego for that purpose. Briquettes for testing tensile strength of cement will be made both of neat cement and of cement and sand in the proportions hereinafter specified.

The specific gravity of cement shall be not less than 3.10. Should the test of the cement as received fall below this requirement, a second test of the cement as received may be made upon a sample ignited at a low red heat. The loss in weight of the ignited cement shall not exceed four per cent.

Fineness: The cement must be evenly ground and when tested with the following standard sieves must pass at least the following percentages by weight:

No.100 sieve having 100 meshes per lineal inch, 92%.

No.200 sieve having 200 meshes per lineal inch, 75%

Tensile strength: Neat briquettes one inch square in section shall attain a minimum tensile strength as follows:

At 24 hours in moist air, 175 pounds.

At 7 days (1 day in moist air and 6 days in water), ~~500~~ pounds.

at 28 days (1 day in moist air and 27 days in water), 600 pounds.

Briquettes one inch square in section made of one part Portland cement and three parts of standard testing sand, shall attain a minimum tensile strength as follows:

At 7 days (1 day in moist air and six days in water), 175 pounds.

At 28 days (1 day in moist air and 27 days in water), 250 pounds.

Cement testing neat below 600 pounds at 28 days and showing a retrogression below the seven-day test, will be rejected.

The sand test must in all cases show an increase in strength at 28 days over the seven-day tests.

Soundness: Pats of neat cement about three inches in diameter, one-half inch in thickness at the center and tapering to a thin edge, shall be kept in moist air for a period of twenty-four hours. A pat will then be kept in air of normal temperature for at least twenty-eight days. Another pat will be exposed in an atmosphere of steam, above boiling water, in a loosely closed vessel for five hours. These pats to satisfactorily pass the requirements must remain firm and hard and show no signs of distortion, checking, cracking blotching or disintegration.

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Neat cement shall develop initial set in not less than thirty minutes, but must not develop hard set in less than one hour nor more than ten hours. No cement will be permitted to be used in the work until after the seventh day test as above prescribed.

SEC. 62.12.9 SAME - SAND MATERIALS

All sand shall be fresh water sand, clean and with grains varying in size. All sand shall pass a one-quarter inch screen and 95% shall be retained on an hundred mesh screen, and shall be free from sticks, excess mica and other deleterious matter.

SEC. 62.12.10 SAME - ROCK MATERIALS

The rock to be used for the coarse aggregate shall be sound, clean, hard and durable crushed stone or crushed gravel, free from all foreign matter and shall contain no soft, flat or elongated particles. All crushed stone or crushed gravel shall pass a 1½" screen and be retained on a one-quarter inch (¼) screen. Not less than thirty-five per cent (35%) nor more than fifty per cent (50%) by weight shall pass a three-quarter inch (3/4) screen.

SEC. 62.12.11 SAME - WATER

Water shall be fresh, clean and free from all oil, acid, strong alkalies or vegetable matter.

SEC. 62.12.12 SAME - PROPORTIONING MATERIALS

Concrete for one-course sidewalks and unplastered curbs shall be composed of one(1) part Portland cement, two (2) parts sand, and three (3) parts rock.

Concrete for two-course sidewalks and plastered curbs

shall be composed of one (1) part portland cement, two and one-half ($2\frac{1}{2}$) parts sand, and five (5) parts rock.

Concrete for concrete gutters shall be composed of one (1) part Portland cement, two (2) parts sand, and four (4) parts rock.

Should a deficiency of mortar exist in the concrete mixture, it shall be remedied by varying the proportions of broken stone, and not by adding a greater proportion of sand.

Cement mortar finishing coat shall be composed of (1) part Portland cement and one and one-half ($1\frac{1}{2}$) parts coarse, sharp, screened sand.

All proportions shall be obtained by actual measurements in boxes or wheelbarrows, and no material shall be used that has not been thus measured.

All mixing shall be done in batch mixers.

A sack of cement in the original package weighing not less than ninety-four (94) pounds shall be considered to have a volume of one cubic foot.

SEC. 62.12.13 SAME - FORMS

Forms shall be substantial and unyielding, set true to line and grade and properly braced.

SEC. 62.12.14 SAME - MIXING CONCRETE

All mixing shall be done in batch machine mixers of an approved type, and mixing shall continue after all materials, including water, are in drum, and before any portion is discharged, for at least one minute at a minimum speed of twelve (12) revolutions per minute. It shall be understood that not

more than forty (40) batches shall be mixed in any one mixer during the period of one hour. The capacity of the drum shall be such that only whole bags of cement are used in each batch, and the volume of the mixed material in each batch shall not exceed the mixer manufacturer's rated capacity of the drum. The drum shall be completely emptied before receiving the materials for successive batches. Only sufficient water shall be used in the concrete to obtain a workable mix and the water shall not exceed six and one-quarter (6¼) gallons to each sack of cement when the aggregates are dry. The contractor will be required to provide a measuring device on his mixer by which the amount of water used in each batch can be accurately measured, and which will positively prevent the use of more water than is necessary to obtain the proper consistency.

SEC. 62.12.15 SAME - CONSISTENCY

The consistency of the concrete shall be such that it will "quake" under light tamping.

SEC. 62.12.16 SAME - PLACING OF CONCRETE

All surfaces on or against which concrete is to be laid shall be thoroughly watered just previous to placing the concrete. Concrete, after the addition of water to the mix, shall be handled rapidly in as small masses as it is practicable from the place of mixing to the place of final deposit, and shall be deposited and manipulated in a manner that will permit the most thorough compacting and to prevent pockets.

SEC. 62.12.17 SAME - CEMENT MORTAR

The cement, sand and water in the specified proportions, shall be thoroughly mixed in accordance with the provisions

62.12.14

of Section ~~15 of this ordinance~~, in sufficient quantity to produce a mortar of the desired consistency and the whole thoroughly mixed until a homogenous mass is produced.

SEC. 62.12.18 SAME - RETEMPERING

Retempering of concrete or mortar will not be permitted, and mortar or concrete that has begun to set before ramming is completed shall be removed from the work.

SEC. 62.12.19 SAME - ONE COURSE SIDEWALK

After the concrete has been placed between the forms as provided in Section 62.12.16, it shall be struck off with a steel shod gauge. Where the width of the sidewalk is six (6) feet or less, the gauge shall be arched upward at least one-fourth ($\frac{1}{4}$) inch and the highest part of the arch shall be located one-fourth ($\frac{1}{4}$) of the width of the sidewalk from the high side.

After finishing, the top of the sidewalk shall not be below a line streched between the tops of the side forms. If it is below this line, the height of the arched gauge shall be increased. A long handled edge tool, at least eight (8) inches wide and twelve (12) inches long and with one and one-half ($1\frac{1}{2}$) inch flange and having a radius of one-half ($\frac{1}{2}$) inch shall be used for edging.

It shall then be tamped with a heavy tamper, preferably one having a face consisting essentially of a grid composed of parallel metal bars, until at least three-eights (3/8) of an inch of mortar has been brought to the surface. The concrete shall then be tamped with a light tamper, preferably

one, the face of which is composed of a wire screen having a square opening not less than one-eighth (1/8) inch nor more than one-fourth (1/4) inch in size, until all waves and other irregularities in the mortar surface caused by the heavy tamper have been eliminated. Any other medium may be used which will accomplish the same result; that is, the bringing of not less than three-eighths (3/8) inch of mortar to the surface.

The surface shall then be troweled with a steel trowel to a true smooth surface. Preliminary trowelling may be done with a long handled trowel or "fresno," but the final surface must be made with a hand trowel. The walk shall be marked off into squares of approximately twenty-four (24) inches, the grooves to be cut not less than one-quarter (1/4) inch in depth. Contraction of the concrete in setting shall be provided for by constructing walks in sections of not more than twenty (20) feet in length.

SEC. 62.12.20 SAME - TWO-COURSE SIDEWALK

After the concrete has been placed between the forms as provided in Section 62.12.16, it shall be leveled off with a template and tamped to not less than one-half (1/2) inch below the finished grade. The surface of the concrete must be smooth and uniform and shall be tested as to grade with a gauge notched at each end and extending one-half ($\frac{1}{2}$) inch below the tops of the side forms.

The surface of the finish coat shall be well floated and thoroughly troweled into the body of the concrete before the latter has set so as to form one compact mass, free from

voids. The finished walk shall be troweled to a true smooth surface. The edge of the walk and curb shall be finished with an edging tool made for the purpose. The walk shall be marked off into squares of approximately twenty-four (24) inches, the grooves to be cut not less than one-quarter (1/4) inch in depth. Construction of the concrete in setting shall be provided for by constructing walks in sections of not more than twenty (20) feet in length.

SEC. 62.12.21 SAME - UNPLASTERED CURB

All form s shall be thoroughly cleaned each day and coated with a light oil as often as necessary to prevent the concrete from adhering to them. After the concrete has been placed between the forms as provided in Section 62.12.16, the concrete shall be thoroughly spaded away from the forms with a spade, or similar tamping tool, until there are no rock pockets at either form. The front forms shall not be removed in less than two (2) hours or more than six (6) hours. Back forms shall not be removed until after face of curb has been finished. Immediately after stripping the forms the curb shall be troweled. Grout composed of one part of cement to one part of finish mortar sand shall then be applied to the face of the curb by means of a brush. The curb shall then be troweled smooth, edged on top and jointed. The top and face of the curb shall be marked into sections approximately four (4) feet in length, the grooves to be cut not less than one-quarter ($\frac{1}{4}$) inch in depth. Contraction of the concrete shall be provided for by constructing curbs in sections of not more than twenty (20) feet in length.

SEC. 62.12.22 SAME - PLASTERED CURB

After the concrete has been placed between the forms as provided in Section 62.12.16, the concrete shall be leveled off with a template and tamped to not less than one-half ($\frac{1}{2}$) inch below the finished grade.

Front curb forms shall not be removed from the concrete in less than one-half ($\frac{1}{2}$) hour after the concrete has been tamped into place. Back forms shall not be removed until after face of curb has been plastered. The surface of the finish cost shall be well floated and thoroughly troweled into the body of the concrete before the latter has set so as to form one compact mass, free from voids. The finished curb shall be troweled to a true smooth surface. The edge of the curb shall be finished with one edging tool made for the purpose. The top and face of the curb shall be marked into sections approximately (4) feet in length, the grooves to be cut not less than one-quarter ($\frac{1}{4}$) inch in depth. Contraction of the concrete in setting shall be provided for by constructing curbs in sections of not more than twenty (20) feet in length.

SEC. 62.12.23 SAME - CONTRACTOR'S NAME

The concrete sidewalks and curbs shall be legibly stamped with letters not less than two (2) inches in length, with the name of the contractor constructing the same and the month and year of such construction.

SEC. 62.12.24 SAME - STREET NAMES

All returns of concrete sidewalks shall be plainly

and legibly stamped with letters not less than three (3) inches in length, with the names of the str ets and avenues, upon which the return fronts and with arrows showing the course of the streets.

All stamping herein provided for shall be done by and at the expense of the contractor and no cement sidewalk or concrete curbing will be accepted by the Superintendent of Streets unless stamped as herein provided.

SEC. 62.12.25 SAME - PROTECTION FROM WIND AND SUN

Immediately after the concrete, which has been brought to the required grade and cross-section, and finished as above specified, has received its initial set, it shall be covered with canvas or burlap, which shall be kept continuously wet for a period of time not less than four (4) hours, nor more than twelve (12) hours. As soon as said covering has been removed, it shall be protected from wind and sun by covering of earth not less than two (2) inches in thickness, which shall be kept thoroughly wet for a period of seven (7) days.

SEC. 62.12.26 SAME - GENERAL REQUIREMENTS - WORK

The Contractor shall, for the price paid, furnish all labor, materials and equipment necessary to execute the work in every respect in a thorough, workmanlike manner in accordance with the specifications herein in this Section and Subsections provided, and to the satisfaction of the Superintendent of Streets.

SEC. 62.12.27 SAME - GENERAL REQUIREMENTS - EXAMINATION OF GROUND

Contractors must examine and ~~judge~~ JUDGE for themselves

as to the location of the proposed work, the nature of the excavation to be made, and the work to be done.

SEC. 62.12.28 SAME - GENERAL REQUIREMENTS - SUITABLE APPLIANCES

The Contractor shall use such methods and appliances for the performance of the work embraced under these specifications as will secure a satisfactory quality of work and rate of progress.

SEC. 62.12.29 SAME - GENERAL REQUIREMENTS - SETTING STAKES

The Contractor shall give twenty-four (24) hours' notice in writing when he will require the services of the City Engineer for laying out grade stakes, and shall preserve all stakes set for line, grades or measurements of the work in their proper places until authorized to remove them by the City Engineer. Any expense incurred in replacing said stakes, which the Contractor may have failed to preserve, shall be borne by the Contractor.

SEC. 62.12.30 SAME - GENERAL REQUIREMENTS - MATERIALS AND SAMPLES

All materials must be of specified quality and fully equal to samples, where samples are required. The Contractor shall furnish to the City Engineer for test, whenever requested and free of charge, samples of all materials proposed to be used in the work. Rejected material must be immediately removed from the work by the Contractor and shall not be brought again upon the work.

SEC. 62.12.31 SAME - GENERAL REQUIREMENTS - LABOR

Any superintendent, foreman, laborer or other person employed on the work by the Contractor, who fails or refuses

to perform the work in the manner specified herein, shall be discharged immediately and such person shall not again be employed on the work.

SEC. 62.12.32 SAME - GENERAL REQUIREMENTS - PRESERVATION OF MONUMENTS

The Contractor shall not disturb any monuments or stakes found on the line of the improvements without permission from the City Engineer, and he shall bear the expense of resetting any monuments or stakes which may be disturbed without permission.

SEC. 62.12.33 SAME - GENERAL REQUIREMENTS - REMOVING OBSTRUCTIONS

The Contractor shall remove trees where the proper completion of the work requires their removal, and shall also remove all stone, debris or other obstructions, of whatever kind or character, encountered in making the improvements.

SEC. 62.12.34 SAME - GENERAL REQUIREMENTS - OBSERVING CITY LAWS

The Contractor shall observe all the laws of the City of San Diego in relation to the obstruction of streets, keeping open passageways and protecting the same where they are exposed and would be dangerous to travel.

SEC. 62.12.35 SAME - GENERAL REQUIREMENTS - CROSS STREETS

No more than one-half ($\frac{1}{2}$) of the roadway of any cross street shall be closed at any one time.

SEC. 62.12.36 SAME - GENERAL REQUIREMENTS - BARRIERS, LIGHTS, ETC.

The Contractor shall erect and keep erected, by night and day, a fence or proper barrier along the line of the work and across the ends of the same in order to guard the public

effectively from danger of falling into trenches or from upsetting their vehicles against the earth thrown up during the progress of the work, and he shall post all proper notices and signals to the public of the state of the streets while the work is in progress. A red light must be maintained at night at each end of the barrier from sunset until sunrise.

SEC. 62.12.37 SAME - GENERAL REQUIREMENTS - PUBLIC UTILITIES

In case it should be necessary to move the property of any owner of a public utility or franchise, such owner will, upon proper application by the Contractor, be notified by the Superintendent of Streets to move such property within a specified reasonable time, and the Contractor shall not interfere with said property until after the expiration of the time specified. The right is reserved to the owners of public utilities and franchise to enter upon the street for the purpose of making repairs or changes of their property made necessary by the work. The City of San Diego shall also have the privilege of entering upon the street for the purpose of repairing sewers, and water pipes, or making house connections therewith, or repairing culverts or storm drains.

SEC. 62.12.38 SAME - GENERAL REQUIREMENTS - NOTICE TO CONTRACTOR

Notice of any imperfections in the work to any foreman or agent in charge of any portion of the work, in the absence of the Contractor, shall be considered as notice to the Contractor.

SEC. 62.12.39 SAME - GENERAL REQUIREMENTS - LOSS OR DAMAGE

All loss or damage arising from any unforeseen obstruction or difficulties which may be encountered in the prosecution

of the work or from any action of the elements prior to the acceptance of thw rork, or from any act or omission not authorized by these specifications, on the part of the Contractor or any agent or person employed by him, shall be sustained by the Contractor.

SEC. 62.12.40 SAME - GENERAL REQUIREMENTS - PROTECTION OF WORK AND CLEANING UP

The Contractor shall care for all work until final completion and acceptance of the whole. All damage done to existing improvements by the Contractor shall be repaired by him. He shall remove all surplus material and rubbish from the work after its completion and before he makes application for the acceptance of the work.

SEC. 62.12.41 SAME - FINAL INSPECTION

The Contractor shall notify the Superintendent of Streets when he desires a final inspection of the work. The Superintendent of Streets will, as soon thereafter as possible, make the necessary examination. If the work is found to be in compliance with these specifications, the Superintendent of Streets will furnish the Contractor with a certificate to that effect.

SEC. 62.12.42 SAME - ~~INSPECTION~~ - CERTIFICATE OF COMPLETION

After the completion of any of the work or improvement mentioned in Section 62.12, in the manner provided for herein, it shall be the duty of the City Engineer of said city to check up said work or improvement, particularly in matters of location, grade and dimensions, such report to be filed by the City Engineer with the Superintendent of Streets. Upon receipt by said Superintendent of Streets of such report,

and after ascertaining that the work has been done or the improvements made in all respects according to the provisions herein, said Superintendent of Streets shall deliver to the person performing said work or making such improvement, a certificate of completion, reciting that the work has been done and completed to the official line and grade of the street and in accordance with the provisions herein.

SEC. 62.12.43 SAME - PERMIT FEES

Any person, firm or corporation desiring a permit to perform any work mentioned in Section 62.12, shall, when grade stakes are needed, and before the permit is issued for the same, pay to The City of San Diego, California, a sum sufficient to pay the fees of the City Engineer for the work specified in such permit at the rate of Ten Dollars ($10.00) for the first fifty (50) feet or fraction thereof, and five (5) cents per lineal foot for each foot thereafter, provided, however, that no permit shall be issued to cover more than the lots in any one block of a given subdivision. Where curb has already been constructed, and in gaps between curbs not to exceed fifty (50) feet, where no grade stakes are needed and permit is issued for the construction of sidewalk curb or gutter, a fee of One Dollar ($1.00) shall be charged for final inspection on one or more permits in any one block of a given subdivision, provided, however, said inspection is made at one time. When any work or improvement under a permit issued is outside the ten cent car fare limit, the applicant for such permit shall pay the necessary transportation. This Section has no application to work done under a contract made and entered into

pursuant to the general street laws of the State of California where an assessment is to be levied therefor.

SEC. 62.12.44 SAME - REMOVAL OF DEBRIS - CONFORMING TO OFFICIAL GRADE

It shall be, and is hereby declared to be unlawful for any person constructing any sidewalk, curb or gutter under any permit ~~issued by the Operating Department of said city,~~ as herein provided, to fail or refuse for a period of fifteen days after the completion of the work or improvement to remove from said street upon which said work or improvement has been constructed all debris or surplus material or to lay or construct any sidewalk, curb or gutter other than to the official grade of said street, or not according to the specifications therefor prescribed by the Laws of the said City of San Diego, or to fail, or refuse to grade the unpaved portion of said sidewalk to the official grade thereof, provided, however, that the provisions of these Sections shall not require the grading of that portion of the sidewalk between the inside line of the sidewalk and the property line, occupied by any building, retaining wall, fence or other obstruction other than the natural earth.

SEC. 62.13 PLANTING ON CITY STREETS - DEFINITIONS

For the purpose of this Section and Subsections thereof, the word "street" is hereby defined to be any public street, public way, public alley, public lane or parkway upon or along any public street or public way.

SEC. 62.13.1 SAME - JURISDICTION AND AUTHORITY

The Park and Recreation Department, Division of Street

Trees, shall exercise jurisdiction and control over the planting, maintenance, care and removal of trees, palms, shrubs or plants in all streets or other public highways of The City of San Diego; and shall have such power, authority, jurisdiction and duties as are prescribed in this Section.

SEC. 62.13.2 SAME - APPROVAL REQUIRED

No tree, palm, shrub or plant shall be planted in any of the streets or other public highways of The City of San Diego until the Superintendent of Street Trees shall have first approved the kind and variety, designated the location therefor, and granted the permit for planting the same.

SEC. 62.13.3 SAME - REMOVAL OF PLANTING WITHOUT PERMIT PROHIBITED

No person, firm or corporation shall, without a permit from the Park and Recreation Director, remove, destroy, break, cut, trim, deface, or in any other way injure or interfere with any tree, palm, shrub or plant, or endanger the life of any such tree, palm or shrub or plant that is now or may hereafter be growing in any street or other public highway of the City of San Diego.

Such permit shall specifically describe the work to be done thereunder, and such permit shall be void after thirty (30) days from the date of issuance.

The cost of removal of any tree, palm, shrub or plant for the benefit or convenience of the property owner shall be paid for by such property owner.

SEC. 62.13.4 SAME - FASTENING ANIMALS TO TREES, ETC. - PROHIBITED

No person, firm or corporation shall hitch or fasten any horse, or animal to any tree, palm, shrub or plant now or hereafter growing in any street or other public highway

of The City of San Diego; nor shall any person, firm or corporation cause or permit any horse or other animal to stand or be near enough to any tree, palm, shrub or plant, to bite or rub against, or in any manner injure or deface the same; nor shall any person, firm or corporation place a post for hitching of horses or other animals within five (5) feet of any tree, palm, shrub or plant now or hereafter growing in any street or other public highway of The City of San Diego.

SEC. 62.13.5 ATTACHING ROPE, WIRE, ETC. - DETRIMENTAL SUBSTANCE - PROHIBITED

No person, firm or corporation shall attach or place any rope, wire, sign, poster or handbill, or other thing on any tree, palm, shrub or plant now or hereafter growing in any street or other public highway of The City of San Diego, or on any guard or protection of same; nor shall any person, firm or corporation deposit or throw upon any street or pbulic highway, or into any gutter thereof, any substance detrimental to the growth of the tree, palm, shrub or plant, or deposit in such gutter any receptacle containing such substance.

SEC. 62.13.6 SAME - REMOVAL, INJURY OF GUARD DEVICE -PROHIBITED

No person, firm or corporation shall remove, injure or misuse any guard or device placed to protect any tree, palm, shrub or plant now or hereafter growing in any street or other public highway of The City of San Diego.

SEC. 62.13.7 SAME - ATTACHING ELECTRIC DEVICES - PROHIBITED

No person, firm or corporation shall attach any electric wire insulator or any other device for holding electric wires, to any tree, palm, plant or shrub now or hereafter growing in any street or other public highway of The City of San Diego.

No person, firm or corporation shall, without written permission from the Superintendent of Street Trees, trim, cut or break any part of such tree, palm, shrub or plant, in order to make passage for such wires. Every person, firm or corporation having any wire charged with electricity shall securely fasten the same so that such wire shall not come in contact with any tree, palm, shrub or plant in any street or public highway of The City of San Diego.

SEC. 62.13.8 SAME - OPEN SPACE OF GROUND AROUND TREE - REQUIRED

No person, firm or corporation shall hereafter, without the written permit of the Superintendent of Street Trees, place or maintain upon the ground in any street or other public highway of The City of San Diego, stone, cement or other material without leaving an open space of ground not less than four (4) square feet around the trunk of any tree of six (6) inches or less in diameter, and for every three (3) inches of increase in such diameter there must be an increase of at least one (1) square foot of open ground; and whenever there is no such open space about any existing tree in any street or other public highway of The City of San Diego, the Superintendent of Street Trees may make such open space or cause the same to be made.

SEC. 62.13.9 SAME - ALTERATION, MOVING, ETC., OF BUILDING - SAFEGUARDING TREES

In the erection, alteration, moving or repair of any building, structure or other object, the owner thereof, or his agent, shall place, or cause to be placed, such guards around all nearby trees in the street or other public highway of The City of San Diego as shall effectually prevent injury

to them.

SEC. 62.13.10 SAME - OWNERS OF PREMISES REQUIRED TO TRIM BRANCHES

The owner or his agent of every lot or parcel of land in The City of San Diego upon which any trees, palms, shrubs or plants are now or may hereafter be standing, shall trim, or cause to be trimmed, the branches thereof, so that same shall not obstruct the passage of light from any street light located in any street or other public highway adjacent to the street or sidewalk; and such owner or his agent shall trim all branches of any trees, palms, shrubs or plants which overhang any street or other public highway, so that there shall be a clear height of eight (8) feet above the surface of the street or other public highway unopstructed by branches; and such owner or his agent shall remove from such trees, palms, shrubs or plants all dead, decayed or broken limbs or branches that overhang such street or other public highway, and when any such trees, palms, shrubs or plants are dead, such owner or his agent shall remove the same so that they shall not fall in the street or other public highway.

SEC. 62.13.11 SAME - INTERFERENCE WITH EMPLOYEE - PROHIBITED

No person, firm or corporation shall prevent, delay or interfere with any employee of the Division of Street Trees, in the planting, pruning, cultivating, spraying or removal of any tree, palm, shrub or plant which is now or may hereafter be growing in any street or other public highway in The City of San Diego, or in the removal of stone, cement or other material from about the trunk of any tree, palm, shrub or plant which is now or may hereafter be growing in any street or other public highway of The City of San Diego.

SEC. 62.13.12 SAME - NOTICE OF DAMAGE BY PROPERTY OWNER TO PARK AND RECREATION DIRECTOR

The duty is hereby imposed upon a property owner to notify the Park and Recreation Director when any tree, palm, shrub or plant in a public street adjacent to his property is injuring or damaging any public sidewalk. The Park and Recreation Director is hereby authorized to have removed, at the expense of the City of San Diego, such tree, palm, shrub or plant, or to otherwise remedy the dangerous condition.

SEC. 62.13.13 SAME - UNIFORM STREET PLANTING MAP

The Superintendent of Street Trees shall, from time to time prepare plans which shall designate, by means of a complete map of The City Streets a uniform method of street tree planting, zoning certain streets for a certain specimen of tree or trees, and shrub or shrubs, showing the distance apart of said trees or shrubs, and the place where each tree or shrub is to be planted; and the Superintendent of Street Trees shall submit this plan to the Park and Recreation Department and the City Manager for their approval or modification. After the same has been approved by the Park and Recreation Department and the City Manager, the same shall be submitted to the City Council of the City of San Diego for modification or adoption by that body.

If, and when, the uniform plan in its original or modified form is adopted by the City Council, it shall become the tree planting plan for the streets of The City of San Diego and shall be strictly adhered to in all future street planting improvement projects and in the removal and replacement

of trees, shrubs and plants on streets in The City. The uniform plan of tree planting may, but need not, be adopted by the City Council at one time, but the Council may adopt the uniform street tree planting for different portions of The City within a reasonable length of time after the completed plan for any particular portion of The City has been submitted to the City Council.

The Superintendent of Street Trees shall have copies of this plan made and the same shall be kept on file in the office of the Park and Recreation Department and may be obtained by the public.

SEC. 62.14 MOVING OF BUILDINGS - REMOVAL OF ELECTRIC WIRES - NOTICE TO ~~OWNER~~ OWNER

Whenever a building is moved across, upon or through any street, road, avenue, boulevard, alley, lane, or other public place or highway where wires conducting electricity are strung, or poles carrying the same are placed, and it shall become necessary to remove any such poles or wires, then the owner of such building or the housemover shall give notice inwriting to the person, firm or corporation owning or operating such poles and wires, by delivering to the person designated by the person, firm or corporation owning or operating such poles or wires, written notice that it will be necessary to remove such poles or wires, stating the time when such removal shall be required, and the route over which permit to pass has been granted.

Such notice shall be served at least forty-eight hours

before the hour required for such removal.

SEC. 62.14.1 SAME - PERMIT REQUIRED

Before any building is moved across, upon or through any street, road, avenue, boulevard, alley, lane, or other public place or highway, the owner of said building, or the house-mover must first make written application to the Building Inspector of The City of San Diego for a permit to move said building, stating the route over which it is desired to pass. The Building Inspector, in granting such permit, shall state therein, in detail, such route.

Whenever such poles or wires are strung twenty-five feet or less above the surface of the street the expense of removal and replacing same shall be borne by the person, firm or corporation owning or operating same. Whenever such wires are strung over twenty-five feet above the surface of the street, and whenever it becomes necessary to remove and replace poles and wires, whether placed at, above or below twenty-five feet above the surface of the street, the expense of removal and replacing the same shall be borne equally by the owner or house mover and the person, firm or corporation owning or operating such wires.

SEC, 62.14.2 SAME - DEPOSIT OF FUNDS AS SECURITY

When the owner of any building about to be removed, or the house-mover, shall file a request as provided above, with the person, firm or corporation owning or operating such poles and wires, in cases where the cost of removal and replacement is to be borne equally, the said person, firm or corporation shall furnish the said owner or house-mover an estimate, showing

the maximum cost of removal and replacement of such wires, whereupon said owner or house-mover shall deposit with said firm or corporation his one-half of said estimated amount, before said person, firm or corporation shall be required to remove said wires, as aforesaid. In case the cost of such removal and replacement of wires and appurtenances does not reach the amount estimated, then the person, firm, or corporation shall return to said owner or house-mover such unused balance as shall be due him.

Provided, that said owner or house-mover shall have the right of appealing to the Council if he believes that the estimate fixed as provided above is excessive, whereupon said Council shall hear said matter, and determine whether or not said estimate is excessive, and in case it finds it to be, then the Common Council shall fix such sum as it deems adequate for said owner or house-mover to deposit or pay.

SEC. 62.20 CITY STREETS - PAINTING, DISFIGURING PROHIBITED

That it shall be and is hereby declared to be unlawful for any person or persons, company, association or corporation to paint or place any sign, advertisement, character or figure upon, or to daub paint or any other sticky substance upon, or to deface or mar in any way any paved street or streets, or any part thereof, in the City of San Diego, California, between the curb lines of said streets, including all paved intersections of streets.

ARTICLE - 3

PUBLIC PARKS, PLAYGROUNDS, BEACHES, TIDELANDS AND OTHER PROPERTY

SEC. 63.01 USE OF PLAYGROUNDS AND RECREATION AREAS - AUTHORIZES DIRECTOR TO CONDUCT GAMES AND ATHLETIC CONTESTS

The Park and Recreation Director of The City of San Diego with the approval of the City Manager, shall have authority to promote the use of city-owned playgrounds and recreation areas for the benefit of the people of The City of San Diego by organizing, carrying on, conducting and maintaining regularly scheduled and planned athletic contests and games under the supervision of such Park and Recreation Director, under rules and regulations to be adopted by said Park and Recreation Director, which, among others, shall include the following:

(a) Organized and sponsored athletic teams may be assigned exclusive use of playgrounds or recreational areas for the carrying on and conducting of athletic contests and exhibitions, at which the public shall be admitted without charge, except that voluntary contributions may be collected under the direct supervision of such Park and Recreation Director at such contests. All of such money so received shall be immediately deposited in the Cultural and Recreational Promotional Trust Fund, as created by the provisions of Ordinance No. 3439 (New Series) of the ordinances of The City Of San Diego.

(b) All of such regularly scheduled athletic contests, games or events shall be carried on and conducted under the supervision and control of said Park and Recreation Director.

(c) Preference in the use of such playgrounds and recreational areas and the holding of such athletic games and events shall be given to the residents of The City of San Diego, provided, however, that the Park and Recreation Director may, if he deems it to be in the best interests of the promotion of such playground and recreational activity authorize contests between organized athletic teams coming from areas outside of the territorial boundaries of The City of San Diego, and may also, if he deems it advisable, permit organized teams resident outside of The City of San Diego to compete in regularly scheduled contests with teams composed of members resident within The City of San Diego.

The Park and Recreation Director shall not permit any team or organization of athletes to participate in any such athletic contests, games or events if any member of such competing athletic team is paid a consideration for his services in such contest. In this connection sponsors of such organized teams may provide each member of a competing athletic team with necessary uniforms and equipment for the contests, and may also provide the necessary expenses of transportation to and from the place of contest. The Park and Recreation Director shall not permit any athletic team to compete in any such games or contests whose sponsor, except for uniforms and equipment, spends in excess of $800.00 per calendar year in the maintenance of such athletic team, and such Director may, if he so desires, require such sponsor to submit, by affidavit or otherwise, proof of the total amount of expenditures per month made by said sponsor in support of the athletic team participating in such contests so sponsored.

(d) The Park and Recreation Director may, if it is deemed advisable, require each competing team or contestant to pay an entry fee either for a single contest or for a series of contests in league activity. All moneys collected by the Park and Recreation Director, either by way of entry fees or contributions, shall be paid as hereinabove provided into the Cultural and Recreational Promotional Trust Fund. No moneys in such fund shall be used other than for the promotion of such playground and recreational area activity. In this connection the Auditor and Comptroller of said City is authorized to honor and the Treasurer to pay claims submitted by the Park and Recreation Director for the services of attendants at such contests, the payment of umpires or referees, secretarial expenses in connection with such contests, purchase of awards and trophies, public address sound systems, and other expenses incidental to promoting and conducting the contests. Competing teams shall not receive any traveling expenses or other direct payment from the Cultural and Recreational Trust Fund for their participation in any contest.

SEC. 63.02 USE OF PUBLIC PARKS REGULATED

It shall be unlawful for any person, firm or corporation within the limits of any park or plaza within the City of San Diego to do any of the acts hereinafter specified:

SEC. 63.02.1 SAME - DISTRIBUTION, POSTING OF HANDBILLS, ETC. - PROHIBITED

To distribute, circulate, give away, throw or deposit in or on any of said parks or plazas any handbills, circulars,

pamphlets, tracts, dodgers, papers or advertisements; or post or offer or affix to any tree, fence or structure situate within any such park or plaza any handbills, circulars, pamphlets, tracts, dodgers, papers or advertisements.

SEC. 63.02.2 SAME - LOOSE ANIMALS PROHIBITED - EXCEPTIONS

To bring, leave, turn loose or allow to go any horse, cow, ox, sheep, goat, ass, swine, dog or fowl of any kind in or upon such park or plaza; provided, however, that this Section shall not apply to horses being led or driven upon any roads or paths therein; and provided, further that this Section shall not apply to dogs when fastened to and led by a chain or line not more than 8 feet in length of suitable strength.

SEC. 63.02.3 SAME - DISCHARGE OF FIREWORKS PROHIBITED

To discharge any firearm, firecracker, bomb, torpedo, rocket or other fireworks without the written consent of the City Manager; provided, however, that as to the discharging of any firearms this Section shall not apply to any authorized peace officer or employee of the Zoological Gardens while in the performance of his or their duties.

SEC. 63.02.4 SAME - DESTROYING PLANTS, ETC., PROHIBITED

To injure, destroy or remove any tree, shrub or plant in or growing therein except upon permission or direction of the City Manager.

SEC. 63.02.5 SAME - DEFACING STRUCTURES, ETC., PROHIBITED

To cut, break, deface or injure any building, monument, rock, fountain, cage, pen, fence, bench, hydrant, swing or other structure, apparatus or property, excepting with the

permission or under the direction of the City Manager.

SEC. 63.02.6 SAME - CUTTING, REMOVING, PLANTS ETC., PROHIBITED

To cut or remove any tree, plant, wood, turf, grass, soil or rock.

SEC. 63.02.7 SAME - DUMPING REFUSE PROHIBITED

To deposit or dump any garbage, refuse, dirt, ashes, broken glass, crockery, bones, tin cans or like substances, or any carcass of any animal or fowl.

SEC. 63.02.8 SAME - SCATTERING WASTE PAPER, LUNCH REAMINS, ETC., PROHIBITED

To leave or scatter about any boxes, empty or otherwise, waste paper, remains of lunches, newspaper or rubbish of any kind, except that such material and matter may be left and deposited in receptacles provided for such purpose.

SEC. 63.02.9 SAME - BATHING OR DEPOSITING FOREIGN MATTER IN LAKE WATERS, PROHIBITED

To bathe in the waters of any lake, pond, pool, or any hydrant; or throw into or deposit any dirt, filth or foreign matter in the waters of any lake, pond, pool, or in like manner pollute the same; provided, however, that nothing herein contained shall be construed to prohibit swimming in any municipal swimming pool in accordance with the rules and regulations provided therefor.

SEC. 63.02.10 SAME - INJURING OR MISTREATING ANIMALS, BIRDS - PROHIBITED

To take, kill, wound, distrub or maltreat any bird or animal, either wild or domesticated, unless the same shall have been declared noxious by the City Manager and a permit

issued for the killing of such noxious animals; provided, however, that this Section shall not apply to any exhibits in the Zoological Gardens of Balboa Park when done by any employee in the course of his duties as such.

SEC. 63.02.11 SAME - KINDLING FIRES PROHIBITED - EXCEPTIONS

To kindle or allow to be kindled any fire or bonfire, or throw upon the ground a lighted match, lighted cigar or cigarette, or anything that would be liable to set fire to any grass, tree, shrub, building or other property; provided, however, that nothing herein shall be construed to prohibit the kindling of fires in stoves, ovens or similar facilities provided by the Park Department.

SEC. 63.02.12 SAME - OVERNIGHT CAMPING PROHIBITED - EXCEPTIONS

To camp, lodge, sleep or tarry overnight; provided, however, that nothing herein shall be construed to prohibit any person from being or remaining in any park while in attendance at any function, permission for the holding of which has been previously granted by the City Manager

SEC. 63.02.13 SAME - SALE OF MERCHANDISE PROHIBITED

To sell or offer for sale any goods, wares, merchandise, article or thing whatsoever without the written consent of the City Manager.

SEC. 63.02.14 SAME - SOLICITATION FOR BUSINESS PROHIBITED

To practice, carry on, conduct, or solicit for any trade, occupation, business or profession without the written consent of the City Manager.

SEC. 63.02.15 SAME - SHOWS, LECTURES, ETC., PROHIBITED

To set up, maintain or give any exhibition, show, performance,

lecture, concert, place of amusement or concert hall without the written consent of the City Manager.

SEC. 63.02.16 SAME - INDECENT OR THREATENING CONDUCT PROHIBITED

To be guilty of any indecent conduct or indulge in any riotous, boisterous or threatening behavior.

SEC. 63.02.17 SAME - GAMES AT SPORT PROHIBITED - EXCEPTIONS

To play any game of ball or engage in any sport excepting at such places and at such times as shall be designated for such purpose by the Park and Recreation Department.

SEC. 63.02.18 SAME - USE OF TOILETS -EXCEPTIONS

No male person shall resort to any toilet set apart for women, and no female person shall resort to any toilet set apart for men, provided that this shall not apply to children accompanied by their father, mother or guardian.

SEC. 63.02.19 BICYCLE, ETC., RIDING ON PATHS PROHIBITED

To ride a bicycle, tricycle, motorcycle or any other vehicle on any path, bridle trail, walk or in any arcade; provided, however, that nothing herein shall be construed to prohibit the riding of any bicycle, tricycle, motorcycle or any other vehicle on roads designated and established for authomotive traffic.

SEC. 63.02.20 SAME - AUTOMOBILE SPEED

To drive any automobile, motorcycle or other self-driven vehicle upon any park or plaza property at any speed in excess of the limitations established by ordinances of The City of San Diego.

SEC. 63.02.21 SAME - HITCHING HORSES, PARKING VEHICLES REGULATED

To leave or hitch any horse, or leave or park any automobile, motorcycle or other self-driven vehicle on any park or plaza property, excepting at such place or places as are provided for and designated as places for the leaving or hitching of horses or for the leaving or parking of automobiles, motorcycles or other self-driven vehicles.

SEC. 63.02.22 SAME - CLEANING, ETC. OF VEHICLES - PROHIBITED

To clean, wahs or polish, or to make other than emergency repairs upon any automobile, motorcycle or self-driven vehicle.

SEC. 63.02.23 SAME - TRUCK, DRAY, VEHICULAR TRAFFIC

Unless making deliveries or loading upon park or plaza property, to drive or have any dray, truck,wagon, cart or other traffic vehicle carrying or regularly used or employed in carrying goods, merchandise, lumber, machinery, oil, manure, dirt, sand, soil or any article of trade or commerce or any offensive article or material whatsoever upon any road or drive in any park or plaza except such road or drive as may be especially provided or designated for such use.

The prohibition contained in the preceeding paragraph shall not apply to vehicles having a manufacturer's rate of capacity of less than one ton.

SEC. 63.02.24 SAME - CELEBRATION, PARADE, PICNIC, ETC.

Any company, society, or organization or persons, exceeding twenty-five (25) in number to hold, conduct or participate in any celebration, parade, service, picnic, or exercise in any park without first obtaining permission from the City Manager.

SEC. 63.02.25 SAME - OBSTRUCTING PEDESTRIAN OR VEHICULAR TRAFFIC PROHIBITED

To obstruct the free travel of any vehicles or pedestrians

over any of the walks, roads or avenues of any park or plaza property.

SEC. 63.02.26 SAME - TAMPERING WITH TOOLS, EQUIPMENT, ETC., PROHIBITED

To move or remove from one location to another or destroy any equipment, tools, implements or materials used by the Park Department; provided, however, that this section shall not apply to any employee of the Park Department while in the performance of his duties.

SEC. 63.02.27 SAME - BRIDLE TRAIL LIMITED TO HORSEBACK RIDING

To enter upon or use any bridle trail except for the purpose of horseback riding.

SEC. 63.02.28 SAME - TAMPERING WITH VALVES OR SWITCHES PROHIBITED

To open or close any valves or switches pertaining to the water or electric services.

SEC. 63.02.29 SAME - RULES FOR USE OF MUNICIPAL GOLF COURSE

It shall be unlawful for any person, firm or corporation within the limits of the Municipal Golf Course to do any act or acts contrary to the rules established by the Park Department for the use of said golf course; provided, however, that said rules shall be conspicuously posted in the clubhouse thereof.

SEC. 63.02.30 SAME - EXCEPTIONS TO APPLICATION OF REGULATIONS

Nothing in this Section shall be construed to prevent any employee of the Park and Recreation Department from doing anything that, in the opinion of the City Manager or the Park Director, may be thought necessary or proper for the maintenance, improvement or betterment of any of said parks or plazas;

and, further, that nothing herein contained shall be construed to prevent any employee or agent of The City of San Diego from doing anything that, in the opinion of the City Council, may be thought necessary or proper for the interests of The City of San Diego.

SEC. 63.02.31 SAME - DEFINITION

Whenever the term "City Manager" is used herein it shall mean and include the Park and Recreation Director, or any other person authorized by the City Manager to carry out and enforce the provisions of this Section.

SEC. 63.03 MUNICIPAL GOLF COURSE - TICKET REQUIRED

It shall be unlawful for any person to make use of the Municipal Golf Course in Balboa Park without first having obtained a ticket so to do.

SEC. 63.04 BALBOA PARK - AREA FOR MEETING PLACE OF CERTAIN GROUPS AND ORGANIZATIONS - AUTHORIZED

That the Park and RecreationDepartment be, and it is hereby empowered and authorized to select a suitable area of not to exceed ten (10) acres, within Balboa Park, to be developed and used primarily, but not exclusively, for regular meeting places and headquarters by non-commercial local societies, groups and organizations which are engaged in civic, social, educational, recreational or philanthropic work and activities; and within said area to allot or allocate sites upon which buildings, structures and other facilities may be erected in furtherance of such use and enjoyment.

SEC. 63.04.1 SAME - CONSTRUCTION AND USE OF BUILDINGS

That the Park and Recreation Department is authorized

and empowered to permit the erection or construction by said societies, groupes or organizations of headquarters, buildings and facilities upon such sites, in accordance with plans to be first approved by said Department, and to grant preferential, but not exclusive rights or privileges of occupancy and use in connection therewith; and to make and enforce uniform and proper rules and regulations consistent with the provisions of this Section for the use, occupancy, maintenance and care of such sites, buildings, structures and facilities; provided, however, that the title to any building, structure or facility so permitted be erected or built shall upon completion thereof immediately vest in the City of San Diego, and shall become and remain in every respect subject to the jurisdiction, control and regulation of the Park and Recreation Department; and no such society, group or organization shall be granted or be permitted to acquire any exclusive or irrevocable right to use or occupy a particular portion of said area, or building, structure or facility that may be erected thereon.

~~SEC. 63.05 CAMPING ON CITY PROPERTY - PERMIT REQUIRED~~

It shall be unlawful for any person to camp on any property belonging to or under the control of The City of San Diego without having first secured from the City Manager a written permit so to do. Camping permits may be issued by the City Manager upon such terms and conditions and for such periods of time as in his judgment shall be proper, and shall be revocable by him at any time. Provided, however, that no permits to camp upon tidelands under the jurisdiction of the Harbor Commission shall be issued by the City Manager without ~~the approval of the Harbor Commission.~~

SEC. 63.06 PUBLIC LIBRARY - USE OF PROPERTY REGULATED

It is hereby declared to be unlawful for any person, firm or corporation to retain any book, newspaper, magazine, pamphlet, manuscript, or any other property belonging in or to or on deposit with the San Diego Public Library, or any branch, reading room, deposit station, museum, or institution operated in connection therewith, for a period exceeding thirty (30) days after the mailing by letter to the borrower's address on file with the said library, of a notice in writing to return the same, given after the expiration of the time which by the rules of said institution such article or other property may be kept.

SEC. 63.06.1 SAME - DESTRUCTION OF PROPERTY PROHIBITED

Whoever wilfully or maliciously or wantonly, or without cause writes in or upon, or injures, defaces, tears or destroys any book, plate, picture, engraving, map, newspaper, magazine, pamphlet, or manuscript, or deliberately injures any furniture belonging to the San Diego Public Library shall be deemed guilty of a misdemeanor.

SEC. 63.07 DESTRUCTION, INJURY OF TORREY PINES TREES - PROHIBITED

That it shall be unlawful for any person or persons to cut, injure or destroy any trees known as the "Pinus Torreyana" growing upon Pueblo Lots Nos. 1332, 1337 and 1338 or any other public lots or lands, belonging to and within the corporate limits of the City of San Diego.

~~SEC. 63.10 LINDBERGH FIELD MUNICIPAL AIRPORT REGULATIONS - DEFINITIONS~~

~~Unless from the context a different meaning is apparent~~

SEC. 63.09 LINDBERGH FIELD - NAME DESIGNATED

The name of the Municipal Airport of The City of San Diego, now in course of construction on the tide lands of said City, shall be "Lindberg Field."

SEC. 63.09.1 SAME - AUTHORITY OF HARBOR COMMISSION

The jurisdiction, management and control of the construction, development, maintenance and operation of said airport shall be and is hereby vested in the Harbor Commission of The City of San Diego, subject to the provisions and restrictions in this Ordinance contained.

SEC. 63.09.2 SAME - PRIMARY PURPOSE

The primary and paramount purpose for which said airport shall be used is hereby declared to be the providing of terminal and service facilities for commercial air lines. The term "commercial air lines," as used in this Section, is defined to mean aircraft engaged in the transportation of passengers, merchandise or freight for hire over established air-ways and upon established schedules between The City of San Diego and any other city or cities. The Harbor Commission shall not permit said airport or any portion thereof to be used for any purpose or purposes inconsistent with, or which shall materially interfere with, such primary and paramount use.

SEC. 63.09.3 SAME - APPLICATIONS FOR PERMITS

All applications for rights, permits or privileges to use said airport for any purpose whatsoever shall be made exclusively to the said Harbor Commission, in such manner and form as may be required by it. The Harbor Commission shall have the right in its discretion to grant any such application upon such terms and requirements as it may deem proper, subject, however, to the provisions of this Section and of the Act of the Legislature of the State of California

conveying the tide lands to The City of San Diego, or the Commission may reject any such application. In the event of rejection the applicant shall have the right within ten (10) days from such rejection to appeal to the City Council, and the Council shall by a vote of not less than four (4) members of said Council have the right to overrule the action of said Harbor Commission in rejecting any such application and grant the same. Provided, however, that the action of the Commission, in granting any rights, permits, privileges or leases for the use of said airport, save and except temporary privileges or permits revocable at the pleasure of the Commission, shall forthwith be submitted to the City Council of The City of San Diego for approval, and shall not become effective for any purpose until so approved by ordinance or resolution regularly adopted. The City Council shall approve or disapprove any such grant within fifteen (15) days from the date of submission by the Harbor Commission.

SEC. 63.09.4 SAME - SURETY BOND REQUIRED FOR PERMIT

Any person, firm or corporation who shall be granted a right, permit, privilege or lease in connection with said Municipal Airport, except the holder of a temporary privilege or permit which is revocable at the pleasure of the Harbor Department, may be required as a condition thereof to file and maintain a surety bond to be approved by the Harbor Commission, or a personal bond with at least two (2) good and sufficient sureties to be approved by the Harbor Commission, and in the penal sum to be prescribed by said Commission, running to The City of San Diego, and conditioned that the grantee or lessee shall well and truly observe, fulfill and perform each and every term and condition of such right, permit, privilege or lease, and that in case of any breach of the conditions of such bond,

the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be revocable from the principal and sureties on said bond. When a bond shall be required, the same shall be filed with the Harbor Commission within five (5) days after the Council shall have approved any such grant, permit, privilege or lease and in case said bond shall not be so filed when required or shall not thereafter be maintained, the right, permit, privilege, or lease theretofore granted and approved, shall be forfeited.

SEC. 63.09.5 SAME - INSURANCE POLICY REQUIRED

The Harbor Commission shall require every person, firm or corporation using said airport under or by virtue of a right, privilege, permit or lease granted by said Commission, in the operation of commercial aircraft for hire, to keep in full force and effect at all times during the life of any such right, privilege, permit or lease, a policy of insurance in a company authorized to do an insurance business in the State of California, insuring the owner or lessee of said aircraft against loss by reason of damage that may result to any person or persons or property from the operation thereof, said liability to be limited to the sum or sums hereinafter specified. Said policy of insurance shall be limited to the payment of five thousand dollars ($5,000.00) for any one passenger injured or killed, with a total liability of not to exceed ten thousand dollars ($10,000.00) in case of any one accident resulting in bodily injury or death to more than one passenger. Said policy must also provide insurance to the extent of five thousand dollars ($5,000.00) for the injury or destruction of any property of third persons. Said policy shall guarantee payment of any final judgment rendered against the owner or lessee of said aircraft within the limits of the amounts hereinabove

provided, irrespective of the financial responsibility of said owner or lessee. In the event said policy of insurance should be cancelled by the issuing company, or the authority of said issuing company to do business in the State of California should be revoked, said policy shall be immediately replaced by a valid policy of like nature, and in default thereof the right, privilege, permit or lease theretofore granted shall be forfeited.

SEC. 63.09.6 SAME - HARBOR COMMISSION TO RECOMMEND RULES

It shall be the duty of the Harbor Commission to recommend to the City Council for adoption rules and regulations of uniform application for the necessary and proper control of said airport, and the City Council shall by ordinance adopt the same and prescribe penalties for the breach and infraction thereof.

SEC. 63.09.6 SAME - DISPOSITION OF INCOME AND REVENUE

All income and revenue derived in any manner whatsoever from said Municipal Airport shall be placed in the San Diego Harbor Fund, which said fund shall be administered, used and disbursed by said Harbor Commission exclusively in and about the development and improvement of the Harbor District in accordance with the provisions of the Charter of The City of San Diego, including the development, maintenance and operation of said Municipal Airport, and in the execution of the duties and trusts imposed upon said Commission by the Charter and Ordinances of The City of San Diego.

~~SEC. 63.10 LINDBERGH FIELD MUNICIPAL AIRPORT REGULATIONS - DEFINITIONS~~

~~Unless from the context a different meaning is apparent~~

SEC. 63.10 LINDBERGH FIELD MUNICIPAL AIRPORT:REGULATIONS - DEFINITIONS:

Unless from the context a different meaning is apparent as used in these regulations the terms hereinafter used shall be defined as follows:

"Harbor Commission" shall mean the Harbor Commission of the City of San Diego.

"Airport" shall mean The City of San Diego Lindbergh Field Municipal Airport.

"Airport Manager" shall mean the officer or representative of the Harbor Commission having immediate charge of the Airport.

SEC. 63.10.1 GENERAL REGULATIONS:

(a) The City of San Diego Lindbergh Field Municipal Airport shall be conducted as a terminal facility and adjunct of and complement to the Harbor of the City of San Diego for the promotion and accommodation of commerce and navigation and shall be operated as a terminal facility and public air terminal.

(b) The Airport shall be open for public use at all hours of the day and night, subject to such restrictions, due to inclement weather, the conditions of the landing area, the presentation of special events and like causes, as may be determined by the Airport Manager.

(c) Special services may be rendered or special facilities may be provided thereat on such terms as the Harbor Commission may prescribe from time to time.

(d) The use of the Airport or any of its facilities in any manner shall create an obligation on the part of the user thereof to obey all the regulations herein provided or adopted by the Harbor Commission.

(e) The p rivilege of using the Airport and its facilities shall be conditioned on the assumption of

full responsibility and risk by the user thereof, and he shall release, hold harmless and indemnify the City, the Harbor Commission, their officers and employees from any liability or loss resulting from such use, as well as against claims of third persons so using the Airport.

The privilege of using the Airport shall be upon the further condition that any person, persons, corporation, co-partnership or others desiring to use the same shall furnish a policy of indemnity against personal injury and property damage in such sum as the Harbor Commission shall require.

(f) It shall be the duty of the Airport Manager to enforce the provisions of all the regulations herein provided or adopted by the Harbor Commission, and in that behalf he shall have the power of a special police officer of the City of San Diego, including the power to make arrests for the violations of the provisions of said regulations.

(g) Any person violating any of the Airport Rules and Regulations may be deprived of the use of Airport facilities for such period of time as determined by the Harbor Commission.

(h) No person may use the Airport for any commercial activity without permission of the Harbor Commission.

(i) No person shall solicit funds for any purpose without permission of the Harbor Commission.

(j) No signs, advertisements or circulars may be posted or distributed at the Airport without permission of the Harbor Commission.

(k) No person shall enter any restricted area that is posted as closed to the public except authorized employees and persons authorized by the Airport Manager.

(l) Garbage, refuse and other waste material shall be placed only in receptacles provided for such purpose.

(m) No person shall destroy, remove or disturb in any way buildings, signs, equipment, markers or other property on the Airport.

(n) All charges due the Harbor Department are payable by cash in advance unless satisfactory arrangements have been made with the Harbor Commission.

SEC. 63.10.2 MOTOR VEHICLE REGULATIONS:

(a) Unless authorized by the Airport Manager, no highway vehicle shall be operated on the Airport except on roadways, parking areas, etc., that are specifically designated for such vehicles.

(b) When aircraft are parked on the ramp or apron for the purpose of loading or unloading, no vehicle shall be driven between the aircraft and the loading gate or fence.

(c) All vehicles operating within the landing area of the Airport shall be painted a bright yellow or display an orange and white checkered flag of not less than three feet square.

(d) Any accident involving injury or property damage shall be reported to the Airport Manager.

(e) No vehicle shall be parked on the Airport except in the prescribed manner and located as indicated by posted signs.

(f) All fire gates and entrances shall be kept clear of vehicles at all times.

(g) No vehicles shall cross any runway without prior approval from the Control Tower.

(h) No person shall operate any vehicle in a careless or negligent manner or in disregard for the safety of others, or in excess of posted speed traffic signs and in no event in excess of twenty-five (25) miles per hour.

(i) In all cases vehicular traffic shall yield

the right of way to aircraft.

SEC. 63.10.3 RULES FOR AIRCRAFT FUELING OPERATIONS:

(a) No aircraft shall be fueled or drained while the engine is running or while the aircraft is in a hangar or an enclosed space.

(b) During all fuel operations the aircraft shall be grounded by an approved method.

(c) Smoking or the lighting of an open flame shall be prohibited within fifty (50) feet of any fueling operation.

(d) Fueling operations shall be conducted at least fifty (50) feet from any hangar or building.

(e) Fuel trucks shall be parked at least fifty (50) feet from any hangar or building.

(f) Adequate fire extinguishers shall be within ready reach of personnel engaged in fuel operations. Extinguishers shall not be located near fuel hoses, pumps, meters or valves.

(g) No electrical or radio equipment shall be operated during fuel operations.

(h) All fuel dispensing equipment shall be kept in a safe and non-leaking condition.

(i) No aircraft shall be started when there is fuel on the ground under or near the aircraft.

SEC. 63.10.4 FIRE REGULATIONS:

(a) Smoking or lighting of open flames shall be prohibited in the following locations:

Places with posted signs,
On ramps or aprons,
Within fifty (50) feet of hangars, fuel trucks or fuel loading stations.

(b) No person shall start an open fire any place on the Airport without permission of the Airport Manager.

(c) No person shall stock or store any material or equipment in such a manner as to constitute a fire hazard

(d) Except for oil in sealed cans, no inflammable liquids or gases including gasoline, dope, solvent and thinner shall be stored in any hangar or building in quantities greater than one gallon, except that a separate building for such use may be required.

(e) No person shall use a volatile inflammable for cleaning purposes inside any hangar or building.

(f) Tenants shall provide self-closing metal containers for the storage of oily waste rags and other inflammable material.

(g) Tenants shall maintain hangar floors, gasoline pits and trucks clean and free of excess gasoline, grease and other inflammables.

(h) Paint, varnish, paper, boxes and other litter or rubbish shall not be accumulated in any hangar or building.

(i) Tenants of all hangars and building shall provide suitable fire extinguishers and equipment and they shall be kept in good condition as recommended by the Fire Marshal.

(j) Aircraft engines shall not be run, nor shall aircraft electrical or radio equipment be operated in any hangar.

SEC. 63.10.5 AIRCRAFT OPERATIONS REGULATIONS:

(a) The air traffic rules and aircraft operation regulations of the Civil Aeronautics Administration as in effect and all additions thereto are made a part of these Airport Rules and Regulations as fully as if set forth herein.

(b) Except in cases of an emergency, no aircraft shall land or take off from the Airport unless equipped with a functioning two-way radio, or unless prior approval of the Airport Manager is obtained.

(c) Except in cases of an emergency, no aircraft equipped with a tail skid in place of a tail wheel shall

land or take off from the Airport.

(d) Aircraft shall be started and warmed up only at such places as designated for that purpose.

(e) Practice landings and take-offs in series will be permitted only with prior approval of the Control Tower.

(f) No aircraft shall be parked, stored or repaired at the Airport except in the areas designated for such use.

(g) At the direction of the Airport Manager, the operator, owner or pilot of any aircraft on the Airport shall move the aircraft from the place where it is parked or stored to any other place designated on the Airport; if the operator refuses to comply with the directions, the Harbor Department may tow the aircraft to such place at the operator's expense and without liability for damage that may result from such moving.

(h) In the event of an accident the Harbor Department may move damaged aircraft from the landing areas, ramps, aprons or other areas at the expense of the owner and without liability for damage resulting from such moving.

(i) The pilot of an aircraft involved in an accident on or near the Airport causing personal ininjury or property damage shall report to the Airport Manager. In the event that he is unable to do so, the owner or his agent and witnesses shall make such report.

(j) Airport property damaged or destroyed by an accident or otherwise shall be paid for by parties responsible.

(k) No aircraft shall be taxied into or out of any hangar.

(l) The Airport Manager shall have the authority

to detain any aircraft for non-payment of any charges due the Harbor Department.

SEC. 63.10.6 AIRPORT RATES AND CHARGES:

(a) No landing fees shall be charged for the following aircraft operations:

(1) Aircraft owned by the Federal Government.

(2) Aircraft operated for personal, non-revenue and recreational use.

(3) Aircraft landing at Lindbergh Field for the sole purpose of clearing through Customs and without the discharge or taking on of passengers or freight.

(4) Aircraft making non-revenue flights for the purpose of testing or ferrying.

(5) Aircraft operated by persons holding a valid Lindbergh Field Activity Permit or other agreements that would conflict with this schedule of fees.

(b) Aircraft landing fees for all commercial flight activity shall be based on the following schedule of charges according to the approved maximum landing weight for each aircraft:

LANDING WEIGHT	RATE PER LANDING
5,000 pounds or less	$ 1.50
5,001 to 10,000 pounds	3.00
10,001 to 15,000 pounds	5.00
15,001 to 20,000 pounds	8.00
20,001 to 30,000 pounds	10.00
30,001 to 40,000 pounds	15.00
40,001 to 50,000 pounds	20.00
50,001 to 60,000 pounds	25.00
Over 60,000 pounds	$25.00 plus $1.00 per 1000 pounds over 60,000 pounds or fraction thereof in increments of 500 pounds.

(c) The term "approved maximum landing weight" for any aircraft as used herein, shall be the maximum landing weight approved by the Civil Aeronautics Administration for landing such Aircraft at the Airport.

(d) The payment of all charges shall be made

prior to departure of the aircraft unless previous arrangements have been made with the Harbor Department.

(e) Aircraft owned by the Federal Government shall not be charged for outside storage or tie-down.

(f) Fixed Base Operators or other Airport tenants doing business under Lindbergh Field Activity Permits or Leases shall be charged the prevailing rates for storage except when the aircraft are parked on assigned property not considered as tie-down or storage area.

(g) No charge shall be made for outside storage of transit aircraft for the first twenty-four (24) hour period.

(h) The monthly rate for storage shall be determined on a calendar month basis and shall apply when the accumulated daily rate equals the monthly rate.

(i) Outside storage charges shall be based on the approved maximum landing weight for each aircraft, and the following rates shall apply:

LANDING WEIGHT	OUTSIDE STORAGE DAILY	WEEKLY
5,000 pounds or less	$1.00	$10.00
5,001 to 10,000 pounds	1.50	15.00
10,001 to 15,000 pounds	2.00	20.00
15,001 to 20,000 pounds	2.50	25.00
20,001 to 30,000 pounds	3.00	30.00
30,001 to 40,000 pounds	3.50	35.00
40,001 to 50,000 pounds	4.00	40,00
50,001 to 60,000 pounds	4.50	45.00
Over 60,000 pounds	5.00	50.00

SEC. 63.10.7 SAME - HARBOR COMMISSION AUTHORITY TO CHANGE RULES AND CHARGES:

(a) The Harbor Commission of the City of San Diego may by Resolution establish and enforce a schedule of fees for use of Airport and other harbor facilities and equipment under the jurisdiction and control of said Commission, together with Rules and Regulations in connection therewith; and by Resolution from time to time to change or alter the same. Provided, however,

that certified copies of all such schedules, together with any changes or alterations therein shall, immediately upon their adoption, be filed in the office of the City Clerk of the City of San Diego.

resolution, may from time to time, adopt additional rules and regulations supplementary to and not inconsistent with the general rules and regulations contained in this Section and when so adopted they shall have the same force and effect as though expressly set forth herein.

SEC. 63.15.1 HARBOR OF SAN DIEGO, REGULATIONS - FERRY BOAT LANE CLEARANCE

There must, at all times, be maintained free, open and unobstructed passageways for steam ferry boats and other regular lines of steamers navigating the Harbor of San Diego.

SEC. 63.15.2 SAME - DISABLED VESSELS

Every vessel that shall enter the Harbor of San Diego in such condition as to render her dangerous shall become immediately subject to the orders and directions of the Harbor Master, and it shall be unlawful for any person to fail or refuse to comply with the orders or directions of the Harbor Master with regard to the disposition of such vessel.

SEC. 63.15.3 SAME - SPEED RESTRICTIONS OF VESSELS

A vessel navigating any portion of the Harbor of San Diego at an excessive rate of speed will be held responsible for any damage sustained on account of such action. For this purpose a rate of speed greater than eight (8) nautical miles an hour from a point abreast of Beacon No. 10 to Ballast Point Light shall be deemed excessive.

SEC. 63.15.4 SAME - BERTHING

Vessels berthing at any municipal wharf, pier or bulkhead will be governed by instructions received from Chief Wharfinger. Preferential assignments may be authorized at

the discretion of the Port Director.

SEC. 63.15.5 SAME - USE OF WHARF TO BREAK, WARP OR TURN PROHIBITED

All vessels are prohibited from using the dolphins on the outer ends of wharves or piers to break or warp around, or to turn around or swing with the stem of such vessel against such wharf or pier. The master, agent or owner of a vessel refusing or neglecting to obey this Section will be required to pay for all damage caused to such wharf or pier.

SEC. 63.15.6 SAME - CHANGE MOORING OF VESSELS

If any vessel, or other water craft, arriving and anchoring, or being moored or fastened to any wharf, pier or bulkhead, or to any other vessel in the Harbor of San Diego, shall be so moored or placed as to be unsafe or dangerous to any other vessel or water craft previously lying at anchor in said Harbor, or moored or fastened as aforesaid, the Harbor Master or Chief Wharfinger is hereby authorized to forthwith order and direct the situation of said vessel or other water craft to be changed in such manner as to prevent such insecurity or danger; and the master, or any other person having charge of such vessel or other water craft to be changed will comply with such orders or directions as may be issued by the Harbor Master or Chief Warfinger.

SEC. 63.15.7 SAME - OFFICER AND SEAMAN ON BOARD

A vessel or other water craft anchored or moored in the Harbor of San Diego, or lying at a pier, wharf or bulkhead, or moored or fastened to another vessel, must at all times have at least an officer and such seamen on board as

will insure proper care of the vessel. If it becomes necessary, in order to facilitate navigation or the commerce of the port, or for the protection of other vessels or property, a vessel or other water craft may be removed or shifted by order of the Harbor Master or Chief Wharfinger at the expense of the owner, and the owner and vessel shall be liable for all damages and costs that shall arise thereby.

SEC. 63.15.8 SAME - TO STREAM WHEN ORDERED

Vessels must haul or go into the stream at their own expense when ordered to do so by the Harbor Master or the Chief Wharfinger. Upon failure to obey such order the Harbor Master or Chief Wharfinger shall have power to cause such removal at the expense of such vessel or vessels.

SEC. 63.15.9 SAME - HANDLING HAWSERS, CABLES OR LINES

In order to facilitate the removal of vessels from their berths at any wharf or place of mooring, or for other reasons, the Harbor Master or Chief Wharfinger may direct the master or person in charge of any vessel to slack away hawsers, cables or other fastenings of any vessel, or to have her yards topped or braced fore and aft, and her martingale and jibbon to be rigged in. The master or person in charge of any vessel shall forthwith comply with such directions given by the Harbor Master or Chief Wharfinger.

SEC. 63.15.10 SAME - DAMAGE TO WHARF OR VESSELS

Vessels while lying across the end of any pier or wharf, or whose stem or bow extends beyond the edge or end of any pier or wharf, and vessels lying alongside another vessel

berthed at a pier or wharf or occupying any outside berth, shall, while occupying such position, be responsible for any and all damage to itself or to any other vessel.

SEC. 63.15.11 SAME - MOORING TO BUOYS PROHIBITED

Masters, agents or owners of vessels are prohibited from making fast or attaching any vessel to any buoy belonging to The City of San Diego in San Diego Harbor, except in case of emergency, without obtaining permission from the Port Director,and any such vessel shall at all times be subject to removal by, or at the order of, the Port Director and at the expense of such vessel, to such other place as the Port Director may designate.

SEC. 63.15.12 SAME - MOORING RESTRICTIONS

(a) No person shall make fast any rope or mooring to any wharf (except to the mooring piles, mooring bitts or wings provided for this purpose) or to any shed or piles supporting same or to any dolphin or fender piles.

(b) Every vessel at any wharf or in any slip in San Diego Harbor shall be made fast thereto with such head and stern lines in such manner as to meet the approval of the Harbor Master or Chief Wharfinger.

(c) Vessels lying at wharf are strictly prohibited from streching mooring lines across the slip to the opposite wharf without first obtaining the permission of the Harbor Master or Chief Wharfinger.

SEC. 63.15.13 SAME - PROTECTION TO BAY WHEN VESSELS LOAD OR UNLOAD

When ballast, stone, coal, bricks, ashes, cinders, dust, rubbish or other loose matter or material that will sink is

being landed from a vessel upon a wharf, or is being transferred from one vessel to another, a canvas chute or other contrivance, to the satisfaction of the Harbor Master or Chief Wharfinger, must be used to prevent any part of such substance from falling into the slip or bay.

SEC. 63.15.14 SAME - FIRE RESTRICTIONS ON VESSELS AND WHARVES

(a)Fire must not be used on board of any vessel at the wharves or in the slips for heating pitch, tar or other inflammable substances, but may be used on floating stages or boats for the purpose of heating such substances for repairing vessel; provided such fire is constantly in charge of a person capable of taking proper care of the same. No bonfire nor open fire for the burning of rubbish or refuse material shall be allowed, and it shall be the duty of the Harbor Master or Chief Wharfinger to strictly enforce this rule.

(b) Every donkey or other steam engine, when used upon any wharf for loading or unloading cargo, and pile driver when working on or alongside any wharf, must have upon its smoke-stack a bonnet or spark-catcher that will effectually prevent sparks from falling upon such wharf or upon the deck of any vessel. In operating donkey or hoisting engines under sheds there must be provided by the owner or operator a bent or curved pipe, with spark arrester, extending to the outside of the shed. The owners and operators of donkey or hoisting engines operated on any of the wharves on the waterfront must clean up and remove all ashes, cinders and waste from their engines.

SEC. 63.15.15 SAME - PROTECTION OF BAY FROM FLOATING OR SUNKEN MATERIALS

(a) Not floating piles or timber shall be allowed to remain in any slip without the permission of the Harbor Master or Chief Wharfinger.

(b) No substance that will sink or form an obstruction to navigation shall be deposited in the water or on the shore of the harbor without first obtaining permission, in writing, from the Port Director.

SEC. 63.15.16 SAME - REMOVAL OF RUBBISH, ETC., FROM WHARVES

Rubbish or other substance on which no wharfage is charged shall be removed from the wharf by the person placing it there; and, on default, it must be removed by the Chief Wharfinger at such person's expense. Coal screens, donkey engines and all stevedore's tools and appliances must be removed from the wharf when directed by the Chief Wharfinger.

SEC. 63.15.17 SAME - CLOSING SIDE OPENINGS OF VESSELS AT SUNDWON

All openings in the ship's side shall be closed at sundown, and all cargo skids shall be unrigged at sundown, except during such time as they are actually in use, when they shall be brightly illuminated.

SEC. 63.15.18 SAME - DAMAGE TO WHARVES OR STRUCTURES

In case any damage is done to a wharf, shed or other structure on the waterfront by a vessel or otherwise, the said damage, together with the name of the Wharfinger to the Port Director, giving the date and hour, if possible, and the names and addresses of the person or persons that witnessed the accident, and the expense of the repair of said damage shall be charged against said vessel or individual.

SEC. 63.15.19 SAME - HANDLING RIGGING

The master or other person having charge of any vessel or other craft lying at any municipal wharf, pier or bulkhead in The City of San Diego, shall comply with the directions of the Harbor Master or Chief Wharfinger in respect to the rigging of such vessel or other water craft, to prevent accidents or inconveniences to other vessels or water craft.

SEC. 63.15.20 SAME - SAFE CONDITIONS - SUNSET TO SUNRISE

Every vessel lying alongside a wharf or alongside a vessel berthed at a wharf, shall, from sunset until sunrise, be provided continuously with such appliances in the way of gangways and manropes as may in the opinion of the Harbor Master or Chief Wharfinger, or, in fact, be necessary for the convenience and safety of persons passing to and from such vessels, and every gangway fixed for the purpose of giving the crew or other persons access to the vessel after dark, shall be brightly illuminated by the best available means as long as such gangway is in communication with the shore, and a watch shall be conspicuously set upon such gangway.

SEC. 63.15.21 SAME - OBSTRUCTIONS PROHIBITED

Neither the slips, docks, basins, channels, wharves, nor the spaces in front of them nor the streets along the water front, shall be obstructed by any merchandise, vehicle, material or structure. If any such obstruction be not removed within twenty-four hours after notice, the merchandise, vehicle, material or structure constituting the obstruction shall be removed and, stored, or sold by the Harbor Commission of The City of San Diego and $25.00 will be charged for each day

that the obstruction is permitted to remain, together with the expense of removal, storage, or sale.

SEC. 63.15.22 SAME - FAILURE TO PAY HARBOR CHARGES AND PENALTY THEREFOR

If any vessel leaves a wharf, slip, dock, channel or basin unless forced to do so by stress of weather or fire without first paying the dockage or wharfage due, such vessel will be placed upon the Delinquent List, and must not be permitted to use any wharf, slip, channel or basin without first paying double the bill incurred, and $10.00 in addition thereto, unless exempted by the Harbor Commission of The City of San Diego.

SEC. 63.15.23 SAME - REFUSAL TO OBEY HARBOR MASTER OR CHIEF WHARFINGER

The master, agent, or owner of a vessel refusing or neglecting to obey the orders of the Harbor Master or Chief Wharfinger in any matter pertaining to the regulations of the Harbor or removal or stationing of such vessel, shall be guilty of a misdemeanor. ~~and shall be punished by a fine not exceeding three hundred dollars ($300.00), or be imprisoned in the City Jail for a term not exceeding one hundred (100) days, or by both such fine and imprisonment.~~

SEC. 63.15.24 SAME - BERTH PRIVILEGES

The assignment of berth privileges includes only the right of the person or firm making application therefor to dock vessels owned or operated by said person or firm at such berth, subject to the provision that when such berth be unoccupied the Chief Wharfinger may dock other vessels thereat.

Such assignments do not include either dockage, wharfage, or wharf-demurrage.

SEC. 63.15.25 SAME - WHARF PRIVILEGES

Assignments of wharf privilege and all other assignments of space on wharves or other property of the City under the jurisdiction of the Harbor Commission of The City of San Diego, are not transferable. Forfeiture of the assignment of privilege is the penalty for the violation of this Section.

SEC. 63.15.26 SAME - OIL CARRIED IN WOODEN TANKS OR COMPARTMENTS

No vessel carrying oil for fuel in wooden tanks or wooden compartments shall be allowed to lie alongside or make fast to any other vessel, while the same is lying at such dock, pier or wharf, or to lie alongside or make fast to any structure under the jurisdiction of the Harbor Commission of The City of San Diego.

SEC. 63.15.27 SAME - OIL - STEAM PUMP REQUIREMENTS

All oil for fuel purposes must be delivered through a steam pump so as to pump the oil into the vessel to be supplied as quickly as possible and all vessels carrying oil for fuel must be kept clear of rubbish, etc., which is liable to catch fire from sparks.

SEC. 63.15.28 SAME - FLASH POINT OF OIL

No vessel loaded with oil which will flash below 110 degrees Fahrenheit, shall be permitted to haul alongside of any vessel, municipal wharf, pier bulkhead or structure except when special authority has been granted by the Port Director.

SEC. 63.15.29 SAME - DELIVERY FUEL OIL BY VESSEL

No vessel engaged in the business of supplying fuel oil shall be allowed when empty to haul or lie alongside any vessel, dock, pier or wharf. Any vessel after having discharged oil mus immediately haul away from vessel or struture and depart.

SEC. 63.15.30 SAME - PETROLEUM PRODUCTS - APPROVAL OF PORT DIRECTOR

Vessels loaded with petroleum or petroleum products berthed at municipal wharves, piers or bulkheads, or when lying alongside another vessel berthed at such wharves, piers or bulkheads, and the handling of petroleum or petroleum products in or on such wharves, piers or bulkheads, or in structures under the jurisdiction of the Harbor Commission of The City of San Diego, will be subject to conditions and regulations approved by the Port Director.

SEC. 63.15.31 SAME-PETROLEUM PRODUCTS - DELIVERY TO VESSELS BETWEEN 8 A.M. AND 5 P.M.

Vessels berthed at any municipal wharf, pier or bulkhead, or lying alongside any vessel so berthed, will be allowed to take on board gasoline or distillate only when such special permission is granted by the Port Director, in which case loading must be accomplished between 8 A.M. and 5 P.M., and when a vessel is otherwise ready to depart. Delivery must be made from wagon to vessel direct. If the vessel is not ready to receive same, the loaded wagon will not be allowed to wait on wharf or pier, but must immediately pull off same.

SEC. 63.15.32 SAME - PETROLEUM PRODUCTS - PERMITS TO KEEP ON WHARVES

It shall be unlawful for any person to have or keep any acids, coal oil, gasoline, distillate or other liquid products of petroleum, or empty drums which previously contained such products, on any municipal wharf, pier, or bulkhead at the Port of San Diego, except by special permit issued by the Port Director, who shall have authority to order the removal of such products of petroleum or empty drums in the interests of public safety.

SEC. 63.15.33 SAME - HANDLING EXPLOSIVES

No gunpowder or other explosive shall be discharged on or loaded from any Municipal wharf, pier, bulkhead or vessel, except by permission of the Harbor Master or Chief Wharfinger, in which case it must be immediately removed; nor shall any gunpowder or other explosive be allowed to remain on any wharf, pier or bulkhead unless a special permit is obtained from the Port Director.

SEC. 63.15.34 SAME - DISCHARGE OF EXPLOSIVES

No person shall discharge any gunpowder, giant powder, dynamite, or any other explosive from any vessel to or upon any wharf, pier or bulkhead at the Port of San Diego, or load the same from any wharf, pier or bulkhead upon any vessel, except between the hours of 6:00 A.M. and 6:00 P.M., and during such time proper watchman service must be maintained at the expense of the owners of such cargo in order to safeguard the public.

It shall be unlawful to load or discharge any such explosive

except under the inspection of such watchman. If any such explosive is not fully loaded or discharged during said hours, the Master, or other person in charge or control of the vessel into or from which such explosive is being loaded or discharged shall cause such vessel to haul away from such wharf or pier, and anchor in such part of the Harbor as may be designated by the Port Director, if, in his judgment, such action is advisable for public safety.

It shall be unlawful for any person to load or discharge any explosive into or from any vessel in San Diego Harbor, unless, during such loading or discharging, a red flag be displayed at the fore topmast head as a danger signal, and during the time when any such explosive is being loaded into or discharged from any vessel, no fire shall be permitted on board such vessel; provided, however, that in the case of steam vessels, any such explosive shall be discharged or loaded as far from the center of fire on such vessels as possible. In the discretion of the Port Director any of the foregoing provisions may be modified and/or suspended and additional provisions made and enforced.

SEC. 63.15.35 SAME - PETROLEUM RESIDUE - DUMPING IN BAY PROHIBITED

No person, firm, association or corporation shall discharge or deposit, or shall cause or suffer to be discharged or deposited, or to pass, in or into the waters of the Bay of San Diego, any coal tar or refuse or residuary product of coal, petroleum, asphalt, bitumen or other carbonaceous material or substance. Every person, firm, association or

corporation that violates the above rule will be subject to prosecution and punished as herein provided.

SEC. 63.15.36 SAME - SAND FOR ABSORBING WASTE OIL

Sand shall be kept in buckets, fit and available for absorbing waste oil that may fall upon the floors of the wharves and docks, and such sand, when saturated shall be removed at once to a safe place.

SEC. 63.15.37 SAME - SMOKING PROHIBITED

No smoking is to be allowed on any municipal wharf or warehouse. Persons violating this Section will be refused admittance thereon.

SEC. 63.15.38 SAME - OPERATION AND FUELING MOTOR VEHICLES ON WHARVES

(a) No motor vehicle operated by gasoline or any product of petroleum from which is dripping any gasoline or other oil, shall be allowed to cross or enter upon any of the piers or bulkhead.

(b) No gasoline, or any product of petroleum, shall be put into or taken out of any motor vehicle while same is on pier, warf or dock.

(c) No filling of motor vehicles with gasoline or any product of petroleum shall be permitted upon any wharf or dock under any circumstances. In case of the gasoline in any vehicle becoming exhausted, said vehicle must be hauled off of the pier, wharf or dock.

(d) No operator of a motor vehicle using gasoline or any product of petroleum, and run by steam power, shall be permitted to light his pilot light while the vehicle is on

in wharf, pier or dock controlled by the Harbor Commission of The City of San Diego.

(e) No motor vehicle operated by gasoline or any product of petroleum, shall be allowed to stand on any wharf or dock for any unreasonable length of time, and only when actually engaged in loading or unloading freight or passengers; and any such vehicle left standing on such wharf or dock without the constant presence and attendance of its operator, or longer than is deemed reasonable by the Chief Wharfinger, or Collector in charge, may be removed and warehoused by such Chief Wharfinger or Collector so in charge, at the expense of the owner of such vessel.

(f) The owner, owners or operator of any motor vehicle operated by gasoline, or any product of petroleum, who shall wilfully disregard these rules, shall be reported at once to the Chief Wharfinger, who may thereafter deny the offender or offenders further admission to the transit across the City wharves and docks.

SEC. 63.15.39 SAME - SPEED LIMIT ON WHARVES

The driving of a motor vehicle at a greater speed than ten (10) miles per hour on wharves or piers is forbidden, and a violation of this rule shall subject the offender to prosecution for misdemeanor.

SEC. 63.15.40 SAME - DEFECTIVE WHARVES OR SLIPS

That whenever the Harbor Master or Chief Wharfinger shall learn that any wharf or dock or slip in the Harbor of San Diego is in a defective or dangerous condition, so that

life or property is endangered thereby, it shall be the duty of such Harbor Master or Chief Wharfinger to immediately notify the owner thereof, his agent, lessee or any other person or persons having charge of the same, in writing, of the defective and dangerous condition thereof, and report the same immediately to the Port Director. Such person or persons shall thereupon be required to immediately repair the same, or to put up fences or other barriers to prevent persons from using or going upon the same.

SEC. 63.15.41 SAME - DEFECTIVE WHARVES - BARRIERS TO BE PLACED

That if the owner, lessee, or other person or persons having charge of wharves, docks, or slips, specified in Section 63.15.40, shall fail or neglect to repair or to put up fences or barriers to prevent persons from using or going upon such defective or dangerous wharves, docks or slips, then the Port Director may cause to be put up fences or other barriers as he may deem necessary for the protection of the public, and charge such owner, lessee, agent, person or persons having charge of such wharf, dock or slip with the expense of putting up such fences or barriers.

(a) That it shall be unlawful for any person or persons whomsoever to interfere with or molest, in any manner whatsoever, any fence or barrier which may have been constructed for the purpose of preventing the use of the wharves, docks and slips aforesaid.

SEC. 63.15.42 SAME - LIFE PRESERVERS ON WHARVES

That it shall be the duty of all and every owner, agent, or lessee of any kind of wharves, docks or slips within the corporate limits of The City of San Diego, or in San Diego

Harbor, to furnish and keep in place on said wharves, docks or slips proper ring-life-preservers with suitable ropes or lines at least two hundred (200) feet in length attached thereto in suitable places on said wharves, docks, or slips, convenient and accessible at all times during the day and night, for the purpose of rescuing persons from drowning who may have fallen overboard from such wharves, docks or slips, or otherwise, and said life-preservers shall be kept on said wharves, docks or slips in boxes properly labeled, of a size, character and material to be prescribed by the Port Director, who shall direct where said boxes shall be placed on each and every wharf, dock and slip. It shall be unlawful for any person or persons whomsoever to molest, interfere with, break, take away or destroy said boxes or life preservers contained therein; provided, however, that this Section shall not prohibit the removal of the life-preservers from said boxes for the purpose of saving life.

SEC. 63.15.43 SAME - REMOVAL OF FALLEN WHARVES

If any wharf, or any portion thereof, shall, from decay or accident or any other cause, fall into the waters of the Harbor of San Diego, it shall be the duty of the owner, agent or lessee of such wharf to forthwith remove the materials of which said wharf was composed from the waters of said harbor to such place as shall be prescribed by the Port Director, and if such owner, agent, or lessee fails to remove such material forthwith, the Port Director shall remove or cause to be removed said material from the waters of said harbor, and the cost of such removal shall be recovered from such owner,

agent or lessee in a civil action by the City of San Diego.

SEC. 68.15.44 ~~63.15.43~~ SAME - SUNKEN OR GROUNDED CRAFT

In case of any vessel, boat, water craft, raft or other obstruction sinking or grounding, or being unnecessarily delayed in the Harbor of San Diego in such manner as to stop, interfere with or, in the opinion of the Port Director, indanger navigation of otherwise unnecessarily obstruct the Harbor of San Diego or tideland approaches thereto, the Harbor Commission of The City of San Diego shall have the right to take immediate possession of such vessel, boat, water craft, raft or othet obstruction so far as to remove it, and to immediately clear the harbor or tideland approaches thereto of the said obstruction, using its best judgment to prevent any unnecessary damage to such craft or obstruction aforesaid, and no one shall interfere with or prevent such removal.

(a) Any sunken or abandoned vessels, boats, water craft, rafts, wharves, buildings or other obstructions shall be subject to be removed, destroyed, sold or otherwise disposed of by the Harbor Commission of The City of San Diego at its discretion and at the expense of the owner or owners and without liability for any damage to the said owner or owners.

(b) The Port Director may, in his discretion, give notice in writing to the owner or owners of any such craft or obstruction, requiring them to remove it. Provided, that the expense of removing any such craft or obstruction as aforesaid shall be a charge against such craft and/or obstruction or contents thereof, and if the owner of the same shall fail

or refuse to reimburse the Harbor Commission of The City of San Diego for such expense within thirty (30) days after notification, then the Harbor Commission of The City of San Diego may secure bids for the removal thereof, and may sell the aforesaid craft, obstruction and/or contents, or any part thereof that may not have been destroyed in removal, and the proceeds of such sale, or any such thereof as may be necessary to reimburse The City of San Diego for the expense of such removal, shall be paid into the Harbor and Warf Fund of The City of San Diego.

SEC. 63.15.45 ~~63.15.44~~ SAME - STRAY BOATS OR MATERIAL DISPOSAL

All stray boats, timber or other articles found within the port shall be immediately delivered to the Port Director, in whose custody they shall remain until claimed by the proper owner or owners, who shall pay all expenses thereon, including a charge for keeping and storing same. If articles are not claimed within ninety (90) days, they shall be sold.

SEC. 63.15.46 ~~63.15.45~~ SAME - OBSTRUCTIONS IN BAY AND MARKING WITH BUOYS

It shall be unlawful to tie up or anchor vessels or other craft in the Harbor of San Diego in such manner as to prevent or obstruct the passage of other vessels or craft, or to voluntarily or carelessly sink, or cause to be sunk, vessels or other craft, or to voluntarily or carelessly sink, or cause to be sunk, vessels or other craft in the waters of the Harbor of San Diego; or to float loose timbers, logs or piles in the Harbor of San Diego, in such manner as to obstruct, impede or injure navigation. And whenever a vessel or other craft is wrecked or sunk in the Harbor of San Diego, accidentally

or otherwise, it shall be the duty of the owner of such sunken craft to immediately mark it with a buoy or beacon during the day, and a lighted lantern by night, and to maintain such mark until the sunken craft is removed or abandoned.

(a) The neglect or failure of such owner so to do shall be unlawful; and it shall be the duty of such owner of such sunken craft to commence the immediate removal of the same, and to prosecute the removal diligently; and failure to do so shall be considered as abandonment of such craft, and shall subject the same to removal by the Harbor Commission of The City of San Diego.

SEC. 63.15.47 ~~63.15.46~~ SAME - DUMPING INFLAMMABLES IN BAY PROHIBITED

That it shall be unlawful to throw, discharge or deposit or cause, suffer or procure to be thrown, discharged or deposited, either from or out of any ship, barge or other floating craft of any kind, or from the shore, wharf, manufacturing establishment or mill of any kind, any tar, oil or inflammable liquid or refuse matter of any kind or description whatever into the Harbor of San Diego, and it shall be unlawful to discharge or cause, suffer or procure to be deposited, materials of any kind in any place, or on the banks of the Harbor of San Diego where the same shall be liable to be washed into the harbor, either by ordinary high tides, or by storm, floods or otherwise, whereby navigation may be impeded or obstructed. Provided, that nothing herein shall extend to or prohibit the operation in connection with the improvement of the harbor or construction of public works considered necessary and proper

by the Harbor Commission of The City of San Diego.

SEC. 63.15.48 ~~63.15.47~~ SAME - GARBAGE DUMPING PROHIBITED

Garbage shall not be deposited in the Harbor of San Diego. All scows or vessels employed in the removal of garbage shall, before discharging, proceed to sea a distance sufficient to prevent any injury or detriment to the Harbor thereby; and in receiving garbage observe the provisions of Section 63.15.13.

SEC. 63.15.49 ~~63.15.48~~ SAME - PROHIBITION REGARDING RUBBISH OR ARTICLES OF AN OFFENSIVE CHARACTER

It shall be unlawful for any person to place or deposit any rubbish, refuse matter, or articles of an offensive character, likely to create a nuisance, upon any wharf or wharf road or street leading to a wharf, except at the places and in the manner pointed out by the Harbor Master.

SEC. 63.15.50 ~~63.15.49~~ SAME - DEAD ANIMALS

It shall be unlawful for any person to throw, place or leave any dead animals or putrifying matter into or on any part of the Harbor of San Diego.

SEC. 63.15.51 ~~63.15.50~~ SAME - TIDELAND OCCUPANTS, PENALTIES AND FORFEITURE OF LEASE

Any person occupying any tidelands or lands below ordinary high tide in the Harbor of San Diego shall keep all such property and premises clear of all garbage, rubbish and debris.

In addition to any other penalty prescribed for a violation of these Sections any one occupying any of the above described lands under a lease from the Harbor Commission of The City of San Diego who shall violate any of the provisions

of these Sections shall thereby forfeit his lease.

SEC. ~~63.15.51~~ 63.15.52 SAME - COURT ACTION FOR VIOLATION

Any master, pilot, engineer, or person or persons acting in such capacity, respectively, on board of any vessel, who shall knowingly engage in towing any scow, barge, boat or vessels laden with any material specified in Sections 63.15.46, 63.15.47, 63.15.48 and 63.15.49, to any point or place of deposit or discharge in the Harbor of San Diego within the limits defined and prohibited by the Harbor Master, or who shall wilfully or carelessly injure or destroy any buoy, float, craft or other public property in the Harbor of San Diego shall be liable, in addition to the penalties imposed for a breach of these Sections, for the amount of damage done by said boat, scow, raft or other craft, and said boat, scow or other craft may be proceeded against by a suit in the name of The City of San Diego in any court having jurisdiction thereof.

SEC. ~~63.15.52~~ 63.15.53 SAME - AUTHORITY OVER HANDLING OF VESSELS

That whenever the master or any person in charge of any vessel or other water craft, in the Harbor of San Diego shall fail or refuse to change the position of such vessel or other water craft, or to arrange the rigging thereon as directed by the Harbor Master or Chief Wharfinger in accordance with the provisions of these Sections, it shall be the duty of the Harbor Master or Chief Wharfinger to forthwith board such vessel or other water craft, with such assistance as may be necessary, and to change the position of such vessel or other water craft, or to arrange the rigging thereon as had been directed by him; and the expense of changing the position of such vessel or other water craft, or of arranging the rigging thereon may be recovered of such vessel or other

craft, by a suit in the name of The City of San Diego in any court of competent jurisdiction.

SEC. 63.15.54 ~~63.15.53.~~ SAME - AUTHORITY

The master or any other person in charge of any vessel or other water craft within the limits of the Harbor of San Diego being in position to prevent or interfere with the mooring or passage of any other vessel or other water craft, from any part of the Harbor to another part thereof, shall, when directed or required by the Harbor Master or Chief Wharfinger, forthwith change the position of the vessel or other water craft to such place as may be directed by the Harbor Master or Chief Wharfinger.

SEC. 63.15.55 ~~63.15.54~~ SAME - INSPECTION OF CARGO OR CREW

The Harbor Master or Chief Wharfinger is hereby authorized to enter upon and inspect any vessel to ascertain the kind and quality of merchandise or carge thereon, or her condition in any respect, or the condition of her crew, and no person shall hinder or molest the Harbor Master or Chief Wharfinger or refuse to allow him to enter upon any vessel for any purpose specified in this Section.

SEC. 63.15.56 ~~63.15.55~~ SAME - VIOLATIONS TO BE REPORTED

It shall be the duty of the Port Director to report any violations of these Sections, or any City ordinance, or any law respecting the use of wharves, docks or landings and vessels in the Port of San Diego to the proper authorities of The City of San Diego, the United States or the State of California, as the case may be, to be acted upon as provided

by law in cases where he is not empowered by these Sections to act himself.

SEC. 63.15.57 ~~63.15.56~~ SAME - POLICE AUTHORITY

It shall be the duty of the Port Director to enforce the provisions of these Sections, and in that behalf he shall have the power of a special police officer of The City of San Diego, including the power to make arrests for the violation of the provisions of these Sections.

SEC. 63.15.58 ~~63.15.57~~ SAME - DAMAGE OR LOSS OF MERCHANDISE

The City of San Diego is not liable for damages to, or loss of, merchandise while on a municipal wharf, bulkhead, or in municipal sheds.

SEC. 63.15.59 ~~63.15.58~~ SAME - REPORT OF CARGO TO BE DISCHARGED

The owner, agent, manager, consignee, master or person in command of any vessel, shall upon demand deliver, at the time of her arrival at any wharf or slip, at the office of the Collector in charge of the wharf, a full and correct statement signed and certified to by him containing all information called for on blanks furnished by the Chief Wharfinger's Office of all the merchandise and cargo of every kind intended to be discharged from such vessel at said wharf.

SEC. 63.15.60 ~~63.15.59~~ SAME - REPORT OF CARGO LIFTED

The owner, agent, manager, consignee, master, or person in command of any vessel upon demand must, before her departure from any wharf, slip, basin or channel, deliver at the office of the Chief Wharfinger a full and correct statement signed and certified to by him, containing all information called for on blanks furnished by the Chief Wharfinger's Office,

of all merchandise and cargo of every kind received on such vessel at said wharf.

SEC. ~~63.15.60~~ 63.15.61 SAME - PENALTIES FOR FAILURE TO REPORT CARGO DISCHARGED OR LIFTED

In case any owner, agent, manager, consignee, master or person in command of any vessel shall neglect or refuse to deliver the statement provided for in Sections 63.15.58 and 63.15.59, or shall wilfully make a statement false in any of the particulars required by such rules, he will be ~~prosecuted therefor, and, in case of conviction, suffer the penalties provided for by law, as follows: By a fine not exceeding one hundred ($100.00), or by imprisonment in the City Jail for a term not exceeding (50) days, or by both such fine and imprisonment.~~ guilty of a misdemeanor

SEC. ~~63.15.61~~ 63.15.62 SAME - PAYMENT OF WHARFAGE

Every vessel shall be obliged to pay to the Collector of the wharf, at his office, the amount due for wharfage upon the merchandise or cargo to be discharged from such vessel; and every vessel shall be obliged to pay to the Collector of the wharf, at his office, at which she finishes receiving cargo, the amount due for wharfage upon that portion of cargo received at said wharf. Wharfage is due and payable:

(1) On vessels intended to discharge before any merchandise is discharged;

(2) On vessels loading or receiving carge, before the same is placed aboard, when possible to ascertain the amount;

(3) Before the departure of the vessel from the wharf or slip, except when such vessel is on the credit list.

SEC. 63.15.63 ~~63.15.62~~ SAME - PENALTIES FOR FAILURE TO PAY WHARFAGE

In case any person shall discharge from, or allow to be discharged from any vessel made fast to or using any wharf, or slip, any merchandise or other article before the wharfage thereon has been paid, or permit any water craft to leave any wharf or slip, unless forced to do so by stress of weather, or fire, before the wharfage on any merchandise or cargo received while at such wharf or slip has been paid (except such person is upon the Credit List), he shall be ~~prosecuted~~ guilty of a misdemeanor ~~therefor, and upon conviction thereof he shall be punished by law as follows: By a fine not exceeding five hundred dollars ($500.00), or by imprisonment in the City Jail for a term not exceeding one hundred (100) days, or by both such fine and imprisonment.~~

SEC. 63.15.64 ~~63.15.63~~ SAME - INSPECTION OF VESSEL

The Collector or Wharfinger is authorized to enter upon and inspect any vessel in berth to ascertain the kind and quantity of merchandise or cargo thereon, and no person shall hinder or molest any Collector or Wharfinger, or refuse to allow him to enter upon any vessel for the purpose specified in this Section.

SEC. 63.15.65 ~~63.15.64~~ SAME - SALE OF FOOD PRODUCTS AND MERCHANDISE PROHIBITED

It shall be unlawful for any person to sell, upon the public wharves, piers, bulkheads or tidelands in The City of San Diego, within the jurisdiction of the Harbor Commission, any fruits, vegetables, poultry, eggs, honey, game, ice cream, candies, cigars, merchandise, sandwiches, milk, soft drinks

or other products, without the permission of the Board of Harbor Commissioners, evidenced by a written permit, signed by the Port Director, authorizing such sales to be made.

SEC. 63.15.66 ~~63.15.65~~ SAME - AUTHORITY TO COLLECT CHARGES

No person shall have the authority to collect dockage, wharfage, wharf-demurrage or rents, unless authorized by the Harbor Commission of The City of San Diego.

SEC. 63.15.67 ~~63.15.66~~ SAME - AUTHORITY FOR ADDITIONAL RULES AND REGULATIONS

The Harbor Commission of The City of San Diego by resolution may from time to time adopt additional rules and regulations supplementary to and not inconsistent with the general rules and regulations contained in these Sections and when so adopted they shall have the same force and effect as though expressly set forth herein.

SEC. 63.15.68 ~~63.15.67~~ SAME - TARIFF CHARGES

The Harbor Commission of The City of San Diego is hereby authorized and empowered by resolution to establish and enforce schedules of tariff charges for dockage, tolls, demurrage and rentals for use of piers, wharves, landings and port facilities and equipment of the City under the jurisdiction and control of said Commission, together with rules and regulations in connection therewith; and by resolution from time to time to change or alter the same. Provided, however, that certified copies of all such schedules together with any changes or alterations therein, shall, immediately upon their adoption, be filed in the office of the City Clerk of The City of San Diego.

SEC. ~~63.15.68~~ 63.15.69 SAME - DEFINITIONS

The following words and phrases whenever used in Section 63.15 and Subsections thereof shall be construed as defined in this Section unless from the context a different meaning is intended:

The Term WHARF embraces every structure to which vessels make fast, or on which merchandise is discharged, or from which it is loaded.

DOCKAGE: The charge made for vessels occupying berths at the wharves, or moored in any slip.

WHARFAGE: The charge made against merchandise passing over City premises.

WHARF-DEMURRAGE: The charge made against merchandise left on City premises longer than the time specified.

SEC. 63.16 RULES AND REGULATIONS GOVERNING SPEED OF VESSELS ON SAN DIEGO BAY - BASIC SPEED LAW

No person shall operate a boat, vessel or other watercraft upon the Bay of San Diego at a speed greater than is reasonable or prudent, having due regard for other vessels, property and persons on said Bay, and in no event at a speed which endangers the safety of persons or property.

SEC. 63.16.1 SAME - PRIMA FACIE SPEED LIMIT

No person shall operate a boat, vessel or other watercraft at a speed in excess of six (6) nautical miles per hour upon that portion of San Diego Bay commonly known as the Municipal Yatch Harbor and Commercial Small Boat Basin, and bounded by the following lines:

Beginning at the southeasterly point of that land area now occupied by the U.S.Navy Fleet Sonar School; thence to the most northerly point of Shelter Island; thence along the northwesterly shoreline of Shelter Island to its most westerly point; thence to the shoreline at the boundary line between the City of San Diego and the U.S.Military Reservation on Point Loma; thence along the northwesterly shoreline of the Bay of San Diego to the point of beginning.

SEC. 63.17 HARBOR OF SAN DIEGO SMALL CRAFT MOORING REGULATIONS - DEFINITIONS:

Unless from the context a different meaning is apparent as used in these regulations the terms hereinafter used shall be defined as follows:

(a) "Vessel" and "Craft" means and includes ships of all types, steamboats, steamships, canal boats, barges, sailing vessels, motorboats, and every structure adapted to be navigated from place to place for the transportation of property and persons by any means.

(b) "Float" means and includes wharf, pier, quay, or landing.

(c) The word "mooring" means any weight, chain, rope, float, structure and/or appliance used by a vessel for anchoring purposes, and which is not carried aboard such vessel as part of her regular equipment.

(d) "Designated Anchorage Areas" shall mean the areas as set forth more particularly in Section 63.17.1 (b) below and shall include every mooring, pier, float, wharf, dock or landing within such areas, and the shoreline thereof, together with the approaches thereto.

(e) Whenever the word "Harbor Commission" shall be used, the same shall be construed to mean, and shall

mean, as acting for and in the name of the City of San Diego.

(f) Whenever the word "Harbor Department" shall be used, the same shall be construed to mean, and shall mean, the Harbor Department of the City of San Diego.

SEC. 63.17.1 GENERAL PROVISIONS.

(a) Whenever a power is granted to, or a duty is imposed upon the Port Director, the power may be exercised or the duty may be performed by an Assistant of the Port Director, or such other person as he may designate for the enforcement of these regulations.

(b) DESIGNATED ANCHORAGE AREAS:

1. Special anchorage for recreational craft A-1, more commonly known as the Municipal Yacht Harbor:

All of the area shoreward of the line between U.S. Bulkhead Stations 120 and 166 (1950).

2. Special anchorage for recreational craft A-2, more commonly known as Glorietta Bay:

All the area shoreward of the line between U.S. Bulkhead Stations 151 and 157 (1950).

3. Special anchorage for recreational craft A-3, more commonly known as Glorietta Bay:

All of the area shoreward of the line between U.S. Bulkhead Stations 159 and 171 (1950).

4. Special anchorage for small commercial fishing vessels B-1, more commonly known as the Small Commercial Boat Basin;

All of the area shoreward of the line between U.S. Bulkhead Stations 172 and 192 (1950).

5. Special anchorage for small commercial fishing vessels, B-2, more commonly known as the Embarcadero Boat Basin:

The area shoreward of the U.S. Bulkhead Line

between Stations 208 and 210 and shoreward of the line connecting U.S. Bulkhead Line Station 210 and U.S. Pierhead Line Station 300, prolonged, along the Pierhead Line south to the intersection of the prolongation of the center line of Cedar Station.

(c) All stray, abandoned or derelict vessels, skiffs, rowboats, dingeys, timber or other articles found within the designated anchorage areas, not in the lawful possession or control of some person, shall be immediately delivered to and/or taken in charge by the Port Director in whose custody they shall remain until claimed by the proper owners. Said owners shall pay all expenses incurred by the Port Director in connection therewith including a charge for keeping and storing the same, and if said vessels, timbers or other articles are not claimed within thirty (30) days and the charges paid as herein provided for, the Port Director may proceed to sell such property and the proceeds of such sale shall be paid into the treasury of the City of San Diego for the account of the Harbor Department.

(d) It shall be unlawful to launch or remove from the waters of the designated anchorage areas any vessel except at such locations as are designated for that purpose, or at such locations as are designated as a regular place of business for the launching and hauling vessels and having the necessary equipment to do such work, without first obtaining permission of the Port Director.

(e) If any vessel arriving and anchoring or being moored or fastened to any wharf in the designated anchorage areas shall be so moored or placed as to be unsafe or dangerous to any other vessel previously lying

at anchor in said such anchorage areas, or moored or fastened as aforesaid, the Port Director is hereby authorized to order and direct the position of such vessel to be changed in such a manner as to obviate such insecurity or danger, and the master or other person having charge of such vessel shall forthwith cause the position of such vessel to be changed as directed by the Port Director, and upon the failure or refusal of such Master or other person in charge of such vessel to change the position of said vessel, as directed by the Port Director, and/or in the absence of such Master or other person in an emergency, the Port Director may forthwith board such vessel with such assistance as may be necessary and change the position of such vessel, and the expense of changing the position of such vessel, or of arranging the rigging thereon, may be recovered from the Master or owner of such vessel by a suit in the name of the City of San Diego in any Court of competent jurisdiction.

(f) It shall be unlawful to tie up or anchor a vessel in the designated anchorage areas in such manner as to obstruct the marked channels, or to prevent or obstruct the passage of other vessels or to voluntarily or carelessly sink or allow or cause to be sunk any vessel in any channel or berthing space, or to float loose timbers, logs or piles in any channel or berthing space, in such a manner as to obstruct, impede or injure other vessels or the navigation thereof, and whenever a vessel is sunk in the designated anchorage areas, accidently or otherwise, it shall be the duty of the owner thereof to immediately mark it by a buoy during the day and by a lantern or other light at night, and to maintain such markings until the sunken vessel or

obstruction is removed, and the neglect or failure of such owner to do so shall be unlawful. The owner thereof shall immediately commence the removal of said obstruction and to prosecute the removal diligently to completion and any failure to do so shall constitute abandonment of such vessel. Whenever the navigation of any of the waters, including moorings and berths, within the designated anchorage areas shall be obstructed or endangered by any vessel or other obstruction, which obstruction or danger has existed for a period longer than ten (10) days, or whenever the abandonment of a vessel or other obstruction can be legally established in a less space of time, the vessel or other obstruction shall be subject to be removed, sold or otherwise disposed of by the Port Director at his discretion without liability for any damage to the owner of same, and at the expense of the owner, who shall pay the cost of such removal, sale or disposition.

(g) It shall be unlawful to make fast or tie any vessel to a mooring belonging to another vessel, or to make fast or tie to a vessel already occupying a mooring, or to anchor so close to the vessel occupying a mooring that the other vessel is endangered.

SEC. 63.17.2 AUTHORITY OF THE PORT DIRECTOR, CITY OF SAN DIEGO:

(a) To designate the areas within which vessels of different sizes and classes shall be anchored or moored.

(b) To assign anchorage or moorings to vessels within such designated areas.

(c) To assign berths or landing places to vessels coming alongside of floats, wharves and piers.

(d) To order any vessel improperly anchored, moored, or berthed to change its position as more particularly

set forth in Section 63.17.1 paragraphs (e) and (f).

SEC. 63.17.3 SPEED REGULATIONS:

(a) BASIC SPEED LAW. No person shall operate a boat, vessel or other watercraft upon the Bay of San Diego at a speed greater than is reasonable or prudent, having due regard for other vessels, property and persons on said Bay, and in no event at a speed which endangers the safety of persons or property.

(b) PRIMA FACIE SPEED LIMIT. No person shall operate a boat, vessel or other watercraft at a speed in excess of five (5) nautical miles per hour upon that portion of San Diego Bay commonly known as the Municipal Yacht Harbor, Glorietta Bay and Commercial Small Boat Basin and bounded by the following lines:

Beginning at the southeasterly point of that land area now occupied by the U.S. Navy Fleet Sonar School, thence to the most northerly point of Shelter Island; thence along the northwesterly shoreline of Shelter Island to its most westerly point; thence to the shoreline at the boundary line between the City of San Diego and the U. S. Military Reservation on Point Loma; thence along the northwesterly shoreline of the Bay of San Diego to the point of beginning.

Beginning at Government Station No. 159 on the U. S. Pierhead Line, as said Line is now established for the Bay of San Diego; thence southeasterly along a line connecting said Government Station No. 159 with Government Station 173 on said U. S. Pierhead Line, to an intersection with the southerly shore of Glorietta Bay; thence northwesterly along the southwesterly shore, northeasterly along the northwesterly shore and southwesterly along the northeasterly shore of Glorietta Bay to an intersection with the northwesterly prolongation

of said line connecting Government Stations 159 and 173; thence southeasterly along said prolongation to the true point or place of beginning. (1950).

A channel, which connects Glorietta Bay with the main deepwater channel of the Bay of San Diego and which is limited and marked along its easterly edge by buoys FLG "3", C5 and C9 and along its westerly edge by buoys FLR "2", N4, FLR "6", N8, and N10, as shown on U. S. Coast and Geodetic Chart No. 5107, dated 1948.

The speed of any boat, vessel or other watercraft upon that portion of the Bay of San Diego hereinabove described as the Municipal Yacht Harbor Commercial Small Boat Basin, and Glorietta Bay in excess of the limit specified in this Section is Prima Facie unlawful.

SEC. 63.17.4 MOORING PERMITS:

(a) It shall be unlawful to place, erect, or construct moorings in the designated anchorage areas without a permit first having been issued by the Port Director.

(b) No permit shall be issued by the Port Director for a mooring until plans and specifications for said mooring have been submitted to him by the applicant showing the construction of said proposed mooring together with the location thereof, which plans and specifications shall have first been approved by the Port Director.

(c) Any permit issued by the Port Director shall provide that said permit may be cancelled at any time by the Port Director by giving five (5) days' written notice to the occupant of said cancellation, and upon said permit being cancelled, it shall be the duty of the owner of said mooring to immediately remove the same,

and if he should fail to collect or refuse to move the same within thirty (30) days, said mooring may be removed by the Port Director and the cost thereof shall be paid by the occupant of said mooring place, and same may be collected in any Court of competent jurisdiction. Said permit shall further provide that the Port Director may at his discretion permit any vessel to use an unoccupied mooring on a temporary basis. Said permit shall further provide that any mooring not used by the owner for a period of six (6) consecutive months out of every twelve (12) months becomes the property of the Harbor Department and may be removed or sold by the Port Director with or without notice, at his option. Said permit shall further provide for an annual inspection of moorings and the fee to be charged for such inspection as set forth hereinafter.

(d) The owner of every vessel in the designated anchorage areas having a mooring shall pay to the Harbor Department an initial permit fee of twenty-five cents ($.25) per lineal foot of overall length of vessel, payable upon issuance of permit, and thereafter shall pay the Harbor Department a yearly inspection fee of twenty-five cents ($.25) per lineal foot of overall length of vessel; said inspection fee to be paid annually in advance.

(e) The permit shall further provide that when the owner is in arrears for a period of thirty (30) days, the Port Director may at his option take over such mooring and convert it to use by the Harbor Department and further when such owner has been in arrears for a period of six (6) months or more the title to said mooring shall revert to the Harbor Department, provided, however, that at any time within the said period of six (6) months, the owner shall have the privilege of

redeeming such mooring by paying the total accrued charges.

(f) The permit shall further provide that the vessel to be anchored or moored within the designated mooring areas shall be duly documented and/or registered with the United States Coast Guard.

(g) Transfer of ownership of any mooring shall be permitted upon the payment of a one dollar ($1.00) transfer fee, and presentation of a bona fide bill of sale to the Port Director, and then only when the new owner of said mooring is the actual owner of a vessel of the same approximate size and type and occupation as the vessel for which the original mooring was installed.

SEC. 63.17.5 MOORING SPECIFICATIONS:

It shall be unlawful to erect or construct any mooring in the designated anchorage areas unless the same shall substantially conform to the following specifications:

(a) Anchors of all moorings shall be made of iron or steel or such other material satisfactory to the Port Director. For single or bow moorings held by dead weight, the amount of weight and size of chain shall be as follows:

Length of Boat	Weight of Mooring	Size of Chain
20 feet & under	500 pounds	1/2 inch
21 to 25 feet	650 "	1/2 inch
26 to 30 "	750 "	1/2 inch
31 to 35 "	1000 "	5/8 inch
36 to 40 "	1500 "	5/8 inch
41 to 45 "	2000 "	5/8 inch
46 to 50 "	2000 "	5/8 inch
51 to 55 "	2500 "	3/4 inch
56 to 60 "	3000 "	3/4 inch
61 to 65 "	3000 "	1 inch
66 to 70 "	3500 "	1 inch
71 to 75 "	4000 "	1 inch
76 to 90 "	5000 "	1 inch
91 ft. or over	As determined by the Port Director	

In the event an approved mushroom type of anchor is used, the above weights may be decreased at the discretion of the Port

Director. Where bow and stern moorings are specified, the weight and size of the stern mooring may be not less than 75% of the above weights and sizes.

(b) The buoys shall be constructed of metal or such other material satisfactory to the Port Director and shall be so constructed that the smallest allowable mooring buoy will extend out of water at least 12". Plans and Specifications detailing buoy construction shall first have been approved by the Port Director.

(c) All chains and fastenings shall be of sufficient size and strength as to stand a breaking strain of at least six times the weight of the mooring.

(d) The mooring buoys shall be painted white or aluminum in color above the water and there shall be painted on said buoy and be legible at all times the number allocated to the mooring by the Port Director, and the Port Director will allocate a number to each mooring in the designated anchorage areas.

(e) All moorings shall be kept in good and serviceable condition at all times, the painters, chains, and fastenings on buoys shall be so arranged when dropped they will immediately sink.

(f) All vessels using moorings in the designated anchorage areas shall be firmly anchored from bow and stern in such a manner as to prevent said vessels from swinging or turning or drifting, except in such areas as the Port Director may designate as single mooring areas.

(g) Length of mooring chains shall be approved by the Port Director in accordance with the depth of the water, length and weight of vessel, and type of mooring to be used in the designated mooring areas.

SEC. 63.17.6 DOCKS AND SLIPS (a) The Harbor Commission

may acquire or cause to be constructed, such floats, wharves, piers and other harbor facilities in the designated anchorage areas as may be required and said Harbor Commission may rent or lease in whole or in part such floats, wharves, piers and other harbor facilities to individuals, non-profit associations and such other organizations as it may determine. The Harbor Commission may further, by Resolution, establish a schedule setting forth the charges for the use of said floats, wharves, piers and other harbor facilities, which may be acquired or constructed by the Harbor Department.

(b) It shall be unlawful to occupy any such float, wharf, pier or other harbor facility as set forth in paragraph (a) above, in the designated anchorage areas without a permit first having been issued by the Port Director.

(c) No permit shall be issued by the Port Director for a berthing space at any float, wharf, pier or other harbor facility, as set forth in paragraph (a) above, until the applicant shall have submitted to said Port Director, the length, width and type and occupation of vessel which is to occupy said berthing space, and said berthing is approved by the Port Director.

(d) Any permit issued by the Port Director shall conform to the terms set forth in SECTION 63.17.4 hereinabove, except paragraph (d) thereof, and the word "berthing space" shall be construed to mean, and be interchangeable with the word "mooring".

(e) It shall be unlawful for any Master or any person having charge of any vessel to make such vessel fast to the front of any float, wharf, pier or other

harbor facility in the designated anchorage areas without the consent of the lessee, agent, or person in charge of any such float, wharf, pier or harbor facility.

(f) It shall be likewise unlawful to make fast any vessel to any other vessel already occupying the face of any float, wharf, pier or other harbor facility without first having obtained permission from the Port Director.

(g) Every vessel lying at any float, wharf, pier or other harbor facility shall be fastened thereto with such head and stern lines from both bow and quarters in such a manner as to meet the approval of the Port Director, and the owner of every such vessel shall provide suitable and sufficient chafing gear to prevent damage to the structure to which it is secured.

(h) It shall be unlawful to make fast more than two vessels abreast at any float, wharf, pier or other harbor facility without first having obtained permission from the Port Director. When permission has been granted to moor more than two vessels abreast, the Port Director may, at his discretion, require that a 24-hour watch be maintained and that fire extinguishing equipment, satisfactory to the Port Director and the Fire Chief, be placed in such a standby position so as to be available in case of any emergency.

(~~I~~ i) The Port Director may require any occupant of any float, wharf, pier or other harbor facility to install and maintain suitable lighting facilities on such float, wharf, pier, or other harbor facility, when in the discretion of the Port Director said installation is required as a safety measure.

SEC. 63.17.7 OTHER REGULATIONS:

(a) Anchorage areas A-1, A-2, and A-3 are reserved

generally for yachts and other recreational small craft. Anchorage areas B-1 and B-2 are reserved generally for small commercial fishing vessels.

(b) All vessels under 65 feet in length mooring in the designated anchorage areas are exempt from the requirements that a white light be exhibited at night while at anchor.

(c-1) The storage, handling, keeping, use or sale of gasoline, distillate, or any liquid petroleum products on floats, wharves, piers and other harbor facilities is prohibited except as provided for herein. Sale of said petroleum products may be made only from specific locations designated by the Port Director. Sale or delivery of such products to vessels in such areas shall be made by means of pipe lines and hose, suitably equipped and provided with closed connections and valves between pipe line and hose as approved by the Port Director and Fire Chief. It shall be unlawful to conduct any welding or burning operations whatsoever on board any vessel while moored at any marine service station or at any other facility adjacent thereto without the express permission of the Port Director or Fire Chief.

(c-2) It shall further be unlawful for any person, firm, association or corporation to have or to keep in storage any explosive or inflammable gases whatsoever, or empty containers which previously contained such products, on any float, wharf, pier or other harbor facility in the designated anchorage areas, except by special permission of the Port Director and then only in such areas as he may designate . The Port Director may order the removal of such products from any area at any time in the interests of public safety.

(c-3) The Port Director may require the installation of fire protection equipment acceptable to the

Port Director and the Fire Department at any location where the storage, handling, keeping, use or sale of gasoline, distillate, or any liquid petroleum product, explosive or inflammable gas is authorized. The Port Director shall require the installation of fire protection equipment acceptable to the Port Director and the Fire Department at all floats, wharves, piers, and other harbor facilities, including those under lease or otherwise under the control of Yacht Clubs, Associations or other persons, when five or more craft are regularly berthed at or assigned to such floats, wharves, piers, and other harbor facilities. Said fire protection equipment shall be installed at the head, i.e. shore end, of said floats, wharves, piers, and other harbor facility in such manner and location as may be designated by the Port Director, and all fire protection equipment so installed shall be maintained in such a condition and to such standards as may be set forth by the Fire Department. The cost, installation and maintenance of said fire protection equipment shall be borne by lessees, Yacht Clubs, Associations or other persons using said floats, wharves, piers or other harbor facilities in common. Duly authorized representatives of the Harbor Department and the Fire Department may inspect said fire protection equipment at such time and intervals they deem advisable.

(d) Empty drums, tanks, barrels or other containers used for the storage or transportation of gasoline, distillate, kerosene or other inflammable products shall not be allowed to remain on any float, wharf, pier or other harbor facility, nor shall such empty drums, tanks, barrels, or other containers be allowed to remain on the shoreline, roadways, or parkways adjoining the

designated anchorage areas.

(e) Floats, wharves, piers and other harbor facilities may be maintained by the Harbor Department, and such harbor facilities shall be available for the loading and unloading of passengers, supplies, boating gear and for similar purposes, and in such manner as will best serve the public use thereof and avoid congestion and the blocking of other facilities. However, the loading and unloading of passengers, supplies, boating gear, shall not be construed so as to include the handling of commercial cargo, in any manner which is unlawful and strictly prohibited. The Port Director shall have the authority to control the use of any and all facilities and to regulate the time and manner of said use for the purpose of maintaining said facilities available to the public.

(f) It shall be unlawful for any person to obstruct, the free and easy access to and departure from any portion of any public float, wharf, pier or other harbor facility at any time. It shall be unlawful to obstruct the land side of any public facility with automobile or any other vehicle or gear and the Port Director shall cause to be impounded at the expense of the owner any automobile or other vehicle or gear which shall obstruct such public facilities.

(g) It shall be unlawful to allow vessels, boats, materials, garbage, refuse, timbers or waste matter of any description to remain upon the shore lines of the designated anchorage areas and any person violating this provision shall be subject to the penalty provided hereinafter, and in addition thereto, the Port Director may remove same with or without notice, at his option,

and any cost of removing the same may be recovered by the City of San Diego against any guilty party, in any Court of competent jurisdiction.

(h) It shall be unlawful for any vessel to pump, discharge or dump into the waters of the designated anchorage areas, oil, spirits, gasoline, distillate, or any petroleum product, or any inflammable material whatsoever, or to deposit any refuse matter, rubbish or articles of any offensive nature upon any float, wharf, pier or upon any shoreline, roadway or parkway.

(i) No person, firm, corporation or association shall build or cause to be built or extended, any public or privately owned, float, wharf, pier, landing, bulkhead, seawall or structure of any sort whatsoever, nor make, or cause, any filling to be made of any description in the designated anchorage areas, nor shall any dredging or excavating be done within said areas for the benefit or use of any private person, firm, corporation or association unless plans showing the proposed work shall first have been submitted to the Port Director and approved by the Harbor Commission and a permit issued therefore.

(j) It shall be unlawful for any person to throw, discharge, deposit or leave, or cause, suffer or procure to be thrown, discharged, deposited or left, either from out of any vessel or from the shore, any trash, cans or rubbish of any description whatever upon the waters of the designated anchorage areas.

(k) It shall be the duty of every owner or other person in charge of a vessel in the designated anchorage areas to apprise themselves of weather conditions and to heed storm warnings, and to take such steps as are necessary under the circumstances to insure the safety

of such vessels in the event of unusual tide and weather conditions. It shall likewise be the duty of every owner or other person in charge of a vessel in the designated anchorage areas to inspect the moorings, lines, bilges and appurtenances of such vessels at reasonable intervals, in order to preclude hazards common to vessels, and to insure seaworthiness.

(l) It shall be unlawful for any vessel to make fast or moor to any can buoy, nun buoy, spar buoy or any other officially designated aid to navigation.

(m) It shall be unlawful for any person to drive or operate a vessel upon the waters of the designated anchorage areas in so reckless a manner as to indicate either a willful or wanton disregard for the safety of persons or property.

(n) It shall be unlawful for any person to operate any vessel upon the waters of the designated anchorage areas while under the influence of intoxicating liquor.

(o) It shall be unlawful for any person to conduct or take part in any race, demonstration or exhibit of any kind that interferes with the free use of the designated anchorage areas, unless a written permit for such event designating the prescribed area to be used had first been procured from the Port Director.

(p) When the Port Director shall learn that any wharf, dock or pier, in the designated anchorage areas is in a defective or dangerous condition so that life or property is endangered thereby, the Port Director shall immediately notify the owner thereof, his agent, lessee, or any other person or persons having charge of the same in writing, of the defective and dangerous condition thereof, requiring such person or persons to immediately repair the same/or to put up fences or other barrier to

prevent persons from using or going upon the same. If the owner, lessee, or other person or persons having charge of wharves, docks or piers shall fail or neglect to repair or to put up fences or other barriers to prevent persons from using or going upon such defective or dangerous wharves, docks or piers, then the Port Director may put up fences or such other barriers as he may deem necessary for the protection of the public, and charge the cost and expense of the same to such owner, lessee, agent, person or persons having charge of such wharf, dock or pier, and it shall be unlawful for any person or persons whatsoever to interfere with or molest in any manner whatsoever any fence or barrier which may have been constructed for the purpose of preventing the use of the wharves, docks or piers aforesaid.

If any wharf, or any portion thereof, or any material on such wharf, shall fall into the waters of the designated anchorage areas, it shall be the duty of the owner, agent or lessee of such wharf to forthwith remove such material from the waters of said area, and if they shall fail to do so, then the Port Director may remove or cause the same to be removed and the cost of such removal by the Port Director shall be recovered from the owner, agent, or lessee of such wharf in a civil action brought by the City of San Diego.

(q) It shall be unlawful for any person to wilfully or carelessly destroy, damage, disturb, deface or interfere with any buoy, float, life preserver sign, notice or any other municipal property whatsoever under the jurisdiction of the Harbor Commission.

No person shall either individually, or in association with one or more persons, wilfully injure or tamper with any boat, vessel, yacht, or other watercraft, in the

designated anchorage areas, or break or remove any part or parts of or from such boats, vessels, yachts, or other watercraft, without the consent of the owner.

No person shall, with intent to commit malicious mischief, injury or other crime, climb into or upon any boat, vessel, yacht, or other watercraft moored, tied or anchored in the designated anchorage areas.

No person shall climb into or upon any boat, vessel, yacht, or other watercraft moored, tied or anchored in the designated anchorage areas without the consent of the owner or operator of said boat.

No person shall tamper with, or in any way molest or interfere with the moorings or anchorages of any boats, vessels, yachts or other watercraft in the designated anchorage areas.

SEC. 63.17.8 HARBOR COMMISSION AUTHORITY TO CHANGE RULES AND CHARGES:

The Harbor Commission of The City of San Diego shall by Resolution establish and enforce a schedule of fees for use of floats, wharves, piers and other harbor facilities and equipment under the jurisdiction and control of said Commission, together with Rules and Regulations in connection therewith; and by Resolution from time to time to change or alter the same. Provided, however, that certified copies of all such schedules, together with any changes or alterations therein shall, immediately upon their adoption, be filed in the Office of the City Clerk of The City of San Diego.

Beginning at the southeasterly point of that land area now occupied by the U.S.Navy Fleet Sonar School; thence to the most northerly point of Shelter Island; thence along the northwesterly shoreline of Shelter Isalnd to its most westerly point; thence to the shoreline at the boundary line between the City of San Diego and the U.S.Military Reservation on Point Loma; thence along the northwesterly shoreline of the Bay of San Diego to the point of beginning.

SEC. 63.20 BEACH AREAS - AUTHORITY AND CONTROL

The Park and Recreation Department of The City of San Diego shall have jurisdiction, possession and control of all beach areas within the limits of The City of San Diego, including all lands heretofore and hereafter owned or controlled by the City, adjoining the waterfront of the Pacific Ocean and the waters of Mission Bay and shall be responsible for the control and management of said beach areas and the recreational activities thereon.

SEC. 63.20.1 SAME - AUTHORITY TO ENFORCE PROVISIONS

It shall be the duty of the Park and Recreation Director to enforce the provisions of these Sections and in that behalf all and any employees of the Park and Recreation Department charged with the duty of maintaining peace, order and safety in said beach areas shall be and hereby are empowered to assist the police officers of The City of San Diego in the enforcement of the provisions of these Sections including the power to make arrests for the violation hereof.

SEC. 63.20.2 SAME - SWIMMING, BOATING, etc. PROHIBITED IN CERTAIN AREAS

It shall be unlawful for any person to bathe, swim,

surfboard ride, row, canoe, or operate a sailboat or power boat or other device in the surf or adjacent waters thereto of the Pacific Ocean between the following described limits:

(a) Between Asbury Court and Voltaire Street;

(b) Between the westerly extension of the north line of Pueblo Lot 1337 and the westerly extension of the northerly line of Pueblo Lot 1298 .

SEC. 63.20.3 SAME - SWIMMING, BOATING, ETC., PROHIBITED WHERE WARNING SIGNALS

It shall be unlawful for any person to bathe, swim, surfboard ride, row, canoe and/or operate a sailboat or power boat or other device on or upon water where warning signals have been placed except for the purpose of making a rescue.

SEC. 63.20.4 SAME - REFUSAL TO COMPLY - INJURING WARNING SIGNALS

It shall be unlawful for any person to refuse to follow or comply with any lawful order, signal or other lawful direction of a lifeguard, or for any person without lawful authority to deface, injure, knock down or remove any sign or warning placed for the purpose of enforcing the provisions of these Sections or for any person to deface, injure, knock down, break into or destroy or molest any lifeguard structure placed in said beach area by the Park and Recreation Department.

SEC. 63.20.5 Same - WASTE, REFUSE, ETC. - FIRES

It shall be unlawful for any person, firm or corporation to leave, discard, deposit or throw away any glass container, tin can, waste food, wood, papers or any other refuse or rubbish upon any beach area in The City of San Diego.

All waste materials shall be deposited in trash cans

provided for that purpose. It shall be unlawful for any person, firm or corporation to move, molest, turn over, remove, deface or knock down any trash can or receptacle placed in any beach area by the Park and Recreation Department.

All fires are to be extinguished, the ashes shall not be covered and the unburned wood, refuse or rubbish to be removed or placed in trash cans provided for that purpose, so that the beach is left in a clean, sanitary and presentable condition.

In those beach areas where fire circles have been provided by the Park and Recreation Department, all fires in that area must be confined to said fire circles.

SEC. 63.20.6 SAME - FIRE, WASTE MATERIALS IN BATHING AND SWIMMING AREAS - PROHIBITED

It shall be unlawful for any person, firm or corporation to build any fire or leave any waste materials in the following described beach areas, which areas are hereby designated as primarily BATHING AND SWIMMING AREAS:

(a) Between the westerly extension of the south line of Newport Avenue and the westerly extension of the north line of Cape May Avenue;

(b) Between the westerly extension of a line parallel to the south line of San Fernando Place which line shall be fixed at a point 400 feet south of the entrance to the lifeguard station located in the Mission Beach Amusement Center and the westerly extension of the north line of Ventura Place;

(c) Between the westerly extension of the south line

of Santa Clara Place and the westerly extension of the north line of Salem Court;

(d) Between the Westerly extension of the north line of Grand Avenue and the westerly extension of the south line of Oliver Street;

(e) Between the westerly extension of the south line of Diamond Street and the westerly extension of the north line of Law Street;

(f) Between the westerly extension of the south line of Palomar Street and the westerly extension of the north line of Belvedere Street;

(g) That area known as the Casa de Manana Pool and being on the inside of the breakwater established at said point;

(h) That area being known and designated as the La Jolla Cove;

(i) Between the westerly extension of the South line of Vallecitos Avenue and the westerly extension of the north line of Frescota Avenue;

(j) Between the westerly extension of a line 100 yards south of the life-guard station at Torrey Pines Beach, and the westerly extension of the north line of a line 100 yards north of the said life-guard station.

(k) Any area designated by the Park and Recreation Department to be a BATHING AND SWIMMING AREA and marked by signs to that effect.

SEC. 63.20.7 SAME - BOATING NEAR SWIMMERS PROHIBITED

It shall be unlawful for any person, firm or corporation

to row, canoe, sailboat and/or operate a power boat or other device in the vicinity of and within 100 feet of any bather or swimmer in the above designated beach areas known primarily as bathing and swimming areas, except for the purpose of making a rescue, or for launching or beaching a boat in the area described in Section 63.20.9.

SEC. 63.20.8 SAME - SURFBOARD RIDING PROHIBITED

It shall be unlawful for any person, firm or corporation to ride a surfboard or other device in or near the vicinity of the above designated beach areas known primarily as bathing and swimming areas, except that it shall be lawful to surfboard ride in that area, between the westerly extension of the south line of Palomar Street and the westerly extension of the north line of Belvedere Street, as set aside and marked by the Park and Recreation Department for the use of SURFBOARD RIDING exclusively.

SEC. 63.20.9 SAME - BICYCLE, MOTORCYCLE, ETC. PROHIBITED

It shall be unlawful for any person, firm or corporation to drive or cause to be driven any motor vehicle, including motorcycles and motor-bikes and bicycles upon any beach in The City of San Diego excepting such motor vehicles as are on official business on behalf of The City of San Diego, and further excepting such motor vehicles as are being driven for the purpose of launching or beaching a boat upon that portion of the beach of The City of San Diego described as follows:

(a) Between the westerly extension of the south line

of Aveneda de la Playa and the westerly extension of the south line of Vallecitos Street, for the purpose of either beaching or launching boats.

SEC. 63.20.10 SAME - FIRES, WASTE MATERIAL PROHIBITED - INTERFERENCE WITH BOATS PROHIBITED

It shall be unlawful for any person, firm or corporation to build any fire or leave any waste materials, or for any swimmer or bather to remove in or to in any way interfere with any boat being beached or launched, in the area described in paragraph (a) of Section 63.20.9.

SEC. 63.20.11 SAME - CAMPING, SLEEPING OVERNIGHT PROHIBITED - EXCEPTIONS

It shall be unlawful for any person, firm or corporation, other than one specifically authorized by license or lease from The City of San Diego, to camp, lodge, sleep or tarry overnight, or to erect, maintain, use or occupy upon any public beach in this city any tent, lodge, shelter or structure, unless the same shall have two sides thereof open and unless there shall be an unobstructed view into such lodge, structure, shelter, or tent from the outside on at least two sides thereof.

SEC. 63.20.12 SAME - ANIMALS ON BEACH PROHIBITED - EXCEPTIONS

It shall be unlawful for any person, firm or corporation to bring, leave, turn loose or allow to go, any horse, cow, ox, sheep, goat, ass, swine, dog or fowl of any kind in or upon any beach area in The City of San Diego, provided that this Section shall not apply to dogs when fastened, or led by a chain or line not more than eight feet in length of suitable

strength.

And further provided that in those beach areas designated primarily as bathing and swimming areas in Section 63.20.6, no dogs shall be allowed.

SEC. 63.20.13 SAME - RULES TO BE FOLLOWED - POSTING

It shall be unlawful for any person, firm or corporation within the limits of any beach areas of The City of San Diego to do any act or acts contrary to the rules established by the Park and Recreation Department, as approved by the City Manager, for the use of said beach, provided, however, that said rules shall be comspicuously posted in said beach area.

SEC. 63.20.14 SAME - PROVISIONS DO NOT APPLY TO EMPLOYEES

Nothing in these Sections shall be construed to prevent any employee of the Park and Recreation Department from doing anything that in the opinion of the City Manager or of the Park and Recreation Director may be thought necessary and proper for the maintenance, improvement or betterment of said beach area, and further that nothing herein contained shall be construed to prevent any employee or agent of The City of San Diego from doing any thing that in the opinion of The City Council may be thought necessary or proper for the best interests of The City of San Diego.

SEC. 63.20.19 SAME - WEAPONS, FIREARMS PROHIBITED

It shall be unlawful for any unauthorized person to carry, display or fire any weapon, gun or firearm on any beach or waters adjacent thereto or in Mission Bay Park.

SEC. 63.20.20 SAME - SALE OF MERCHANDISE, GOODS, PROPERTY, ETC. PROHIBITED - EXCEPTIONS

It shall be unlawful for any person, firm or corporation

to carry on any commercial operation or sell merchandise of any kind or to beach or moor any vessel for the purpose of displaying it for sale, on any beach or waters adjacent thereto or in Mission Bay Park unless licensed to do so the Park and Recreation Department.

SEC. 63.20.21 SAME - TAMPERING WITH BOATS OR OTHER PROPERTY PROHIBITED

It shall be unlawful for any unauthorized person to mar, destroy or move any boat or public or private property on any beach or waters adjacent thereto or in Mission Bay Park.

SEC. 63.20.22 SAME - ABANDONING BOAT PROHIBITED

It shall be unlawful to abandon any boat or vessel on any beach or waters adjacent thereto or in Mission Bay Park.

A vessel shall be deemed abandoned if:

(a) It does not bear a plainly visible license tag of the Park and Recreation Department and has not been removed within ten (10) days after a notice to do so has been posted on the vessel by the Park and Recreation Department; or

(b) It does bear a plainly visible license tag but has not been removed within fifteen (15) days after a notice to do so has been posted on the vessel and a notice has been sent to the licensee at the address on file with the Park and Recreation Department.

Any sunken or abandoned vessels, boats, water craft, rafts, wharves, buildings or other obstructions shall be subject

to be removed, destroyed, sold or otherwise disposed of by the Park and Recreation Department of The City of San Diego, at its discretion and at the expense of the owner or owners and without liability for any damage to said owner or owners.

SEC. 63.20.23 SAME - MISSION BAY PARK DEFINED

That for the purposes of these Sections Mission Bay Park is defined to be all waters of Mission Bay together with channels of ingress and egress and all beaches and city-owned land fronting on said waters.

SEC. 63.20.24 SAME - LICENSE FOR BOATS - FEES

All persons using Mission Bay as a home port for their boats shall, and all other boat owners may, procure a license for their boats. At the time the license is issued a metal tag bearing the license number shall be issued and such tag shall be affixed to and thereafter maintained on the boat so as to be plainly visible. The license fee shall be established by the City Manager, but shall in no event exceed One Dollar and fifty cents ($1.50). Licenses may be procured at the lifeguard station at Santa Clara Point, or the Licensing Division of the City Treasurer's office at the Civic Center.

SEC. 63.20.25 SAME - PROVISIONAL REGULATIONS FOR MISSION BAY PARK DURING CONSTRUCTION AND IMPROVEMENT

That for the purpose of regulating the uses of land and beach areas in Mission Bay Park during its construction and improvement and until these provisional regulations are repealed, in addition to the foregoing regulations concerning the beaches generally, it shall be unlawful within the limits of Mission Bay Park for any person to:

(a) Erect or maintain any dock, float, pier or other structure without a written permit from the Park and Recreation Dpartment;

(b) Build or maintain any fire except within fire circles

provided by the Park and Recreation Department;

(c) Fish by hand line, red or spear from the Mission Bay-Ventura Street Bridge; and

(d) Swim, dive or play in the Mission Bay ocean channel or on or from breakwaters adjacent to the channel or on or from any traffic structure, bridge construction equipment or appurtenance not specifically provided for such activities.

SEC. 63.20.26 SAME - ADDITIONAL PROVISIONAL REGULATIONS FOR MISSION BAY PARK

That for the purpose of regulating the uses of water areas in Mission Bay Park during its construction and improvement and until these provisional regulations are repealed, in addition to the foregoing regulations concerning the beaches generally it shall be unlawful within the limits of Mission Bay Park for any person to:

(a) Fail to conform to the rules of the road as outlined by the United States Coast Guard or fail to have sufficient safety equipment aboard their vessel;

(b) Moor or tie up to official markers, dredges or pipelines in the Bay;

(c) Conduct or take part in any race, demonstration or exhibit of any kind that interferes with the free use of the Bay area, unless a written permit for such event designating the prescribed area to be used has first been procured from the Park and Recreation Department;

(d) Operate a boat in such a manner as to interfere with fishermen fishing from any of the shores of Mission Bay;

(e) Operate a boat, vessel or other watercraft at a speed greater than is reasonable or prudent, having due regard for other vessels, property and persons on said Bay, and in no event at a speed which endangers the safety of persons or property; and

(f) Operate a boat, vessel or other watercraft at a speed in excess of five (5) nautical miles per hour within one hundred (100) feet of a beach, frequented by bathers, a boat, canoe and/or swimming float, platform or lifeline or when proceeding under a bridge.

SEC. 63.20.27 SAME - RULES AND REGULATIONS DURING DREDGING AND CONSTRUCTION OF MISSION BAY - POSTING OF REGULATIONS, ETC.

For the duration of the period during which dredging and/or construction is being engaged in, it shall be unlawful for any person, firm, or corporation, within the limits of the Mission Bay Park to do any act or acts contrary to the rules and regulations established by the Park and Recreation Director, and approved by the City Manager, PROVIDED, HOWEVER, said rules shall be conspicuously posted in the area sought to be regulated.

SEC. 63.25 MISSION BAY REGULATIONS - POWER TO DESIGNATED OFFICIALS

Whenever a power is granted to, or a duty is imposed upon the Park and Recreation Director, the power may be exercised, or the duty may be performed, by the individuals that he may designate for the enforcement of these regulations.

SEC. 63.25.1 SAME - DEFINITIONS

The following words and phrases whenever used in this Section shall be construed as defined herein, unless from the contest a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) "Vessel" and "Craft" includes ships of all kinds, steamboats, steamships, canal boats, barges, sailing vessels, and every structure adapted to be navigated from place to place for the transportation of property and persons by any means.

(b) "Float" includes wharf, pier, quay or landing.

(c) The word "mooring" means any weight, chain, rope, float, structure and/or appliance used by a vessel for anchoring purposes, and which is not carried aboard such vessel as part of her regular equipment.

(d) "Designated Anchorage Areas" are the areas more particularly described in Sections 63.25.14 and 63.25.15 or establishment pursuant to Sections 63.25.2 and 63.25.3 and shall include every mooring, pier, float, wharf, dock or landing within such areas and the shoreline thereof together with the approaches thereto.

(e) Mission Bay and the waters of Mission Bay for purposes of this Ordinance are defined to be all water areas within the limits of Mission Bay Park.

~~meaning is specifically defined and more particularly directed to the use of such words or phrases:~~

SEC. 63.25.2 SAME - AUTHORITY TO PARK AND RECREATION DEPARTMENT

The Park and Recreation Department shall be the City's supervising agency for the regulation and supervision of Mission Bay Park and of the vessels using Mission Bay; and the said Park and Recreation Department shall, through its Director, have the right and duty to enforce the provisions of this Section. The Park and Recreation Director shall be responsible for the regulation of commercial and recreational use of Mission Bay by vessels and for the enforcement of this Section.

SEC. 63.25.3 SAME - POWER AND AUTHORITY

The Park and Recreation Director shall have the authority:

(a) To create or establish additional designated anchorage areas within which vessels of different sizes and classes shall be anchored or moored.

(b) To assign anchorage or moorings to vessels within such designated areas.

(c) To assign berths or landing places to vessels coming alongside of floats, wharves and piers.

(d) To order any vessel improperly anchored, moored, or berthed to change its position to such a one as he may designate, and, in case his orders are not complied with, to cause such vessel to be so moved without liability to the owner for any damage thereto and to collect the cost of such moving from said vessel, or owner thereof.

(e) To perform or delegate such other duties as may be required for the operation of this area in accordance with provisions of this Section.

SEC. 63.25.4 SAME - SPEED REGULATIONS

(a) No person shall operate a boat, vessel or other watercraft upon Mission Bay at a speed greater than is reasonable or prudent, having due regard for other vessels, property and persons on said Mission Bay, and in no event at a speed which endangers the safety of persons or property.

(b) In order to assure greater safety for all citizens using the Mission Bay recreation facilities, the City Council may, by resolution, establish prima facie speed limits for any area or areas of Mission Bay and, when such limits are posted in or at the entrances to such areas, they shall be as fully effective as though specified herein.

(c) The prima facie speed limit shall be five (5) nautical miles per hour in the following areas:

1. Within one-hundred feet (100) of a beach frequented by bathers; provided, however, that this sub-section shall not apply in water areas where swimming is prohibited by Ordinance or regulation and is so posted.

2. Within one-hundred feet (100') of a boat, canoe, swimming float or platform, or lifeline.

3. Under bridges.

(d) The speed of any vessel in excess of the limits specfied in the preceeding Sub-section (c) or limits established and posted pursuant to the preceeding Sub-section (b) is

prima facie unlawful and a violation of this Section unless the defendant establishes by competent evidence that any speed in excess of said limits did not constitute a violation of the basic rule declared in Sub-sections (a) hereof, at the time, place and under the conditions then existing.

(e) These regulations shall not apply to City-owned, operated, or commandeered vessels; and the prima facie speed limits shall not, but the basic speed law shall, apply to vessels contending in a race pursuant to Section 63.25.11 when such vessel is being operated within the scope of the permit for said race.

SEC. 63.25.5 SAME - RECKLESS DRIVING

It shall be unlawful for any person to drive or operate a vessel upon the waters of Mission Bay in so reckless a manner as to indicate either a wilful or wanton disregard for the safety of persons or property.

SEC. 63.25.6 SAME - DRUNKEN DRIVING

It shall be unlawful for any person to operate any vessel upon the waters of Mission Bay while under the influence of intoxicating liquor.

SEC. 63.25.7 SAME - SIRENS

No person shall sound or operate or cause to be sounded or operated any siren upon a vessel within the limits of Mission Bay Park. This Section shall not apply to City-owned, operated or commandeered vessels.

SEC. 63.25.8 SAME - MUFFLERS

It is hereby prohibited and declared a violation of this

Section for any person or persons to operate or cause to be operated, on or in Mission Bay, except as provided in Section 63.25.11, any internal combustion engine, or other mechanical device, the driving force of which is derived from the explosion of alcohol, petroleum products or other substances, without first placing over the exhaust or exhausts of such internal combustion engine or mechanical device, a muffler, so constructed as to deaden the sound of the explosion thereof.

SEC. 63.25.9 SAME - RULES OF ROAD

All persons shall confrom to the Navigation Rules for Harbors, Rivers and Inland Waters generally, being Chapter 3 of Title 33 of the U.S.Code. Of the said Chapter 3 of Title 33 of the U.S. Code, Sections 155 to 156 inclusive, 171 to 176 inclusive, 179 and 191 to 192 inclusive, as they existed thirty-one days before the effective date of this Section are incorporated in this Section by reference and shall be as fully effective as though set out in full. Violation of any such Sections so incorporated shall be a violation of this Section.

SEC. 63.25.10 SAME - MOTORBOAT ACT OF 1940

All persons owning or operating a vessel propelled by machinery and not more than 65 feet in length, except tug boats and tow boats propelled by steam, shall conform to the Motorboat Act of 1940, being Subchapter 2 of Chapter 16 of Title 46 of the U.S. Code. Of the said Subchapter 2 of Chapter 16 of Title 46 of the U.S. Code Sections 526 and 526 A to 526 J inclusive, as they existed thirty-one days before the

effective date of this Section, are incorporated in this Section by reference and shall be as fully effective as though set out in full. Violation of any such Sections so incorporated shall be a violation of Section.

SEC. 63.25.11 SAME - RACES

It shall be unlawful for any person to conduct or take part in any race, demonstration or exhibit of any kind that interferes with the free use of the Mission Bay area, unless a written permit for such event designating the prescribed area to be used has first been procured from the Park and Recreation Department.

The Park and Recreation Director may grant special permits to hold a boat race in the course of which unmuffled engines may be used by the contestants upon the waters of Mission Bay along and over certain courses situated in the waters of said Bay; and provided further that any such special permit of said Park and Recreation Director shall be for a period of time not exceeding ten (10) days in all of any calendar year hereafter, and shall not exceed eight (8) hoursof any calendar day, the entire period of time for which such special permit is granted to fall between the hours of eight o'clock A.M. and eight o'clock P.M.

SEC. 63.25.12 SAME - LAUNCHING AND REMOVAL OF VESSELS

It shall be unlawful to launch or remove from the waters of Mission Bay any vessel over any seawall, sidewalk, street end, public or private property within such anchorage areas, excepting at such locations designated for that purpose, or

at such locations making a regular business of launching and hauling vessels and having the necessary equipment to do such work, without first obtaining permission from the Park and Recreation Director.

SEC. 63.25.13 SAME - DISPLAY OF VESSELS FOR SALE

Within the limits of Mission Bay Park, it shall be unlawful to beach, moor, or dock any vessel, or to park any trailer carrying a vessel for the purpose of displaying such vessel for sale, unless a permit to do so has first been obtained from the Park and Recreation Department. A sign or other marking on any such vessel indicating that it is for sale shall be prima facie evidence that the vessel was so placed for the purpose of displaying it for sale.

SEC. 63.25.14 SAME - ANCHORAGE AND MOORING AREAS

Designated anchorage areas are established as follows:

(a) Anchorage for recreational craft A-1, more commonly known as Ventura Cove, located adjacent to the west end of Ventura Bridge.

(b) Anchorage area for recreational craft A-2, more commonly known as Santa Barbara Cove and El Carmel Cove, located on the west side of Mission Bay between Gleason Point and El Carmel Point.

(c) Anchorage area for recreational craft A-3, more commonly known as Juanita Basin, located on the west side of Mission Bay between El Carmel Point and Santa Clara Point.

(d) Anchorage area for recreational craft A-4, more commonly known as Dana Basin, located on the south side of

Mission Bay between Ingraham Street and Ventura Boulevard.

(e) Anchorage area for recreational craft primarily for sailing vessels under 20 feet in length, A-5, more commonly known as Atlantic Cove, located on the south side of Tierra del Fuego Island.

(f) Anchorage area for recreational craft A-6, more commonly known as De Anza Cove, located in the north east corner of Mission Bay.

(g) Anchorage area for recreational craft and small commercial craft B-1, more commonly known as Quivera Basin, located north and east of the main Mission Bay harbor entrance.

SEC. 63.25.15 SAME - EXCLUSIVE ANCHORAGE AREA

Anchorage areas above designated with the prefix A are reserved exclusively for yachts and other recreational small craft, Anchorage areas above designated with the prefix B are reserved for recreational craft or commercial craft.

SEC. 63.25.16 SAME - ANCHORAGE AND MOORING LIGHTS

A vessel under one-hundred and fity feet in length, when at anchor or moored in Mission Bay, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile; provided that vessels not more than sixty-five feet in length when at anchor or moored in Mission Bay in any designated anchorage area shall not be required to carry or exhibit the white light required by this Section.

A vessel of one-hundred and fifty feet or upward in length, when at anchor or moored in Mission Bay, shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and, at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

SEC. 63.25.17 SAME - ANCHORAGE AND MOORING LOCATION

It shall be unlawful for the Master or any other person having charge of any vessel to moor or anchor the same in Mission Bay except within the areas and at the place or places designated by the Park and Recreation Director. Any vessel which is moored or anchored in Mission Bay at a place not designated for such vessel by the Park and Recreation Director shall, upon the demand of the Park and Recreation Director, be forthwith moved to the place or places designated therefor. In the designation of areas and the place or places for the mooring or anchoring of vessels, the Park and Recreation Director shall be governed by the needs of commerce, the utilization of turning basins for the turning of vessels, the use of channels for the moving and navigation of vessels and the economy of space. No vessels shall be moored or anchored in any part of any turning basin or channel unless the same shall be securely moored, both fore and aft. Every vessel moored or anchored in any part of Mission Bay outside of any turning basin or channel shall be so moored or anchored as to prevent such vessel from swinging or drifting into any

turning basin or channel or any part thereof.

SEC. 63.25.18 SAME - CHANGE OF MOORING

If any vessel arriving and anchoring or being moored or fastened to any wharf or other vessel in Mission Bay shall be so moored or placed as to be unsafe or dangerous to any other vessel previously lying at anchor in said Mission Bay, or moored or fastened as aforesaid, the Park and Recreation Director is hereby authorized and directed forthwith to order and direct the position of said vessel to be changed in such manner as to obviate such insecurity or danger, and the Master or other person having charge of such vessel shall forthwith cause the position of such vessel to be changed as directed by the Park and Recreation Director, and upon the failure or refusal of such Master or other person in charge of such vessel to so change the position of said vessel, it shall be the duty of the Park and Recreation Director to forthwith board such vessel with such assistance as may be necessary and change the position of such vessel as had previously been directed by him, and the expense of changing the psoition of such vessel or of arranging the rigging thereon may be recovered from the Master or owner of such vessel by a suit in the name of The City of San Diego in any court of competent jurisdiction.

SEC. 63.25.19 SAME - MAKING FAST A MOORED VESSEL

It shall be unlawful to make fast or tie any vessel to a mooring occupied by another vessel, or to make fast or tie to a vessel already occupying a mooring; provided,

however, that rowboats and yacht tenders regularly used by vessels for transportation of persons or property to or from shore may be tied to any such mooring or vessel.

SEC. 63.25.20 SAME - OBSTRUCTION OF PASSAGE

It shall be unlawful to tie up or anchor a vessel in Mission Bay in such a manner as to prevent or obstruct the passage of other vessels or to voluntarily or carelessly sink or cause to be sunk any vessel in any channel or to float loose timbers, logs or piles in any channel in such a manner as to obstruct, impede or injure navigation, and whenever a vessel is wrecked or sunk in Mission Bay, accidentally or otherwise, it shall be the duty of the owner thereof to immediately mark it by a buoy during the day and by a lighted lantern at night and to maintain such markings until the sunken vessel or obstruction is removed, and the neglect or failure of such owner to do so, shall be unlawful. The owner thereof shall immediately commence the removal of said obstruction and prosecute the removal diligently to completion and any failure to do so shall constitute an abandonment of such vessel. Whenever the navigation of any navigable water within Mission Bay Park shall be obstructed or endangered by any vessel or other obstruction, which obstruction or danger has existed for a period longer than ten (10) days or whenever the abandonment of a vessel or other obstruction can be legally established in a less space of time, the vessel or other obstruction shall be subject to be removed, sold or otherwise disposed of by The City of San Diego at its discretion without liability for any damage to the owners of the same.

Any costs incurred by the City of San Diego in the removal of any vessel or other obstruction as outlined above may be recovered by The City of San Diego from the owner of such vessel or the person causing or responsible for such obstruction, in any court of competent jurisdiction.

SEC. 63.25.21 SAME - COMMERCIAL VESSEL DEFINED

Any vessel which is licensed as a commercial vessel or is offered or used for charter parties, for hire, or for any commercial purpose whatever or for the use or enjoyment of which a fee is exacted by the owner or person in control thereof, is a commercial vessel for all purposes of this Section during the calendar year in which the use or event occurred as above described; provided, however that the Park and Recreation Director may change such classification if he has good cause to believe that the vessel is to be used in the future for purely recreational purposes.

SEC. 63.25.22 SAME - MOORING PERMIT REQUIRED

It shall be unlawful to place, erect, or construct moorings in the designated anchorage areas before a permit shall have been issued by the Park and Recreation Director.

SEC. 63.25.23 SAME - PLANS AND SPECIFICATIONS OF MOORINGS

No permit shall be issued by the Park and Recreation Director for a mooring until acceptable plans and specifications for said mooring have been submitted to him by the applicant showing the construction of said proposed mooring together with the location thereof.

SEC. 63.25.24 SAME - CANCELLATION OR REVOCATION OF MOORING PERMIT

Any permit issued by the Park and Recreation Director

shall provide in effect that said permit may be cancelled at any time by the Park and Recreation Director by giving five-days written notice to the occupant of said cancellation, and upon said permit being cancelled, it shall be the duty of the owner of said mooring to immediately remove the same, and if he should fail to collect or refuse to move the same within thirty days, said mooring may be removed by the Park and Recreation Director and the cost thereof shall be paid by the occupant of said mooring place, and same may be collected in any court of competent jurisdiction. Said permit shall further provide in effect that the Park and Recreation Director may at his discretion permit any vessel to use an unoccupied mooring on a temporary basis. Said permit shall further provide that any mooring not used by the owner for a period of six consecutive months out of every twelve months becomes the property of The City of San Diego and may be removed, rented or sold by the Park and Recreation Director with or without notice at his option. Said permit shall further provide for an annual inspection of moorings and the fee to be charged for such inspection as set forth hereinafter.

SEC. 63.25.25 SAME - MOORING PERMIT FEES

The owner of every vessel in the designated anchorage areas having a mooring shall pay to The City of San Diego an initial permit fee payable upon issuance of permit, and thereafter shall pay The City of San Diego a yearly inspection fee to be paid on the first business day of January of each year. The amount of the fees herein required shall be established

by the City Manager upon the recommendation of the Park and Recreation Director but shall not exceed twenty-five cents ($.25) per lineal foot of over- all length of the vessel.

SEC. 63.25.26 SAME - UNUSED MOORINGS

The Park and Recreation Director may assign unused moorings to visiting vessels. The moorage rental fee to be paid to the City for the use of such moorings used by visiting vessels shall be at a rate established by the City Manager upon the recommendation of the Park and Recreation Director but shall not exceed a rate of One Dollar ($1.00) per day.

SEC. 63.25.27 SAME - MOORAGE FEE IN ARREARS

The permit shall further provide that when the owner is in arrears for a period of thirty days, the Park and Recreation Director may at his option take over such mooring for re-assignment, and further, when such owner has been in arrears for a period of six months or more, the title to said mooring shall revert to The City of San Diego; provided however, that at any time within the said period of six months, the owner shall have the privilege of redeeming such mooring by paying the total accrued charges.

SEC. 63.25.28 SAME - AGREEMENT WITH OWNER FOR PAYMENT OF TAXES

Any applicant for a permit shall agree with The City of San Diego that the vessel to be anchored or moored within the designated mooring areas shall be assessed in The City of San Diego and that said applicant shall pay all taxes on said vessel to The City of San Diego during the time that said mooring shall be maintained by him in The City of San Diego.

SEC. 63.25.29 SAME - CONTENTS OF PERMIT

Any permit issued under the terms of this Section shall substantially contain the provisions of Section 63.25.24 to ~~63.2520~~ 63.25.28 inclusive of this title and any permit shall be personally signed by the applicant.

SEC. 63.25.30 INSTALLATION OF PRIVATELY-OWNED MOORINGS

Upon request of the owner and at the discretion of the Park and Recreation Director, privately-owned moorings may be installed by City forces. The fee for this service shall be at a rate established by the City manager upon the recommendation of the Park and Recreation Director but shall not exceed a rate of Fifteen Dollars ($15.00).

SEC. 63.25.31 SAME - USE OF MOORINGS WITHOUT PERMISSION PROHIBITED

It shall be unlawful for any one to use a mooring except by permission of the Park and Recreation Director.

SEC. 63.25.32 SAME - TRANSFER OF MOORING

Transfer of ownership of any mooring shall be permitted upon the payment of a one dolar transfer fee, and presentation of a bona fide bill of sale to the Park and Recreation Director and then only when the new owner of said mooring is the actual owner of a vessel of the same size and type and occupation as the vessel for which the original mooring was installed.

SEC. 63.25.33 SAME - CONSTRUCTION OF MOORINGS REGULATED

It shall be unlawful to erect or construct any mooring in Mission Bay unless the same shall substantially conform to the requirements of the following Subsections.

SEC. 63.25.34 SAME - CONSTRUCTION OF BUOYS

The buoys shall be constructed of metal or such other

material satisfactory to the Park and Recreation Director and shall be so constructed that some portion thereof shall extend out of the water at least ten inches at all times.

SEC. 63.25.35 SAME - STRENGTH OF CHAINS AND FASTENINGS

All chains and fastenings shall be of sufficient size and strength as to stand a breaking strain of at least six times the weight of the mooring.

SEC. 63.25.36 SAME - PAINTING AND NUMBERING OF BUOYS

The mooring buoys shall be painted white or aluminum in color above the water and there shall be painted on said buoy and be legible at all times the number allocated to the mooring by the Park and Recreation Director, and in this connection the Park and Recreation Director will allocate a number to each mooring in the designated anchorage areas.

SEC. 63.25.37 SAME - SINKING OF FASTENERS REQUIRED

All mooring shall be kept in good and serviceable condition at all times. The painters, chains, and fastenings on buoys shall be so arranged that when dropped they will immediately sink. It shall be permissible to connect two painters with line having floats attached thereto to keep said line afloat at all times when the vessel is off the mooring.

SEC. 63.25.38 SAME - BOW AND STERN ANCHORING REQUIRED

All vessels using mooring in the designated anchorage areas shall be firmly anchored from bow and stern in such a manner as to prevent said vessels from swinging or turning

or drifting, except in such areas as the Park and Recreation Director may designate as single mooring areas.

SEC. ~~63.2539~~ 63.25.39 SAME - WEIGHT OF MOORINGS - SIZE OF CHAINS

Anchors of all moorings shall be made of iron or steel or other material satisfactory to the Park and Recreation Director. The weight of moorings and the size of chains shall be as follows:

Length of Boat	Single Mooring		Fore and Aft Mooring		
	Weight of Mooring	Size of Chain	Weight of Bow Mooring	Size of Chain	Weight of Stern Mooring	Size of Chain
15 ft. & under	400	5/8	600	5/8	400	5/8
16 to 20 ft.	500	5/8	600	5/8	400	5/8
21 to 25 ft.	650	3/4	800	3/4	600	3/4
26 to 30 ft.	800	1/2	1,000	1/2	800	1/2
31 to 25 ft.	1,000	5/8	1,200	1/2	1,000	1/2
36 to 40 ft.	1,500	5/8	1,400	1/2	1,100	1/2
41 to 45 ft.	2,000	5/8	1,500	1/2	1,200	1/2
46 to 50 ft.	2,000	5/8	1,700	5/8	1,300	5/8
51 to 55 ft.	2,500	3/4	1,800	5/8	1,400	5/8
56 to 60 ft.	3,000	3/4	2,000	5/8	1,500	5/8
61 to 65 ft.	3,000	1"	2,200	3/4	1,600	3/4
66 to 70 ft.	3,500	1"	2,400	3/4	1,700	3/4
71 to 75 ft.	4,000	1"	2,500	3/4	1,800	3/4
76 to 90 ft.	5,000	1"	3,000	7/8	2,400	7/8

SEC. 63.25.40 SAME - LENGTH OF MOORING CHAINS

Length of mooring chains is to be derermined by the Park and Recreation Director, he being governed by the depth of the water in designated mooring areas.

SEC. 63.25.41 SAME - ANCHORING WITHIN FIFTY FEET OF SHORELINE PROHIBITED

It shall be unlawful to moor or tie any vessel having mechanical power, or any non power vessel of over 17 lineal feet of over-all length within fifty feet (50') of the shoreline at low tide, nor shall said boats be tied or moored to the shoreline where the beach and water adjacent thereto are customarily used for swimming, except at such locations as may be designated by the Park and Recreation Director

for that purpose.

SEC. 63.25.42 SAME - VESSEL REGISTRATION - LICENSE AND FEES

All persons using Mission Bay as a home port for their boats shall, and all other boat owners may, procure a license for their boats. At the time the license is issued, a metal tag bearing the license number shall be issued and such tag shall be affixed to and thereafter maintained on the boat so as to be plainly visible. The license fee shall be established by the City Manager upon the recommendation of the Park and Recreation Director but shall in no event exceed One Dollar and Fifty Cents ($1.50). Licenses may be procured at the lifeguard station at Santa Clara Point, or the Licensing Division of the City Treasurer's Office at the Civic Center.

SEC. 63.25.43 SAME - CONSTRUCTION AND RENTAL OF HARBOR FACILITIES AUTHORIZED

The City of San Diego may construct or cause to be constructed such floats, wharves, piers and other harbor facilities in the designated anchorage areas as may be required by the public interest and said City may rent or lease in whole or in part such floats, wharves, piers and other harbor facilities to individuals, non-profit associations and such other organizations as it may determine. The City may further by resolution establish a schedule setting forth the charges for the use of said floats, wharves, piers and other harbor facilities.

SEC. 63.25.44 SAME - USE OF HARBOR FACILITY WITHOUT PERMIT PROHIBITED

It shall be unlawful to occupy any float, wharf, pier or other harbor facility in the designated anchorage areas

before a permit shall have been issued by the Park and Recreation Director.

SEC. 63.25.45 SAME -INFORMATION REQUIRED FOR BERTHING SPACE

No permit shall be issued by the Park and Recreation Director for a berthing space at any float, wharf, pier or other harbor facility until the applicant shall have submitted to said Park and Recreation Director the length, width and type and occupation of vessel which is to occupy said berthing space.

SEC. 63.25.46 SAME - CONTENTS OF BERTHING PERMIT

Any permit issued by the Park and Recreation Director shall conform to the terms set forth in Sections 63.25.21 to 63.25.32, inclusive except Section 63.25.25.

SEC. 63.25.47 SAME - CONSENT OF LESSEE REQUIRED FOR USE OF HARBOR FACILITY

It shall be unlawful for any master or any person having charge of any vessel to make such vessel fast to the front of any float, wharf, pier or other harbor facility in the designated anchorage areas without the consent of the lessee,agent or person in charge of any such float, wharf, pier or harbor facility.

SEC. 63.25.48 SAME - TIEING TO ANOTHER VESSEL PROHIBITED

It shall be likewise unlawful to make fast any vessel to any other vessel already occupying the front of any float, wharf, pier or other harbor facility without first having obtained permission from the Park and Recreation Director.

SEC. 63.25.49 SAME - VESSEL REMAINING AFTER FINISHING BUSINESS PROHIBITED

It shall be unlawful for the Master, or any person

having charge of any vessel, to permit the same to remain fastened to any wharf, pier or dock in Mission Bay, or to be or remain moored immediately in front thereof after such vessel has finished its business of loading or unloading at such wharf, pier or dock, without obtaining the consent of the owner, agent, or person in charge of such wharf, pier or dock.

SEC. 63.25.50 SAME - HEAD AND STERN LINES REQUIRED - CHAFING GEAR

Every vessel lying at any float, wharf, pier or other harbor facility shall be fastened thereto with such head and stern lines from both bow and quarters in such a manner as to meet the approval of the Park and Recreation Director, and the owner of every such vessel shall provide suitable and sufficient chafing gear to prevent damage to the structure to which it is secured.

SEC. 63.25.51 SAME - EXPLOSIVE HANDLING - PERMIT REQUIRED

It shall be unlawful for any person to unload gunpowder, dynamite, or any other high explosive from any vessel to or upon any wharf or pier in Mission Bay, or to load the same from any wharf, or pier upon any vessel, without first obtaining a permit so to do from the Park and Recreation Director, and paying therefor a fee of Twenty-five Dollars ($25.00), and otherwise complying with all the rules and regulations governing the loading and unloading of high explosives.

63.25.52

SEC. 63.2552 SAME - PETROLEUM PRODUCTS REGULATED

The storage, handling, keeping, use or sale of gasoline, distillate, or any liquid petroleum products on floats, wharves, piers and other harbor facilities is unlawful and

strictly prohibited. Sale of said petroleum products may be made only from specific locations designated by The City of San Diego. Sale or delivery of such products to vessels in such areas shall be made by means of pipe lines and hose, suitably equipped and provided with closed connections and valves between pipe line and hose to be approved by the Park and Recreation Director and the Chief of the Fire Department of The City of San Diego.

SEC. 63.2553 SAME - CONTAINERS FOR INFLAMMABLE PRODUCTS REGULATED

Empty drums, tanks, barrels or other containers used for the storage or transportation of gasoline, distillate, kerosene or other inflammable products shall not be allowed to remain on any float, wharf, pier or other harbor facility, nor shall such empty drums, tanks, barrels or other containers be allowed to remain on the shoreline, roadways or parkways adjoining the designated anchorage areas.

SEC. 63.25.54 SAME DONKEY ENGINE - SPARK ARRESTER REQUIRED

It shall be unlawful for any person to use any donkey engine or other steam engine on any wharf, dock, pier, or vessel in Mission Bay in loading or unloading vessels or otherwise without a bonnet or spark arrester attached to the smoke stack of such engine so as to prevent sparks from coming in contact with wharf or vessel.

SEC. 63.25.55 SAME - PUBLIC PIERS AUTHORIZED

Floats, wharves, piers and other harbor facilities may be maintained by the City, and such harbor facilities shall be available for the loading and unloading of passengers

supplies, boating gear and for similar purposes and in such manner as will best serve the public use thereof and avoid congestion and the blocking of other facilities. However, the loading and unloading of passengers, supplies, boating gear shall not be construed so as to include the handling of commercial cargo, in any manner which is unlawful and strictly prohibited. The Park and Recreation Director shall have the authority to control the use of any and all facilities and to regulate the time and manner of said use for the purpose of maintaining said facilities available to the public.

SEC. 63.25.56 SAME - OBSTRUCTION OF USE OF PUBLIC PIER OR FACILITY PROHIBITED

It shall be unlawful for any person to obstruct the free and easy access to and departure from any portion of any public float, wharf, pier or other harbor facility at any time. It shall be unlawful to obstruct the land site of any public facility with automobiles or any other vehicle or gear; and the Park and Recreation Director shall cause to be impounded at the expense of the owner any automobile or any other vehicle or gear which shall obstruct such public facilities.

SEC. 63.25.57 SAME - WASTE MATERIALS UPON SHORE LINE PROHIBITED - PENALTY

It shall be unlawful to allow vessels, boats, materials, garbage, refuse, timbers or waste matter of any descript ion

to remain upon the shorelines of the designated anchorage areas and any person violating this provision shall be guilty of a misdemeanor, and in addition thereto, the Park and Recreation Director may remove same with or without notice, at his option, and any cost of removing the same may be recovered by The City of San Diego against any person responsible therefor in any court of competent jurisdiction.

SEC. 63.25.58 SAME - CONSTRUCTION OF PRIVATE PIERS

No person, firm, corporation or association shall build or cause to be built or extended, any public or privately-owned float, wharf, pier, landing bulkhead, seawall or structure of any sort whatever, nor make, or cause, any filling to be made or any description in the designated anchorage areas, nor shall any dredging or excavating be done within said areas for the benefit or use of any private person, firm, corporation or association unless plans showing the proposed work shall first have been submitted to the Park and Recreation Director and approved by the City and a permit issued therefor.

SEC. 63.25.59 SAME - PRIVATE PIERS - DEFECTIVE WHARVES

When the Park and Recreation Director shall learn that any wharf, dock or pier, on Mission Bay is in a defective or dangerous condition so that life or property is endangered thereby, the Park and Recreation Director shall immediately notify the owner thereof, his agent, lessee, or any other person or persons having charge of the same in writing, of the defective and dangerous condition thereof, requiring such person or persons to immediately repair the same or to put

up fences or other barriers to prevent persons from using or going upon the same. If the owner, lessee, or other person or persons having charge of wharves, docks or piers shall fail or neglect to repair or to put up fences or other barriers to prevent persons from using or going upon such defective or dangerous wharves, docks or piers, then the Park and Recreation Director may put up fences or such other barriers as he may deem necessary for the protection of the public, and charge the cost and expense of the same to such owner, lessee, agent, person or persons having charge of such wharf, dock or pier, and it shall be unlawful for any person or persons whatsoever to interfere with or molest in any manner whatsoever any fence or barrier which may have been constructed for the purpose of preventing the use of the wharves, docks or piers aforesaid.

If any wharf, or any portion thereof, or any material on such wharf, shall fall into the waters of Mission Bay, it shall be the duty of the owner, agent, or lessee of such wharf to forthwith remove such material from the waters of said Mission Bay, and, if they shall fail to do so, then the Park and Recreation Director may remove or cause the same to be removed and the cost of such removal by the Park and Recreation Director shall be recovered from the owner, agent, or lessee of such wharf in a civil action brought by The City of San Diego.

SEC. 63.25.60 SAME - DISCHARGE OF REFUSE

It shall be unlawful for any person to throw, discharge, deposit or leave, or cause, suffer, or procure to be thrown, discharged, deposited or left, either from out of any vessel

or from the shore, any refuse matter of any description whatever upon the waters of Mission Bay.

SEC. 63.25.61 SAME - DISCHARGE OF INFLAMMABLE MATERIAL

It shall be unlawful for any vessel to pump, discharge or dump into the waters of Mission Bay, oil, spirits, gasoline, distillate, or any petroleum products, or any inflammable material whatsoever, or to deposit any refuse matter, rubbish or articles of any offensive nature upon any float, wharf, pier or upon any shoreline, roadway or parkway.

SEC. 63.25.62 SAME - DISCHARGE OF PETROLEUM PRODUCTS

No person, firm, association, or corporation shall discharge, or deposit, or shall cause or suffer to be discharged or deposited or to pass in or into the waters of Mission Bay, any coal tar or refuse or residuary products of coal, petroleum, asphalt, bitumen, or other carbonaceous material or substance.

SEC. 63.25.63 SAME - DEAD ANIMALS

It shall be unlawful for any person to throw, place or leave any dead animal or putrefying matter into thwe waters of Mission Bay, or on or along the shore thereof.

SEC. 63.25.64 SAME - DESTRUCTION OF PROPERTY

It shall be unlawful for any person to wilfully or carelessly destroy damage, disturb, deface or interfere with any buoy, float, life preserver sign, notice or any other municipal property whatsoever under the jurisdiction of The City of San Diego.

SEC. 63.25.65 SAME - INJURING OR TAMPERING WITH WATER CRAFT

No person shall either individually, or in association with one or more persons, wilfully injure or tamper with

any boat, vessel, yacht or other water craft in Mission Bay, or break or remove any part or parts of or from such boats, vessels, yachts or other water craft, without the consent of the owner.

SEC. 63.25.66 SAME - MALICIOUS MISCHIEF

No person shall, with intent to commit malicious mischief, injury or other crime, enter on, climb into or upon any boat, vessel, yacht or other water craft moored, tied or anchored in Mission Bay.

SEC. 63.25.67 SAME - ENTERING WATERCRAFT WITHOUT PERMISSION OF OWNER

No person shall enter or climb into or upon any boat, vessel, yacht, or other water craft moored, tied or anchored in Mission Bay, without the consent of the owner or operator of said boat.

SEC.63.25.68 SAME - TAMPERING WITH MOORINGS PROHIBITED

No person shall tamper with, or in any way molest or interfere with the moorings or anchorages of any boats, vessels, yachts or other water craft in Mission Bay.

SEC. 63.25.69 SAME - ABANDONED CRAFT, OBSTRUCTIONS

It shall be unlawful to abandon any boat or vessel on any beach or waters adjacent thereto or in Mission Bay Park.

A vessel shall be deemed abandoned if:

(a) It does not bear a plainly visible license tag of the Park and Recreation Department and has not been removed within ten (10) days after a notice to do so has been posted on the vessel by the Park and Recreation department ; or

(63.25.69)

(b) It does bear a plainly visible license tag but has not been removed within fifteen (15) days after a notice to do so has been posted on the vessel and a notice has been sent to the licensee at the address on file with the Park and Recreation Department.

Any sunken or abandoned vessels, boats, water craft, rafts, wharves, buildings or other obstructions shall be subject to be removed, destroyed, sold or otherwise disposed of by the Park and Recreation Department of The City of San Diego at its discretion and at the expense of the owner or owners and without liability for any damage to the said owner or owners.

ARTICLE - 4

SEWERS

SEC. 64.01 SEWERS - DEFINITIONS

The meaning of the various terms, as used in this Article shall be as follows:

APPLICANT shall mean a person, firm or corporation who applies for connections to the sewer system;

ASSESSMENT shall mean a levy of a special assessment which is shown on the records of the City Engineer as including a fair and proportionate cost of the sewer main. Any other assessment for a sewer main shall be construed as a nominal or partial assessment for the purposes of this Article.

~~CITY shall mean The City of San Diego, California;~~

DEPARTMENT shall mean Department of Public Works Division of Sewers, City of San Diego;

EXTENSION shall mean an extension of an existing sewer main;

MAIN shall mean an existing sewer main in the sanitary sewer stysem of The City of San Diego.

~~The singular includes the plural, and the masculine includes the femine.~~

SEC. 64.02 SEWER MAIN EXTENSIONS - PAYMENT OF PROPORTIONATE SHARE OF COST REQUIRED

Whenever any person applies for a connection to a sewer main which shall have been installed in any manner other than by public improvement proceedings for which assessments are levied, and neither said person nor his predecessor in interest has paid the proportionate share of the cost of said sewer

main with respect to the property to be served, no such application shall be acted upon or approved unless and until said person shall have paid to The City of San Diego his proportionate share of the cost of said sewer main.

SEC. 64.03 ~~SEW~~ Sewer MAIN EXTENSIONS - DETERMINATION OF COST AND AREAS

When a sewer main has been installed in any manner other than by public improvement proceedings for which assessments are levied, and the cost thereof shall have been paid by certain property owners and/or The City of San Diego, it shall be the duty of the City Engineer, before accepting the work, to determine the cost of such improvement and the boundaries of the area of all property that will be benefited by said sewer main.

SEC. 64.04 SEWER MAIN EXTENSIONS - PREPARATION OF PLAT

The City Engineer shall prepare a plat and indicate the boundaries of the area that will be benefited by the sewer main extension, and shall determine a rate per square foot to be charged to the area benefited by said sewer main extension.

The plat of the area benefited by said sewer main extension, together with the rate per square foot to be charged for connecting to said sewer main extension shall be filed in the office of the City Clerk, and shall be approved by resolution of the Council of The City of San Diego.

SEC. 64.05 SEWER MAIN EXTENSIONS - PAYMENT BY OWNERS OF COSTS

When a sewer main extension has been installed and the district to be benefited, together with the rate to be charged

for such connection has been approved by the Council of The City of San Diego, any property owner who has not either himself or through his predecessor in interest contributed toward the cost of such installation, shall pay to The City of San Diego, in addition to any sewer main connection charges required by any ordinance of The City of San Diego, the proper charges for said sewer main extension, at the rate per square foot provided for by resolution of the Council of The City of San Diego.

SEC. 64.06 SEWER MAIN EXTENSIONS - REFUND OF PRIOR PAYMENTS

All moneys collected under the provisions of this Article shall be deposited by the Treasurer of The City of San Diego into the Sewer Main extension and Connection Trust Fund created by Ordinance No 3235 (New Series). The City Treasurer shall refund to the person or persons who paid for such extension, or to his successor in interest, all moneys so collected; provided, however, that such refund shall not include the fees chargeable against the property of the person or persons who caused said extension to be installed, or who had contributed to its original cost, nor to his or their successors in interest. The fees chargeable to said property shall be proportionate on the basis of the benefits accruing to said property at the rate per square foot determined in the manner provided in this Article.

SEC. 64.07 SEWER MAIN EXTENSIONS - PETITIONS FOR - PAYMENTS OF COSTS

Whenever a petition is filed with the City Council requesting the installation of a sewer main extension, and the signers thereof agree to contribute all or part of the cost thereof,

the City Council may by resolution authorize the City Manager to prepare plans and specifications, advertise for bids, and enter into a contract to do the work. All incidental expenses and cost of the work shall be paid out of the "Sewer main Extension Revolving Fund," created by Ordinance No. 3234 (New Series). It is hereby declared to be the express policy of The City of San Diego that no contributions by The City of San Diego will be made nor refunds to property owners be given where any sewer main extension is installed by private contract after the effective date of this Article.

SEC. 64.08 SEWER MAIN EXTENSIONS - COMPLETION OF WORK - REPORTS REQUIRED

Upon completion of any sewer main extension, and its acceptance by the City Engineer, said City Engineer shall file with the City Clerk a statement in writing setting forth the total cost of such extension, the parties contributing thereto, including the City's contribution, if any, and any other pertinent information concerning said installation.

SEC. 64.09 SEWER MAIN EXTENSIONS - SALE OF PROPERTY - ASSIGNMENT OF RIGHTS AND BENEFITS ACCRUING TO OWNER

The sale of any property referred to herein as affected hereby, and the transfer of title thereto, shall constitute an assignment of the rights and benefits accruing to any contributing property owner, and payments of any sums which may become due to the original payer or in the case of a sale of said property to the transferee thereof, shall constitute a discharge of the obligation of the City of the amount so paid.

The burden of proof is on the person cliaming a refund that he is entitled thereto, and shall present satisfactory proof of his title to the real property involved.

SEC. 64.10 SEWER MAIN EXTENSION - FEES HEREIN ARE ADDITIONAL TO OTHER REQUIRED FEES

The fees established by this Article are in addition to those permit fees required by other Sections of the Code of The City of San Diego not inconsistent herewith; provided, however, that no fee required by this Article to be paid shall be collected for additional connections where the fee for the original connection shall have been paid.

SEC. 64.11 SEWER MAIN EXTENSIONS - FEES PAYABLE ON ALL OF CONTIGOUS PROPERTY UNDER SAME OWNERSHIP

In connecting private property to a public sewer main, the fees described herein shall be paid on all of the contigous property under the same ownership or control which is being put to a joint use thereof or clearly intended to be used jointly, or, in any way connected with the property desired to be connected, regardless of lot lines or property division lines.

SEC. 64.12 SEWER MAIN EXTENSIONS - EXCEPTIONS TO PROVISIONS

The sewer main extensions referred to in this Article do not include nor does this Article affect, any sewer main extensions installed by any agency of the Federal Government, or those installed with funds raised by the issuance of general obligation bonds of said City.

SEC. 64.13 CONNECTIONS TO PUBLIC SEWERS - WORK TO BE DONE BY DEPARTMENT OF PUBLIC WORKS - FEES AND CHARGES ESTABLISHED

That hereafter it shall be unlawful for any person, other

than The City of San Diego, its agents and employees, to connect any pipe, drain or sewer with, or open or penetrate any public sewer in The City of San Diego, California, or to injure, break, remove or open any portion of any manhole, flush tank, inspection pipe, or any other part of, or appurtenance to, any public sewer. But all laterals from all sewer mains shall be laid by the Department of Public Works to the property line of any such person, as may lawfully require a connection with any public sewer.

The following fees and charges are hereby established:

Permit FEE for connection with the public sewer $2.50. In addition to said permit fee, the owner or applicant for such connection shall pay to said City, for construction and laying of laterals the following charges:

Unpaved Street, 4".....$75.00

For each foot in excess of 50 feet $2.00

Unpaved Street, 6" lateral $90.00

For each foot in excess of 40 feet $2.00

Unpaved alley, 4" lateral $40.00

For each foot in excess of 15 feet $2.00

Unpaved alley, 6" lateral $50.00

For each foot in excess of 15 feet $2.00

Paved street, 4" lateral $130.00

For each foot in excess of 40 feet $3.00

Paved street, 6" lateral $150.00

For each foot in excess of 40 feet $3.00

Paved alley, 4" lateral $60.00

SEWER LATERALS

Street connection.....$132.50

For each foot in excess of 40 feet add...4.00

Alley connection.....62.50

For each foot in excess of 15 feet add...4.00

Private property, private contract or public contract connection.....12.50

Curb to property line connection.....42.50

The above charges are for installations under normal conditions. Under abnormal conditions, such as difficult or unusual excavations, additional appropriate charges may be made at the discretion of the Department of Public Works.

In case a connection is made to a sewer where it crosses private property the plumber shall install the pipe to the main sewer and shall uncover the main sewer so that a connection can be properly made and the Department of Public Works will make such connection.

In case a connection can be made to a normal, shallow sewer main or to a special deep sewer main, the property owner may connect to the special deep sewer main by paying the connection and permit fees based on a special cost estimate to be made by the Department of Public Works.

In all cases in which a lateral has been installed to serve a particular lot or parcel of land and the street is subsequently paved, that lateral must be used unless an exception is made by the Department of Public Works.

For each foot in excess of 15 feet $3.00

Paved alley, 6" lateral $70.00

For each foot in excess of 15 feet $3.00

Private property connection $12.50

Curb to property line connection $40.00

In case a connection is made to a sewer where it crosses private property the plumber shall install the pipe to the main sewer and shall uncover the main sewer so that connection can be properly made and the Department of Public Works will make such connection. A charge of $12.50 in addition to the permit fee will be made for such a connection.

In case a connection is made to a sewer where the sewer main has been located between the curb lines and has been installed to serve both sides of the street but is not located in the center of the street, permit and construction fees shall ge calculated on the basis of the length of lateral required had the sewer main been located in the center of the street.

In case a connection can be made either to a normal, shallow sewer main or to a special deep sewer main, the property owner may connect to the special deep sewer main by paying the connection and permit fees based on a special cost estimate to be made by the Superintendent of the Sewer Division of the Department of Public Works.

SEC. 64.14 CONNECTIONS TO PUBLIC SEWERS - PERMIT REQUIRED - SPECIFICATIONS

That it shall be, and it is hereby declared to be, unlawful for any person to connect any pipe on private property with

any pipe in the street that is connected with the public sewer of said City, or to construct any sewer in said City, without first obtaining a permit to do so from the Department of Public Works of The City of San Diego, as hereinafter provided.

The application for such permit must first be filed with the said Department of Public Works, in writing, by the owner of the property to be sewered, or his agent, before opening any street or alley, giving the correct number of the lot and block, and the place where it is desired to connect with the sewer, and shall give the name of the owner of the property. The Director of Public Works shall designate the location of the nearest "Y" and the connection shall be made with such sewer at the "Y" so pointed out by said Director of Public Works.

Where the laterals have been installed to the curb line, the plumber must bring the soil pipe to the property line at a point opposite to, or not more than five (5) feet above where such lateral is installed, and in no case must pipe be brought to the property line below where such lateral is installed.

Where property owners excavate outside of property lines into the street for basement purposes, and wish to connect with sewer across such excavation, they shall install soil pipe to the outside line of such excavation at their own expense, the City making the installation from that point to the main in the street.

It will be necessary to take out sewer permit prior to the installation of any plumbing fixtures.

Every house and building must be separately and independently

connected with the City sewer, except in cases where there may be a house in the rear of the lot. In this case it may be connected with the sewer of the house in front, provided the old sewer will satisfactorily stand the test, and the property is owned by the same parties.

When property which faces on one street and has a sewer main, either in the street or alley, to serve such property as originally subdivided, is re-subdivided, thus facing a cross street, the sewer necessary to serve such lots as are not adjacent to the sewer already installed, may be installed on the lot line at the rear of said property, or in the street. Said sewer shall be installed by the City, and the cost of such installation shall be paid by the property owner, the City reserving the right to make extensions or connections to said sewer at any time.

Where a sewer line is installed at the cost of property owners, on or over any street, alley, or any ground dedicated to the City for street pruposes, or across private property, and where said sewer is connected to any City main, or is run to any outfall or septic tank which may be on City property, or which will ever be connected with the City sewers, or may become a part of the City sewer system, the same shall be installed under City supervision, and the City shall have the right to make extensions and connections to said sewer at any and all times. Before any lateral connection is made to any such sewer installed by property owners, a permit for such connection must be taken out, and the regular permit fee paid.

SEC. 64.15 CONNECTIONS TO PUBLIC SEWERS - SPECIFICATIONS OF CONNECTING LINES

Every soil pipe and private drain connected with any sewer running from the property line to the sewer, shall be at least four inches in diameter, inside measurement, and, whether of cast iron or vitrified stone, must be sound and impervious in all parts, and joined in the best manner. All runs of soil or vitrified sewer pipe shall be not less than one-fourth inch fall to the foot. Where the grade of the main sewer permits all sewer pipes must be laid at a depth of not less than twenty-four inches below established grade at the property line, and thirty inches at the curb line, measured from the bottom of the ditch.

Every soil pipe and private drain inside the property line, connected with the public sewer in said City, or connected with any pipe or private sewer that is connected with said public sewer, shall be of cast iron, and must be sound and impervious in all its parts and jointed in the best manner. For cast iron pipe, the gaskets must be of clean, tarred oakum, twisted and rammed into place. The lead used in making the joint must be of the best quality, pure and soft, and must be caulked securely and properly into place. Before making the joint, the bell and spigot must be wiped clean and dry, and the joints must be run in at one pouring of the moulten lead. The caulking must be faithfully executed, and the lead driven flush with the face of the work. All vitrified stone pipe shall be of the best quality of salt glazed, vitrified pipe, perfectly true

to pattern, and sound. All joints shall be completely filled with cement mortar, wiped off on the outside to a neat bevel, after each joint of pipe has been laid and cemented; and each joint of pipe must be swabbed out with a scraper as it is laid. No fresh laid pipes or sewers shall be used, and no water shall be permitted within said pipes until the cement has had a least six hours in which to set. All cement mortar used in connecting said pipes shall be of one part portland cement and one part sand.

SEC. 64.16 CONNECTIONS TO PUBLIC SEWERS - LIABILITY OF PLUMBER FOR DAMAGE

That any licensed plumber engaged in any work provided for in this Article shall be held responsible for any injury to any sewer, or to any public street, or to any public or private property, and for all other damages.

Each master plumber and his bondsmen shall be liable in damages to the City, or to any party injured, to the extent of such injury, on such bond, for any violation of any provisions of this Article and such liability shall extend to any act of any agent, servant or employee of such licensed plumber who while acting as such agent, servant or employee in the line of his employment.

SEC. 64.17 CONNECTIONS TO PUBLIC SEWERS - LIABILITY OF PERSONS CAUSING WORK TO BE DONE

Any person who shall do or cause to be done, any work provided for in this Article shall be liable personally

and upon his bond, if he shall have given one, for any injury to any sewer, or to any public street or to any other public property; which damage may be recovered in a civil action, brought in the name of The City of San Diego.

SEC. 64.18 CONNECTIONS TO PUBLIC SEWERS - SPECIFICATIONS FOR PIPES NOT DIRECTLY CONNECTED TO PUBLIC SEWER.

That every pipe which is not connected with the public sewer, or with any sewer connected with the public sewer, and which pipe is provided for conducting the sewerage from any building, or for conducting the discharge of a water closet, shall be not less than four inches in diameter, inside measurement, and inside the property line and to a point two feet outside the curb line shall be of cast iron. Where the house sewer connects with the alley sewer, the cast iron pipe shall extend fully five feet outside the property line. From this point the lateral may be constructed either of cast iron or vitrified stone; and no other material than vitrified stone or cast iron pipe shall be permitted in the construction of such sewer outside the property line; nor shall any pipe be connected by any person with any pipe not constructed, or that is connected with any pipe not constructed, of the material required by the provisions of this Article.

SEC. 64.19 CONNECTIONS TO PUBLIC SEWERS - DEFINITION - REMOVAL OF OBSTRUCTIONS

The words"outside the property line" shall be construed to mean the line separating private property from a public street, avenue, lane, alley, road or highway. No person shall connect

with any public sewer or any private sewer or drain laid for surface, roof or yard drainage, nor shall exhaust from steam engine, blow-off from steam bliler, or water above 140 degrees Fahrenheit in temperature, be discharged in any public sewer, or private sewer, or drain connected with the same, in said City.

When it is necessary for the Department of Public Works to relieve stop-ups in laterals, and the obstruction is found to be on the property, or the obstruction, if in the street between the main and property, is due to waste matter which should not have been placed in the sewer, the owner of said property shall pay to the Department of Public Works the cost of the removal of such obstruction.

SEC. 64.20 CONNECTIONS TO PUBLIC SEWERS - PENALTY FOR VIOLATION BY PLUMBER

Any plumber who shall violate any of the provisions of this Article shall, on a hearing before the Council, forfeit any license that may have been granted him, and he shall not receive another license as a plumber except upon the vote of such Council granting the same to him.

SEC. 64.21 DISCHARGE OF OBJECTIONABLE MATTER INTO SEWER SYSTEM - PROHIBITED

It shall be unlawful for any person, firm or corporation to place, throw or deposit, or cause or permit to be placed, thrown or deposited in any public sewer, drain, catch basin, water closet, private vault or cesspo ol, any dead animal, offal or garbage, fish, fruit or vegetable waste, sand, liquid

waste or any kind containing chemicals, greases, oil, tar and/or gasoline, or any other objectionable materials or matter of whatever kind, class or description which will clog, obstruct, fill or prevent the effective use of, and/or necessitate the frequent repair, cleaning out or flushing of such sewer, drain or catch basin.

ARTICLE - 5

STREET LIGHTS AND POLES

SEC. 65.01 INJURING, REMOVING, ETC. OF LIGHT STANDARDS, SIGNALS, ETC. - PROHIBITED

Any person who shall deface, knock down, destroy, break, remove or otherwise damage any ornamental light standard, traffic signal, traffic sign and/or connections, fittings and appurtenances thereto, shall be deemed guilty of a misdemeanor.

SEC. 65.02 MAINTENANCE OF LIGHTING SYSTEMS - AUTHORITY TO ORDER SAME - ASSESSMENT OF COSTS AND EXPENSES

Whenever the public interest or convenience may require the Council of The City of San Diego, acting under the authority conferred upon it by the City Charter, shall have full power and authority to order any street lighting system, systems and/or appliances, including poles, posts, electroliers, transformers, lighting units, lamps, cables, wires, pipes conduits and/or other suitable or necessary works or appliances for street lighting purposes, or any part thereof to be maintained in or along the public streets, alleys or other public places in said City, and/or to order electric current to be furnished thereto and to determine and declare the district to be benefited by such improvement, and to assess, either partly or wholly, the costs and expenses (including all incidental expenses) of such improvement, or any one or more of the items thereof, upon the lands in said district, all in the manner and under the proceedings hereinafter provided.

The provisions of this Article shall not be limited to the maintenance of street lighting systems or appliances

owned only by the City, and/or to furnishing electric current for lighting systems so owned, but such improvement may be made with and by means of such systems or appliances provided and installed by, and remaining the property of the public utility, public corporation, or other party with whom any contract now or hereafter may be entered into for such maintenance and such furnishing of electric current.

SEC. 65.03 MAINTENANCE OF LIGHTING SYSTEMS - RESOLUTION OF INTENTION - REPORT OF IMPROVEMENT

Before ordering any improvement to be made which is authorized by Section 65.02, the City Council shall adopt a resolution declaring its intention so to do, briefly describing the proposed improvements and designating said district by describing the exterior boundaries thereof to be benefited by said improvements and to be assessed to pay the costs and expenses thereof, and to be known as the assessment district; provided, however, no resolution of intention shall be passed under the provisions of this Article if there are outstanding delinquent street lighting liens in an amount in excess of ten percent of the full amount assessed against the district for the previous assessment proceeding. The City Council may, in its discretion, order in said resolution of intention that a certain portion or percentage of the costs and expenses of said improvement, the amount of which portion or percentage shall be specified in said resolution, shall be paid out of the treasury of such municipality from such fund as the City Council may designate. The City Council shall, in

said resolution of intention provide that the maintenance of said appliances and the furnishings of said electric current shall be for a period stated in said resolution of intention, but not exceedint two years. The City Council shall also in the same resolution refer the proposed improvement to the board,commission or officer of the City having charge and control of the construction of public improvements of the kind described in such resolution or to the City Engineer, or to such other board or officer of the City or competent person employed by the City for such purpose as the Council may name in said resolution; and direct such board, commission, officer or person to make and file with the City Clerk a report in writing, presenting the following:

(a) Plans and specifications of the proposed improvement.

(b) An estimate of the cost of said improvement, for the period of time specified in the resolution of intention.

(c) A diagram showing the assessment district above referred to and also the boundaries and dimensions of the respective sub-divisions of land within said district as the same existed at the time of the passage of the resolution of intention, each of which subdivisions shall be given a separate number in red ink upon said diagram. The said diagram shall govern for all details as to the extent of said assessment district.

(d) A proposed assessment of the total amount of the costs and expenses of the proposed improvement upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respecitiely, from said improvements; provided, that whenever any portion or percentage of the costs and expenses of such improvement is ordered to be paid out of the treasury of the nunicipality, as hereinbefore provided, the amount of such proportion or percentage shall first be deducted from the total estimated cost and expense of such improvement, and the assessment upon property, proposed in said report, shall include only the remainder of said estimated costs and expenses. Said assessment shall refer to such subdivisions upon said diagram by the respective red ink numbers thereon and it shall show the names of the owners, if known, otherwise designating them as unknown. No mistakes in the name of the owner of any parcel of land shall affect the validity of the assessment thereon.

SEC. 65.04 MAINTENANCE OF LIGHTING SYSTEMS - HEARING OF PROTESTS

Upon the filing of the report as provided in Section 65.03, the City Clerk shall present the same to the City Council for consideration, and said Council may modify the same in any respect and in case of any such modification the report, as modified, shall stand as the report for the purpose of subsequent proceedings.

Thereafter, the City Council, by resolution, shall appoint a time and place for hearing protests in relation to the proposed improvement, which time shall be not less than twenty days from the date of the passage of said resolution.

SEC. 65.05 MAINTENANCE OF LIGHTING SYSTEMS- POSTING AND PUBLICATION OF NOTICES

After the passage of the resolution of intention the City Engineer shall cause to be conspicuously posted along all streets and parts of streets or other public places where said improvement is proposed to be made, at not more than three hundred feet apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed: "Notice of Local Improvement," in letters of not less than one inch in length; and shall, in legible characters state the fact and date of the passage of the resolution of intention, and of the filing of said report, and the date fixed for the hearing of protests and briefly describe the improvement proposed to be made, and refer to said resolution and report for further particulars. He shall also cause a notice similar in substance to be published by two successive insertions in a daily or weekly newspaper published and circulated in siad municipality and designated by said Council for that purpose. Said notices must be posted and published as above provided, at least ten days before the date set for the hearing

of said protests.

SEC. 65.06 MAINTENANCE OF STREET LIGHTING SYSTEMS - HEARING AND CONSIDERATION BY COUNCIL - DECLARATION OF IMPROVEMENT

Any person interested, objecting to the proposed improvement or to the assessment therefor, may file a written protest stating his objections thereto, with the City Clerk at or before the time set for the hearing provided in Section 65.04. The City Clerk shall endorse on every such protest the date of its reception by him, and at the time appointed for the hearing as above provided, shall present to said City Council all protests so filed. The City Council shall hear and consider said protests at the time appointed therefore, as above provided, or at any time to which the hearings thereof may be adjourned, and pass upon the same, and may confirm, modify or correct said proposed assessment, and its decision shall be final and conclusive, and if such protests are sustained the proceedings shall be abandoned, but may be renewed at any time; and if such protests are denied the proposed assessment shall be confirmed, and the City Council shall be deemed to have acquired jurisdiction to further proceed in accordance with the provisions of this Article. When, upon the hearing, said proposed assessment is confirmed, modified or corrected, or in case no protests are filed, the report provided for in Section 65.03 shall be adopted as a whole,

with any modifications or corrections that have been made therein, and the City Council shall, by resolution declare its action upon said report and assessment, and order said proposed improvement to be made.

SEC. 65.07 MAINTENANCE OF LIGHTING SYSTEMS - CONTEST OF VALIDITY OF ASSESSMENT - THIRTY DAY LIMITATION

The validity of assessment levied under this Article shall not be contested in any action or proceeding unless the same is commenced within thirty days after the time said assessment is levied .

SEC. 65.08 MAINTENANCE OF LIGHTING SYSTEMS - TRANSMITTAL OF ASSESSMENT TO CITY TREASURER

Upon the passage of the resulution, provided for in Section 65.06, the City Clerk shall transmit to the City Treasurer the diagram, and assessment provided for in Section 65.03 and any modifications or corrections thereof made by said City Council.

SEC. 65.09 MAINTENANCE OF LIGHTING SYSTEMS - FIXING OF DELINQUENT ASSESSMENT - PENALTY

Upon receipt of the diagram and assessment referred to in the last preceding section, the City Treasurer shall record the same in a substantial book, to be kept for that purpose in his office, and shall thereupon fix a day not less than thirty, nor more than forty, days from the date of the ceceipt by him of said diagram and assessment after which all assessments unpaid shall become delinquent, and five percent shall be added to the amount

thereof, and shall also fix a day for the sale of the various parcels of land upon which the assessments are unpaid, which said date shall be not less than sixty days, nor more than seventy, from the date of the receipt by him of said diagram and assessment.

SEC. 65.10 MAINTENANCE OF LIGHTING SYSTEMS - SALE OF PROPERTY TO COLLECT DELINQUENT ASSESSMENT

The City Treasurer shall within fifteen days after the date of such delinquency begin the publication of a notice of sale of the property upon which the assessments have not been paid,which publication must be made by two insertions in a daily newspaper published and circulated in the City of San Diego. The description of the various parcels of land need not be set out at length, but may be designated in such notice by the respective numbers of same as they appear upon the assessment and diagram, which shall be properly referred to therein. Opposit the description or designation of each parcel of land shall be set out in such notice the name of the owner as stated in the assessment, the amount assessed against the same, the penalty for delinquency, and its portion of the costs of the sale. At any time after such delinquency, and prior to the sale of any parcels of land assessed and delinquent, any person may pay the assessment thereof, together with the penalties and costs due thereon, including the cost of advertising, if such payment is made after the first publication of the notice of sale. At the time and place fixed therefor,

the City Treasur shall proceed with such sale, commencing at the head of the list of lands contained in such notice, and continuing in the numerical order thereof until all the property is sold; provided, that he may postpone or continue the sale from day to day until the sale is completed. The City Treasurer shall sell separately each parcel of land in such notice, or so much thereof as shall be necessary to realize the amount assessed against the same, together with the penalties and costs as aforesaid, and fifty cents ($0.50) for a certificate of sale. In case there is no other purchaser, the same shall be struck off to the City as purchaser, or the City may bid thereon in the interests of the property owners, to the exclusion of all other bidders.

SEC. 65.11 MAINTENANCE OF LIGHTING SYSTEMS - CERTIFICATE OF SALE OF PROPERTY

The City Treasurer shall issue for each parcel an original and duplicate certificate of sale, referring to the proceedings, describing the parcel sold, and giving the name of the purchaser and the amount for which said parcel was sold. The original certificate shall be delivered to the purchaser and the duplicate shall be kept on file in his office, in the form of a stub in the certificate book. When the City is the purchaser, said certificate shall be filed with the City Auditor and Comptroller.

SEC. 65.12 MAINTENANCE OF LIGHTING SYSTEM - REDEMPTION OF PROPERTY SOLD

At any time after the date of sale and prior to the issuance and delivery of a deed to said property,

as provided for in Section 65.13, any property sold under the provisions of this Article may be redeemed by the payment to the City Treasurer of the amount for which the property was sold, with an additional penalty of one-half of one percent per month, until paid, of said amount of sale, together with such other penalties as may be payable, as provided for in Section 65.13. Said one-half of one percent penalties shall be added on the first day of each month following the date of sale of said property. Money paid in on such redeptions shall be paid by the City Treasurer to the person holding the original certificate of sale, upon his surrendering the same and upon giving a receipt for the amount received from the City Treasurer therefor. Upon redemption of any parcel of land the City Treasurer shall enter the fact and date of redemption upon the original and upon the duplicate certificate of sale thereof.

SEC. 65.13 MAINTENANCE OF LIGHTING SYSTEMS - EXECUTION OF DEED TO PROPERTY

At any time after the expiration of eighteen months from the date of sale, the City Treasurer must execute to the purchaser, or his assignee, on his application if such purchaser has complied with the provisions of this Section, a deed of the property sold, in which shall be recited substantially the matters contained in the certificate, also any assignment thereof, and the fact that no person has redeemed the property. The City Treasurer

shall receive from the applicant one dollar ($1.00) for making such deed, unless the City is the purchaser, in chich case no charge shall be made therefor. The purchaser or his assignee must, at least thirty days before he applies for a deed, serve upon the owner of the property and upon the occupant of such property, if the same is occupied, a written notice setting forth a description of the property, stating that said property has been sold for a delinquent assessment; specifying the improvement for which the same was made, the amount for which the delinquent property was sold, the amount necessary to redeem at the time of giving notice, and the time when such purchaser or his assignee, will apply to the City Treasurer for a deed. If said owner connot be found, after due diligence, said notice must be posted in a conspicuous place upon said property at least thirty days before the time stated therein at which the application for a deed will be due must file with the City Treasurer an affidavit or affidavits showing that notice of such application has been given or posted as herein required, and if the notice was not personally served on the owner of the property, that due diligence was used to find said owner before such posting; and such affidavit or affidavits must be filed in the office of the City Treasurer. If redemption of the property is made after affidavits are filed, the person making such redemption must pay, in addition to the other amounts

required, two dollars ($2.00) for the service of notice and the making of such affidavits, which amount shall be paid over to the purchaser or his assignee in the same manner as other sums paid for redemption. No deed for any property sold for delinquent assessment shall be made until the purchaser or his assignee has complied with all the provisions of this Section and filed the proper affidavits with the City Treasurer.

SEC. 65.14 MAINTENANCE OF LIGHTING SYSTEMS - DEED IS EVIDENCE OF MATTERS RECITED

The deed of the City Treasurer shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the execution thereof, and of the title in the grantee.

SEC. 65.15 MAINTENANCE OF LIGHTING SYSTEMS - TRANSFER OF FUNDS - SPECIAL FUNDS

The funds collected by the City Treasurer under the proceedings herein provided for, either upon voluntary payment or as the result of sales, shall be placed by the City Treasurer in a ~~special~~ Special Fund designated by the name of the improvement proceedings, and payment shall be made out of said special fund only for the purposes provided for in this Article. To expedite the making of any such improvement, the City Council may at any time transfer into said special fund, out of any money in the General Fund, such sums as it may deem necessary, and the sums so transferred shall be deemed a loan to such special

fund and shall be repaid out of the proceeds of the assessments provided for in this Article.

SEC. 65.16 MAINTENANCE OF LIGHTING SYSTEMS - CONTRACTS FOR IMPROVEMENTS - CONTENTS - PROCEDURE

At any time after the confirmation of the assessment the City Council may let the contract or contracts for such improvement. Every such contract shall be let to the lowest responsible bidder after notice published by two insertions in a daily newspaper published and circulated in the City of San Diego. Every bid shall be accompanied by a certified check amounting to ten percent of the bid, payable to the order of the City Clerk, and the same shall be forfeited to the City in case the bidder depositing the same does not, within fifteen days after the notice that the contract has been awarded to him, enter into a contract with the City for the work, the faithful performance of which shall secured by an undertaking in such sums as the City Council shall require, with sureties satisfactory to said City Council The contract must provide that the improvement shall comply, and the improvement must comply strictly, with the plans and specifications contained in the report provided for in this Article.

Performance of any contract hereunder shall be under the supervision of the City Engineer and no work,material or supplies shall be paid for until it has been accepted by said City Engineer.

If the contractor abandons the improvement or fails

to proceed with the same as rapidly or in the manner as required by his contract, the City Council may relet the work in the same manner as in the case of the first letting thereof, and retain the amount of the cost of the same and of any expense incidental to the reletting out of any funds due or to become due to the original contractor, and also hold him and his sureties responsible for such cost and expense, and for any damages resulting from such abandonment or failure upon his bond; provided, however, that the City Council in its discretion, at any time within ten days after the award of any contract as above provided, or at any time within ten days after the time fixed for the opening of the bids, if no bids have been received, order by resolution adopted by a majority vote of all its members, that the said proposed contract be not made, and the municipality itself execute the work embraced therein, in accordance with the plans and specifications adopted for such work, and employ the labor and provide the material, appliances, supplies and/or electric current necessary therefor; and the cost and expenses of such work shall be paid out of the aforesaid funds; and provided further, that the amount approiated and used from said funds for said purpose shall not exceed the amount of the bid upon which the award of contract aforesaid was made, or if no bids have been received and the work is to be executed by the City itself, as herein provided, such cost and expense shall not exceed the amount of the estimate thereof provided for in Section 65.03, and if

such cost and expense shall exceed the amount of said bid, or of said estimate in case no bids are received, then such excess shall be met out of any moneys in the general fund in the City Treasury.

SEC. 65.17 MAINTENANCE OF LIGHTING SYSTEMS - REFUND OF EXCESS ASSESSMENT

If at any time an assessment for any such improvement shall realize a larger sum than is necessary therefor, the excess shall be refunded pro rata to the parties by whom it was paid.

SEC. 65.18 MAINTENANCE OF LIGHTING SYSTEMS - ASSESSMENT IS LIEN ON PROPERTY

Every special assessment levied under this Article shall, from the date of the levy thereof, be a lien upon the land upon which it is levied paramount to all other liens, except prior assessments and taxation, and such lien shall continue until such special assessment is paid or until the property is sold and a deed is made therefor to the purchaser, as hereinbefore provided, and all parties shall have constructive notice of such lien from the date of the passage of the resolution referred to in Section 65.06.

SEC. 65.19 MAINTENANCE OF LIGHTING SYSTEMS - RESOLUTION OF PROCEEDING

The City Council hereby declares that it is its intention in adopting this procedural Article to exercise and make use of the power and authority granted and conferred upon it by the City Charter, and declares that this procedure

shall be additional or alternative to any procedure established by state law. The election of the City Council to proceed under the provisions of this Article shall be expressed in the resolution of intention of the improvement to be made.

SEC. 65.21 MAINTENANCE OF LIGHTING SYSTEMS - DEFINITIONS

The words "work" or "improvement" as used herein shall include any work, services, supplies, material, fixtures, apparatus, works or improvement authorized to be done, placed, serviced, repaired, maintained, altered, supplied or purchased under the provisions of Section 65.02.

The work "occupant" as used herein shall include any and all persons holding any estate or interest in real property less than the fee thereof and in physical occupation of any lot, piece or parcel of land.

ARTICLE - 6

GARBAGE AND REFUSE COLLECTION

SEC. 66.01 SEGREGATION OF REFUSE - COMBUSTIBLE AND NONCOMBUSTIBLE

That all City refuse, other than garbage which is now required to be placed in a separate container, shall be segregated for collection into combustible (capable of being burned) waste matter, and non-combustible (not capable of being burned) waste matter, and placed in separate receptacles.

SEC. 66.02 SEGREGATION OF REFUSE - FAILURE TO SEGREGATE UNLAWFUL

That it be and it is hereby declared to be unlawful for any person, firm or corporation to place or cause or permit to be placed non-combustible waste matter and combustible waste matter in the same receptacle.

SEC. 66.03 GARBAGE, REFUSE COLLECTION - HOURS FOR PLACING RECEPTACLES ON SIDEWALK, CURB, ETC.

It shall be unlawful for any person, firm, association or corporation to place, deposit or permit to remain any garbage, rubbish or waste or containers therefor, on the public streets, curbs, curbings or sidewalks before 6:00 o'clock p.m. of the day prior to the regular day for collection by the City of such waste material, or after 6:00 o'clock p.m. of such regular collection day.

SEC. 66.04 GARBAGE, REFUSE COLLECTION - CENTRAL TRAFFIC DISTRICT - HOURS FOR PLACING RECEPTACLES ON SIDEWLAK, CURB, ETC.

It shall be unlawful for any person, firm, association or corporation to place, deposit or permit to remain any garbage, rubbish or waste or containers therefor, on the public streets, curbs, curbings or sidewalks in any Central

Traffic District as established by City Ordinance, before 6:00 o'clock a.m. of the regular day for collection by the City of such waste material, or to permit any such materials or containers therefor to remain in such places after 10 o'clock a.m. of such day or one (1) hour after such materials in the same block have been removed, whichever is later.

SEC. 66.05 GARBAGE, REFUSE COLLECTION - VIOLATION DECLARED PUBLIC NUISANCE

The placing, depositing or leaving of garbage, rubbish, or waste or containers therefor, on the public streets, curbs, curbings or sidewlaks in The City of San Diego, except during the hours expressly permitted by this Article is hereby declared to be a public nuisance.

ARTICLE - 7

WATER SYSTEM

SEC. 67.01 WATER SYSTEM - DEFINITIONS

The meaning of various terms as used in this Article shall be as follows:

~~CITY shall mean: The City of San Diego~~

MANAGER shall mean: The City Manager of The City of San Diego or his duly authorized representative.

DEPARTMENT shall mean: The Water Department, Division of Distribution of The City of San Diego;

APPLICANT shall mean: A person, firm or corporation who applies for water service;

EXTENSION shall mean: A water main extension; and

MAIN shall mean: An existing water main in the water distribution system of The City of San Diego.

The word CONSUMER, as used herein, shall mean any person, firm or corporation to whom the City supplies water service under a contract, either expressed or implied, to make payment therefor.

The term SERVICE CONNECTIONS, as used herein, shall be understood to designate the tapping of water mains and the laying of pipes from the main to the curb or to the meter.

The term COST shall include labor, material, transportation, expense, supervision, engineering, and other necessary overhead expense.

The words LEGAL OR EQUITABLE OWNER, as used herein, shall mean any owner of record, mortgagee, trustee or

contract purchaser.

SEC. 67.02 REGULATION OF WATER SYSTEM - AUTHORITY

That pursuant to the right and power granted by Section 3 of the Charter of the City of San Diego, the rules and regulations hereinafter in this Article set forth are promulgated, adopted and established for the regulation, use and government of the water system of The City of San Diego.

SEC. 67.03 REGULATION OF WATER SYSTEM -APPLICATION FOR SERVICE CONNECTION

Application for service connection must be made on a printed form furnished by the Department, which application shall specify the size of the service connection desired, the property to be served, the legal or equitable owner thereof, and the purpose for which the water is to be used. The information supplied by the applicant in such application shall be considered as authoritative and final. If any error in any such application shall be considered as authoritative and final. If any error in any such application shall cause the service connection to be installed of a wrong size, or at a wrong location, the cost of all changes required shall be paid by the applicant.

The evidence required in all instances where application is made for water shall include the name and address of the applicant, description of the lot, block and tract, name of street upon which property fronts, and the official house number assigned to the premises for which water is desired together with applicant's relations to the property as owner, occupant, etc.

The application shall contain a contract on the part of the applicant to pay the stipulated rates at the time and in the manner provided in these rules and regulations, reserving to the Department the right to enforce and collect rates and penalties in the manner provided for in these reles and regulations; to change rates and to temporarily discontinue the service at any time without notice to the consumer, and for any damage by water or otherwise resulting from defective plumbing, broken or faulty services or water mains, or resulting from any condition of the water itself, or any substance that may be mised with or be in the water, as delivered to any consumer.

SEC. 67.04 REGULATION OF WATER SYSTEM - SIZES AND LOCATION OF SERVICE CONNECTION

The Department reserves the right to determine the size of the service connection, and upon application to the Department for a service installation a red card will be furnished to the applicant to be placed at the point where he(or she) wishes the service to enter the premises, unless service connection already exists.

SEC. 67.05 REGULATION OF WATER SYSTEM - COST OF WATER SERVICE CONNECTION AND METER INSTALLATIONS

The Department shall make the following charges for installation of, and the perpetual maintenance of all water services, meters and appurtenances thereto, same to remain the property of the Department. Said charges, in addition to all other usual and regular charges of said Department, including charges for Water Main Extensions

and Connections must be paid before work will be performed.

SCHEDULE OF CHARGES FOR INSTALLATION AND PERPETUAL MAINTENANCE OF WATER METERS AND SERVICE CONNECTIONS:

SERVICES		METERS		TOTAL
3/4 - in.	$ 45.00	5/8-in.	$ 26.00	$ 71.00
3/4 - in.	45.00	3/4-in.	39.00	84.00
1-in.	60.00	1-in.	50.00	110.00
1-1/2 in.	155.00	1-1/2 in.	95.00	250.00
2-in.	190.00	2-in.	135.00	325.00

and Connections must be paid before work will be performed.

SCHEDULE OF CHARGES FOR INSTALLATION AND PERPETUAL MAINTENANCE OF WATER METERS AND SERVICE CONNECTIONS:

SERVICES		METERS		TOTAL
3/4 - in.	$ 40.00	5/8-in.	$ 25.00	$ 65.00
3/4-in.	40.00	3/4-in	35.00	75.00
1-in.	60.00	1-in.	45.00	105.00
1½- in.	125.00	1½- in.	75.00	200.00
2-in.	170.00	2-in.	120.00	290.00

Whenever an installation is required by an applicant that is not covered by the above schedule of charges, such work shall be done with charges based upon an estimate of costs made by the Department.

The above schedule of charges includes meter boxes except where basement is excavated to the curb line, in which case the applicant shall provide at his own expense an adequate vault and cover to house said meter and appurtenances in accordance with Department requirements.

If a meter and service installation exceeds 50 feet in length or for any other valid reason it cannot be installed for the amount stated in above schedule of charges due to the peculiarity of the proposed service, the Department reserves the right to make said installation on the basis of an estimate of costs.

When services are installed for Automatic Fire Sprinkler Services, the applicant must install at his own expense a

detector check valve of design and at a location approved of by the Department.

Where a meter and service are installed, and application is made for an increase in size of service and meter at the same location the following schedule of credits will be allowed for the meter removed on the above schedule of charges for installation.

SCHEDULE OF CREDITS ALLOWED FOR WATER METERS REMOVED WHEN AN APPLICATION IS MADE FOR AN INCREASE IN SIZE

5/8-in.....	$ 17.00
3/4-in.....	28.00
1-in.....	40.00
1-1/2 in.....	73.00
2-in.....	108.00

detector check valve of design and at a location approved of by the Department.

Where a meter and service are installed, and application is made for an increase in size of service and meter at the same location the following schedule of credits will be allowed for the meter removed on the above schedule of charges for installation.

SCHEDULE OF CREDITS ALLOWED FOR WATER METERS REMOVED WHEN AN APPLICATION IS MADE FOR AN INCREASE IN SIZE

5/8-in.	$ 16.00
3/4-in.	24.00
1 -in.	35.00
1½-in.	67.00
2 -in.	100.00

Whenever services, meters, fire hydrants or other appurtenances are required to be moved by an applicant for any reason whatsoever, the charges shall be made on the basis of an estimate of costs by the Department.

SEC. 67.06 REGULATION OF WATER SYSTEM - PIPE THROUGH BASEMENT WALL

When the applicant requires the service connection pipe to be extended through a basement wall, the owner of the property shall provide the entrance way through such wall and assume all responsibility for any damage caused by leakage through such entrance way and shall assume all liability for damage caused by leaking pipes, fittings, or meter installed inside of such basement wall.

SEC. 67.07 REGULATION OF WATER SYSTEM - CURB COCK

Every service connection installed by the Department shall be equipped with a curb cock or wheel valve on the inlet side of the meter; such valve or curb cock being intended exclusively for the use of the Department in controlling the water supply through the service connection pipe. If the curb cock or wheel valve is damaged by consumer's use to an extent requiring replacement, such replacement shall be at the consumer's expense.

SEC. 67.08 REGULATION OF WATER SYSTEM - PRESSURE CONDITIONS

All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed service connection, and to hold the Department harmless from all damage arising from low pressure or high pressure conditions or interruptions of service.

SEC. 67.09 REGULATION OF WATER SYSTEM - CUTTING AND REFITTING, ETC., OF SERVICE CONNECTIONS AND WATER MAINS

Where persons, corporations or contractors making improvements, etc., requiring excavations in streets wherein water mains and service connections exist, requiring said water mains and service connections to be cut and refitted, lowered or raised, etc., said persons, corporations or contractors shall make written request to the Department, insuring the payment of all costs incurred by the Department in making the changes necessary or required to be made.

SEC. 67.10 REGULATION OF WATER SYSTEM - DOMESTIC, COMMERCIAL, INDUSTRIAL SERVICE CONNECTION

(a) Each house or building under separate ownership must be provided with a separate service connection and meter. Two or more houses under one ownership and on the same lot or parcel of land must be supplied by individual or separate service connections and meters ; except in the case of a court or in case a house be located on the rear of an inside lot, one service and meter may be installed by the owner to cover more than one house or building.

(b) The Department, however, reserves the right to limit the number of houses or the area of land under one ownership to be supplied by one service connection.

(c) Not more than one service connection for domestic or commercial supply shall be installed for one building, except under special conditions.

(d) A service connection shall not be used to supply adjoining property of a different owner, or to supply property of the same owner across a street or alley.

(e) When property provided with a service connection is subdivided, such service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

SEC. 67.11 REGULATION OF WATER SYSTEM - COMBINED DOMESTIC AND IRRIGATION SERVICE

This service shall be for water delivered through a standard meter and shall include all water supplied for

irrigating, golf courses consisting of not less than thirty-five acres of improved course, or agricultural, horticultural, floricultural and viticultural crops produced primarily for the market, and for domestic use upon tracts or single parcels of land under single occupancy aggregating not less than one-half acre through the same meter under existing pressure and at the will of the consumer. Combined domestic and irrigation service shall be furnished only to those who agree in writing on a form provided by the department to take such service at the special rate provided for such service and for a period of at least one year, and to renew such agreement annually.

The department reserves the right for the City Manager to cancel such service agreement when there is a shortage of water supply in the City's impounding reservoirs, or for the City Manager to order all irrigation under the combined domestic and irrigation service rate to be done during such night hours as he may prescribe whenever there is a deficiency or shortage of water for general commercial and domestic needs. Violation of, or noncompliance with, this section or rule and/or any order issued thereunder will subject the consumer to forfeiture of the right to receive the combined domestic and irrigation service rate.

SEC. 67.12 REGULATION OF WATER SYSTEM - FIRE SERVICE CONNECTIONS

(a) When a fire service connection is installed the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the

premises to have water turned on. After water is turned on the Department shall not be held liable for damages of any kind whatsoever that may occur to the premises serviced by reason of the installation, maintenance, use, fluctuation of pressure, or interruption of supply.

(b) In no case shall any connection be made with any sprinkler or fire service without written consent of the Department, and should it be found that any such unauthorized connection has been made, or that water has been used from a sprinkler or fire service for any other purpose than extinguishing a fire, the water service shall be shut off and not turned on again until a sum equivalent to the monthly minimum provided for in Section 67.55, effective at that time, for a similar sized regular installation, is paid covering the entire period during which the service has been installed. A standard meter of the equivalent size of the service pipe shall be installed by the Department at the owner's expense at rates provided in Section 67.05.

(c) The Department reserves the right to install on each fire service connection a by-pass meter, such installation to be made at the expense of the owner of the property.

SEC. 67.13 REGULATION OF WATER SYSTEM - WATER TO PASS THROUGH METER

All services not otherwise provided for in these rules and regulations shall be metered, and all city water used on any premises shall pass through a meter.

No by-pass or connection between the meter and the main shall be made, maintained or permitted except as may be installed by the Department for sprinkler or fire service. Water served to any premises, where there is or has been any infringement of Section 67.12 will be shut off at once, and will not be turned on again until full satisfactory settlement has been made with the Department for such infringement.

SEC. 67.14 REGULATION OF WATER SYSTEM - WATER SUPPLY FROM A FIRE HYDRANT

(a) Persons wishing to take a supply of water from a fire hydrant must make application to the Department for such service. The Department will make the necessary connections and install a meter of required size.

(b) When water is required for construction purposes of any type, upon making proper application a service connection will be made with a main or at a hydrant at the most accessible point to the construction work. When the connection is not sufficiently accessible and water must be taken to the work in a tank wagon or barrel, such supply shall be taken through the meter as installed. In no case will water be furnished for any purpose except through a meter.

SEC. 67.15 REGULATION OF WATER SYSTEM - TURNING ON WATER

Turning on water at the curb or inlet side of the meter by other than authorized employees of the Department in any instance or for any purpose whatsoever is unlawful.

SEC. 67.16 REGULATION OF WATER SYSTEM - SHUTTING OFF WATER

Upon application of the owner or occupant of a building or premises served by water service connection to have water shut off at the supply or inlet side of the meter, the Department will shut the water off, and at the same time will record the reading of the meter.

The Department reserves the right to shut off the water supply from any premises at any time without notice, for the purpose of making repairs, extensions or other necessary purposes, for non-payment of bills, or for any infraction of these rules and regulations.

SEC. 67.17 REGULATION OF WATER SYSTEM - USE OF WATER FOR TESTING

Whenever plumbers or other persons connecting service pipes to the property or outlet side of the meter may use the water for testing pipes and fixtures at an unoccupied building, they shall see that water is properly shut off before leaving same.

SEC. 67.18 REGULATION OF WATER SYSTEM - BOILER CONNECTIONS

(a) It is unlawful for any person or persons to draw water from any city water supply pipe direct into any stationery steam boiler within the corporate limits of the City of San Diego.

(b) All persons having boilers or other heaters supplied with city water are cautioned against danger of explosion or collapse. The City will not be liable for any damage that may occur on account of water being cut off as a consequence of such explosion, collapse, or other

occurrence, or on account of the breakage of any pipe or fixture by pressure of water from the City mains.

(c) Where water is supplied to a steam engine boiler, its owner must provide a tank of sufficient capacity to serve a continuous supply to the boiler or boilers for at least twelve hours. Water service pipe will be discharged into such tank.

(d) It shall be unlawful for any person, firm or corporation to cause, or permit to be installed, or to allow to exist, any inlet discharging water supplied by the Department in or to any tank, cistern, reservoir, or any other receptacle for the storage or use of water below the maximum possible high water level of such tank, cistern, reservoir, or other receptacle for the storage or use of water.

SEC. 67.19 REGULATION OF WATER SYSTEM - SHUTTING OFF FLOW OF WATER IN CASE OF FIRE

Consumers are required to use discretion by shutting off lawn sprinklers or any steady flow of water, where same does not interfere with business, in case of a fire in their section of the City.

SEC. 67.20 REGULATION OF WATER SYSTEM - TEMPORARY SERVICE CONNECTIONS

(a) A temporary service connection may be installed at the same charge as provided for a regular service connection. (Section 67.05)

(b) A temporary service connection shall be discontinued within six months after installation, unless an extension

of time has been granted by the Department.

(c) A temporary service connection conforming with standard requirements may be made permanent at the end of six months after installation, provided all charges for service installation, together with all bills for water furnished through such service, have been paid in full.

(d) For temporary service over a short period, special arrangements may be made to secure water supply as follows:

1. From an installed service connection not in use.

2. From an outlet at the inlet side of a meter on a service connection that is in use, provided the applicant shall first secure the owner's permission to make such connection, and shall agree to pay the cost of making the connection.

3. From house faucets, provided the applicant shall first have arranged with the consumer who pays for water used through the service.

SEC. 67.21 REGULATION OF WATER SYSTEM - EMERGENCY SHUT-OFFS

Consumers are instructed that in laying service pipe from the building to the meter, it is compulsory that a wheel valve be placed in the line, inside the meter box, for use in shutting off the water in case of emergency.

SEC. 67.22 REGULATION OF WATER SYSTEM - METER TESTING

When the accuracy of a water meter is questioned, the Department shall upon the request form provided cause an official test to be made upon deposit by the consumer

of the following amounts:

For testing a 5/8 in. meter $2.00

For testing a 3/4 in. meter 2.00

For testing a 1 in. meter 4.00

For testing a 1½ in.meter 4.00

For testing a 2 in. meter 4.00

For testing a 3 in. or larger meter the charges shall be made on the basis of an estimate of cost by the Water Department.

If, upon examination of the meter to ascertain the accuracy of its operation, it shall be found to register over 3 % more water than actually passes through it, another meter will be substituted therefor, and the fee charged for such test will be refunded to the person making the application. An adjustment for a period of three months prior to the test will be made on the basis of the percentage the meter is in error.

SEC. 67.23 REGULATION OF WATER SYSTEM - CONSUMER'S GUARANTEE

The water charge begins when a service connection is installed and the meter is set, unless the water is ordered to be left off when the service connection is ordered to be installed. In such case the Department will install and ~~sels~~ seal the meter.

Before water is turned on by the Department for any purpose whatsoever the consumer (whether owner, owner's agent, or tenant) must sign a form in which he guarantees payment of future water bills for service required.

If the consumer is not the legal or equitable owner of the property, he will be required to deposit a cash guarantee equal to the estimated amount of two months' water bills. Such deposit cannot be less than three dollars ($3.00).

The person signing the form will be held liable for payment for water used until the Department is notified, in writing, to discontinue service, or to make a change in service responsibility.

Before service is rendered to another applicant a new guarantee form must be signed, and if the consumer is a tenant, a new deposit will be required.

No deposit is required if the legal or equitable owner of the property by his own signature or the signature of his agent to the guarantee assumes responsibility for the payment of the water bill, provided all bills are paid promptly.

In case the owner of a property served by the Department shall become delinquent in the payment of water bills and it becomes necessary to shut off the service, such owner of property so served may be required to sign a new guarantee and to make a regular cash deposit with the Department.

SEC. 67.24 REGULATION OF WATER SYSTEM - METER READING PERIOD

Under ordinary conditions, continuous service meters shall be read monthly on approximately the same day of the month, provided, however, that the Water Department may, in its discretion, read the meter of any consumer on a bi-monthly

schedule, and a bill issued showing the period covered by the meter reading, the amount of water used, and the total charge for the service rendered. If a large or unusual meter registration occurs, a memorandum shall be given to the meter reader, and the reading be checked before the bill is mailed. The Department's services shall be available without charge in locating probable cost of high registration. The left-hand figure above the name on the address side of the water bill will indicate the district in which the meter is located. Unless the applicant for water service, in writing, shall direct otherwise, all bills will be mailed to the premises where water service is furnished. If the applicant shall, in writing, so direct, the Department will mail the bills to the business or home address of the applicant or his agent. When the meter is covered with building materials etc., so that it connot be read, an average bill, or a series of average bills will be rendered, and the accumulated over-read or mis-reads (if any) will be adjusted at the next actual reading. If the meter fails to register, the charge for water will be based upon the average of the three preceeding months during which the meter is known to have registered correctly, taking into consideration the volume of business, seasonal demand, and any other factors that may assist in determining an equitable adjustment.

SEC. 67.25 REGULATION OF WATER SYSTEM - PAYMENT OF WATER BILLS

For convenience in the reading of meters and the preparation

of water bills, the Department is hereby expressly authorized and it shall be its duty to divide the city into districts, designating such districts by number, running consecutively from No. 1.

The City Manager of The City of San Diego may from time to time revise or change the existing districts, and add new districts whenever in his judgment such revision, changes or additions shall be necessary or desirable, in order to equalize the work of reading meters. The meters in each individual district so established shall be read on approximately the same day of the month except when Sundays and holidays interfere. Water bills based on such meter reading shall be prepared and mailed to the consumers in each individual district on the same day of each month, except when Sundays and holidays interfere. Fifteen (15) days shall be allowed from the date of mailing said bills for the payment thereof. The final date of payment shall be plainly printed on each water bill.

PENALTIES. If a water bill is not paid before the close of the final day of payment, a penalty of ten per cent (10%) of the amount of said bill shall be added thereto; provided, however, that when the final day for payment shall fall on Sunday or a legal holiday, payment may be made without penalty on the next regular ~~bussiness~~ business day.

NON-PAYMENT OF WATER BILLS. In the event that any consumer shall be delinquent in the payment of his water bill, and such delinquency shall continue for a period

of five (5) days after the final date of payment of such bill or bills, the Department shall have the right forthwith and without notice to discontinue water service to such delinquent consumer; and water shall not again be supplied to him until all delinquent water bills, plus the penalties thereon, as herein provided, have been paid.

SEC. 67.26 REGULATION OF WATER SYSTEM - REMOVING ~~NON-REGISTRATION~~ NON-REGISTERING METERS

When a non-registering meter is removed for failure to operate, a notice shall be left on the premises informing the consumer that the old meter supplying such premises has been removed for failure to operate, and that a new meter has been set in its place. This notice shall also inform the consumer that in the event the removed meter shall be found upon examination to have been injured and rendered ineffective because of the backing up of hot water or steam from the consumer's water heater or boiler, the expense of the damage caused thereby will be charged to such consumer.

SEC. 67.27 REGULATION OF WATER SYSTEM - ADMISSION OF DEPARTMENT EMPLOYEES TO CONSUMER'S PREMISES

Employees of the Department shall be admitted during all reasonable hours to the consumer's premises for the purpose of inspecting, testing, checking, changing, or reading water meters installed thereon, and shall upon request and proper identification be admitted for said purposes to any building or structure located upon said premises. All employees of the Department engaged in such work shall

be furnished with identification badges or leters of authority from an official of the Department. Employees of the Department are prohibited from making any sort of repairs to consumer's fixtures on the property side of the meter. No money shall be paid to any Department employee for any service unless he shall be an authorized collector for the city.

SEC. 67.28 REGULATION OF WATER SYSTEM - TURNING ON WATER SUPPLY

Whenever, in response to a turn-on order, a Department employee shall find the house or property vacant, he shall endeavor to ascertain if water be running on the inside of the building. If this is found to be the case the water will be left shurt off at the meter and a notice shall be left at the house stating why the water was not turned on. All property owners shall be required, for their own convenience and safety, to have or provide a wheel valve in the line inside the meter box on the property side of the meter.

SEC. 67.29 REGULATION OF WATER SYSTEM - RETURN OF GUARANTEE DEPOSIT

Guarantee deposits apply only upon a closing account. The balance of any deposit remaining after the closing bill for service has been settled will be returned promptly, provided nothing is owing to the Department by the depositor for water delivered to any former address.

SEC. 67.30 REGULATION OF WATER SYSTEM - WATER USED WITHOUT REGULAR APPLICATION BEING MADE

A person, firm or corporation taking possession of premises

and using water through an active service connection without having made application to the Department for water service shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter was found inoperative the quantity of water consumed will be estimated.

If proper application for water service is not made promptly upon notification to do so by the Department, and/or if accumulated bills for service are not paid immediately, the service may be discontinued by the Department without further notice.

SEC. 67.31 REGULATION OF WATER SYSTEM - FORMER CONSUMERS OWING BILLS MUST PAY BEFORE NEW APPLICATION WILL BE RECOGNIZED

When an application for water service is made by a former consumer who has failed to pay all bills for service previously rendered, the Department may refuse to furnish water to such applicant until the outstanding bills are paid. The Department may also require a guarantee deposit for the payment of future bills, even though the applicant is the owner of the property.

SEC. 67.32 REGULATION OF WATER SYSTEM - TURNING ON AND OFF WATER SUPPLY

No charge will be made by the Department for turning on or shutting off the water supply, when requested by the consumer, incident to the closing of an old account, or the opening of a new one.

When service has been discontinued on account of non-payment of water bills, or on account of failure to make

required cash guarantee deposit, or for any other infraction of the rules, a charge of One dollar ($1.00) will be made by the Department for turning on the water supply. This amount, plus the consumer's unpaid outstanding bills, must be paid by the consumer before service will be renewed.

It shall be unlawful for the occupants of the premises to turn on the water, or cause it to be turned on, after it has been shut off at the curb or meter for any of the above reasons, and in addition to any other penalties prescribed by law, the water will be shut off again, the curb cock will be sealed, the meter taken out, and a charge of five dollars ($5.00) will be made for the expenses incurred.

SEC. 67.33 REGULATION OF WATER SYSTEM - DAMAGES THROUGH LEAKING PIPES AND FIXTURES

The Department's jurisdiction and responsibility ends at the meter, and the Department will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes beyond the Department's meter.

SEC. 67.34 REGULATION OF WATER SYSTEM - MISCELLANEOUS SERVICES NOT MENTIONED HEREIN

The Department is always willing to render any reasonable service in connection with the supply of water service to consumers upon application at the main office of the Department, providing, however, that reasonable charges may be made for any expense involved in rendering the service.

SEC. 67.35 REGULATION OF WATER SYSTEM - WATER MAINS PROPERTY OF THE DEPARTMENT

All water pipes which have been approved by the Department,

laid in streets, alleys, or other public thoroughfares within the corporate limits of The City of San Diego shall become the property of the Department.

SEC. 67.36 REGULATION OF WATER SYSTEM - STREET WORK

All contractors, persons, corporations, etc., who open, grade, regrade, fill, excavate, or otherwise work a street, shall give at least three days' written notice to the Department for the removal, raising, lowering, or otherwise displacement of any water mains, pipes, fittings, meters, or other water system property that may interfere with such street work.

Contractors, or other persons performing such work, shall be liable for damage to city water properties.

SEC. 67.37 REGULATION OF WATER SYSTEM - FIRE HYDRANTS

(a) Fire hydrants are provided for the sole purpose of extinguishing fires, and are to be opened and used only by the Fire Department and Water Department, or such other persons as are specially authorized by the Department, upon such person or persons making application at the main office of the Department.

(b) To insure safety of fire hydrants for fire protection, any person or persons authorized by the Department to open fire hydrants will be required to use only an approved Spanner wrench, and to replace the caps on outlets when the same are not in use. Failure to meet this requirement will be sufficient cause to prohibit further use of the hydrants, and the refusal of subsequent authorization for the use of the fire hydrants.

(c) It is unlawful for any person or persons to carry away any water from any fire hydrant without a written permit, furnished upon regular application, by the Department.

(d) It is unlawful for any person to place upon or about any fire hydrant, gate valve, manhole, stopcock, meter or meter box connected with water pipes of the system of water works, any material, debris or structure of any kind so as to prevent free access to the same at all times.

(e) It shall be unlawful for any person or persons to wilfully or neglectfully waste water in any manner whatsoever, and any person having knowledge of any conditions whereby water is being wasted shall immediately notify the Department of Water of such fact.

(f) It shall be unlawful for any person or persons to use water from the City supply for sprinkling or wetting parks, lawns, trees, shrubs, flowers, fruits, vegetables, grains, walks, drives, streets or construction work of any character between the hours of 8 a.m. and 5 p.m., provided notice to discontinue the use of water during these hours for these purposes has been published by the City Manager in the daily papers of The City of San Diego, stating therein the period for which this prohibition shall continue.

SEC. 67.38 EMERGENCY WATER REGULATIONS - DECLARATION OF EMERGENCY That the City Manager be, and he is hereby authorized to determine and declare that a water shortage emergency exist in any and/or all parts of The City of San Diego, and upon such determination, to promulgate such regulations, rules

and conditions relative to the time of using water, the purpose or purposes for which it may be used, and such other necessary limitations as will, in his opinion, relieve the water shortage in any of such section or sections of The City.

SEC. 67.39 EMERGENCY WATER REGULATIONS - PUBLICATION OF TERMS OF WATER USE

That upon such emergency declaration by the City Manager, it shall be his duty to have public notice given by publishing a notice giving the extent, terms and conditions respecting the use and consumption of water, at least once in the official newspaper of said City; that upon such declaration and publication of such notice, due and proper notice shall be deemed to have been given each and every consumer supplied with water by The City of San Diego.

SEC. 67.40 WATER IMPOUNDING SYSTEM - POSITNG OF NOTICES - AUTHORITY TO ENFORCE REGULATIONS

(a) That the properties of the water impounding system owned by and under the control of The City of San Diego shall be posted with notices against trespassing, bathing, or unauthorized shooting, hunting, fishing or camping, and warning all persons against violation of any of the ordinances of The City of San Diego, of the laws of the State of California, or any rules or regulations adopted pursuant thereto, which provide for the protection of any reservoir, or properties of the water impounding system.

(b) That all officials and employees of the Division of Recreation and the Impounding and Transmission section

of the Maintenance and Operation Division of the Water Department of The City of San Diego are hereby vested with authority to enforce all laws, orders, rulings and regulations enacted for the protection of these waters and the properties pertaining thereto.

SEC. 67.41 WATER IMPOUNDING SYSTEM - DESIGNATION OF PERMISSIBLE USERS

(a) That the City Council shall by resolution designate which reservoirs or property of the water impounding system of The City of San Diego, or any of them, shall be open to the public for the purpose of camping, boating, shooting, hunting and/or fishing, and unless otherwise permitted thereby, no reservoir or ~~property~~ property of the water impounding system of The City of San Diego shall be open to the public for any purpose.

(b) That ~~That~~ the City Council be, and it is hereby authorized and empowered to adopt by resolution such rules and regulations or modifications thereof, as are recommended by the City Manager, regulating and controlling entry, camping boating, shooting, hunting and/or fishing privileges and sanitation, upon the reservoirs and properties of the water impounding system owned by or under the control of The City of San Diego.

SEC. 67.42 WATER IMPOUNDING SYSTEM - DECLARATION OF REGULATIONS OF USE

That all rules and regulations or modifications thereof concerning entry, camping, boating, shooting, hunting and/or

SEC. 67.41 WATER IMPOUNDING SYSTEM - DESIGNATION OF PERMISSIBLE USES:

(a) That the City shall designate, through the City Manager, which reservoirs or property of the water impounding system of The City of San Diego, or any of them, shall be open to the public for the purpose of camping, boating, shooting, hunting and/or fishing, and unless otherwise permitted thereby, no reservoir or property of the water impounding system of The City of San Diego shall be open to the public for any purpose.

(b) That the City Manager be, and he is hereby authorized and empowered to adopt such rules and regulations or modifications thereof, regulating and controlling entry, camping, boating, shooting, hunting, and/or fishing privileges and sanitation, upon the reservoirs and properties of the water impounding system owned by or under the control of The City of San Diego.

SEC. 67.42 WATER IMPOUNDING SYSTEM - DECLARATION OF REGULATIONS OF USE:

That all rules and regulations or modifications thereof concerning entry, camping, boating, shooting, hunting and/or fishing privileges, and sanitation, upon the reservoirs or property of the water impounding system owned by or under the control of The City of San Diego, which are approved by the City Manager of said City, are hereby declared to be the rules and regulations governing such privileges and sanitation.

SEC. 67.43 WATER IMPOUNDING SYSTEM - PERMITS FOR HUNTING, FISHING, CAMPING:

(a) All persons desiring to shoot, hunt, fish, go boating or camp upon the properties of the water impounding system of The City of San Diego, where open to the public, shall first obtain a permit from The City of San Diego, and such permit or permits shall

be issued in accordance with instructions of the City Manager. All holders of such permits shall present same to the respective keepers or their representatives for checking. Permits shall not be transferable from one reservoir to another.

(b) All permits shall be paid for in advance, and shall be based upon the schedule approved by the City Manager.

(c) No hunting, fishing or trespassing shall be allowed along Dulzura Creek, and no camp shall be allowed to be established within the limits of the right of way of Dulzura Creek.

SEC. 67.44 WATER IMPOUNDING SYSTEM - CONTENTS OF PERMITS:

All permits or tickets shall be issued in the form prescribed by the City, which will show the amount paid for the permit, and the purpose, date and period of time for which the permit was granted.

SEC. 67.45 WATER IMPOUNDING SYSTEM - REGULATIONS FOR RECREATIONAL ACTIVITY:- RESTRICTED AREAS:

(a) Any person availing himself of the recreational privileges and while upon the properties of the water impounding system of The City of San Diego shall be subject to such local rules and regulations as are in effect, or as may be hereafter enacted for the various reservoirs and reservoir sites, and for the violation of the same a permit may be revoked and the party violating may be ejected from the properties.

(b) Any person while upon the properties of the water impounding system of The City of San Diego, or on property controlled by the City in the operation and management of its water system, shall be subject to such local rules and regulations, including sanitary regulations, for the protection of the water supply, as are in effect or may be hereafter enacted for the

water impounding system, or portions thereof, and for the violation of the same the party may be ejected from the properties and be subject to the fines for a misdemeanor as provided in the following sections.

(c) Any person apprehended upon the properties owned or controlled by the Water Department in the operation and management of its water impounding system, in areas not open to the public use shall be guilty of trespass.

properties.

(b) Any person while upon the properties of the water impounding system of the City of San Diego, or on property controlled by the City in the operation and management of its water system, shall be subject to such local rules and regulations, including sanitary regulations, for the protection of the water supply, as are in effect or may be hereafter enacted for the water impounding system, or portions thereof, and for the violation of the same the party may be ejected from the properties and be subject to the fines for a misdemeanor as provided in the following sections.

(c) Any person apprehended upon the properties owned or controlled by the Water Department in the operation and management of its water impounding system, in areas not open to the public use, shall be guilty of trespass.

SEC. 67.46 WATER MAIN EXTENSION - CONNECTION CHARGES

Every applicant for water service from mains installed prior to the date of application, who had not theretofore, either in person or through his predecessor in interest, paid his proportionate share of the cost of the cost of the water main, with respect to the property to be served, shall, before such application will be acted upon or water furnished pursuant thereto, pay to the Department a water main connection charge of $1.50 per foot of frontage of the property to be served, in addition to all other usual and regular charges of the said Department, including charges for service connection and meter installation.

SEC. 67.47 WATER MAIN EXTENSION - NOT TO EXCEED 100 FEET

A water main extension not to exceed 100 feet from the existing main (intersections not included) to reach property requiring a water supply, they will be made upon the deposit by the applicant of $3.00 per lineal foot of extension requiring in excess of the above mentioned 100 feet, provided that the minimum deposit shall be based on the number of lineal feet of frontage in the property to be served. This deposit minus $1.50 per front foot of property frontage requiring service will be refunded to the payor or his assigns only if, as, and when during the ten years following installation, water main connection charges are collected from other consumers requiring service from this extension, and not otherwise. Sale of the property hereinabove referred to and the conveyance of the title thereof shall constitute an assignment of all rights of the original payor to the purchaser of said property. All extensions thus provided shall be and remain the property of the Department and any balance of said deposit remaining at the end of the above mentioned ten year period, shall become the property of the Department.

(b) The Department may make water main extensions in excess of 100 feet without such deposit, into areas now being served through temporary water service connections from water mains which are, not adjacent to the property, provided that funds are available and that a water main connection charge be collected from each applicant to be served from said extension in accordance with Section 67.46.

SEC. 67.49 WATER MAIN EXTENSION - TEMPORARY CONNECTIONS

When water service is required by an owner of real property on which there now exists or is planned for immediate construction a dwelling, other structure or improvement requiring domestic water service and there is no water main adjacent to said property the department may grant permission to said applicant to have a service connection and meter set at the nearest existing water main. The applicant must agree in writing to the following conditions, to pay all costs of installation and maintenance of a pipeline from the service connection and meter to his property and assume all responsibility, liability for, and the payment of all costs and damages growing out of the installation, operation or failure of said pipeline. Said connection and pipeline shall be installed and used as a temporary arrangement only; that no water shall be conveyed there through for the use of any residence or property other than the property for which it was originally intended; and that at such time as a regular permanent water main may be installed to serve the property under this agreement, and on written demand of the Department the applicant must bear his proportionate share of the costs of such main extension and at his expense shall install a regular domestic water service, and shall discontinue the use of said temporary service connection and pipeline.

SEC. 67.50 WATER MAIN EXTENSION - PROPERTY NOT SUBDIVIDED

When an application is made for water service which

requires a water main extension to serve property not conventionally subdivided into city lots, the area shall be considered acreage, and the extension shall be made at the expense of the applicant as hereinafter provided.

The required extension shall originate at the nearest adequate existing water main as determined by the Manager and shall extend to and full length along the property to be provided with water service.

SEC. 67.51 WATER MAIN EXTENSION - DESIGN AND SPECIFICATIONS

The design, location, materials and standards of construction of any and all extensions shall be approved by the Manager.

(a) The design of an extension shall be based upon considerations of adequate capacity to meet the present and future requirements of the area to be benefited, of distribution system operation and efficiency, of maintenance requirements, and of anticipated life of such extension.

(b) Extensions shall generally be located on the south and east sides of dedicated City streets or on sides of dedicated City streets or on rights-of-way granted to The City of San Diego for water main location. Under no circumstances shall any structure be placed over or around any water main or extension, unless provision is made for ready and easy access to any and all parts or points of such main or extension.

(c) Materials and standards of construction shall be

those which have been adopted and are used by the Department for the area and class of service to be provided.

SEC. 67.52 WATER MAIN EXTENSION - COST OF EXTENSION

The cost of an extension to or in an unconventionally subdivided area shall be borne by the applicant requiring such extension, in conformity with the following provisions:

(a) Upon receipt of an application for water service which requires an extension, when such application is properly filled out and provides an accurate description of the property to be served, the Manager shall cause the Department to prepare a map showing the area to be benefited by such extension and to make an estimate of cost of installation of the proposed extension. The applicant shall then deposit a sum of money equal to this estimated cost, with the City. Following receipt of such deposit, the Manager shall cause the proposed extension to be constructed. Or, upon approval of the Manager and subject to specifications of and inspection by the Department, the proposed extension may be installed by private contract at the applicant's sole expense with no refund provisions applicable thereto. Upon completion of an extension which has been provided for by a deposit with the City, the actual cost of making such extension shall be determined. The actual applicable cost as determined in accordance with Section (d) shall be divided by the number of square feet in the area benefited by such extension, as determined by the Manager, and the resulting unit cost per square foot thus determined shall be the basis for making refunds to the applicant

who made the deposit, and for determining the water main construction charges to be made for future service connections to the extension. In event the applicant's deposit for estimated costs of installation of an extension exceeds the actual cost of such installation, the excess shall be refunded to the applicant and in the event the deposit is less than the actual cost of installation the applicant shall be liable to the City for such deficiency.

(b) Where subsequent connections are made to the extension and where a portion or all of the cost of main extensions was paid by the applicant, the water main construction charges received by the City for subsequent service connections to the extension for a period of ten (10) years following the date of completion of the extension, the applicable proportion of the cost shall be refunded to the person who paid for such extension or to his successors or assigns as hereinafter provided.

Sale of the property herein referred to and conveyance of the title thereto shall constitute an assignment to the purchaser of said property, and payment of such amounts as become due to the maker thereof or the purchaser of said property shall constitute a discharge of the obligations to the City of the amount so paid.

After the expiration of the ten year period, any water main construction charges subsequently received shall become the sole property of the City.

A water main construction charge for each and every

service connection to an extension installed under the provisions of this Article, shall be paid before such service connection is made. The water main construction charge is separate from and is in addition to the service connection charge required by any other ordinance of the City. The service connection charges as defined above are not refundable. Water main construction charges shall be determined by multiplying the number of square feet of ground area to be benefited by such service connection by the unit cost per square foot as defined above. Any property lying within the area to be benefited by the extension, as determined in part (a) of this Section, shall pay a water main construction charge as determined above before water service will be supplied such property. Water service shall be discontinued immediately when found to be supplied to any property within the area benefited if the water main construction charge for service to that property has not been paid.

(c) The cost of installing a water main extension less than six inches in diameter including pumps, tanks and appurtenances, shall be borne entirely by the applicant and there shall be no refund provisions for future service connections to such an extension.

(d) Cost of making extensions six inches and eight inches in diameter and feeder mains from the nearest adequately supplied point in the water distribution system and including pumps, tanks and other appurtenances, shall be charged

against the applicant. If such extension is provided for by deposit with the City, the actual applicable cost referred to in this Section, Paragraph (a) shall be the entire cost of the six inch and/or eight inch pipe lines including facilities such as pumps, tanks and other appurtenances.

The applicable cost of making an extension larger than eight inches in diameter, when such larger diameter extension is recommended by the Manager, shall be determined as follows; The estimated cost of the water main including pumps, tanks and apprutenances, shall be provided for by a deposit made by the applicant and the difference in cost between an eight inch water main and the larger diameter actually installed shall be borne by the City. Subsequent water main connection charges shall be based on the estimated cost of an eight inch main, and the refunds to the applicant who made the deposits as hereinbefore provided, shall be upon such basis.

SEC. 67.53 WATER MAIN EXTENSION - INSTALLATION OF MAIN PRIOR TO PAVING

Before any City street is paved with a permanent type of pavement, a six-inch or larger water main shall be installed in that street. The cost of installation of such water main shall be borne by the property to be benefited by the water main.

SEC. 67.54 WATER RATES - ESTABLISHED

That the following rates are hereby established and shall be charged and collected by the Water Department

SEC. 67.52.1 WATER MAIN EXTENSION - COST OF EXTENSION - AREAS NOT SUBDIVIDED:

(a) The Water Department is hereby authorized to make water main extensions for the benefit of areas of the City which have heretofore or hereafter been subdivided by means of conveyances, and not pursuant to any regular statute of the state or ordinance of the City, if it is in the best interests of the City to make such extensions. A charge for each and every service connection to an extension installed under the provisions of this article shall be paid by the person receiving such connection before any such connection is actually made. The construction charge to be paid pursuant to the terms of this article is separate from and is in addition to the service connection charge required by any other section of this Code. The amount of the construction charge to be charged for said water main extension shall be determined in the same manner as that provided for in subdivisions (a) and (d) of Section 67.52.

(b) Whenever The City of San Diego shall install a permanent water main extension as authorized in Section67.52 (a) for the purpose of serving either improved property where water service has already been furnished through a temporary service connection or unimproved property where the owner thereof is willing to pay his proportionate share of the extension of such water main in order to serve his property, the owner of said property, upon written demand of the Department of Water, before any connection is made with said extended main for the use of said property owner, shall either pay to the City direct a sum of money equal to the owner's proportionate share of the cost of the extension of water main or enter into a written agreement

with the City wherein said owner agrees to pay to said City for the use of said water main a rental charge which shall consist of a sum of money equal to that which would represent the said owner's proportionate share of the cost of the extension of said water main. Said agreement shall provide that said rental shall be paid by said owner to said City in equal monthly installments during a period of twelve (12) months, provided that the amount of such total rental does not exceed $150.00, and if said total rental does exceed $150.00 the said rental shall be paid by said owner to said City in equal monthly installments during a period not to exceed thirty-six (36) months, in monthly installments of not less than $15.00 each, and further provide that if the owner fails during said period to pay any installment or rent due for a period of thirty (30) days after the same becomes due the City shall have the right to discontinue water service to said property from said main until all of the delinquent installments are fully paid.

SEC. 67.53 WATER MAIN EXTENSION - INSTALLATION OF MAIN PRIOR TO PAVING:

Before any City Street is paved with a permanent type of pavement, a six-inch or larger water main shall be installed in that street. The cost of installation of such water main shall be borne by the property to be benefited by the water main.

SEC. 67.54 WATER RATES - ESTABLISHED:

That the following rates are hereby established and shall be charged and collected by the Water Department

for water and water service supplied WITHIN and WITHOUT The City of San Diego.

SEC. 67.55 WATER RATES - DOMESTIC COMMERCIAL AND INDUSTRIAL SERVICE WITHIN THE CITY OF SAN DIEGO

(a) The rates to be so charged and collected for water supplied in any one month for domestic use, including, however, as domestic use such commercial and industrial business as consists of furnishing lodging by the maintenance and operation of hotels, auto courts, apartment houses, bungalow courts, housing units, or the rentals of property for lodging purposes, and for all purposes for which no other rate for water supplied for use within the City is in this Article specified, shall be as set forth in this Section, to-wit:

RATE SCHEDULE:

Quantitative Charge:

For the first 500 cubic feet per meter per month, thirty and six-tenths cents (30.6¢) per 100 cubic feet.

For the next 4,500 cubic feet per meter per month, twenty-nine and three-tenths cents (29.3¢) per 100 cubic feet.

For the next 5,000 cubic feet per meter per month, twenty-eight and one-tenth cents (28.1¢) per cubic feet.

For the next 10,000 cubic feet per meter per month, twenty-six and eight-tenths cents (26.8¢) per 100 cubic feet.

For all water served in excess of 20,000 cubic feet

per meter per month, twenty-three cents (23¢) per 100 cubic feet.

(b) The rates to be charged and collected for water supplied in any one month for all commercial and industrial service within the City other than the commercial and industrial service hereinabove in Paragraph (a) specified, as included as domestic use, and for all purposes for which no other rate for water supplied for use within the City is in this Ordinance provided, shall be as set forth in the following paragraph, to-wit:

RATE SCHEDULE:

Quantitative Charge:

For the first 500 cubic feet per meter per month, thirty and wix-tenths cents (30.6¢) per 100 cubic feet.

For the next 4,500 cubic feet per meter per month, twenty-nine and three-tenths cents (29.3¢) per 100 cubic feet.

For the next 5,000 cubic feet per meter per month, twenty-eight and one-tenth cents (28.1¢) per 100 cubic feet.

For the next 10,000 cubic feet per meter per month, twenty-six and eight-tenths cents (26.8¢) per 100 cubic feet.

For the next 30,000 cubic feet per meter per month, wtenty and five-tenths (20.5¢) per 100 cubic feet.

For all water served in excess of 50,000 cubic feet per meter per month, seventeen and nine-tenths cents (17.9¢)

per 100 cubic feet.

Minimum charge:

The minimum monthly charge for each Domestic, Commercial, and Industrial Service within the City shall be as follows:

SIZE OF METER	MINIMUM CHARGE
Five-eights inch (5/8")	$ 1.70
Three-quarters inch (3/4")	2.30
One inch (1")	2.85
One and one-half inch (1½")	3.45
Two inch (2")	4.00
Three inch (3")	5.00
Four inch (4")	7.00
Six inch (6")	9.00
Eight inch (8")	14.00
Ten inch (10")	16.00
Twelve inch (12")	18.00
Sixteen inch (16")	21.00
Twenty inch (20")	23.00

SEC. 67.56 WATER RATES - DOMESTIC, COMMERCIAL AND INDUSTRIAL SERVICE WITHOUT THE CITY OF SAN DIEGO

The rates to be charged and collected for water supplied in any one month for Domestic Commercial, and Industrial Service WITHOUT the City and for all purposes for which no other rate for water supplied for use WITHOUT the City is in this Article specified, shall be as set forth in this Section, to-wit:

RATE SCHEDULE:

Quantitative Charge:

For each 100 cubic feet, fifty cents (50¢).

The minimum monthly charge for each Domestic, Commercial and Industrial service WITHOUT the City shall be as follows:

SIZE OF METER	MINIMUM CHARGE
Five-eighths inch (5/8")	$ 3.40
Three-quarters inch (3/4")	4.60
One inch (1")	5.70
One and one-half inch (1½")	6.90
Two inch (2")	8.00
Three inch (3")	10.00
Four inch (4")	14.00

Nothing contained in this Section shall be construed to change or modify any existing legal contracts or obligations between The City of San Diego and any person, firm or corporation as to the rate or rates for water, or the obligations in connection therewith.

SEC. 67.57 COMBINED IRRIGATION AND DOMESTIC SERVICES WITHIN THE CITY OF SAN DIEGO

The rates to be charged and collected for water supplied in any one month WITHIN the City, at the will of the consumer and through a single meter, for use for Combined Irrigation and Domestic purposes, shall be as set forth in this Section, to-wit:

RATE SCHEDULE

Quantitative Charge:

For the first 500 cubic feet per meter per month, thirty and six-tenths cents (30.6¢) per 100 cubic feet.

For the next 500 cubic feet per meter per month, twenty-nine and three-tenths cents (29.3¢) per 100 cubic feet.

For all water served in excess of 1,000 cubic feet per meter per month, seventeen and nine-tenths cents (17.9¢) per 100 cubic feet.

Minimum Charge

The minimum annual charge for combined Irrigation and Domestic service WITHIN the City shall be Eighty-four Dollars ($84.00) per year payable at the rate of at least Seven Dollars ($7.00) per month until a total of Eighty-four Dollars ($84.00) has been paid.

Applications for Combined Irrigation and Domestic Service WITHOUT the City under this Section must be made in writing to the Water Department. Each such application shall be granted and delivery of water thereunder shall commence only after said Department shall have first ascertained the existence of all the conditions of service specified in this Section. Such service shall thereafter continue in force for a period of twelve (12) months provided all of such conditions shall concur, and the same shall be discontinued by the Department without notice if any of said conditions shall at any time cease to exist.

Water supplied for Combined Irrigation and Domestic Service under this Section shall be used only upon parcels of land under single occupancy of not less than one-half (½) acre of which a minimum of fifteen thousand (15,000) square feet in the aggregate shall be utilized exclusively for the raising of agricultural, horticultural, floricultural

or vitacultural crops for the primary purpose of marketing such produce; or for golf courses consisting of not less than thirty-five (35) acres of improved course upon which the public is permitted to play upon compliance with the rules and regulations established by the club or organization maintaining such courses.

SEC. 67.58 WATER RATES - FIRE HYDRANT SERVICE WITHIN THE CITY OF SAN DIEGO

The rate to be so charged and collected for Fire Hydrant Service WITHIN the City (including maintenance of the hydrant and water used therethrough for fire extinguishing purposes), shall be as set forth in this Section, to-wit:

RATE SCHEDULE:

Flat Rate.

For each such fire hydrant, $1.50 per month.

SEC. 67.59 WATER RATES - FIRE SERVICE AND AUTOMATIC FIRE SPRINKLER SERVICE WITHIN THE CITY

The rates to be so charged and collected each month for Fire Service and Automatic Fire Sprinkler Service WITHIN the City shall be those in the following table set opposite the size of service connection through which such service shall have been rendered, to-wit:

RATE SCHEDULE:

Flat Rate.

SIZE OF SERVICE CONNECTION	RATE PER MONTH
One and one-half inch (1½")	$ 1.50
Two inch (2")	2.00
Three inch (3")	3.00

SIZE OF SERVICE CONNECTION	RATE PER MONTH
Four inch (4")	$ 4.00
Six inch (6")	6.00
Eight inch (8")	8.00
Ten inch (10")	10.00
Twelve inch (12")	12.00
Sixteen inch (16")	16.00
Twenty inch (20")	20.00

No water shall be used otherwise than for fire extinguishing purposes from Fire Services or Automatic Fire Sprinkler Services. Upon evidence of violation of this provision the Water Department shall install a meter of appropriate size and design at the Consumer's expense, if service is not already metered, and all water so used shall be charged and collected for at twice the rate for Domestic Commercial and Industrial Service WITHIN the City as in this Article specified.

SEC. 67.60 WATER RATES - CONSTRUCTION WATER SERVICE

The rates to be so charged and collected for Construction Water Service WITHIN the City shall be the same rates as those set forth in this Article for Domestic, Commercial and Industrial Service.

SEC. 67.61 WATER RATES - SERVICE TO CITY OF SAN DIEGO

The rates for water and water service supplied to the various Departments of The City of San Diego shall be the same as those rates in effect for all other Consumers WITHIN the City, as in this Article specified, and the water and water service so furnished shall be charged to their respective budget accounts and paid for monthly from such funds into the fund provided by charter for the receipts from sale of water.

SEC. 67.62 WATER RATES - SERVICE TO THE UNITED STATES GOVERNMENT

The rates to be so charged and collected for water and water service supplied to the United States Government or any of its Departments or Agencies WITHIN or CONTIGUOUS to The City of San Diego, shall be the same as those rates in effect for all other Consumers WITHIN the City, as in this Article specified.

CHAPTER VII

PUBLIC UTILITIES AND TRANSPORTATION

ARTICLE 1

DEFINITIONS - GENERAL PROVISIONS

SEC. 71.01 DEFINITIONS

Unless otherwise expressly stated, whenever used in this Chapter the following terms shall respectively be deemed to mean:

(a) STREET any place commonly used for the purpose of public travel.

(b) OWNER every person, firm or corporation having use or control of any passenger-carrying automobile or motor-propelled vehicle, as herein defined whether as owner, lessee or otherwise.

(c) DRIVER every person in charge of, or operating any passenger-carrying or motor-propelled vehicle, as herein defined, either as agent, employee, or otherwise, of owner, as owner, or under the direction of the owner, as herein defined.

(d) TAXIMETER, any mechanical instrument, appliance, device, or machine by which the charge for hire of a passenger-carrying vehicle is mechanically calculated, either for distance traveled or time consumed, or both, and upon said instrument, appliance, device or machine such charge is indicated by figures.

(e) TAXICAB, every automobile or motor-propelled vehicle

of a distinctive color or colors, and/or driver's seat separated from the passenger's compartment by a glass partition, and/or of public appearance such as it in common usage in this country for taxicabs, and/or operated at rates per mile, or for wait-time or for both, or for a compensation, and equipped with a taximeter, used for the transportation of passengers for hire over the public streets of The City of San Diego and not over a defined route and irrespective of whether the operations extend beyond the boundary limits of said City, and such vehicle is routed under the direction of such passenger or passengers, or of such persons hiring the same.

~~(f) COUNCIL, the Council of The City of San Diego.~~

~~(g) PERSON, any individual, partnership, association, corporation or other organization owning, operating or proposing to operate any taxicabs within The City of San Diego.~~

(h) COMPENSATION as used in this Chapter shall mean and include any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver of any vehicle in exchange for transportation of a person, or persons, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

(i) AUTOMOBILE FOR HIRE, every automobile or motor-propelled vehicle which is not equipped with a taximeter, used for the transportation of passengers over the public streets of The City of San Diego, whether over a definite

route or not; and irrespective of whether such operations extend beyond the boundary limits of said City for compensation which is fixed in accordance with the distance travelled and/or the time elapsed, or at rates per trip, per hour, per day, per week, or per month, and which vehicle is routed or its destination fixed by the person or persons hiring the same.

ARTICLE - 2

AUTOMOBILE TRANSPORTATION

SEC. 72.01 TAXICABS - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

(a) No person shall engage in the business of operating any taxicab within The City of San Diego without first having obtained a certificate of public convenience and necessity from the Council of The City of San Diego.

(b) All persons applying to the Council for a certificate for the operation of one or more taxicabs shall file with the Council a sworn application therefor on forms provided by the Council stating as follows:

(1) The name and address of the owner or person applying.

(2) The number of vehicles actually owned and the number of vehicles actually operated by such owner on the date of application, if any.

(3) The number of vehicles for which a certificate of public convenience and necessity is desired.

(4) The intended make, type, year of manufacture and passenger seating capacity of each taxicab for which application for a certificate of public convenience and necessity is made.

(5) The make and type of taximeter intended to be installed on each taxicab for which application for certificate is made.

(6) A description of the proposed color scheme, insignia, trade style and/or any other distinguishing characteristics

of the proposed taxicab design.

(7) Such other information as the Council may in its discretion require.

(c) No certificate shall be granted until the Council shall after hearing declare by resolution that the public convenience and necessity require the proposed taxicab service.

(d) In determining whether the public convenience and necessity require the operation of a taxicab or taxicabs for which application is made, the Council or the City Manager, if directed by the Council, shall hold such public hearings as may be necessary to determine that fact. In the event such hearings are conducted by the City Manager, he shall report his findings in writing to the Council and recommend the granting or denial of such application or applications.

Before any application is acted upon the City Manager shall cause an investigation to be made and shall report his findings, in writing, to the Council on the following:

(1) The demand of the public for additional taxicab service;

(2) The adequacy of existing mass transportation and taxicab service;

(3) The financial responsibility and experience of the applicant;

(4) The number, kind and type of equipment and the color scheme to be used;

(5) The effect which such additional taxicab service may have upon traffic congestion and parking;

(6) Whether the additional taxicab service will result in a greater hazard to the public;

(7) Such other relevant facts as the Council may deem advisable or necessary.

(e) Having declared that the public convenience and necessity require additional taxicab service, the Council shall grant certificates of public convenience and necessity to those persons applying therefor who in its opinion are entitled thereto. The Council shall in its discretion determine the number of permits to be granted to any applicant or applicants.

No certificate shall be issued to any person who shall not have fully complied with all of the requirements of this Article necessary to be complied with before the commencement of the operation of the proposed service.

(f) The provisions of this Section shall not affect the number of taxicabs, operating with valid permits on the effective date hereof, except as such vehicles are abandoned or the right to operate has been lost through inability of operators to meet requirements of the ordinances of The City of San Diego; or in the event licenses are not renewed within 15 days after expiration thereof, or through revocation of said permits for cause by the Council.

(g) Every owner operating a licensed taxicab or taxicabs prior to the effective date of this Code, shall be presumed in the absence of any contrary evidence and finding of the Council to have established a prima facie evidence

of public convenience and necessity for the licensing of the taxicab or taxicabs actually in operation, and the Council upon written application received by the Council not later than 15 days after the effective date of this Article shall grant a certificate or certificates to said owner for each such taxicab or taxicabs.

(h) Each certificate issued pursuant to the provisions of this Article is separate and distinct and shall be transferable from the person to whom issued or by whom renewed to another person upon the approval of the City Council. The application for the transfer of said certificate shall certify that the owner of said certificate has notified the proposed transferee of the requirements of this Article pertaining to the transfer of said certificate; and whenever such application for a transfer of certificate is made as provided for herein, the City Manager shall cause an investigation to be made into the character and fitness of the applicant to engage in the business of operating any taxicab or taxicabs within the City of San Diego, and no transfer shall be approved by the City Council without the recommendation of the City Manager in writing.

(i) Whenever an owner sells or transfers title to a taxicab or taxicabs for which a certificate or certificates have been granted and within 30 days after such sale or transfer purchases other taxicabs, the Council shall, as a matter of right, upon written application to the Council within thirty (30) days of such purchase, issue a new certificate or certificates for the operation of no greater number of taxicabs than those sold or transferred, and provided said

owner has complied with all the provisions of this Article.

(j) Destruction of Taxicabs. Any Owner whose taxicab or taxicabs, for which a certificate or certificates have been granted, have been destroyed involuntarily or who voluntarily destroys any taxicab or taxicabs, will, as a matter of right, upon written application to the Council, within 30 days after such destruction, be issued a new certificate or certificates for the operation of no greater number of taxicabs than those so destroyed, and upon satisfactory evidence presented to the Council of such destruction, and provided further that the owner has complied with all the provisions of this Article.

(k) Suspension and Revocation of Certificate. Certificates may be suspended or revoked by the Council at any time in case:

(1) The Council finds the owner's past record to be unsatisfactory;

(2) The owner fails to operate the taxicab or taxicabs in accordance with the provisions of this Article.

(3) The owner shall cease to operate any taxicab for a period of thrity(30) consecutive days without having obtained permission for cessation of such operation from the Council;

(4) The taxicab or taxicabs are operated at a rate of fare other than that approved by the Council and stated on the certificate and the rate card issued by the Council; and

(5) For any other reason which the Council may

deem warrants suspension or revocation.

(L) Surrender of Certificate. Certificates which shall have been suspended or revoked by the Council shall, forthwith, be surrendered to the Clerk of the City Council, and the operation of any taxicab or taxicabs covered by such certificates shall cease. Any owner who shall permanently retire any taxicab or taxicabs from taxicab service and not replace same within thirty (30) days thereof, shall immediately surrender any certificate or certificates granted for the operation of such taxicab or taxicabs, to the Council and said owner may not secure additional certificates for taxicabs without having first made application therefor, in the manner provided in this Article.

SEC. 72.02 TAXICABS - RATES OF FARE

(a) Taxicabs. It shall be unlawful for any owner or driver to operate any taxicab in The City of San Diego unless such vehicle is equipped with a taximeter of such type, style and design as may be approved by the City Manager of said City, and it shall be the duty of every owner operating a taxicab to keep such taximeter in perfect condition so that said taximeter will, at all times, correctly and accurately indicate the correct charge for the distance traveled and waiting time, and such taximeter shall be at all times subject to inspection by any inspector of the City Manager, or any peace officer; and such inspector, or any peace officer is hereby authorized at his instance or upon complaint of any

person to investigate or cuase to be investigated such taximeter, and upon the discovery of any inaccuracy in said meter to remove or cause to be removed such vehicle equipped with such taximeter from the streets of The City of San Diego until such time as said taximeter shall have been correctly adjusted.

(b) Every such taximeter shall be equipped with a flag or other mechanical device with the words "For Hire" printed or stamped thereon, and said flag shall be so attached and connected to the mechanism of said taximeter as to cause said mechanism to operate when said flag is in an upright position and indicate that the taxicab is for hire, and which said flag shall, when moved forward or downward, start the operation of said taximeter so that the same will operate in the manner defined in this Article.

(c) It shall be unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to such taximeter in such a position as to denote that such vehicle is for hire, or is not employed, or to have such flag or other attached device in such a position as to prevent said taximeter from operating, and it will be unlawful for any driver to throw such flag into a position which causes said taximeter to record when such vehicle is not actually employed or to fail to throw said flag or other device on such taximeter into a non-recording position at the termination of each and every service.

(d) All charges for transportation of passengers in taxicabs operated in The City of San Diego must be based

on the charges indicated on said taximeters, and it shall be unlawful for any owner, driver, or operator of any taxicab to charge any passenger or passengers any sum in excess of the sum indicated on said taximeter; provided, however, that the owner, driver, or operator may charge a sum less than that indicated on said taximeter if the lesser charge is in accordance with the rates filed with and approved by the Council of The City of San Diego and filed with the City Clerk.

(e) The taximeter shall be so placed in said taxicab that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in such taxicab, unless and except such taximeter is equipped and operated as a receipt-printing taximeter.

(f) Posting of Fares Scheduled. Within ten (10) days after this ordinance becomes effective, every owner of any taxicab operating in The City of San Diego shall file or cause to be filed with the City Clerk of said City, a true and correct statement of the rates to be charged for the transportation of passengers in any and all taxicabs operated by said owner, and such owner shall not change or modify said rates in any manner without the written permit of said City Council and without filing said modified or changed rates with said City Clerk.

(g) There shall be displayed in the passenger compartment of each taxicab in full view of the passenger a card not less than two inches by four inches in size, which shall have plainly printed thereon the name of the owner, or the

fictitious name under which said owner operates, the business address and telephone number of said owner, and a correct schedule of the rates to be charged for conveyance in said vehicle.

(h) Rates. It shall be unlawful for the owner and driver of any taxicab as defined in Section of this Code, to fix a rate in excess of fifty cents ($0.50 for the first mile, and thirty cents ($0.30 for each additional mile or fraction thereafter.

SEC. ~~77.03~~ 72.03 TAXICABS - TAXICAB SPECIFICATIONS AND EQUIPMENT

(a) Vehicles which may be licensed as taxicabs. No vehicle shall be granted a certificate unless it conforms with all the provisions of this Article, or unless said vehicle shall have been granted a license to operate as a taxicab in this city prior to the effective date of this Code.

(b) Every vehicle regulated by this Article and designed to carry less than seven persons, shall be equipped with a taximeter and shall have installed therein a partition separating the driver from the passengers; the upper portion of said partition shall be of shatter-proof or wire-inserted glass.

(c) The driver's compartment shall have a single seat arranged directly behind the controls and extending not more than one-half the width of the body and accessible only through the front doors. The remainder of the driver's compartment to the right of the driver's seat and the controls shall be so equipped as to prevent any person other than the driver from occupying the driver's compartment.

(d) No taxicab shall be operated until the taximeter thereon has been first inspected, tested, approved and sealed by an authorized representative of the City Manager.

(e) Each taxicab shall bear, at such places on the outside of such vehicle as shall be prescribed by the City Manager, the number of the certificate granted for its operation and such designation shall be of the type and design as shall be prescribed by the City Manager.

(f) All taxicabs must be and conform to a color scheme approved by the City Manager, and the Council may refuse a certificate to every person whose color scheme, trade name and/or insignia imitates that of any permittee in such manner as to deceive the public.

(g) Each taxicab licensed to operate in this city shall have located in a convenient place in the driver's compartment and in view of the passengers therein two (2) containers of type and design approved by the Chief of Police. Said containers shall contain cards provided by the Chief of Police bearing the following information:

(1) One such container shall have a card therein bearing:

a. The permit number issued for each individual taxicab licensed to operate in the city;

b. the name of the company to whom it is issued;

c. The date of issuance;

d. The State license plate number and engine number of the taxicab displaying same.

(2) One such container shall have a card therein bearing:

a. The number of the City Chauffeur's license of the driver thereof;

b. The name and residence address of said driver;

c. The name of the company employing said driver;

d. A small photograph of said driver.

SEC. 72.04 TAXICABS - MAINTENANCE

(a) Before a certificate is issued to any owner the taxicab or taxicabs for which such certificate or certificates are requested shall deliver such taxicab or taxicabs to a place designated by the City Manager for inspection and the City Manager shall designate agents to inspect such taxicab or taxicabs, ~~their~~ their equipment and taximeters to ascertain whether such taxicab or taxicabs comply with the provisions of this Article.

(b) The Chief of Police of The City of San Diego shall have the right, at any time after displaying proper identification, to enter into or upon any certificated taxicab for the purpose of ascertaining whether or not any of the provisions of this Article are being violated.

(c) Any taxicab which is found, after any such inspection, to be unsafe or in any way unsuitable for taxicab service may be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition.

(d) The interior of every taxicab shall be thoroughly cleaned at least once in every twenty-four (24) hours.

SEC. 72.05 TAXICABS - OPERATING REGULATIONS

(a) Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his destination safely and expeditiously

(b) Every driver shall give a correct receipt upon payment of the correct fare.

(c) All disputes as to fares shall be determined by the officer in charge of the Police Station nearest to the place where the dispute is had. Failure to comply with such determination shall subject the offending party to a charge of misdemeanor.

(d) It shall be unlawful for any person to refuse to pay the lawful fare of any of the vehicles regulated by this Code, after employing or hiring the same, and any person who shall hire such vehicle with intent to defraud the person from whom it is hired shall be guilty of a misdemeanor.

(e) No driver of any taxicab, as defined in this Article shall seek employment by repeatedly and persistently driving his vehicle to and fro in a short space in front of, or by otherwise interfering with the proper and orderly access to or egress from any theater, hall, hotel, public resort, railway or ferry station, or other place of public gathering; or, by leaving his vehicle, or otherwise approach and solicit patronage by pedestrians upon the sidewalk, in any theater, hall, hotel, public resort, railway or ferry station, or street railway loading point; but such driver may solicit employment by driving through any public street or place without stops, other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic, and may pass and repass before any theater, hall, hotel, public resort, railway or ferry station or other place of public gathering; providing that, after passing such public place he shall not

turn and repass until he shall have gone a distance of two blocks upon the streets and highways of The City of San Diego, and no person shall solicit passengers for such vehicles except the driver thereof when sitting upon the driver's seat of his vehicle.

(f) No driver of any taxicab shall accept, take into his vehicle or transport any larger number of passengers than the rated seating capacity of his vehicle.

(g) No passenger shall be permitted to ride in the front seat alongside the driver of any taxicab.

(h) No driver of any taxicab, as defined by this Article shall park his taxicab on the same side of the street in any block in which two taxicabs are already parked, or within one hundred (100) feet of any other taxicab, or within fifteen (15) feet of any fire plug, except as modified by Section 72.07 of this Article.

(i) The driver of any of the vehicles regulated by this Article shall promptly obey all orders or instructions of any police officer or fireman.

(j) It shall be unlawful for any taxicab to remain standing in any established taxicab stand, unless said cab is attended by a driver or operator, except when assisting passengers to load or unload, or when answering his telephone.

SEC. 72.06 TAXICAB DRIVERS: LICENSES

(a) It shall be unlawful for any person to drive or operate any of the vehicles mentioned in Section 71.01 without first obtaining a permit in writing so to do from the Chief of Police of The City of San Diego.

(b) Applicants for such permits shall file applications therefor with the Traffic Division of the Police Department, upon blanks to be furnished by the Traffic Division of the Police Department.

(c) Upon obtaining a permit, as herein required, the holder of such permit shall be entitled to a badge of such design and bearing such number as the Chief of Police may prescribe, upon payment of the fee required by law therefor. Such badge shall be conspicuously worn by the permittee during all business hours and shall not be transferable.

(d) Said permit shall be filed with the City Treasurer as part of the application for license.

(e) No permit shall be issued to any of the following persons:

1. Any female person under the age of twenty-one (21) years, or any male person under the age of nineteen (19) years;

2. Any person not a citizen of the United States or who has not lawfully declared his intention to become such; provided, however, that this provision shall not apply to any person who by regulation, decree, edict or legislative enactment shall have been declared by an authorized agency of the Government of the United States of America to be a "United States National."

3. To any person who has been convicted of a felony, or who has been convicted of either driving a vehicle upon the highway while under the influence of intoxicating liquors or under the influence of narcotic, or reckless driving, unless two (2) years have elapsed since his discharge from a

penal institution or after having been placed upon probation during which period of time his record is good.

(f) No applicant may obtain a permit to drive or operate any of the vehicles mentioned in this Article unless and until he shall have been a continuous resident of the County of San Diego for at least fourteen (14) days immediately preceding the date of said application; provided, however, that a temporary permit only shall be granted for a period not to exceed sixty (60) days, after which time said license shall be made permanent if, after investigation, said applicant is found to be a fit and proper person.

(g) Each applicant for a permit shall be examined by a person designated by the Chief of Police as to his knowledge of the provisions of this Article the traffic regulations and the geography of the City, and if the result of the examination be unsatisfactory he shall be refused a permit.

(h) Each applicant must demonstrate his skill and ability to safely handle his vehicle by driving it through a crowded section of the city, accompanied by an inspector designated by the Chief of Police.

(i) The Chief of Police may revoke or refuse to renew an operator's license if the driver or applicant has since the granting of his permit:

1. Been convicted of a felony;

2. Shall have had his State driver's or chauffeur's license revoked or suspended;

3. Been convicted of driving while under the influence of intoxicating liquors;

4. Been convicted of driving while under the influence of narcotics;

5. During any continuous six (6) month period he shall have had three (3) or more convictions of any of the offenses set forth in Section 502, 505, 510 and/or 511 of the Vehicle Code of the State of California, and amendments thereto, or any combination of either or any of said offenses.

6. When, for any reason, including, or other than the above, in the opinion of the Chief of Police, the applicant is unfit to drive a taxicab.

(j) Any person whose operator's permit shall have been revoked or renewal refused by the Chief of Police may within ten (10) days after receipt of notice thereof appeal to the Council for a hearing thereon; and the decision of the Council in this regard shall be final. If no appeal is taken within ten (10) days, the action of the Chief of Police shall be final.

SEC. 72.07 TAXICAB STANDS

(a) The City Council of The City of San Diego may by resolution locate and designate taxicab stands, which stands when so established shall be appropriately designated "Taxis Only."

(b) Taxicab stands established hereunder shall be in operation twenty-four (24) hours of every day.

(c) It shall be unlawful for the owner, driver or operator of any taxicab to allow said taxicab to remain parked in the Central Traffic District except in a regular established taxicab stand; provided, however, that taxicabs may

park in any available parking space when actually engaged in loading or unloading passengers; and provided, further, that between the hours of 10:00 o'clock p.m. and 6:00 O'clock a.m. of the following day, taxicabs may stop, stand or park in any place where the parking of vehicles is otherwise permitted.

SEC. 72.08 TAXICAB STANDS - CHANGE OF LOCATION

Any individual partnership, association, corporation or other organization owning or operating any taxicab or taxicabs within The City of San Diego who petition said City requesting that the location of a taxicab stand be changed to another location shall, prior to the filing of such petition with said City, pay to the City Treasurer the sum of Ten Dollars ($10.00);

Said Treasurer shall thereupon issue his receipt for said fee and shall designate upon said petition that said fee has been paid.

No action of any kind shall be taken upon such petition by the Council or any officer of said City, without the payment of said fee.

SEC. 72.09 TAXICABS - PUBLIC LIABILITY

Space (a) It shall be unlawful to operate any vehicle, as defined in Section 71.01 unless there shall be filed with the City Clerk of The City of San Diego, and deposited by him with the Purchasing Agent of The City of San Diego, a policy of insurance executed and delivered by a company authorized to carry on an insurance business in the State of California, the financial responsibility of which company shall theretofore have

been approved by the City Manager, by the terms of which said insurance company assumes responsibility for injuries to persons or property caused by the operation of said vehicle in the following amounts, to-wit:

$5,000 property damage;

$10,000 for death or injuries to any one person in any one accident;

$20,000 for death or injuries to two or more persons in any one accident.

SEC. 72.10 AUTOMOBILES FOR HIRE - CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

No person shall engage in the business of operating any automobile for hire within The City of San Diego without first having obtained a certificate of public convenience and necessity from the Council of The City of San Diego.

SEC. 72.11 AUTOMOBILES FOR HIRE - APPLICATION

All persons applying to the Council for a certificate for the operation of one or more autom biles for hire shall file with the Council a sworn application therefor on forms provided by the Council stating as follows:

(1) The name and address of the owner or person applying.

(2) The number of vehicles actually owned and the number of vehicles actually operated by such owner on the date of application, if any.

(3) The number of vehicles for which a certificate of public convenience and necessity is desired.

(4) The intended make, type, year of manufacture and

passenger seating capacity of each automobile for hire for which application for a certificate of public convenience and necessity is made.

(5) Such other information as the Council may in its discretion require.

SEC. 72.12 AUTOMOBILES FOR HIRE - RESOLUTION BY COUNCIL

No certificate shall be granted until the Council shall after hearing declare by resolution that the public convenience and necessity require the proposed automobile for hire service; provided no certificate shall be granted for any automobile or motor-propelled vehicle unless such vehicle was designed by the original manufacturer to carry not less than seven (7) persons.

SEC. 72.13 AUTOMOBILES FOR HIRE - PUBLIC HEARINGS

In determining whether the public convenience and necessity require the operation of an automobile or automobiles for hire, for which application is made, the Council or the City Manager, if directed by the Council, shall hold such public hearings as may be necessary to determine that fact. In the event such hearings are conducted by the City Manager he shall report his findings in writing to the Council and recommend the granting or denial of such application or applications.

Before any application is acted upon the City Manager shall cause an investigation to be made and shall report his findings, in writing, to the Council on the following:

(a) The demand of the public for automobiles for hire and/or any additional automobile for hire service;

(b) The adequacy of existing mass transportation, taxicab service and automobile for hire service;

(c) The financial responsibility and experience of the applicant;

(d) The number, kind and type of equipment to be used;

(e) The effect which such additional automobile for hire service may have upon traffic congestion and parking;

(f) Whether the additional automobile for hire service will result in a greater hazard to the public;

(g) Such other relevant facts as the Council may deem advisable or necessary.

SEC. 72.14 AUTOMOBILES FOR HIRE - ISSUANCE OF CERTIFICATE

Having declared that the public convenience and necessity require additional automobile for hire service, the Council shall grant certificates of public convenience and necessity to those persons applying therefor who in its opinion are entitled thereto. The Council shall in its discretion determine the number of permits to be granted to any applicant or applicants.

No certificate shall be issued to any person who shall not have fully complied with all of the requirements of this ordinance necessary to be complied with before the commencement of the operation of the proposed service.

SEC. 72.15 AUTOMOBILES FOR HIRE - ~~CANCELLATION~~ CANCELATION OF CERTIFICATE

After the service for which a certificate is granted hereunder is discontinued, or if the person sells or discontinues his or its business, the certificates granted hereunder shall be automatically cancelled and shall be reissued only in accordance with the provisions of this Article.

SEC. 72.16 AUTOMOBILES FOR HIRE - REISSUE OF CERTIFICATES

Whenever an owner sells or transfers title to an automobile

or automobiles for hire for which a certificate or certificates have been granted and within thirty (30) days after such sale or transfer purchases other automobiles for hire, the Council shall, as a matter of right, upon written application to the Council within Thirty (30) days of such purchase, issue a new certificate or certificates for the operation of no greater number of automobiles for hire than those sold or transferred, and provided said owner has complied with all the provisions of this Article.

SEC. 72.17 AUTOMOBILES FOR HIRE - DESTRUCTION OF AUTOMOBILES FOR HIRE

Any owner whose automobile or automobiles for hire, for which a certificate or certificates have been granted, have been destroyed involuntarily or who voluntarily destroys any automobile or automobiles for hire, will, as a matter of right, upon written application to the Council within thirty (30) days after such destruction, be issued a new certificate or certificates for the operation of no greater number of automobiles for hire than those so destroyed, and upon satisfactory evidence presented to the Council of such destruction, and provided further that the owner has complied with all the provisions of this Article.

SEC. 72.18 AUTOMOBILES FOR HIRE - SUSPENSION AND REVOCATION OF CERTIFICATE

Certificates may be suspended or revoked by the Council at any time in case:

(a) The Council finds the owner's past record to be unsatisfactory in any particular not disclosed in the application;

(b) The owner fails to operate the automobile or automobiles for hire in accordance with the provisions of this

Article.

(c) The owner shall cease to operate any automobile for hire for a period of thirty (30) consecutive days without having obtained permission for cessation of such operation from the Council;

(d) The automobile or automobiles for hire are operated at a rate of fare other than that approved by the Council and stated on the certificate and the rate card issued by the Council; and

(e) For any other reason which the Council may deem warrants suspension or revocation .

SEC. 72.19 AUTOMOBILES FOR HIRE - USE OF CERTIFICATE

Every certificate granted under this Article shall be based upon the immediate convenience and necessity of the public, and any such certificate may be revoked by the Council if the vehicle for which it is granted is not placed in operation within thirty (30) days from the date of issuance.

SEC. 72.20 AUTOMOBILES FOR HIRE - SURRENDER OF CERTIFICATE

Certificates which shall have been suspended or revoked by the Council shall, forthwith, be surrendered to the Clerk of the City Council, and the operation of any automobile or automobiles for hire covered by such certificates shall cease. Any owner who shall permanently ~~return~~ retire any automobile or automobiles for hire from automobile for hire service and not replace the same within thirty (30) days thereof, shall immediately surrender any certificate or certificates granted for the operation of such automobile or automobiles for hire,

to the Council, and said owner may not secure additional certificates for the operation of any automobile or automobiles for hire without having first made application thereof, in the manner provided in this Article.

SEC. 72.21 AUTOMOBILES FOR HIRE - RATES OF FARE

(a) Posting of Fares Schedule. Every owner of any automobile for hire operating in The City of San Diego shall file or cause to be filed with the City Clerk of said City a true and correct statement of the rates to be charged for the transportation of passengers in any and all automobiles for hire operated by said owner, and such owner shall not change or modify said rates in any manner without the written permit of said City Council and without filing said modified or changed rates with said City Clerk.

(b) 1. There shall be displayed in the passenger compartment of each automobile for hire in full view of the passengers a card not less than four inches by six inches in size, which shall have plainly printed thereon the name of the owner, or the fictitious name under which said owner operates, the business address and telephone number of said owner, and a correct schedule of the rates to be charged for conveyance in said vehicle.

2. Said card shall provide that the schedule of rates stated thereon apply only within the limits of The City of San Diego.

3. There shall be carried either on the person of the driver, or in each automobile for hire, a map of The City of San Diego, which shall be displayed to any passenger

upon request.

(c) Rates. It shall be unlawful for the owner or driver of any automobile for hire, as defined in Section 71.01, to charge more than six dollars ($6.00) for the first hour and four dollars and fifty cents ($4.50) for each additional hour; provided that a minimum of not less than three dollars ($3.00) shall be charged per trip.

SEC. 72.22 AUTOMOBILES FOR HIRE - EQUIPMENT

Each automobile for hire licensed to operate in this City shall have located in a convenient place in the driver's compartment and in view of the passengers therein two (2) containers of type and design approved by the Chief of Police. Said containers shall contain cards provided by the Chief of Police bearing the following information:

(a) One such container shall have a card therein bearing:

1. The permit number issued for each individual automobile for hire licensed to operate in the City;

2. The name of the company to whom it is issued;

3. The date of issuance;

4. The State license plate number and engine number of the automobile for hire displaying same;

(b) One such container shall have a card therein bearing:

1. The number of the City Chauffeur's license of the driver thereof;

2. The name and residence address of said driver;

3. The name of the company employing said driver;

4. A small photograph of said driver.

SEC. 72.23 AUTOMOBILES FOR HIRE - MAINTENANCE

(a) The Chief of Police of The City of San Diego shall have the right, at any time after displaying proper identification, to enter into or upon any certificated automobile for hire for the purpose of ascertaining whether or not any of the provisions of this Article are being violated.

(b) Any automobile for hire which is found, after any such inspection, to be unsafe or in any way unsuitable for automobile for hire service may be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition.

SEC. 72.24 AUTOMOBILES FOR HIRE - OPERATING REGULATIONS

(a) Every driver shall upon demand give a correct receipt upon payment of the correct fare.

(b) All disputes as to fares shall be determined by the officer in charge of the Police Station nearest to the place where the dispute is had. Failure to comply with such determination shall subject the offending party to a charge of misdemeanor.

(c) It shall be unlawful for any person to refuse to pay the lawful fare of any of the vehicles regulated by this Article, after employing or hiring the same, and any person who shall hire such vehicle with intent to defraud the person from whom it is hired shall be guilty of a misdemeanor.

(d) The driver of any of the vehicles regulated by this Article shall promptly obey all lawful orders or instructions of any police officer or fireman.

(e) It shall be unlawful for any automobile for hire to remain standing on any public street in The City of San Diego, except when assisting passengers to load or unload.

(f) It shall be unlawful for any person, either as owner, driver or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or ferry station, or street railway loading point.

SEC. 72.25 AUTOMOBILES FOR HIRE - DRIVERS - LICENSES

(a) It shall be unlawful for any person to drive or operate any of the vehicles mentioned in Section 71.01 without first obtaining a permit in writing so to do from the Chief of Police of The City of San Diego.

(b) Applicants for such permits shall file applications therefor with the Traffic Division of the Police Department, upon blanks to be furnished by the Traffic Division of the Police Department.

(c) Said permit shall be filed with the City Treasurer as part of the application for license.

(d) No permit shall be issued to any of the following persons:

1. Any person under the age of twenty-one (21) years.

2. Any person not a citizen of the United States, or who has not lawfully declared his intention to become such; provided, however, that this provision shall not apply to any person who by regulation, decree, edict or legislative enactment shall have been declared by an authorized agency of the Government of the United States to be a "United States National."

3. Any person who has been convicted of a felony, or who has been convicted or either driving a vehicle upon the highway while under the influence of intoxicating liquors or under the influence of narcotics, or reckless driving, unless ~~tow~~ two (2) years have elapsed since his discharge from a penal institution, or after having been placed upon probation, during which period of time his record is good.

(e) No applicant may obtain a permit to drive or operate any of the vehicles mentioned in this Article unless and until he shall have been a continuous resident of the County of San Diego for at least fourteen (14) days immediately preceding the date of said application; provided, however, that a temporary permit shall be granted for a period not to exceed sixty (60) days, after which time said license shall be made permanent, if, after investigation, said applicant is found to be a fit and proper person.

(f) Each applicant for a permit shall be examined in writing by a person designated by the Chief of Police as to his knowledge of the provisions of this Article, the traffic regulations, and the geography of the City, and if the result of the examination be unsatisfactory he shall be refused a permit. Upon request each applicant shall be furnished his examination paper.

(g) Each applicant must demonstrate his skill and ability to safely handle his vehicle by driving it through a crowded section of the City, accompanied by an inspector designated by the Chief of Police.

(h) The Chief of Police may revoke or refuse to renew

an operator's license if the driver or applicant has since the granting of his permit:

1. Been convicted of a felony;

2. Shall have had his State driver's or chauffeur's license revoked or suspended;

3. Been convicted of driving while under the influence of intoxicating liquors;

4. Been convicted of driving while under the influence of narcotics;

5. During any continuous six (6) month period he shall have had three (3) or more convictions of any of the offenses set forth in Sections 502, 505, 510 and/or 511 of the Vehicle Code of the State of California, and amendments thereto, or any combination of either or any of said offenses;

6. When, for any reason, including, or other than, the above, in the opinion of the Chief of Police, the applicant is unfit to drive an automobile for hire.

(i) Any person whose operator's permit shall have been denied, revoked or renewal refused by the Chief of Police may within ten (10) days after receipt of notice thereof appeal to the Council for a hearing thereon which said hearing shall be granted; and the decision of the Council in this regard shall be final. If no appeal is taken within ten (10) days, the action of the Chief of Police shall be final.

SEC. 72.26 AUTOMOBILES FOR HIRE - PUBLIC LIABILITY

(a) It shall be unlawful to operate any vehicle, as defined in Section 71.01, unless there shall be filed with the City Clerk of The City of San Diego, and deposited by him

with the Purchasing Agent of The City of San Diego, a policy of insurance executed and delivered by a company authorized to carry on an insurance business in the State of California, the financial responsibility of which company shall theretofore have been approved by the City Manager, by the terms of which said insurance company assumes responsibility for injuries to persons or property caused by the operation of said vehicle in the following amounts, to-wit:

$5,000 for property damage;

$10,000 for death or injuries to any person in any one accident;

$20,000 for death or injuries to two or more persons in any one accident.

(b) No automobile for hire as defined herein shall be operated upon the streets of The City of San Diego without immediately complying with the provisions of this Section.

SEC. 72.27 AUTOMOBILES FOR HIRE -- EXCEPTIONS TO PROVISIONS

The provisions of this Article shall not apply to any vehicle operated by any transportation company under the jurisdiction of the Public Utilities Commission of the State of California, or operating under any franchise issued by The City of San Diego.

CHAPTER VIII

TRAFFIC AND VEHICLES

ARTICLE - 1

DEFINITIONS

SEC. 81.01 DEFINITIONS

Whenever in this Chapter the following terms are used, they shall be deemed and construed to have the meaning ascribed to them in this Section:

(a) Except as otherwise defined herein, the definition of any term used in this Chapter is the definition of such term as it is defined and described in the Vehicle Code of the State of California and amendments thereto.

(b) CENTRAL TRAFFIC DISTRICT. The Central Traffic District is hereby defined and its limits declared to be that portion of The City of San Diego bounded and described as follows:

Beginning at the intersection of the west line of Second Avenue and the north line of B Street; thence east to the west line of Fourth Avenue; thence north to the north line of A Street; thence east to the east line of Sixth Avenue; thence south to the north line of B Street; thence east to the east line of Eighth Avenue; thence south to the north line of Broadway; thence east to the west line of Ninth Avenue; thence south to the south line of Broadway; thence west to the east line of Eighth Avenue; thence south to the south line of F Street; thence west to the east line of Sixth Avenue; thence south to the south line of G Stree; thence west to the west line of Fourth Avenue; thence north to the south line of F Street; thence west to the west line of Second Avenue; thence north to the south line of Broadway; thence west to the east line of First Avenue; thence north to the north line of Broadway;

thence east to the west line of Second Avenue; thence north to the north line of B Street, the point of beginning.

(c) TERRITORY CONTIGUOUS TO THE CENTRAL TRAFFIC DISTRICT. The territory contiguous to the central traffic district is hereby defined and its limits declared to be that portion of the City of San Diego bounded and described as follows:

Beginning at the intersection of the west line of Kettner Boulevard and the north line of A Street; thence east to the west line of First Avenue; thence north to the north line of Ash Street; thence east to the west line of Fifth Avenue; thence north to the south line of Cedar Street; thence east to the east line of Fifth Avenue; thence south to the north line of Ash Street; thence east to the east line of Eighth Avenue; thence south to the north line of A Street; thence east to the east line of Ninth Avenue; thence south to the north line of B Street; thence east to the east line of Twelfth Avenue; thence south to the north line of Broadway; thence east to the west line of Thirteenth Street; thence south to the south line of Broadway; thence west to the east line of Twelfth Avenue; thence south to the north line of Market Street; thence east to the west line of Thirteenth Street; thence south to the south line of Market Street; thence west to the east line of Fifth Avenue; thence south to the north line of K Street; thence west to the west line of Fifth Avenue; thence north to the south line of Market Street; thence west to the southerly prolongation of the west line of State Street; thence north to the south line of F Street; thence west to the west line of Kettner Boulevard; thence north to the north line of A Street, the point of Beginning.

(d) LOADING ZONE. That portion of the roadway adjacent to the curb reserved for the exclusive use of vehicles actually engaged

in the loading or unloading of passengers or materials.

(e) PASSENGER LOADING ZONE. That portion of the roadway adjacent to the curb reserved for the exclusive use of vehicles actually engaged in the loading or unloading of passengers.

(f) BUS LOADING ZONE. That portion of the roadway adjacent to the curb reserved for the exclusive purpose of loading and unloading buses of common carriers engaged in the intracity transportation of passengers, and designated by red paint appropriately marked "BUS LOADING ZONE."

(g) HOLIDAY. The term "holiday," as used in this Chapter shall mean and include the following days only: The first day of January, the 30th day of May, the 4th day of July, the first Monday in September, the 25th day of December, and the day designated and set aside by the President of the United States as a day of thanksgiving.

(h) The word "VEHICLE" as used herein shall mean any device in, upon or by which any person or property may be transported upon a street or highway, except those operated upon rails or tracks.

(i) The word "PARK" or "PARKING" when used herein, shall mean the standing of a vehicle, whether occupied or not , otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading passengers or merchandise.

ARTICLE - 2

AUTHORITY OF COUNCIL AND POLICE

SEC. 82.01 OBEDIENCE TO POLICE

Officers of the Police Department, or persons deputized by the Chief of Police, shall, by voice, hand or other signal, direct all traffic, and it shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or other lawful direction of a police officer, or such other lawfully deputized person; and, further, it shall be unlawful for any person other than an officer of the Police Department, or such other deputized person, to direct or attempt to direct traffic by voice, hand or other signal.

SEC. 82.02 AUTHORITY - HIGHWAY, INTERSECTION STOPS - LOADING ZONES

(a) The Council may by resolution determine and designate the location of through highway and intersection stops and/or parking-time limit within any designated area within the City, and/or designating particular highways as "One Way" highways, and requiring that all vehicles thereon be moved in one specified direction; and it is hereby authorized and directed to place, paint and maintain, or cause to be placed, painted or maintained, the necessary signs, markers or painted curbings in accordance with the Vehicle Code of California and amendments thereto.

(b) The City Manager is hereby authorized, and he shall determine and designate the location of loading zones, passenger loading zones, bus loading zones and safety zones, and/or the method of turning at intersections, and/or designate where

diagonal parking is permitted, and/or the location of mechanical signals; and he is hereby authorized and directed to place, paint or maintain, or cause to be placed, painted or maintained, the necessary signs, markers or painted curbings in accordance with the Vehicle Code of California and amendments thereto.

SEC. 82.03 OBEDIENCE TO TRAFFIC SIGNS

(a) It shall be unlawful for any driver of a vehicle or street car, or any pedestrian to disobey the instructions of any mechanical or electrical signal, traffic sign or mark upon the street, placed in accordance with the provisions of this Chapter.

(b) It shall be unlawful for the driver or operator of any vehicle to park said vehicle in disregard of any traffic sign or mark upon the street or curb.

SEC. 82.04 PARKING METER ZONES - AUTHORITY *

The Council of The City of San Diego, on the recommendation of the City Manager, shall by resolution immediately and hereafter from time to time as traffic conditions require, establish zones to be known as "Parking Meter Zones," upon such streets or portions of streets of The City of San Diego as are selected for the location of said parking meter zones; and the City Manager shall cause parking meters to be installed and shall cause parking meter spaces to be designated, as hereinafter provided. The Council, on recommendation of the City Manager, may change or eliminate any of said zones.

SEC.82.05 PARKING METERS - INSTALLATION

The City Manager is hereby authorized to install or

* The validity of the parking meter ordinance of San Diego was sustained in the case of De Aryan vs. City of San Diego, 75 Cal. Ap. (2nd) 292.

place parking meters in such parking meter zones provided for herein, or to be provided hereafter; and the City Manager is hereby directed to maintain said meters in good workable condition.

SEC. 82.06 PARKING METERS - OPERATION

Parking meters installed in the parking meter zones established as provided in Section 82.0204, shall be placed upon the curb immediately adjacent to the individual parking places hereinafter described. Each parking meter shall be placed or set in such manner as to show or display by a signal that the parking space adjacent to such meter is or is not legally in use. Each parking meter shall be set to display, upon the deposit of one-cent coins or five-cent coins of the United States therein, a sign indicating legal parking for that period of time conforming to the limit of parking time which has been or may be established for that area or zone of the street upon which said parking meter is installed, and shall continue to operate from the time of the deposit of such coins therein until the expiration of the time fixed as the Parking limit for the part of the street upon which said meter is placed. Each said meter shall also be so arranged that upon the expiration of said legal parking time it will indicate by a mechanical operation and by proper signal that the lawful parking period has expired.

SEC. 82.07 PARKING METERS - VIOLATIONS

It shall be the duty of each police officer to take the number of any meter at which any vehicle is overparked, as

provided in this Chapter; the State vehicle license of such vehicle; the time and date of such over-parking, and the make of such vehicle; and issue, in writing, a citation for illegal parking in the same form and subject to the same procedure provided for by the Code of The City of San Diego, and the laws of the State of California applicable to the traffic violations within said City.

SEC. 82.08 PARKING METERS - USE OF FUNDS

The coins required to be deposited in parking meters, as provided herein, are hereby levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets, and to cover the cost of supervision, inspection, installation, operation, maintenance, control and use of the parking spaces and parking meters described herein, and also the cost of supervising and regulating the parking of vehicles in the parking meter zones created hereby.

SEC. 82.09 PARKING METERS - COLLECTIONS -ACCOUNTING FOR MONEY

The City Manager is hereby authorized, and it shall be his duty, to designate some person or persons to make regular collections of the money deposited in said parking meters. It shall be the duty of such person or persons so designated to collect and deliver to the Treasurer of The City of San Diego all money deposited in the parking meters; the Treasurer shall keep accurate account of all the parking meter money so delivered to him. Money so deposited in the parking meters may be expended to meet the costs and expenditures involved in the inspection, repair, regulation, installation, operation, control and use of the parking spaces and parking meters described herein, and the costs involved in the regulation and

control of the parking of vehicles and the control of traffic which may affect or be affected by the parking of vehicles in the parking meter zones created hereby, including the purchase, replacement, installation, repair, servicing and operation of mechanical or electrical traffic signals for the direction of said traffic or said parking, and the cost of painting streets, curbs and sidewalks with appropriate markings, lines and signs, and the purchase, construction, erection, repair and replacement of street and curb signs for the direction of said traffic or said parking, and for the cost of patrolling said parking motor zones and enforcing therein all traffic laws and regulations concerning the parking of vehicles and the movement of traffic which may affect or be affected by such parking of vehicles, or for any of said purposes.

SEC. 82.10 WHEN OFFICERS AUTHORIZED TO REMOVE VEHICLES FROM HIGHWAYS

Any regularly employed and salaried officer of the Police Department of The City of San Diego is hereby authorized to remove a vehicle which has been parked or left standing upon any street or highway in said City for 120 or more consecutive hours from such street or highway to the nearest garage or other place of safety or to a garage designated or maintained by said City. Such officer shall give notices as provided in Section 585 of the Vehicle Code of the State of California.

ARTICLE - 3

PEDESTRIANS

SEC. 83.01 PEDESTRIANS LIMITED RIGHT TO USE OF ROADWAY

When within the Central Traffic District or a business district, or on Pacific Highway between Harbor Drive and Rosecrans Street or on a boulevard Stop Street, no pedestrian shall cross a roadway other than by a cross walk, pedestrian tunnel or overhead pedestrian crossing.

Outside of the Central Traffic District or a business district, or on Pacific Highway between Harbor Drive and Rosecrans Street or on a boulevard Stop Street, no pedestrian shall cross a roadway other than by a route at right angles to the curb.

A pedestrian, when crossing at any other place than a crosswalk, shall yield the right of way to all vehicles or street cars upon the roadway.

SEC. 83.02 HITCH-HIKING

It shall be unlawful for any person to stand or walk in a roadway for the purpose of or while soliciting a ride from the driver of any private vehicle.

SEC. 83.03 INTERFERING WITH TRAFFIC

It shall be unlawful for any person to stand in any roadway, other than in a safety zone or in a crosswalk, if such action interferes with the lawful movement of traffic.

It shall be unlawful for any person to sit in any roadway or along a curb adjacent to a roadway, if such action interferes with the lawful movement of traffic.

SEC. 83.01.1 PEDESTRIANS RESTRICTED FROM USE OF WABASH BOULEVARD:

It shall be unlawful for any pedestrian to walk along, or across the roadway of Wabash Boulevard, between Federal Boulevard and Landis Street in The City of San Diego, except in pursuit of authorized activities by properly designated personnel, or in the event of emergencies involving vehicles on said Boulevard.

SEC. 83.02 HITCH-HIKING:

It shall be unlawful for any person to stand or walk in a roadway for the purpose of or while soliciting a ride from the driver of any private vehicle.

SEC. 83.03 INTERFERING WITH TRAFFIC:

It shall be unlawful for any person to stand in any roa dway, other than in a safety zone or in a crosswalk, if such action interferes with the lawful movement of traffic.

It shall be unlawful for any person to sit in any roadway or along a curb adjacent to a readway, if such action interferes with the lawful movement of traffic.

SEC. 83.04 PEDESTRIANS STANDING ON SIDEWALKS

In the Central Traffic District or any business district it shall be unlawful for any pedestrian to stand on the sidewalk, except as near as practicable to the building line or the curb line.

ARTICLE - 4

RULES FOR DRIVING

SEC. 84.01 TURNING AROUND AT INTERSECTIONS PROHIBITED

The driver of a vehicle shall not, within the central traffic district, or any business district, between the hours of 7:00 a.m. and 11:00 p.m. of any day except Sundays and holidays, turn such vehicle at an intersection in a complete reverse turn, so as to proceed in the opposite direction.

SEC. 84.02 DRIVING FROM ALLEYS

The driver of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across an alleyway.

SEC. 84.03 LEFT TURNS IN BUSINESS DISTRICT

Unless otherwise prohibited entirely, no left turn shall be made by the driver of any vehicle in any business district, except at an intersection of two or more streets.

SEC. 84.04 VEHICLES SHALL NOT BE DRIVEN ON SIDEWALK

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

SEC. 84.05 VEHICLES NOT TO OBSTRUCT STREETS

It shall be unlawful for any person to operate or stand or park any vehicle on any street in such a manner as to obstruct the free use of such street.

SEC. 84.06 THROUGH HIGHWAY AND INTERSECTION STOPS

Every driver of a vehicle or street car must stop such vehicle or street car before entering or crossing any through

highway and before entering or crossing any intersection designated as a stop intersection at any entrance thereto designated as a stop entrance. All such stops shall be made at the prolongation of the property line of such through highway or intersection or at such other place properly marked and designated as a "stop" location; provided, however, that no such stops need be made when traffic is signaled to proceed by any stop and go signal, or by a police officer.

SEC. 84.07 FOLLOWING FIRE APPARATUS PROHIBITED

It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus traveling in response to a fire alarm, closer than one (1) block, or to park, stop or stand any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

SEC. 84.08 CROSSING FIRE HOSE

No street car or vehicle shall be driven over unprotected hose of the Fire Department when laid down on any street, private driveway or street car track, without the consent of the Chief of the Fire Department, or the assistant in command.

SEC. 84.09 BICYCLE RIDING RESTRICTED

It shall be unlawful to ride a bicycle upon any sidewalk.

SEC. 84.10 UNLAWFUL TO DRIVE THROUGH FUNERAL PROCESSION

It shall be unlawful for the driver of any vehicle to drive between the vehicles comprising a funeral procession, provided that such vehicles are conspicuously so designated.

SEC. 84.11 CLINGING TO MOVING VEHICLES

It shall be unlawful for any person traveling upon any

SEC. 84.09.1 BICYCLE, SCOOTER RIDING ON WABASH BOULEVARD:

It shall be unlawful for any person to ride a bicycle, scooter, or other device moved by human power or the force of gravity along, or across the roadway of Wabash Boulevard between Federal Boulevard and Landis Street in The City of San Diego.

SEC. 84.10 UNLAWFUL TO DRIVE THROUGH FUNERAL PROCESSION:

It shall be unlawful for the driver of any vehicle to drive between the vehicles comprising a funeral procession, provided that such vehicles are conspicuously so designated.

SEC. 84.11 CLINGING TO MOVING VEHICLES:

It shall be unlawful for any person traveling upon any

bicycle, motorcycle or any toy vehicle to cling or attach himself or his vehicle to any other moving vehicle or street car upon any roadway.

SEC. 84.12 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED

It shall be unlawful for any person upon roller skates or riding on or by means of a coaster, toy vehicle, or similar device, to go upon an open roadway in The City of San Diego, or upon the sidewalk in the Central Traffic District.

SEC. 84.13 AUTHORITY - TRAFFIC LANES

The Council of The City of San Diego is hereby authorized by resolution to have traffic lanes marked upon the roadway where a regular alignment of traffic is necessary.

SEC. 84.14 VEHICLE LOAD LIMIT

It is hereby declared to be unlawful to transport by any commercial vehicle or by any vehicle, a load in excess of 8000 pounds upon Aldine Drive, between the easterly line of Fairmount Avenue and the southerly line of Monroe Avenue.

SEC. 84.15 HORSES OR ANIMALS ON CABRILLO FREEWAY - PROHIBITED

It shall be unlawful for any person to ride, drive or lead a horse or horses or other livestock within the limits of CABRILLO FREEWAY, between A street and the northern limits of The City of San Diego, except upon trails specifically provided and marked for equestrian use.

SEC. 84.16 STRAYING LIVESTOCK ON CABRILLO FREEWAY - PROHIBITED

It shall be unlawful for any person owning or controlling or having the possession of any livestock to permit the

same to stray within the limits of the CABRILLO FREEWAY between A street and the northern limits of The City of San Diego.

SEC. 84.17 HORSES OR ANIMALS ON WABASH BOULEVARD - PROHIBITED

It shall be unlawful for any person to ride, drive or lead a horse or horses or other livestock within the limits of Wabash Boulevard, between Federal Boulevard and Landis Street in The City of San Diego, except upon trails specifically provided and marked for equestrian use.

SEC. 84.18 STRAYING LIVESTOCK ON WABASH BOULEVARD - PROHIBITED:

It shall be unlawful for any person owning or controlling or having the possession of any livestock to permit the same to stray within the limits of the Wabash Boulevard, between Federal Boulevard and Landis Street in The City of San Diego.

ARTICLE - 5

CERTAIN VEHICLES PROHIBITED IN CENTRAL TRAFFIC DISTRICT

SEC. 85.01 VEHICLES PROHIBITED

It shall be unlawful for the driver of any of the following vehicles to drive or park the same in the central traffic district between the hours of 9:00 a.m. and 6 p.m. of any day, except Sundays and holidays;

(a) Any vehicle so loaded that any part of its load extends more than three (3) feet to the front, or more than ten (10) feet to the rear of said vehicle;

(b) Any vehicle carrying building material that has not been loaded or is not be be unloaded at some point in the central traffic district;

(c) Any freight vehicle with a trailer;

(d) Any vehicle carrying crude oil;

(e) Any vehicle conveying refuse, rubbish or garbage.

The City Council is hereby authorized by resolution to establish over an appropriate street or streets and to designate by appropriate signs through traffic routes for the movement of vehicles of two (2) or more tons capacity designed for carrying merchandise, freight or material. When any such through traffic route or routes are established and designated by appropriate signs, the driver of any vehicle mentioned in this paragraph shall drive on such routes, and none other, except when it is impractical to do so, or when necessary to traverse another street or streets to a destination for the purpose of loading or unloading, but then only by such deviation from the nearest freight route as is reasonably

necessary.

SEC. 85.02 TRUCK PARKING PROHIBITED

It shall be unlawful for the driver ~~of~~ ON a motor truck and/or equipment exceeding twenty-four (24) feet in length to drive the same in, or to allow such motor truck and/or equipment to remain parked within, the central traffic district of The City of San Diego between the hours of 9:00 o'clock a.m. and 6:00 o'clock p.m. of any day except Sundays and holidays.

The term "equipment," as used in this Section, shall mean and include, but without limitation, trailer, semitrailer, pole or pipe dolly, special mobile equipment, specially constructed vehicle, reconstructed vehicle, and/or any load placed thereon.

ARTICLE - 6

STOPPING, STANDING AND PARKING

SEC. 86.01 VEHICLES BACKED TO CURB

(a) It shall be unlawful for any vehicle to park, stand or remain backed up to the curb in the central traffic district, except as provided in Section 86.07

(b) It shall be unlawful for any vehicle to park, stand or remain backed up to the curb, outside the central traffic district, except when actually loading or unloading said vehicle; provided, however, that no vehicle shall park, stand or remain backed up to the curb when such vehicle as so parked occupies more than one-half the roadway from curb to curb.

SEC. 86.02 STANDING AND PARKING PROHIBITED IN SPECIFIED PLACES

It shall be unlawful for the driver of a vehicle to stand or park such vehicle in any of the following places except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer or traffic sign or signal:

(a) Between a safety zone and the adjacent curb, or within twenty (20) feet of a point on the curb immediately opposite the end of a safety zone.

(b) Within thirty (30) feet of an intersecting roadway, except buses at an indicated bus stop.

(c) Except for the purpose of loading or unloading passenger or commercial vehicles, and except as otherwise provided herein, it shall be unlawful for any vehicle to

stop, stand or park on either side of Broadway, between the east line of Third Avenue and the west line of Seventh Avenue, in The City of San Diego, between the hours of 8:00 o'clock a.m. and 6:00 o'clock p.m. of every day, including Sundays and holidays.

(d) It shall be unlawful for any vehicle, other than a taxicab licensed by The City of San Diego, to park in any regularly established taxicab stand.

SEC. 86.03 STANDING FOR LOADING ONLY IN CERTAIN PLACES

Loading Zones. It shall be unlawful for the driver of a vehicle to stop, stand or park said vehicle in any "loading zone" for a period of time longer than is necessary for the loading or unloading of passengers or materials; provided, however, that the loading or unloading of passengers shall not consume more than three (3) minutes or the loading or unloading of materials more than twenty (20) minutes; provided, further, that only motor trucks and/or commercial vehicles shall park in said zone for the purpose of loading or unloading materials.

Loading zones shall be operative between 6:00 a.m. and 6:00 p.m. excepting Sundays and holidays.

SEC. 86.03.1 SAME - PASSENGER LOADING ZONES

It shall be unlawful for the driver of a vehicle to stop, stand or park said vehicle in any "passenger loading zone" for a period of time longer than is necessary for the loading or unloading of passengers and baggage; provided that said loading or unloading shall not consume more than three (3) minutes; except, that at passenger zones in front of hotels

said loading or unloading shall not consume more than ten (10) minutes.

Passenger loading zones in front of theaters shall, be operative between 11:30 and 12:00 midnight.

Passenger loading zones in front of hotels and hospitals shall be operative twenty-four (24) hours a day; provided, however, that an hotel within the meaning of this Section shall be one having a bona fide lobby on the street floor thereof.

SEC. 86.03.2 SAME - BUS LOADING ZONE

It shall be unlawful for any vehicle to stop, stand or park in any bus loading zone, except a bus engaged in intra-city transportation of passengers.

SEC. 86.03.3 SAME - ALLEYS

It shall be unlawful for the driver of any vehicle to stop, stand or park said vehicle in any alley for a period of time longer than is necessary for the loading or unloading of passengers or materials; provided, however, that the loading or unloading of passengers shall not consume more than three (3) minutes or the loading or unloading of materials more than twenty (20) minutes.

SEC. 86.03.4 SAME - POLICE STATIONS AND SHERIFF OFFICES

The portion of the roadway adjacent to the curb, within fifty (50) feet on either side of the entrance to the headquarters or sub-station of the Police Department and/or Sheriff's office, shall be reserved exclusively for the use of official police and/or sheriff's cars, and it shall be unlawful for any other vehicle to park within said area.

SEC. 86.04 PHYSICALLY INCAPACITATED PERSONS - PARKING OF SPECIAL AUTOMOBILES

A physically incapacitated person entitled to and using a specially constructed or controlled automobile, shall be entitled to park such automobile, free of charge and overtime in any parking meter space, or in any designated parking space other than a loading, passenger loading, bus loading or safety zone, without being in violation for overtime parking during all hours when it is otherwise lawful to park in the same space, subject to the following requirements:

(a) Such person so entitled shall possess a card to be exhibited when requested by any peace officer, and issued by the Chief of Police, certifying he meets the requirements of this Section, and identifying the special constructed or controlled automobile.

(b) The automobile shall bear a small but inconsipcuous sticker indicating the right to park under this Section, the sticker to be approved by the Chief of Police and to be at all times displayed on the lower left hand corner of the windshield.

SEC. 86.05 PARKING TIME LIMITED IN SPECIFIED PLACES

(a) The driver of a vehicle shall not park such vehicle longer than one (1) hour within the central traffic district or any business district between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays.

(b) The driver of a vehicle shall not park such vehicle longer than two (2) hours within the "territory contiguous to the central traffic district," or any territory designated

by resolution of the Council between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays; excepting therefrom that portion of The City of San Diego bounded and described as follows:

E Street, between the east line of Eighth Avenue and the west line of Ninth Avenue, in which described area the driver of a vehicle shall not park such vehicle longer than twenty-four (24) minutes, between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays; also excepting therefrom that portion of The City of San Diego bounded and described as follows:

Kettner Boulevard, between the south line of B Street and the north line of Broadway, in which described area the driver of a vehicle shall not park such vehicle longer than one hour between the hours of 7:00 a.m. and 12:00 midnight of any day, including Sundays and holidays.

SEC. 86.06 EARLY MORNING PARKING LIMITED

(a) It shall be unlawful for the driver of any vehicle to park said vehicle on any street in the central traffic district between the hours of 3:00 a.m. and 6:00 a.m. or on any street in any business district other than the central traffic district for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 4:00 a.m. of any day.

(b) It shall be unlawful for the driver of any vehicle to park said vehicle on any street in The City of San Diego for a period of time in excess of twenty-four (24) consecutive

hours.

SEC. 86.07 STANDING OR PARKING CLOSE TO CURB *

(a) Except where diagonal parking is permitted and so designated in the manner prescribed by Section 82.02, no person shall park or leave standing any vehicle at the curb or end of a street not under the jurisdiction of the State, unless both right wheels are within eighteen (18) inches of the curb or edge of such stree; provided, however, that any motor truck or commercial vehicle may remain backed up to the curb when loading or unloading merchandise between the hours of 6:00 o'clock p.m. and 10:30 o'clock a.m. of the day following.

(b) In any area where diagonal parking is permitted and so designated, it shall be unlawful to park in any other manner.

SEC. 86.08 PARKING VEHICLES FOR SALE [redacted] OF; PARKING VEHICLES FOR SALE OF MERCHANDISE FROM — PROHIBITED

It shall be unlawful for the owner or driver of any vehicle to stand or park the same upon any street for the purpose of displaying it for sale, or to stand or park any vehicle upon any street in the central traffic district from which vehicle merchandising is being sold.

SEC. 86.09 DISPLAY OF WARNING DEVICES WHEN COMMERCIAL VEHICLE DISABLED

Every motor truck having an unladen weight of 4,000 pounds or more, and every truck tractor irrespective of weight when operated upon any highway outside of any business or residence district and upon which highway there is insufficient

* This section, insofar as it applies to vehicles other than commercial vehicles, including vehicles for hire is invalid as being in conflict with Sections 458 and 588 of the Vehicle Code of the State of California.

Sipperly vs. San Diego Yellow Cabs, Inc., 89 Cal. Ap. (2nd) 645. See also 18 Cal. Jur. 933.

street lighting to reveal a vehicle at a distance of 200 feet during the time specified in Section 618 of the Vehicle Code of the State of California, shall be equipped with and carry at least two flares or lights or reflectors, when reflectors shall be of a type approved by the California Department of Motor Vehicles. When any vehicle above mentioned or any trailer or semi-trailer is disabled on the roadway or within 10 feet thereof at any time mentioned in said Section 618, a warning signal of the character indicated above shall be immediately placed at a distance of approximately 100 feet in advance of and 100 feet to the rear of such disabled vehicle. The warning signals herein mentioned shall be displayed continuously during the times mentioned in said Section 618 while such vehicle remains disabled upon the roadway or within 10 feet thereof.

SEC. 86.10 PARKING PROHIBITED - CABRILLO FREEWAY

It shall be unlawful to park an automobiel or other motor vehicle on the paved strips and oiled shoulders and the parking on or driving of a motor vehicle across or over any separation strip or landscaped area, except on spaces specifically provided and marked as parking areas within the limits of the Cabrillo Freeway between A Street and the northern limits of The City of San Diego.

SEC. 86.11 PARKING METER SPACE MARKED

The City Manager is hereby instructed to have lines or markings painted or placed upon the curb and/or upon the street adjacent to each parking meter for the purpose of designating the parking space for which said meter is to be

SEC. 86.10.1 PARKING PROHIBITED - WABASH BOULEVARD:

It shall be unlawful to park an automobile or other motor vehicle on the paved strips and oiled shoulders and the parking on or driving of a motor vehicle across or over any separation strip or landscaped area, except on spaces specifically provided and marked as parking areas within the limits of Wabash Boulevard, between Federal Boulevard and Landis Street in The City of San Diego.

SEC. 86.11 PARKING METER SPACE MARKED:

The City Manager is hereby instructed to have lines or markings painted or placed upon the curb and/or upon the street adjacent to each parking meter for the purpose of designating the parking space for which said meter is to be

used, and each vehicle parking alongside of or next to any parking meter shall park within the lines or markings so established. It shall be unlawful and a violation of this Article to park any vehicle across any such line or marking or to park said vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.

SEC. 86.12 PARKING METERS - DIAGONAL AND PARALLEL PARKING

When a parking space in any parking meter zone is parallel to the adjacent curb or sidewlak, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be alongside of and nearest the parking meter; when a parking space in any parking meter zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle directly at and nearest to such meter.

SEC. 86.13 PARKING METERS - DEPOSIT MONEY

(a) In any zone where a one-hour parking time limit is established, when any vehicle shall be parked in any space alongside of or next to which a parking meter is located, in accordance with the provisions of this Chapter, the operator of said vehicle shall upon entering said parking space immediately deposit a five-cent coin of the United States for the maximum legal parking time limit, or a one-cent coin of the United States for each twelve minutes of the maximum legal parking time limit established for said zone.

(b) In any zone where a two-hour parking time limit is established, when any vehicle shall be parked in any space

alongside of or next to which a parking meter is located, in accordance with the provisions of this Chapter, the operator of said vehicle shall upon entering said parking space immediately deposit or cause to be deposited two (2) five-cent coins of the United States for the maximum legal time limit, or a five-cent coin of the United States, for sixty minutes , or a one-cent coin of the United States for each twelve minutes of the first hour.

(c) In any zone where a parking time limit of less than one hour is established, when any vehicle shall be parked in any space alongside of or next to which a parking meter is located, in accordance with the provisions of this Chapter, the operator of said vehicle shall upon entering said parking space immediately deposit or cause to be deposited a one-cent coin for each twelve-minute interval of the maximum legal parking time limit established for said zone.

SEC. 86.14 PARKING METER - OVERTIME PROHIBITED

It shall be unlawful for any person to permit a vehicle to remain parked overtime or beyond the period of legal parking time established for any parking meter zone, as herein described.

SEC. 86.15 PARKING METER - EXTENDING TIME PROHIBITED

It shall be unlawful and a violation of the provisions of this Chapter for any person to deposit or cause to be deposited in a parking meter a five-cent coin or a one-cent coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space adjacent to which said parking meter is placed.

SEC. 86.16 PARKING METER - TIME OF OPERATION

Said parking meters shall be operated in said parking meter zones every day between the hours of 8:00 o'clock a.m. and 6:00 o'clock p.m., except ~~Sunday~~ SUNDAYS and holidays; provided, however, that whenever the Council of The City of San Diego shall by resolution or ordinance provide that the parking time limits shall be effective at other times said parking meters shall be operating during all the times within which the parking time limit shall be effective.

~~(b) Within the meaning of this Chapter the term "holiday"~~ shall include the following days only: The first day of January, the 30th day of May, the 4th day of July, the first Monday in September, the 25th day of December, and the day designated and set aside by the President of the United States as a day of Thanksgiving.

SEC. 86.17 PARKING METER - TAMPERING WITH

It shall be unlawful for and a violation of the provisions of this Chapter for any unauthorized person to deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meters installed under the provisions of this Chapter.

SEC. 86.18 PARKING METER - SLUG OR DEVICE PROHIBITED

It shall be unlawful and a violation of the provisions of this Chapter to deposit or cause to be deposited in any parking meter any slug, device or substitute for a lawful coin of the United States.

ARTICLE - 7

BUSSES AND TRAINS

SEC. 87.01 BOARDING OR ALIGHTING FROM VEHICLES

It shall be unlawful for any person to board or alight from a vehicle while said vehicle is in motion.

SEC. 87.02 RAILWAY TRAINS NOT TO BLOCK STREET

It shall be unlawful for the driver of any steam, Diesel or interurban railway train or car to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period longer than five (5) minutes.

THE FOLLOWING 3 PAGES WERE THE BEST COPIES AVAILABLE AT TIME OF FILMING

ARTICLE - 8

SCHOOLS

SEC. 88.01 SPECIAL PERSONS TO CONTROL TRAFFIC AT SCHOOL CROSSINGS

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of any person appointed by the Chief of Police to control traffic at school crossings, provided that such person giving any order, signal or direction at such school crossings shall at the time be wearing some insignia, indicating such appointment. It shall be unlawful for any minor to direct or attempt to direct traffic unless authorized to do so by order of the Chief of Police.

SEC. 88.02 VEHICLES STOPPING UPON SIGNAL

It shall be unlawful for any person driving or operating, propelling or causing to be propelled, any vehicle, to fail to stop not less than fifty (50) feet from the nearest side of a school pedestrian lane where any signal device, flagman or other person is stationed, giving warning that children are about to cross or are crossing the street; and it is further declared unlawful to proceed until such signal has stopped, raised, or been removed, or the flagman or person stationed at such pedestrian lane has given a signal to go, or has left the locality.

ARTICLE - 9

TRAFFIC CITATIONS

SEC. 89.01 TRAFFIC VIOLATION CITATIONS

Traffic violation citations shall be issued in books and in the form prescribed by the Chief of Police of The City of San Diego. The Chief of Police, or someone authorized by him, shall maintain a record of the issuance of such books and of such books and of the individual citations issued therefrom.

SEC. 89.02 DISPOSITION OF CITATIONS

Upon the issuance of such citation to an alleged violator of any provisions of the Vehicle Code of the State of California or of the Traffic Code of The City of San Diego, it may be disposed of only as follows:

(a) In cases where the alleged violator is directed to appear at the Criminal and Traffic Division of the Municipal Count, by posting bail with the Clerk of the Municipal Count in charge thereof, in an amount fixed by the Judge of the Municipal Court assigned to hear traffic offenses; or

(b) By the Judge of the Municipal Court assigned to hear traffic offenses, with such case being duly entered upon the official calendar or docket of such court.

SEC. 89.03 INTERFERENCE WITH CITATIONS

Any person who cancels or solicits the disposition of any traffic violation citation in any manner other than as provided herein shall be guilty of a violation of this Chapter,

provided, however, that nothing herein contained shall operate to preclude any alleged violator, or his duly authorized representative, from making or filing objection to or protest against the issuance of any traffic violation notice to any municipal authority or officer designated to accept or hear such objections or protests.

CHAPTER IX

BUILDING AND BUILDING REGULATIONS

ARTICLE 1

BUILDING CODE

SEC 91.01 UNIFORM BUILDING CODE ADOPTED

~~Section 1.~~ That a certain document, three (3) copies of which are on file in the office of the City Clerk of The City of San Diego, California, being marked and designated as "Uniform Building Code, 1949 Edition, published January 1, 1949, by the Pacific Coast Building Officials' Conferences," be, and the same is hereby adopted as the building code of The City of San Diego, California, for regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in The City of San Diego, California; providing for the issuance of permits and collection of fees therefor; providing penalities for violation of such code; declaring and establishing fire zones; and each and all of the regulations, provisions, penalities, conditions, and terms of such "Uniform Building Code, 1949 Edition, published January 1, 1949, by the Pacific Coast Building Officials' Conferences," on file in the office of the City Clerk, are hereby referred to, adopted, and made a part hereof, as is fully set out in this article ~~ordinance~~, including Appendix Sections 702 (c), 2301, 2312, 2415, 4801, 4802, 4803, and Chapter 51 of said Appendix, except as hereinafter provided in Sections 91.01 to 91.17 ~~1 to 20~~ inclusive of this article ~~ordinance~~; the provisions of which are hereby adopted and declared

to be the law of The City of San Diego, and any of the provisions, terms, requirements, and regulations of said "Uniform Building Code" and Appendix Sections 702 (c), 2301, 2312, 2415, 4801, 4802, 4803, and Chapter 51 in conflict with said Sections 91.01 to 91.17 inclusive of this article are hereby repealed, insofar as they conflict with Sections 91.01 to 91.17.

SEC 91.02 UNIFORM BUILDING CODE CHANGED

. That the following specifically enumerated portions of the Uniform Building Code be changed in the following particulars:

a) The definition of "apartment house" in Section 401 (a) shall read as follows:

"Apartment house" means any structure more than one story in height or any portion of any such structure occupied or designed, built or rented for occupation as a home by three or more families, each living in a separate apartment and cooking within the structure.

b) Section 304 (d) 3 shall read as follows:

LATH INSPECTION: To be made after all lathing, interior and exterior, is in place and before any plaster is applied.

c) Section 3305 (h) shall read as follows:

EXTERIOR STAIRWAYS: Every opening in the exterior wall of a building more than two stories in height and served by an exterior stairway used as a required exit shall be protected by an automatically-closing Class "E" or "F" fire-door or window if the opening is within twenty feet (20') of the stairway.

EXCEPTION: Openings above or level with the highest portion of the stairway may be unprotected if not nearer than ten feet (10') to the stairway.

d) Section 2521 (h) shall read as follows:

CHIMNEY SPACE: Wood lath, furring or framing shall be placed not less than one inch (1") from any chimney or fireplace.

e) Section 2521 (i) shall read as follows:

UNDERPINNING: The underpinning of bearing stud walls shall be so constructed as to resist the design forces.

Underpinning shall be not less in size than the studding and when exceeding four feet (4') in height shall be of size required for an additional story. Underpinnings of bearing walls and partitions shall be thoroughly and effectively braced.

f) Section 2521 (j) shall read as follows:

HEADERS: All wall openings four feet (4') wide or less shall be provided with headers not less than 4" x 4" or the equivalent and such headers shall have solid bearing at each end on a two-inch (2") trimmer from the bottom of the header to the floor or bottom plate.

All wall openings more than four feet (4') wide shall be trussed or provided with lintels which shall have solid bearing at each end on two-inch (2") trimmer from the bottom of the header to the floor or bottom of the plate.

g) The first paragraph of Section 2204 shall read as follows:

All exterior walls and interior bearing walls of Type V buildings shall be supported on continuous solid masonry or concrete footings which shall be of sufficient size to support safely the loads imposed as determined from the character of the soil. Foundation walls shall extend at least six inches (6") above the finished grade adjacent to the wall at all points. Mudsills shall be bolted to the foundation or foundation wall with not less than one-half inch (1/2") bolts, embedded at least six inches (6") into the masonry and spaced not more than four feet (4') apart.

h) The requirements of Table No. 22-A in Section 2204 are changed in that the "width of footing in inches" column shall

read (reading down) "12, 14, and 18" and in that the "depth of foundation below the natural surface of ground and finish grade in inches" column shall read (reading down) "12, 12 and 30."

i) Section 3206 shall read as follows:

The water from the roof of all buildings, which would flow by gravity over a public sidewalk, shall be carried by means of conductors under the sidewalk and through the curb into the gutter. Overflows shall be installed at each low point of the roof to which the water drains.

EXCEPTION: Buildings of Group I, or J, the walls of which are five feet (5') or more from the street property line, need not comply with the above.

j) The last footnote to Table No. 5-A, referred to in Section 501 and set forth on pages 36 and 37 of the Uniform Building Code, shall read as follows:

**Or may be protected on the exterior with materials approved for one-hour fire-resistive construction, or seven-eighths inch (7/8") of stucco reinforced with metal lath or approved stucco reinforcing on the exterior.

k) Section 3308 (a) 2 shall read as follows:

In sprinklered buildings of Type I construction housing Group F and G occupancies, enclosures are not required for escalators, and open stairways may be constructed as an adjunct to escalators provided all required stairways are enclosed.

SEC 91.103 Board of Examiners and APPEALS. Created - Powers and Duties

Section 3. In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of ~~this~~ the Building Code ~~and Ordinance~~, there shall be and is hereby created a Board of Examiners and Appeals consisting of four members who are qualified by experience and training to pass upon matters pertaining to building construction, and shall consist of a licensed architect, a

licensed structural engineer, a licensed civil engineer, and a licensed building contractor. The Building Official shall be an ex-officio member and shall act as Secretary to the Board. The Board of Examiners and Appeals shall be appointed by the City Manager and shall hold office at his pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent therewith.

The City Attorney or his Deputy and a representative from the Fire Department shall attend and advise at all meetings of the Board of Appeals.

SEC 91.04 ~~Section 4.~~ UNLAWFULLY PREPARED PLANS: The Building Inspector shall not accept for checking or approve any drawings, plans or engineering calculations for buildings and structures which have been prepared in violation of any of the California State Laws governing or regulating the preparation of such drawings, plans or engineering calculations. The Building Inspector may employ reasonable means of investigation in order to ascertain whether or not such drawings, plans and engineering calculations have been prepared in an illegal manner.

SEC 91.05 PERMIT FEES - RECORDS ~~Section 5. PERMIT FEES.~~ (a) Except as otherwise specified in detail in this Ordinance, any person desiring a permit shall, after making application therefor in due form, pay to the City Treasurer a fee as required in this section, and such permit fees shall be as follows:

TOTAL GROSS VALUATION		FEE
From	To	
0.00	100.00	None
101.01	300.00	$2.50
300.01	1,000.00	$1.00 plus $0.50 per $100 or fraction thereof of total valuation

TOTAL GROSS VALUATION		FEE
From	To	
1,000.01	10,000.00	$2.00 plus $4.00 per $1000 or fraction thereof of total valuation
10,000.01	50,000.00	$12.00 plus $3.00 per $1000 or fraction thereof of total valuation
50,000.01	100,000.00	$62.00 plus $2.00 per $1000 or fraction thereof of total valuation
100,000.01	500,000.00	$112.00 plus $1.50 per $1000 or fraction thereof of total valuation
500,000.00 or over		$362.00 plus $1.00 per $1000 or fraction thereof of total valuation

There is no plan-checking fee in addition to the above-named permit fees.

(b) ~~RECORDS~~ The Inspection Department shall keep an account of all fees received, giving the name of the person under whose account the same were paid, the date, and amount thereof, together with the location to which such fees relate; and such records or any other records or plans of the Inspection Department need not be kept or retained longer than two years.

Sec 91.06

~~Section 5c~~ VALUATION: (a) The term "valuation", as shown in the Table, Section 91.05 ~~above~~, shall be deemed to mean the total value of the completed building, including all labor and materials. No portion of any building shall be excluded from the valuation for a building permit because of any other permits required by any governing agency. The total value is present even though the materials and labor be furnished free of any charge.

(b) The valuation figures submitted in the application for a permit shall be checked by the Inspection Department and, in case of disagreement, the average cost or valuation per square foot for two similar buildings or pieces of work recently built may be used by the Building Inspector as a basis in establishing the value.

SEC 91.07 EXCEPTIONS TO PERMIT FEE ~~Section 7 NO PERMIT FEE WHEN~~ A permit will be required for the following; however, no fee will be charged: All buildings owned by the State of California, County of San Diego or The City of San Diego. In view of the fact that all public school buildings are subject to the rules and regulations of the State of California Division of Architecture, said rules and regulations may be adopted in lieu of the San Diego Building Code school building requirement; when the drawings and specifications for such structures have been checked and approved by the State Division of Architecture, the City Inspection Department shall issue a permit therefor in due form as required by the San Diego Building Code.

SEC 91.08 ~~Section 8~~ CHECKING AND STAMP OF APPROVAL: (a) Except as otherwise provided in paragraph (b) of this Section, when the plans and specifications filed by an applicant for a permit have been checked by the Building Inspector and found to be complete and in conformity with the requirements of this Code, the Building Inspector shall issue a permit therefor, excepting that in the case of new buildings, the water and sewer connections must first be paid for before such permit can be issued.

(b) The Building Inspector, before issuing a permit, shall first ascertain that the following special provisions have been complied with:

1. That plans providing for the storage and handling of inflammable liquids, explosives, and nitrocellulose films have been stamped and approved by the City Fire Department.
2. That plans for clothes cleaning, spotting and sponging establishments, over which the State assumes control, have been stamped and approved by the State Fire Marshal.
3. That plans for buildings, additions, etc., have been stamped and approved by the City Planning Commission and by the City Plumbing Inspection

Department whenever by ordinance, code, charter, or General Laws of the State of California, said plans are required to be stamped by said City Planning Commission and City Plumbing Inspection Department.

~~FIRE ZONE RESTRICTIONS~~

SEC 91.09 ~~Section 9~~ FIRE ZONES DEFINED: For the purpose of this Code, the entire City is hereby declared to be and is hereby established a fire district, and said fire district shall be known and designated as Fire Zones 1, 2 and 3, and shall include such territory or portions of said City as outlined in this article ~~Ordinance~~ creating and establishing fire zones.

Fire Zone No. 1 shall include: (a) The San Diego Inner Fire District, (b) The La Jolla Inner Fire District.

Fire Zone No. 3 shall include all territory in The City of San Diego which is not included in Fire Zones No. 1 and herein described.

(a) THE SAN DIEGO INNER FIRE DISTRICT: "The Inner Fire District" comprises all that territory included within the following boundaries:

"Beginning at the intersection of the southwesterly prolongation of the centerline of 16th Street with the U. S. Bulkhead Line of San Diego Bay, as said Bulkhead Line now exists; thence northeasterly along said southwesterly prolongation of the centerline of 16th Street, and northeasterly and northerly along the centerline of 16th Street, to an intersection with the south line of Balboa Park; thence westerly and northerly along the southerly and westerly lines of Balboa Park and the northerly prolongation of said westerly line of Balboa Park to an intersection with the easterly prolongation of the centerline of Date Street; thence westerly along the easterly prolongation of the centerline of Date Street, the centerline of Date Street and the westerly prolongation of the centerline of Date Street to

an intersection with said U. S. Bulkhead Line of San Diego Bay; thence in a general southerly and southeasterly direction along said Bulkhead Line to the point of beginning."

(b) LA JOLLA INNER FIRE DISTRICT: The "La Jolla Inner Fire District" shall comprise all that territory included within the following boundaries:

"Beginning at the most easterly corner of Lot 21, Block 59, La Jolla Park; thence northwesterly along the northeasterly line of Lots 21 and 6 of said Block 59 to the southeasterly line of Coast Boulevard; thence southwesterly along the southeasterly line of Coast Boulevard to the northeasterly line of Jenner Street; thence southeasterly along the northeasterly line of Jenner Street to the southeasterly line of Coast Boulevard south; thence southwesterly along the southeasterly line of Coast Boulevard south to the most westerly corner of Lot 4, Block 55, La Jolla Park; thence southeasterly along the southwesterly line of said Lot 4 to the most westerly corner of Lot 27, of said Block 55, La Jolla Park; thence southeasterly along the southwesterly line of said Lot 27 to the northwesterly line of Prospect Street; thence southerly to the intersection of the southeasterly line of Prospect Street with the northeasterly line of the alley in Block 37, La Jolla Park; thence southeasterly along the northeasterly line of the alley in said Block 37, and its southeasterly prolongation across Silverado Street, and along the northeasterly line of the alley in Block 31, La Jolla Park to a point distant 175 feet southeasterly from the southeasterly line of Silverado Street; thence northeasterly on a line parallel to and distant 175 feet southeasterly from the southeasterly line of Silverado Street to a point distant 140 feet northeasterly from the northeasterly line of Herschel Avenue; thence northwesterly on a line parallel to and distant 140 feet northeasterly from the northeasterly line of Herschel Avenue to a point distant 100 feet southeasterly from the southeasterly line of Wall Street; thence northeasterly on a line parallel to and distant 100 feet south-

easterly from the southeasterly line of Wall Street to the southwesterly line of Ivanhoe Avenue; thence northwesterly along the southwesterly line of Ivanhoe Avenue to the southwesterly line of Prospect Street; thence northerly to the place of beginning."

SEC 91.10 SHAFTS - SHAFT OPENINGS - SPRINKLER ALTERNATE

~~Section 10. SHAFTS~~ (a) The stairways above the first floor and all shafts, elevator shafts, basement stairways and other ducts and openings within buildings or structures in existence at the time of the adoption of this ~~ordinance~~ article and in all buildings or structures repaired subsequent to the adoption of this ~~ordinance~~ article exceeding two stories in height, other than dwellings, office building stairways and theatre auditoriums shall be enclosed and so protected as to prevent fire and smoke in any one story from communicating to any other story, attic, basement or similar area. Except as otherwise provided in this Code, all such protective enclosures mentioned in this Section shall be of not less than one-hour fire-resistive construction and when any building exceeds four stories in height, all such protective enclosures shall be of not less than one-hour fire-resistive, non-combustible construction.

(b) The requirements of this Section shall not apply to the stairways of any existing building whose owner or occupant shall have filed with the Building Inspector plans and specifications for an alternate method of protecting such building and its occupants from fire, and which plans and specifications shall produce substantially equal protection from fire as the methods required by this Section. Such owner or occupant in order to bring himself within the provisions of this Section shall immediately thereafter proceed with and complete the improvements provided for in said plans and specifications.

(c) ~~SHAFT OPENINGS~~ All openings in the above-mentioned enclosure walls shall be protected with self-closing fire-doors or self-closing fire-windows, and such doors and windows shall be kept normally closed. All self-closing devices required by this Code shall be of approved type, substantial and suitable for the purpose intended.

All shafts and similar enclosures when provided with skylights at the top shall be provided with a non-combustible skylight glazed with plain glass not exceeding one-eighths inch (1/8") in thickness. The gross area of the glass shall be equal to at least 60 per cent of the shaft area below. Immediately below such skylight there shall be a falling-glass protective screen made from No. 12 gauge wire, having a mesh not less than five-eighths inch (5/8") nor more than one and one-eighths inch (1-1/8").

(d) [redacted] In existing buildings the requirements prescribed for shafts above need not apply provided all shafts, halls, corridors, stairways, passageways, exitways and lobbies, used or accessible to the public shall be protected with an approved automatic sprinkler system.

[redacted]

SEC 91.11 FIRE-ESCAPES, STAIRWAYS, BALCONIES, LADDERS - STRENGTH REQUIREMENTS - MAINTENANCE.

[redacted] (a) All buildings in existence at the time of the adoption of this Ordinance, when more than two stories in height, when measuring on two or more sides or elevations thereof, shall be provided with at least one non-combustible fire-escape for each 8000 square feet of floor area or fractional part thereof excepting that when the building is a Type I fire-resisting building, such building shall be provided with at least one non-combustible fire-escape for each 12,000 square feet of floor area or fractional part thereof. These requirements need not apply to Type I office buildings when provided with an adequate number of approved stairways.

(b) Every fire-escape shall be located on the building in a manner which will furnish the best means of escape for the occupants and shall be located a consistent and safe escape distance from all interior stairways and landings. Access to fire-escapes must be had by means of clear and unobstructed fire-resisting passageways or hallway.

(c) All openings adjacent to and facing or opening toward any fire-escape shall be protected with one-hour fire-resisting self-closing doors or fire-windows. When a fire-escape is located within a recess or vestibule, all enclosure walls adjacent to such fire-escape shall be protected with not less than one-hour fire-resisting construction.

(d) The level of the sill of a door or window giving access to a fire-escape balcony shall be not more than twelve inches (12") above the floor of the building or fire-escape balcony, and the minimum width of such door or window-opening shall not be less than thirty-three inches (33") in the clear nor less than seventy-two inches (72") in height, and no door or window shall be of a type that will materially obstruct the fire-escape. All fastenings on any such door or window shall be of a type which can readily be opened from the interior of the building without the use of a key or other tool.

(e) [redacted] Fire-escape stairways shall be provided with a top and intermediate handrail on each side. The pitch of the stairway shall not exceed 60 degrees; no tread shall be less than six inches (6") and the rise between treads shall not exceed ten inches (10"), and no such stairway shall be less than twenty inches (20") in width. No part of such stairway shall be located within twenty inches (20") of the wall paralleling same.

(f) [redacted] Fire-escape balconies shall not be less than forty-four inches (44") in width measuring at right angles to the building and no floor opening therein, except the stairway opening, shall be greater than five-eighths inch (5/8") in width. The stairway openings in such balcony shall be not less than 22" x 44". The balustrade of each balcony shall be not less than thirty-five inches (35") high and there shall be no more than eight inches (8") between the balusters.

(g) [redacted] All fire-escape stairways and balconies shall safely support all dead loads and a live load of 100 pounds per square foot. Fire-escape ladders shall be

designed to withstand a horizontal pressure of 100 pounds per lineal foot; each tread shall safely support 500 pounds and all stair and balcony railings shall safely support a horizontal pressure of 70 pounds per lineal foot of railing.

(h) No fire escape shall take the place of the regular required and necessary stairways required by this Code.

(i) [redacted] Every fire escape shall at all times be maintained in good order and repair, be well painted, be kept clear and unobstructed and be readily accessible.

(j) All existing fire escapes and the arrangement and construction incident thereto which substantially comply with the spirit and intent of this Code need not be altered.

(k) [redacted] An approved goose-neck ladder shall be provided between top landing and roof. Openings for same through cornices and similar projections must be at least 30 x 33 inches.

The lowest balcony of a fire escape shall not be more than 22 feet from the ground, and all such balconies shall be provided with a ladder to within 7 feet of the ground or shall be provided with an approved hydraulic or equivalent drop ladder which will extend to the ground on release.

All ladders and drop ladders described in this section shall be at least 15 inches wide, shall be located within 12 inches of the building and shall be placed flatwise relative to the face of the building. The ladder rungs shall be 3/4 of an inch in diameter and shall be located 12 inches on center.

SEC 91.12 [redacted] EXIT AND FIRE ESCAPE SIGNS: In all buildings in existence at the time of the adoption of this [redacted] article, all exit and fire escape signs shall: (a) Except as otherwise specified herein, said exits must be provided with EXIT signs conspicuously located above the exit opening. All openings giving direct access to the fire escape shall be provided with FIRE ESCAPE signs conspicuously located above such opening.

(b) No FIRE ESCAPE sign shall be substituted for an EXIT sign which is to designate the location of an exit and no EXIT sign shall be substituted for a FIRE ESCAPE sign which is to designate the location of a fire escape.

(c) In hallways, exit ways and other locations where the EXIT and/or the FIRE ESCAPE signs are not always visible or not easily seen, electric illuminated directional signs pointing and directing passage to the EXITS and/or FIRE ESCAPES shall also be provided.

All directional signs shall be similar with conspicuous green-illuminated lettering therein at least three and one-half (3 1/2) inches in height.

SEC 91.13 ~~WOODWORK~~ WALLCOVERING: In all buildings in existence at the time of the adoption of this ~~ordinance~~ article, except as otherwise specified in this Section, all acoustical, sound-deadening materials, and plasters, when used or applied in any public building, hotel or place of assembly, shall be non-combustible.

Combustible acoustical sound-deadening and similar materials may be placed on the ceiling only, when secured directly against a continuous plastered concrete or equivalent non-combustible surface in public buildings and hotels, provided such ceiling be located 10 or more feet above the floor, excepting, however, that no such combustible acoustical sound-deadening and similar material shall be used in any theatre, moving-picture theatre, dance hall or place of assembly.

~~Section 14. TENT STRUCTURES: (a) When recommended by the City Manager and approved by the City Council, temporary tents or similar temporary structures for legitimate church purposes, also for circuses, carnivals, carousels, and similar amusements and accessories thereto, will be permitted for a limited, specified time not exceeding fifteen (15) days on certain defined premises, approved by the Planning Commission. Provided, however, that no permit shall be approved for any of such tent cloth or canvas structures, unless the canvas or duck or other~~

SEC 91.14 [redacted] TENT STRUCTURES: (a) When recommended by the City Manager and approved by the City Council, temporary tents or similar temporary structures for legitimate church purposes, also for circuses, carnivals, carousels, and similar amusements and accessories thereto, will be permitted for a limited, specified time not exceeding fifteen (15) days on certain defined premises, approved by the Planning Commission. Provided, however, that no permit shall be approved for any of such tent cloth or canvas structures, unless the canvas or duck or other material used shall have been impregnated with a fire-resisting compound of such quality and fire-resistant characteristics as will meet with the approval of the City Fire Department.

"(b) Emergency lanes, of adequate width and directness, shall be maintained to all parts of the premises occupied by any tent or tents permitted by this section, for use by Fire, Police or other emergency equipment.

"(c) No portion of any tent open to the public shall be used for storage or workshop purposes or as dressing rooms. This provision specifically includes areas under bleachers, grandstand, or similar seating areas."

Provided, however, that the requirements of this sub-section shall not apply to dressing rooms, when used as dressing rooms only, underneath all-steel non-combustible seating and dressing room trailers, when approved by the Chief of the Fire Department.

"(d) All exits in tents open to the public shall be equipped with sliding curtains or left entirely open and clear of any obstruction. Sliding curtains shall not be tied or fastened or otherwise secured or arranged in such a manner as to prevent their immediate use in the event of an emergency.

"(e) The permittee at the termination of occupancy, shall clean and police the ground of all papers, trash and other waste matter, to the satisfaction of The City of San Diego. A deposit in the sum of Five Hundred Dollars ($500.00) either in the form of cash, cashier's check or certified check shall be made with the City Treasurer to guarantee the required cleaning and policing of the premises. If it becomes necessary for The City of San Diego to perform any or all of such work, the cost therefor shall be deducted from the deposit, and the balance, if any, returned to the permittee; otherwise, the full sum of said deposit shall be refunded. The foregoing deposit may be waived by the Council of The City of San Diego upon petition for such waiver and good cause appearing therefor.

SEC 91.15 [redacted] WRECKING OF STRUCTURES: No person except a licensed house mover or licensed house wrecker shall wreck or

demolish any building except as hereinafter provided. Any owner may wreck or demolish his own building, provided he owns or leases the land or lot upon which his own building stands.

Before any building or part thereof can be wrecked or demolished, a permit shall be obtained. The same regulations shall apply to the use of streets and public property as required in the case of new buildings. Dry or dusty materials and debris must be wet down to lay the dust. Any person wrecking a building must make good all damages caused by the wrecking of any such building or structure.

The fee for a wrecking permit shall be based on the area of the building to be wrecked and shall be $5.00 for all buildings 500 square feet in area to 1000 square feet in area, $10.00 from 1001 square feet to 5000 square feet in area, and $20.00 for all buildings exceeding 5000 square feet in area. No wrecking permit will be required for buildings less than 500 square feet in area.

SEC 91.16 [redacted] CLOTH CANOPY SHELTERS. When the duck or canvas is effectively flameproofed as required and approved by the San Diego Fire Department, the following temporary shelter will be permitted provided the following specifications be followed:

1. The gross over-all area shall not exceed 500 square feet and there be only one such shelter located on any given area, lot, premise or property.
2. All such flameproofed duck or canvas shall be supported and held in place by a suitable all-steel frame designed structurally safe for the purpose.
3. There shall be no cloth or combustible side or enclosure walls, excepting that a roll-up type, flameproofed duck or canvas curtain may be used for two sides only.
4. No side or end shall be enclosed or partially closed with wood fencing, counters, shelving, boarding or other material and no such shelter

shall be used for living or sleeping purposes.

5. All such shelters shall be kept in good repair, substantial and neat in appearance.

6. No such shelter shall be placed on or above any building unless such building be of Type 1 or Type 2 construction as defined in this Code.

Sec 91.17 SEATS: All seats in places of assembly shall be thoroughly and effectively fixed and secured to the floor excepting that this provision need not apply in places of assembly seating less than 500 persons, other than theatres and motion picture theatres; provided however, in places of assembly seating 500 or more persons, seats must be fastened and arranged so as to prevent accidental tipping and displacement, or loose chairs and tables may be permitted in enclosed or protected areas not exceeding one thousand (1000) square feet each; such enclosed and protected areas shall be in the form of booths, or fences, railings, or equivalent arranged and constructed so as to prevent any chair or table from being displaced or shoved outside or beneath the railings or enclosure in a manner which would block or encroach upon any required or necessary passageway or aisle. Where the shape and arrangement of the room or area makes it impractical or impossible to fully carry out the above provisions, approved equivalent safety measures and arrangement may be substituted when so approved by the Fire and Building Inspection Departments.

~~Section 18. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.~~

ARTICLE - 2

ELECTRICAL CODE

DIVISION - 1

DEFINITIONS

SEC. 92.0101 Definitions

"Department" shall mean the Inspection Department of The City of San Diego, California.

"Board" shall mean Board of Electrical Examiners and Appeals.

"Chief Inspector" shall mean the Head of the Inspection Department of said City.

"City Electrical Inspector" shall mean the Head of the Electrical Section of the Inspection Department and shall be under the supervision and control of the Chief Inspector.

"Electrical Inspector" shall mean any electrical inspector in the Inspection Department of said City.

"Master Electrician" shall mean a licensed Class "A" , Class "B," Class "C," or Class "D" Master Electrician unless otherwise designated.

"Approved" shall mean acceptable to the authority enforcing this Code.

"Dwelling" means any structure, or any portion of a structure, other than an apartment house or hotel, containing one or more apartments or guest rooms.

"Apartment house" means any structure more than one story in height, or any portion of any such structure occupied, or designed, built, or rented for occupation, as a home by three or more families, each living in separate apartment and cooking

within the structure.

"Hotel" means any structure, or any portion of a structure, including any lodging house, rooming house, dormitory, turkish bath, bachelor hotel, studio hotel, public club, or private club, containing six or more guest rooms and which is occupied, or is intended or designed for occupation by six or more guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other building in which human beings are housed and detained under legal restraint.

DIVISION - 2

ADMINISTRATION AND AUTHORITY

SEC. 92.0201 AUTHORITY GRANTED TO CITY ELECTRICAL INSPECTOR

(a) The City Electrical Inspector shall have the right during reasonable hours or at any time when an extreme danger exists to enter any building in the discharge of his official duties or for the purpose of making an inspection, re-inspection, or test of the installation of electrical wiring, devices, appliances and equipment contained therein. The City Electrical Inspector shall have the authority to cut or disconnect any wire in cases of emergency where necessary for safety to life or property or where such wire may interfere with the work of the Fire Department. Said City Electrical Inspector is hereby authorized to disconnect or order discontinuance of electrical service to any electrical wiring, devices, appliances, or equipment found to be dangerous to life or property because they are defective or defectively installed.

(b) The City Electrical Inspector may delegate any of his powers or duties to any electrical inspector.

SEC. 92.0202 ENFORCEMENT

The City Electrical Inspector is hereby authorized and empowered to enforce this Article, and he shall interpret the meaning and terms of the various provisions in both the State Electrical Safety Orders and the National Electrical Code and such interpretation shall be controlling.

SEC. ~~92.02.03~~ 92.0203 PUBLIC BUILDINGS

It shall be the duty of the City Electrical Inspector

to inspect periodically the electrical conductors, apparatus, and equipment in use in all public buildings, theaters, and motion picture houses located within the city limits of The City of San Diego. The City Electrical Inspector will issue an approval notice to the owner of said public building, theater or motion picture house providing that in his judgment the electrical apparatus and equipment is in a safe operating condition. No theater or motion picture house shall be allowed to operate without said approval notice.

SEC. ~~92.02.01~~ 92.0204 APPEALS

An appeal may be made to the Board of Electrical Examiners and Appeals involving the interpretation of the intent and purpose of any provisions of this Article.

A deposit of ten dollars ($10.00) shall be required to be made prior to or at the filing of the written appeal, if the ruling of said Board is favorable to the petitioner, the deposit shall be returned. If, otherwise, the deposit shall be retained by said City. The ruling of said Board shall be final.

SEC. ~~92.02.05~~ 92.0205 BOARD OF ELECTRICAL EXAMINERS AND APPEALS

(a) The Board of Electrical Examiners and Appeals is hereby created which shall consist of eight (8) members in addition to the City Electrical Inspector, a representative of the Fire Department, and the City Attorney or his Deputy. The eight members first mentioned shall serve without pay and shall be appointed by the City Manager. Four (4) of the appointees shall serve for a period of three years and four (4)

shall serve for a period of two years. Two (2) of the eight Board members shall be licensed electrical contractors, two (2) shall be licensed journeyman electricians, two (2) shall be licensed motion picture projectionists, and two (2) shall be licensed stage electricians. Each appointee to be elegible shall have had not less than five (5) years practical experience in the City of San Diego. Any three members shall constitute a quorum for examination purposes, and a majority shall be required for all other business. The City Electrical Inspector and the representative of the Fire Department shall attend all meetings.

(b) The Chief Inspector may sit in and advise at any board meeting. Vacancies caused by resignation or otherwise shall be filled by new appointments by the Manager forthwith. Any member of said board may be removed by the Manager for just cause.

92.02.06

SEC. 92.02.06 AUTHORITATIVE REFERENCE LAWS

(a) All electrical work and installations which come within the provisions of this Article shall be constructed, installed, wired and maintained in conformity with all of the requirements of this Article, with all applicable requirements of the California State Industrial Accident Commission's Electrical Safety Orders, with all applicable requirements of the General Orders of the Public Utilities Commission of the State of California, with all applicable rules and regulations in the 1947 edition of the National Electrical Code of the National Board of Fire Underwriters, and with the

1930 edition of the Regulations of the Board of Fire Underwriters of the Pacific for Electrical Equipment and Wiring of Theaters and Motion Picture Establishments. All of which are hereby adopted as part of this Article and shall be enforced as follows: The provisions of this Article shall take precedence and be enforced accordingly. Anything pertaining to electrical installation not fully or consistently covered or regulated therein shall be governed and regulated in conformity with the rules and regulations stipulated in the 1947 edition, as amended by Section ~~27~~ 92.0207, of said National Electrical Code and the 1930 edition of the Regulations of the Board of Fire Underwriters of the Pacific ~~as amended by Section 92.02.07~~. Excepting that no part of this Article, or the National Electrical Code, or the Regulations of the Board of Fire Underwriters of the Pacific shall be deemed to modify or abate any of the provisions in aforesaid State Electrical Safety Orders or General Orders of the Public Utilities Commission of the State of California.

(b) Reference copies of the State Electrical Safety Orders, the General Orders of the Public Utilities Commission of the State of California, the 1947 edition of the National Electrical Code and the 1930 edition of the Regulations of the Board of Fire Underwirters of the Pacific shall be on file in the office of the City Clerk as well as in the office of the City Inspection Department.

SEC. ~~92.02.0~~ 92.0207 AMENDMENTS TO NATIONAL ELECTRICAL CODE

The 1947 edition of the National Electrical Code as

approved by the American Standards Association on October 4, 1946, is hereby amended as follows:

(a) Article 320 pp 89-92 Open Wiring on Insulators is hereby deleted from said National Electrical Code.

(b) Article 4173 p 137 Marking is hereby amended to read as follows:

"4173 Marking. All fixtures requiring ballasts or transformers shall be plainly marked with their electrical rating and the manufacturer's name, trade-mark or other suitable means of identification. The electrical rating shall include the voltage and frequency, and shall indivate the current rating of the unit including the ballast, transformer or auto-transformer. Fixtures shall have a power factor of not less than 0.90."

(c) Article 5251 p 222 Arc Lamps is hereby amended to read as follows:

"5251 Arc Lamps. Arc-lamp frames and standards shall be so installed and guarded as to prevent their becoming grounded. A Class D Master Electrician Specialist shall be employed for each lamp, or for each two lamps not more than 10 feet apart and so placed that one operator can properly watch and care for both. This regulation shall apply to arc lamps when used on stages, projection rooms, private property or public property for advertising, theatrical, or display purposes.

A licensed journeyman electrician shall be employed for each generator used for supplying electrical energy to

said arc lamps.

(d) Article 6007 pp 233-234 Marking is hereby amended to read as follows:

"6007 Marking. All signs shall be marked with the maker's name, and for incandescent-lamp signs with the number of lampholders, and for electric discharge signs with input rating in amperes or volt-amperes. Transformers shall be marked with the maker's name, and transformers for electric discharge signs shall be marked with the input rating in amperes or volt-amperes, the input voltage and the open-circuit hightension voltage. The marking of the sign shall be visible for inspection after installation. Electric discharge signs, including outline lighting, shall have a power factor of not less than 0.90.

SEC. 92.0208 PUBLISHING ARTICLE

(a) All installations shall be in strict conformity with the provisions of this Article and shall be in conformity with approved standards of construction for safety to life and property. A copy of said Article shall be kept on file and open to inspection in the office of the City Inspection Department.

SEC. ~~92.02.09~~ 92.0209 SUSPENSION OR REVOCATION OF LICENSES

The Board of Electrical Examiners and Appeals shall have the power and authority to suspend or revoke any license for such period as it may deem advisable for the following reasons:

(a) If a license was obtained by fraud or misrepresentation.

(b) If any reason exists which would have been cause

for denial of such license.

(c) For negligence or wilfully violating the provisions of any of the Ordinances of the City of San Diego, or the laws of the State of California pertaining to electrical construction, or for refusal to correct such violation.

(d) For repeated violation of the electrical Sections of this Code.

(e) For permitting any other person to use such license or perform any act or work of a kind authorized by such license for the purpose of avoiding compliance of any provisions of this Article.

(f) For countersigning an application for an electrical permit by a Master Electrician for any electrical construction not actually done or to be done under his supervision.

(g) The Master Electrician's license may be suspended for a period of thirty (30) days for repeated failure to secure a permit to do work before the electrical construction is started, for repeated failure to request inspection of completed work, or for failure to correct improper installations within 10 days after being notified by the Inspection Department.

SEC. 92.0210 ~~92.02.10~~ PUBLIC HEARING

Before any license is suspended or revoked the Board of Electrical Examiners and Appeals shall hold a hearing and give the holder of said certificate a fair and reasonable opportunity to present reasons and evidence against

the proposed suspension or revocation. The holder of such license shall be notified of the place and date of the hearing at least five (5) days before said hearing. If after careful consideration of all the facts of the case, the Board of Electrical Examiners and Appeals find just cause for revoking or suspending such license, it shall so order and such order shall take effect immediately thereafter.

SEC. 92.0211 ~~92.02.11~~ RE-EXAMINATION

If a license competency is revoked, a period of at least six (6) months time must elapse before the license holder may again apply to the Board for re-examination.

DIVISION - 3

TRADE LICENSES

92.0301

SEC. ~~92.0301~~ LICENSE

(a)It shall be unlawful for any person to practice the trade of an electrician in The City of San Diego without first having obtained a license.

(b) There shall be seven (7) classes of licensed electricians, designated as follows:

1. A Class A Master Electrician shall be deemed to be a person who has shown through successfully passing an examination before the Board of Electrical Examiners and Appeals that he has sufficient knowledge, experience, and education to supervise electrical construction work in accordance with the provisions of this Code.

2. A Class B Master Electrician Specialist shall be deemed to be a person who has shown through successfully passing an examination before the Board of Electrical Examiners and Appeals that he has sufficient knowledge, experience, and education to supervise a special type of electrical work that is pertinent to the particular business that such person, firm, or corporation is engaged in, such as the installation of: (1) commercial refrigerating equipment; (2)elevator motors and controls; (3) Electric signs; (4) Fixtures; (5) heating and ventilating equipment.

3. A Class C Master Electrician Specialist shall be deemed to be a person who has shown through successfully

passing an examination before the Board of Electrical Examiners and Appeals that he has sufficient knowledge, experience, and education to properly maintain and make extensions to existing electrical installations. Permits shall be issued only to Class C Master Electricians who are bona fide, full-time employees of a person, firm, or corporation owning the property upon which the electrical installation is to be maintained or the extension made.

4. A Class D Master Electrician Specialist shall be deemed to be a person who has shown through successfully passing an examination before the Board of Electrical Examiners and Appeals that he has sufficient knowledge, experience and education to be in charge of motion picture projection machines and equipment, and/or stage electrical equipment. This license does not permit the licensee to install, alter, repair or make additions to electrical installations except those contained in the motion picture or stage equipment.

5. A Journeyman Electrician shall be deemed to be any person who has shown through successfully passing an examination before the Board of Electrical Examiners and Appeals that he has sufficient knowledge, experience and education to be employed to do electrical work for and under the supervision of a licensed Master Electrician Class A, B, or C.

6. An Apprentice Electrician shall be deemed to be any other than a Journeyman Electrician who does

electrical construction work for pay or wages, and who may work only under the immediate supervision of a Journeyman Electrician, and on the same premises of said Journeyman Electrician.

7. An Owner, may upon passing a satisfactory electrician's examination, designated an Owner's Examination, install electrical wiring and fixtures upon his own home provided such home owner files an affidavit at the time he applies for an electrical permit, stating that no electrical permit has been issued to him to do work at any other address during the two years immediately preceeding such application and provided further that all work is performed only by such home owner and complies with the electrical standards of The City of San Diego and is inspected and approved by the Electrical Inspector.

a. The work thus authorized shall be limited to single family ~~dwellings~~ dwellings. No permit shall be issued for work to be done on additions to existing dwellings where the addition is such as to change the character of said dwelling from a single family to a multiple family type or mixed occupancy type building.

SEC. 92.0302 CLASS A, B, C, AND D MASTER ELECTRICIANS

(a) A Master Electrician shall be the owner, proprietor, full-time employee or corporate officer, and shall in all cases be the person who is directly responsible for the principal and mechanical manner in which electrical materials, equipment and devices are placed or installed.

(b) A Master Electrician shall countersign all applications for electrical permits and supervise electrical work authorized by such permits. It shall be unlawful for any Master Electrician to permit his name to be used, or to permit himself knowingly to be held out as an officer

or full time employee of any person, firm, or corporation holding an electrical contractor's license unless he is in fact such officer or employee and does supervise the doing or installation of electrical work performed by such electrical licensee.

(c) It shall be unlawful for any Master Electrician to countersign permit applications for more than one person, firm or corporation.

(d) No person, firm, or corporation shall engage in, or carry on the business of electrical contracting, or install, alter, or repair any electrical wiring for which a permit is required without first registering in the City Inspection Department the name of the Master Electrician who is directly responsible for the manner in which the electrical installation is made.

(e) Whenever a Master Electrician shall leave or be discharged from the employ of any person, firm, or corporation holding an electrical contractor's license, notice in writing thereof shall be given within five (5) days by his employer and the employee, to the City Inspection Department and all electrical construction work being carried on by such employer shall, without further order or action, stand suspended until such employer re-employs the same or another Master Electrician and notice in writing has been given by the employer to the City Inspection Department, countersigned by such re-employed or other Master Electrician or until the employer has qualified

as a Master Electrician.

(f) The license card for a Class B, C, or D Master Electrician Specialist shall designate the specialty work authorized by the license.

SEC. ~~92.03.03~~ 92.0303 EXAMINATIONS

(a) The Board of Electrical Examiners and Appeals shall meet and conduct examinations on the first Wednesday of each month for the purpose of testing the competency of applicants for Electrician's license, and Owners desiring to do electrical work on their own dwelling.

(b) Applications for examination must be filed in the office of the City Inspection Department in advance.

(c) Every applicant passing such examination to the satisfaction of the Board of Electrical Examiners and Appeals shall be issued an electrician's license in accordance with his application.

No Electrician's license shall be assignable or transferable.

(d) No temporary license shall be issued to an applicant for a Master Electrician's license.

(e) The Board of Electrical Examiners and Appeals may issue temporary licenses for Journeymen Electricians, who have not yet been examined, but such temporary licenses shall be valid for a period not longer than sixty (60) days from the date of issuance.

(f) No examination is required for an apprentice electrician.

(g) If an applicant is unable to appear for an examination, he may upon notice filed with the City Electrical Inspector at least one (1) day in advance of the examination date submit to the examination on the next succeeding date held. However, if he fails to appear at that time, he shall forfeit the examination fee.

(h) No person shall receive a Master Electrician's license who has not attained the age of twenty-one (21) years.

(i) Any electrician or owner, who fails to pass successfully the examination, will not be permitted to submit to another examination of the same classification until the second succeeding examination, and he shall be required to pay the regular fee for re-examination.

SEC. 92.0304 EXAMINATION AND LICENSE FEES

(a) The fee for examination for a Master Electrician shall be ten ($10.00) dollars payable upon filing application.

(b) The fee for a Class A Master Electrician's license shall be ten ($10.00) dollars.

(c) The fee for a Class B, C or D Master Electrician's license shall be five ($5.00) dollars.

(d) The fee for examination for a Journeyman Electrician shall be five ($5.00) dollars payable upon filing application.

(e) The fee for a Journeyman Electrician's license shall be two ($2.00) dollars.

(f) The fee for an apprentice or helper electrician's license shall be one ($1.00) dollar.

(g) The fee for an Owner's Examination shall be two ($2.00) dollars payable upon filing application.

SEC. 92.0305 ~~92.03.05~~ LICENSE RENEWALS

(a) All certificates issued by the Board of Electrical Examiners and Appeals shall expire on the last day of June of each year.

(b) Every electrician holding a license may during the month of June of each year make application either by mail or in person at the office of the Inspection Department for a renewal of such license for an additional year.

(c) If satisfied that the holder of such license is competent to do electrical work, the Board of Electrical Examiners and Appeals shall grant a renewal of such certificate for an additional year without an examination.

(d) It shall be unlawful for an electrician, who has failed to make application for renewal of a license before July first of any year, to do any electrical work in said city without passing another examination, and paying the full fee as herein provided.

DIVISION - 4

PERMITS AND FEES

SEC. 92.0401 PERMITS

(a) No electrical wiring, devices, appliances, or equipment shall be installed within or on any building structure or premise, nor shall any alteration or addition be made to any such existing wiring, devices, appliances, or equipment without first securing a permit therefor from the City Electrical Inspector, except as stated in the following paragraph. Such permit shall only be issued to persons, firms, or corporations having a Master Electrician to do or supervise such work, and to home owners under conditions set forth in Section 92.0301.

1. No permit shall be required for maintenance repair work, the replacement of lamps or the connection of portable appliances to suitable receptacles which have been permanently installed. Permits shall be required for installation of commercial refrigerating equipment, elevator motors and controls, heating and ventilating equipment, and electrically operated or illuminated signs.

2. No permit shall be required for the installation, alteration, or repair of wiring, devices, appliances or equipment for the operation of signals or the transmission of intelligence where such wiring, devices, appliances, or equipment operate at a voltage not exceeding

twenty-five (25) between conductors and do not include generating or transforming equipment capable of supplying more than fifty (50) watts of energy.

3. No permit shall be required for the installation, alteration, or repair of electrical wiring, devices, appliances, and equipment installed by or for an electrical public service corporation in the generation, transmission, distribution or metering of electrical energy, or for the use of such a corporation in the operation of signals or the transmission of intelligence.

4. No permit shall be required for the installation of temporary wiring for testing electrical apparatus or equipment.

SEC. 92.0402 APPLICATION FOR PERMIT

(a) Application for such permit describing the work to be done shall be made in writing to the City Electrical Inspector by the person, firm, or corporation installing the work. The application shall be accompanied by such plans, specifications, and schedules as may be necessary to determine whether the installation as described will be in conformity with the requirements of this Article. If it shall be found that the installations as described will in general conform with the requirements of this Article, and if the applicant has complied with all provisions of this Article a permit for such installation shall be issued, provided, however, that the issuance of the permit shall not be taken as permission to violate any of the requirements of this Article.

(b) The permit when issued shall be for such installation as is described in the application, and no deviation shall be made from the installation so described without the written a proval of the City Electrical Inspector.

(c) The requirements of this Article are hereby specifically declared to govern and control the installation, alteration, or repair of any electrical wiring, devices, appliances, or equipment operating at more than 25 volts or 50 watts in or on any buildings or structures within the City of San Diego.

(d) Should any person, firm, or corporation place or install or cause to be placed or installed, any electrical conductors, dynamos, motors, or other electrical apparatus or material, and fail to apply for a permit on the same day or before the work is started (Sunday and holidays excepted) then such permit shall be issued only upon payment of double the regular prescribed fee for said installation under this Article.

(e) Independent permits for each building shall be necessary for the installation of electrical conductors for electric light, heat, and power and for the installation of electrical lighting fixtures, apparatus or equipment.

SEC. 92.0403 ~~92.01.03~~ FEES

(a) The fees prescribed in this Article must be paid to the City of San Diego for each electrical installation for which a permit is required by this Section and must be paid before any such permit is issued, except as hereinafter

provided. The minimum fee shall be one dollar and fifty cents($1.50).

(b) ~~Whenever~~ whenever it shall be necessary to make an extra inspection trip due to the applicant for any permit giving an incorrect address or wrong location in obtaining a permit required by this Article, a fee of one dollar ($1.00) shall be paid for correcting the address or location given in such permit.

(c) The fee for any electric inspection for which a permit is required, but for which no fee is herein provided, shall be two dollars and fifty cents ($2.50) per hour of inspection required.

(d) Whenever it shall be necessary to make an extra inspection trip in addition to those made pursuant to the permit, due to faulty or defective installation and additional fee in the sum of two dollars ($2.00) as a re-inspection fee may be charged for each such additional inspection.

(e) Fees For Outlets, Fixtures, and Lamp Holding Devices

1. The fees for outlets, fixtures, and/or lamp holding devices shall be as follows:

Number of Outlets and/or Lamp Holding Devices:

1 to 10 inclusive $1.50

For each additional 5 or fraction thereof up to 200 inclusive 50

For each additional 10 or fraction thereof from 201 to 500 inclusive 80

For each additional 10 or fraction thereof over 500 50

Each five feet or fraction thereof of multi-outlet assemblies for lighting and similar installations shall be considered equivalent to out outlet. The fees for fixtures shall be based on the number of lamp holding devices in said fixtures.

(2) Outlet boxes for two (2) or more switches or receptacles shall be considered one (1) outlet.

(3) No fee shall be required for any switch outlet on a switchboard, panelboard, or control panel.

(4) No fee shall be required for any outlet whenever any other section of this Article so provides.

(5) A stage border light, footlight or strip light or metal trough, raceway or conduit with sockets or receptacles attached used for lighting a show window or show case or for a similar purpose shall be considered a lighting fixture.

(6) For the installation of wiring and sockets or lamp holding devices for outline or decorative lighting and lighting where ten (10) or more sockets or lamp holding devices are installed in one group and not over twenty-four (24) inches apart, the fee to cover both wiring and sockets shall be twenty-five ($0.25) cents for each ten (10) sockets or lamp holding devices.

(f) Fees For Temporary or Yard Lighting

1. The fees for lamp holding devices for temporary lighting for construction purposes, or for yard lighting, shall be as follows:

Number of Lamp Holding Devices:	Fee
1 to 50 inclusive	$1.50

51 to 100 inclusive 3.00

101 to 500 inclusive 6.00

Each additional 500 or fraction thereof, add 5.00

2. No fee shall be required for any outlet for such lighting, nor for any lighting fixture, except as provided in this Section.

3. For any temporary or yard wiring, other than lighting, the fee therefor shall be that required in other sections of this Article.

(g) Fees for Gas Tube Lighting Signs and Marquees

1. The fees for gas tube lighting, signs, or marquees shall be as follows:

For not to exceed one (1) sign including two (2) transformers and/or sign flashers $1.50

For each additional transformer and/or sign flasher therefor ..... .25

For each additional sign ..... .50

For each sign requiring inspection before erection 2.50

For gas tube lighting including two (2) transformers and/or sign flashers (one or more systems) 1.50

For each marquee (including signs thereon) 2.00

1 to 10 lamp holders for each sign or marquee ..... .25

11 to 25 lamp holders for each sign or marquee ..... .50

26 to 50 lamp holders for each sign or marquee 1.00

51 to 100 lamp holders for each sign or marquee 2.00

101 to 200 lamp holders for each sign or marquee 3.00

Over 200 lamp holders for each sign or marquee $5.00

SP (h) Fees for ~~Motors~~ Motors, Generators, Etc.

1. Fees for each item of equipment such as generators, rectifiers, motors, transformers or other similar equipment including constolling and distributing apparatus shall be in accordance with the following table:

Horsepower K.W. or K.V.A. Rating	First or Largest Equipment	Additional Equipment
1/3 or less	$ .25	$ .25
Over 1/3 and not over 1	.50	.50
Over 1 and not over 5	.75	.75
Over 5 and not over 10	2.00	1.00
Over 10	3.00	1.50

Plus 5¢ for each additional H.P., K.W. or K.V.A. over 10.

2. Fees for busways, trolley ducts and similar equipment shall be based on the following schedule;

$ .25 for each 20 foot section or major fraction thereof for busway or trolley duct operating at a mixiumum of 120-240 volts single phase.

$ .50 for each 20 foot section or major fraction thereof for busway or trolley duct operating at a maximum of 240 volts 3 phase.

$1.00 for each 20 foot section or major fraction thereof for busway or trolley duct operating at a maximum of 600 volts 3 phase.

3. No fee shall be required for moving any temporary construction motor from one place to another on the same site during the time of actual construction work, after

a permit has once been obtained for such motor and the fee required for thereof has been paid.

4. No fee shall be required for any motor which is a part of any appliance provided the required fee is paid for such appliance.

5. No fee shall be required for any outlet for any such equipment provided the required fee is paid for such equipment.

(i) Heating Equipment Outlets

For heating equipment outlets Not Grouped On a Branch Circut, including ranges, welding outfits, furnaces and the like and their connections the following fees shall be paid:

K.W. or K.V.A. Rating	Fee
Not more than 2	$ .50
Not more than 5	.75
Not more than 10	1.00
Over 10	1.00

Plus 5¢ for each additional K.W. or K.V.A. or over 10.

(j) Service Permits

The fee for electrical utility connection shall be twenty-five cents ($ .25) for each such.

SEC. 92.0404 ~~92.04.04~~ FEES FOR SERVICE INSTALLATION

For the installation of each set of service entrance conductors:

Required Set of Service Entrance Conductors	Fee
Not larger than No. 1	$1.00

Not larger than 200,000 Circular Mills	$1.50
Not larger than 500,000 Circular Mills	2.00
Larger than 500,000 Circular Mills	3.00

DIVISION - 5

GENERAL RULES AND REGULATIONS

SEC. 92.0501 (a) All installations, which come within the provisions of this Article shall be in conformity with the provisions of this Article or with approved standards of safety to life and property, which ordinance shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling, or installing any electrical wiring, electrical devices, or electrical materials for damage to personal property caused by any defects therein nor shall the City be held as assuming any such liability by reason of the inspection authorized herein or certificate of inspection issued as herein provided.

(b) The City Electrical Inspector shall require the installation of nontamperable type over-current devices on existing circuits which are protected with plug fuses wherever the actual connected load on the circuit exceeds the maximum ampere rating of the circuit or wherever there exists evidence of wilful over-fusing or fuse tampering. The rating of all fuses shall be posted in the fuse box in a conspicuous manner.

(c) It is unlawful for any person, firm, or corporation to do or to cause or permit to be done any electrical wiring as defined in this Article in such a manner that the same shall not conform to all of the provisions of this Article.

DIVISION - 6

INSPECTION AND APPROVAL

SEC. 92.0601 INSPECTION OF INSTALLATIONS

(a) Upon the completion of the work which has been authorized by issuance of any permit, it shall be the duty of the person, firm, or corporation installing the same to notify the City Electrical Inspector within 24 hours who shall inspect installations within forty-eight (48) hours exclusive of Saturdays, Sundays, or holidays of the time such notice is given or as soon thereafter as is practicable.

(b) Where the City Electrical Inspector finds installations to be in conformity with the provisions of this Code, he shall authorize the use of the installation and connection to the source of supply and shall send notice of such authorization to the electrical utility furnishing the electrical services.

(c) If upon inspection the installation is not found to be fully in conformity with the provisions of this Code, the City Electrical Inspector shall at once notify the person, firm or corporation making the installation of any defects which have been found to exist.

(d) All defects shall be corrected within ten days after inspection and notification or within other reasonable time as permitted by the City Electrical Inspector.

(e) Unless otherwise particularly stated in this Code,

every permit issued by the City Electrical Inspector under the provisions of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ninety days from date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after thw work is commenced for a period of ninety days. Before such work can be recommenced a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit.

SEC. 92.0602 CERTIFICATE OF APPROVAL

(a) When a certificate of approval is issued authorizing the connection and use of temporary work, such certificate shall be issued to expire at a time to be stated therein or shall be revocable by the City Electrical Inspector for a cause.

(b) A preliminary certificate of approval may be issued authorizing the connection and use of specific portions of an incomplete installation, such certificate shall be revocable at the discretion of the City Electrical Inspector.

DIVISION - 7

CONCEALING WIRING

SEC. 92.0701

When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the wiring shall notify the City Electrical Inspector and such parts of the wiring installation shall not be concealed until they have been inspected and approved by the City Electrical Inspector, provided that no large installation where the concealment of parts of the wiring proceed continuously, the person, firm, or corporation installing the wiring shall give the City Electrical Inspector due notice and inspection shall be made periodically during the progress of the work. The City Electrical Inspector shall have the power to remove or require the removal of any obstruction that prevents proper inspection of any electrical equipment.

DIVISION - 8

SERVICE CONNECTIONS

SEC. 92.0801 It shall be unlawful for any person, firm or corporation to make connections to the source of electrical energy or to supply electric service to any electrical wiring, devices, appliances, or equipment for which a permit is required unless such person, firm, or corporation shall have obtained satisfactory evidence that such wiring, devices, appliances or equipment are in all respects in conformity with all applicable legal provisions.

(a) It shall be unlawful for any person, firm, or corporation to make connections from the source of electrical energy or to supply electric service to any electrical wiring, devices, appliances, or equipment which has been disconnected or ordered to be disconnected by the City Electrical Inspector or the use or which has been ordered by the City Electrical Inspector to be discontinued until a certificate of approval has been issued by him authorizing the reconnection and use of such wiring,devices, appliances, or equipment.

DIVISION - 9

MATERIALS AND METHODS

SEC. 92.0901 (a) When there are obtainable for any given purpose, materials, fittings, devices or appliances that have been examined by a properly qualified and authorized body and approved, listed and/or labeled as conforming to the standards of the Underwriters' Laboratories, the United States Bureau of Standards or other similar institution of recognized standing, then such shall be used. Such approval is always for a particular use and such approval and label does not mean that the material, etc., may be used indiscriminately, but only for the purpose for which approved. For good cause or when public interest may require, or pending approval, the City Electrical Inspector may waive, by writing in advance, the requirements of this Section but such waiver shall apply only to the one particular installation and shall not set a precedent as to further use.

(b) Old or used material shall not be used in any work without written approval obtained in advance from the City Electrical Inspector.

(c) It is unlawful to buss any fuse or to install any buss in place of a fuse.

(d) Any plumber, steam fitter, gas fitter, or other person who shall install any pipe or fixture in such a manner as to come in contact with or be nearer than five (5) inches to any electrical conductors used for light or power, shall be guilty of a misdemeanor, unless said plumber, steam

fitter, gas fitter, or other person installing said pipe or fixture, notified the City Electrical Inspector that changes are necessary to keep the electrical conductors clear of said pipes or fixtures.

(e) Plasterers shall leave all electrical outlet boxes free from plaster.

(f) All switches, dead front receptacles, plates, cut outs and the first installation of all fuses, together with wire of proper size in service switch and branch cut outs for meter connections, and all wires from service switches to outside of building, ready for connection by the Service Company, shall be installed by the person, firm or corporation to whom the permit was issued for the installation of the electrical conductors.

(g) Each store in a store building, each apartment in an apartment house or building, each flat in a flat building and each building used as a dwelling shall be so wired that each store, apartment, flat, or dwelling shall have separate meter loops and externally operated service switches. Apartment houses, motels or buildings used as hotel apartments, may be wired for a single meter.

(h) A complete schedule of circuits showing the number, kind and capacity of each outlet on each circuit shall be filed with each job of wiring before the rough inspection is called for.

(i) Conductors shall be enclosed in metal in: 1. Fire Zone No. 1; 2. Hazardous locations; 3. Public buildings, theaters, places of assembly, etc.; 4. Commercial buildings,

stores, hotels more than one story in height, apartment houses, warehouses, factories, etc.; 5. Mixed occupancies such as store and residence combined.

(j) Rooms, including closets, in all public buildings shall be supplied with adequate electrical illumination.

(k) Additional wiring shall not be attached to any wood moulding installation, or to any concealed knob and tube or open wire installation within the fire limits. Wood moulding or cleat work shall be remade to any existing installation.

(l) In new buildings all porches, bathrooms, toilets, laundries, kitchens, and private garages, all lights shall be controlled from wall switches.

DIVISION - 10

PROJECTION ROOMS AND STAGES

SEC. 92.1001 PROJECTION ROOM

All electrical apparatus and equipment in the motion picture projection room and immediately adjacent thereto in all theaters and places where motion pictures are shown shall be in charge of a Class D Master Electrician Motion Picture Projectionist, who shall be in constant attendance whenever said theater or place is open for the purpose of operation to supervise the electrical apparatus and equipment. Said Class D Master Electrician shall remain within the projection room at all times when electrical equipment therein is in use.

SEC. 92.1002 STAGE

All electrical apparatus and equipment on the stage and immediately adjacent thereto in all theaters or places of assembly using a stage or equivalent for theatrical performance and similar allied purposes incident thereto, shall be in charge of a Class D Master Stage Electrician, who shall be in constant attendance whenever said theater is open, for the purpose of operating and supervising the electrical stage equipment, stage apparatus and switchboards.

DIVISION - 11

SALE OR RENTAL OF SUBSTANDARD ELECTRICAL MATERIALS, APPLIANCES

SEC. 92.1101 SCOPE

No person, firm or corporation shall sell, offer for sale, loan, rent or dispose of by gift or premium any electrical materials, device or appliance designed or intended for attachemtn directly or indirectly to any electrical system, circuit, or electrical service for light, heat or power in The City of San Diego, unless such electrical material, device or appliance complies with the provisions of this Division.

SEC. 92.1102 RATING

All electrical materials, devices and appliances designed or intended for attachement directly or indirectly to any electrical system, circuit or electrical service for light, heat or power shall be only those which have been approved for the purpose, and the same shall bear or contain the maker's name, trademark or identification symbol, together with such rating by the manufacturer as may be necessary in order to determine the purpose and intended use; and no person, firm or corporation shall remove, alter, deface or obliterate said maker's name, trademark, identification symbol, rating schedule or mark.

SEC. 92.1103 APPROVALS

(a) All electrical materials, devices and appliances covered by and intended to be regulated by this Division shall conform with those National Standards on file in

the principal office of the United States Bureau of Standards, the American Standards Association or the Underwriter's Laboratories, Inc. Copies of such standards are on file in the office of the City Clerk and the Department of Inspection of The City of San Diego for public inspection.

(b) Listing or labeling by the Underwirters' Laboratories, Inc., shall be acceptable evidence of conformity with these required standards.

A certified test report from an independent testing laboratory (which laboratory has been approved by the Board of Examiners and Appeals of The City of San Diego) shall be acceptable evidence of conformity with these required standards, provided such report states that the tests specified in the standards have been made and that such material, device or appliance does fully conform with the required standards.

(c) Where no such standards exist for any material, device or appliance, the Chief Inspector of the Department of Inspection shall prepare a standard for such article submitted, which shall specify the tests necessary to provide the same degree of safety to life and property as is required by the National Standards for approved materials, devices or appliances.

SEC. 92.1104 SPECIAL APPROVALS

(a) The Department of Inspection may grant special approval for special and custom built sound equipment and communication systems and devices. Such equipment and

and devices shall fully conform with the National Standards applicable.

(b) The Department of Inspection may grant special approval for custom built electrical appliances provided such appliances shall fully conform with the National Standards applicable.

SEC. 92.1105 REVOCATION

Any approval, special or otherwise, shall be revoked if the electrical material, device or appliance is found to be hazardous, unsuitable for the purpose used or intended, or does not conform with the standards under which it was approved for use.

SEC. 92.1106 EXCEPTIONS

(a) The provisions of this Division shall not be deemed to apply to those electrical materials, devices or appliances intended to be used or installed under the jurisdiction of the Federal Communications Commission or the Bureau of Marine Inspection and Navigation; or to be used in the construction or repair of a vessel, or used in the repair or replacement of equipment of a vessel.

(b) The provisions of this Division shall not be deemed to apply to safe, substantial used or second-hand devices or appliances, provided that all parts or equipment used in rebuilding or reconstruction shall conform in all particulars with the National Standards for such article; and provided further that such articles when offered for sale, shall have the same degree of safety to

life and property as would be required in a new article of the same type.

(c) The provisions of this Division shall not be deemed to apply to electrical materials, devices and appliances which are safe and suitable for the purpose used or intended, provided such materials, devices and appliances are already fully covered and regulated by existing laws and ordinances now in effect.

(d) The provisions of this Division shall not be deemed to apply to vehicles or motor vehicle equipment.

(e) The privisions of this Division shall not be deemed to apply to electrical materials, devices or appliances designed or intended for attachment, directly or indirectly to any electrical system, circuit or electrical service for light, heat or power operating at not more than 25 volts and not more than 50 watts.

SEC. 92.1107 ENFORCEMENT

The Department of Inspection of The City of San Diego is hereby directed to enforce the provisions of this Division. The Chief Inspector shall interpret and determine the meaning and intent of the provisions of this Division. The Chief Inspector may delegate any of his powers to any inspector of the Inspection Department.

The Chief Inspector, or his authorized representative, may enter any building or premises at reasonable times for the purpose of inspection or enforcement under this Division upon presentation of the proper credentials.

SEC. 92.1108 APPEALS

Any person whose application for approval has been

rejected by the Inspection Department, or who may consider that the provisions of this Division do not or should not cover the electrical material, device or appliance in question, may appeal to the Board of Examiners and Appeals by serving written notice to the Inspection Department, in which notice it shall be stated that the appellant will guarantee payment of all expenses, if any, for the necessary tests, if required or ordered by the Board of Examiners and Appeals. Such written notice shall be transmitted to the Board forthwith, in which case the Board shall arrange for a hearing, and such written notice shall be accompanied with the sum of Ten Dollars ($10.00) payable to the City. If the appeal is denied, such fee shall be retained by the City; otherwise, the fee will be returned to the appellant.

SEC. 92.1109 LIABILITY FOR DAMAGES

This Division shall not be construed to relieve or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical materials, devices or appliances for damages to persons or property caused by any defect therein, nor shall The City of San Diego, or any member of the Department of Inspection or of the Board of Examiners and Appeals be held as assuming any such liability by reason of the approval of any material, device, appliance or equipment authorized under this Division.

ARTICLE - 3

PLUMBING CODE

DIVISION - 1

DEFINITIONS

SEC. 93.0101 Whenever the term"~~Public Health Commission~~ Board of Health"appears in this Article the ~~Board of Health~~ Public Health Commission of The City of San Diego, California, is intended.

Whenever the term"Public Health Commission"is mentioned in this Article the Department of Public Health of the City of San Diego is intended.

Whenever the term"Plumbing Inspector"appears in this Article the Plumbing Inspector in the employ of the Department of Public Health of The City of San Diego is intended.

"Assistant Plumbing Inspector" is the person or persons who shall assist the Plumbing Inspector in the discharge of his duties.

"Plumbing" includes all drainage and vent piping in a building, or within the boundaries of any property line through which sewage or waste waters, or any substance or liquids are conveyed.

The "Durham" or "~~Screw~~ Screw Pipe" system of plumbing shall include all soil waste and vent pipes which are of galvanized iron.

"House" or "Building" shall include all architectural structures.

A "Story" is the distance from the top of one floor to the top of the next above, except in the case of a top story, the height of which shall be measured from the top

of the floor to the underside of the ceiling joist.

The "first story" is the first floor above the cellar. If there is no cellar, then the actual ground level is the first story.

A "cellar" is that portion of a building below the first story, the ceiling of which is not less than four (4) feet in the clear, the measurements to be taken from the bottom side of the ceiling joist to the finished floor.

A "Basement" is a portion of a building partly below the level of the curb, or the actual adjoining ground level, the ceiling of which in no part is less than seven (7) feet above the curb level or actual adjoining ground level. A basement is a story.

A "court" or "deck" is an open, unoccupied space on the same lot with a building, partially or entirely enclosed by the walls of said building.

A "common court" is an open unoccupied space, open from the ground to the sky, surrounded on two or more sides by a group of four (4) or more residence buildings of not more than one story in height, and for the common use of all persons occupying the buildings that constitute a bungalow court.

A "bungalow court" is a group of four (4) or more separate buildings not more than oen story in height, each being erected or located on a parcel of ground under a separate roof as a family domicile or residence, and facing a common court. The front entrances, constituting a bungalow

court may occupy any number of lots, and may connect to one common soil line.

A "Corner Lot" shall be known as a parcel of ground that has a frontage on two or more streets, or one street and a public or private thoroughfare, park, or alley-way, or a combination of either. The width of a corner lot shall never be more than twenty-five (25) feet, and the length shall never be more than one hundred fifty (150) feet. All lots not corner lots shall be considered inside lots.

A "yard" is the unoccupied portion of a lot on which there is one or more buildings.

A "lot" is defined as a parcel of ground with a frontage of not more than twenty-five (25) feet abutting on a street, alley, park, public or private thoroughfare, or a combination of either. The width of a lot shall never be more than twenty-five (25) feet, except as otherwise prescribed in this ordinance. The frontage of the lot shall be determined by the building or buildings erected thereon, but no lot shall have more than one frontage. All buildings erected on and facing the same direction as the front building and within the prescribed lot width may be connected to one common soil and waste line, provided that all buildings erected thereon are under the same ownership. Should any one building exceed the twenty-five (25) feet frontage prescribed in this section, then said building shall be construed as being on one lot.

The "curb ~~lever~~ level" is the level opposite the center of the front of the lot.

"Sewer pipe" is the term applied to any salt-glazed, vitreous tile cement, or earthenware pipe, used to convey the common sewage of any community.

"Soil pipe" is the term applied to any pipe receiving the effluent from one or more water closets, or clinic sinks, with or without connecting with any other plumbing fixture.

"Waste pipe" is the term applied to any pipe receiving the discharge of all plumbing fixtures, except water-closet and clinic sinks.

"Vent pipe" is the term applied to any pipe which serves to supply air to any soil or waste pipe, and through which air passes from the soil or waste pipe to the outer air.

A "local vent" is a pipe by which foul air from water closets, bowls or other plumbing fixtures is removed. The connection of same is made on the house side of all fixtures, and runs independently to the outer air.

A "trap" is a fitting having a water seal, so constructed as to retain a column of water therein of sufficient volume to prevent the passage of air through same.

A "kitchen sink" is a single receptacle having one compartment, without any partition or division. A two-compartment kitchen sink, if made in one piece, may be connected to one waste outlet. Every compartment in a sink shall be considered a separate sink, and a separate waste

connection shall be provided for every two compartments.

A "wash tray" is a single tray having but one compartment, without a partition or division. A two-compartment wash tray with one single waste outlet shall be considered one fixture. A separate waste connection shall be provided for every three compartments. The waste connection may be taken from either the center or end tray.

A "clinic" or "pedestal slop sink" is a receptacle which receives human excretions and foecal matter, and is classified as a water closet in computing the number of fixtures. Clinic or pedestal slop sinks shall be connected to a soil pipe.

"Sump" is a term applied to a receptacle situated below the level of the sewer, wherein mechanical means are installed to force the effluent, or waste waters, discharged therein to higher levels for proper disposal.

"Conductors" or "roof leaders" are conveyors which carry the storm or rain waters from roofs or buildings, yards or courts. The term "downspout" is usually applied to the vertical portion.

The "property line" of any lot shall extend to all portions of the lot whereon a building is erected. All excavated portions of any lot, including cellar, basement or pipe channels that extend beyond the lot line limits under any sidewalk, street, alley, public or private thoroughfare, shall be considered, under this ordinance, as

being inside of the property line, and all plumbing installed therein must conform to this ordinance.

A "place of business" is meant to include a building within the incorporated limits of The City of San Diego, with desk, telephone, tolls, pipe, fittings and a suitable sign displaying the name of the Master Plumber and the License number.

The term "circuit vent system," is meant to include all water closets arranged in horizontal battery formation, or in one continuous horizontal line with a vent pipe installed at the beginning and near the termination of the soil line, as provided elsewhere in this ordinance.

The term "horizontal battery formation" is meant to include all vented plumbing fixtures installed on one continuous horizontal line, located on the same floor.

Any line rising from and including a one-sixth bend to the true vertical shall be considered a "vertical line."

Any line rising from the true horizontal to a pitch less than one-sixth bend shall be considered a "horizontal line."

"Dead ends" of a plumbing system shall mean all horizontal vent lines into which the sewage will float or wash and obstruct the vent line. Dead ends are prohibited.

DIVISION - 2

ADMINISTRATION AND AUTHORITY

SEC. 93.0201 BOARD OF PLUMBING EXAMINERS

A Board of Plumbing examiners composed of a member of the City Council, the Health Officer, the Plumbing Inspector, one Master Plumber and one Journeyman Plumber, is hereby established in The City of San Diego, California. The City Council shall appoint one of its members to the Board of Plumbing Examiners. The Health Officer shall be the ex-officio Chairman of said body, and the Plumbing Inspector ex-officio Secretary. The other members shall be appointed by the Public Health Commission. All appointments shall terminate on December 31st of the year in which they are made.

SEC. 93.0202 COMPENSATION OF BOARD OF PLUMBING EXAMINERS

The compensation of said Master Plumber and said Journeyman Plumber, while serving on the Board of Plumbing Examiners, is hereby fixed at ten dollars ($10.00) per day each, payable out of the Public Health Fund.

SEC. 93.0203 INSPECTION OF BUILDINGS

The Plumbing Inspector shall inspect in a thorough manner all plumbing installed in old and new buildings in The City of San Diego. It shall be his duty to see that the terms and provisions of this Article are complied with; he shall examine all plans and specifications of contemplated buildings and improvements, alterations and repairs that are filed with the Building Department, so far as said plans and specifications shall relate to

plumbing or sanitary conditions thereof.

SEC. 93.0204 INSPECTION - COMPLIANCE WITH REGULATIONS

If the plans relating to plumbing are found to be incorrect or faulty, they shall be disapproved, and the applicant notified of the corrections necessary to comply with the rules and regulations of the Public Health Commission and this Article.

SEC. 93.0205 REPORTS OF INSPECTIONS

The Plumbing Inspector shall, on the first of each month, issue a report to the Public Health Commission which report shall contain the number of applications for plumbing permits received, the number of plumbing diagrams approved, the number of rough and final inspections made, the number of violations of this Article and the rules and regulations of the Public Health Commission, if any; and all other matters which may from time to time be required by the Public Health Commission with reference to and appertaining to plumbing conditions in The City of San Diego.

SEC. 93.0206 ASSISTANT PLUMBING INSPECTOR

The assistant Plumbing Inspectors shall act under the direct orders of the Plumbing Inspector, and assist him in the discharge of his duties.

SEC. 93.0207 INSPECTORS' BADGES - RIGHT OF INSPECTION

The Plumbing Inspector and the Assistant Plumbing Inspectors shall wear appropriate badges, upon exhibition of which they shall have the right to inspect any and all buildings and premises of The City of San Diego, in the

performance of their duties.

SEC. 93.0208 NOTICE OF DEFECTS - AUTHORITY TO CONDEMN PROPERTY

When any building or premises has been inspected by the Department of Public Health, and the plumbing is found to be defective or unsanitary, notice to that effect shall be served upon the owner, or his agent, and the said notice shall specify the character of repairs and alterations or improvements to be made. If such repairs and alterations, as specified in said notice, are not commenced in good faith within five (5) days from the date of the service of such notice, and completed within the time specified therein, the Department of Public Health may condemn the said property as being unsanitary and unfit for human habitation, and its occupancy thereafter is prohibited.

SEC. 93.0209 CONDEMNATION - VACATION OF PREMISES - POSTING OF NOTICE

When a building has been condemned by the Department of Public Health of said City, the occupant or lessee, if there be any, shall immediately vacate the premises until such time as all repairs and alterations required by the Department of Public Health have been made. When a building has been condemned for any cause by the Department of Public Health there shall be placed thereon a placard, which shall read as follows:

WARNING

"THIS BUILDING HAS BEEN CONDEMNED AS BEING UNSANITARY AND UNFIT FOR HUMAN HABITATION, AND IT IS UNLAWFUL FOR ANY PERSON TO RESIDE IN OR OCCUPY THE SAME.

BY ORDER OF THE PUBLIC HEALTH COMMISSION.

_____Health officer

_____Inspector

SEC. 93.0210 ARTICLE TO INCLUDE PLUMBING ON PIERS AND TIDELANDS

All plumbing installed on any public or private piers, or on the tide lands of The City of San Diego, shall conform to the provisions of this Article. The disposal of the effluent must meet with the approval of the Public Health Commission.

DIVISION - 3

EXAMINATIONS, LICENSES, BONDS AND REGISTRATION

SEC. 93.0301 PLUMBING BUSINESS - EXAMINATION REQUIRED

Any person desiring to carry on, engage in, or work at the business of plumbing in the City of San Diego, California, shall first pass an examination before the Board of Plumbing Examiners, showing his practical experience, sufficient knowledge, and ability to properly carry on, engage in, or work at the plumbing business.

SEC. 93.0302 EXAMINATION FEES

The fee for each and every Journeyman Plumber's examination shall be two dollars and fifty cents ($2.50), and for each and every Master Plumber's examination, five dollars, ($5.00). Said fees shall be paid in advance to the Clerk or employee of the Department of Public Health designated by the Director of Public Health to receive such fees, which shall be paid into the City Treasury, and placed in the General Fund. Provided, however, that after a journeyman plumber has made application and paid the fee for a Journeyman plumber's examination, the Plumbing Inspector may, in his discretion, issue to him a temporary permit to engage in the work of plumbing until the next examination is held by the Board of Plumbing Examiners. The Plumbing Inspector may, at any time revoke such temporary permit.

SEC. 93.0303 SUSPENSION OF LICENSE - RE-EXAMINATION

All Master and Journeyman Plumbers shall be held

responsible for the quality of their workmanship, and shall be subject to re-examination if the Plumbing Inspector, after inspecting their work, is of the opinion that they lack the necessary ability to do the same in conformance with the letter and spirit of this Ordinance. When the Plumbing Inspector orders such a re-examination, the Master or Journeyman Plumber's License shall thereupon become suspended, and during suspension for re-examination it shall be unlawful for him to do plumbing in The City of San Diego. He shall be entitled to such re-examination within ten (10) days from the date the same is ordered, and no fee shall be charged therefor.

SEC. 93.0304 PRACTICE OF PLUMBING WITHOUT LICENSE,PROHIBITED

(a) It is hereby declared to be unlawful for any person to practice the trade of plumbing, or install any plumbing fixtures or to do any plumbing work of any kind pursuant to the terms and provisions of this Article and before obtaining such license it shall be necessary for every person to pass an examination in accordance with the terms and provisions of this Article.

Provided, however, an owner may, upon passing a satisfactory plumber's examination, designated an Owner's Examination, install plumbing fixtures or do any other plumbing work upon his own home, provided such home owner files an affidavit at the time he applies for a plumbing permit, stating that no plumbing permit has been issued to him to do work at any other address during the two

years immediately preceding such application, and provided further, that all work is performed only by such home owner and complies with the plumbing standards of The City of San Diego and is inspected and approved by the Plumbing Inspector. The home owner shall be required to pay the re-inspection fees for any necessary re-inspection of the plumbing work.

Any Master Plumber lending his license to any person or persons, or permitting anyone to take out permits at the Department of Plulic Health in his name for the use of any person or persons other than himself, or aiding or abetting, or knowingly combining or conspiring with, or allowing his license to be used, or acting as agent or partner or associate of any person, firm, co-partnership, corporation, association or combination, with the intent to evade the provisions of this Article, shall have his license suspended or revoked as in this Article provided.

(b) Notwithstanding any of the provisions of Section 93.0502, where inspections in addition to those made pursuant to the permit as required by this Ordinance are found necessary as the result of faulty or defective installation, an additional fee in the sum of one dollar ($1.00) as a re-inspection fee may be charged for each such additional inspection.

(c) The work authorized by Section 930304 (a) hereof shall be limited to single family dwellings. No permit shall be issued under the provisions of Section (a) hereof for work to be done on additions to existing dwellings

where the addition is such as to change the character of said dwelling from a single family to a multiple family type or mixed occupancy type building.

SEC. 93.0305 HIRING OF UNLICENSED PLUMBERS - PROHIBITED

It is hereby declared unlawful for any Master Plumber to hire any one not a licensed plumber, to do plumbing in The City of San Diego, or to permit any one in his employ not a licensed plumber, to do plumbing work of any kind in The City of San Diego.

SEC. 93.0306 JOURNEYMAN PLUMBERS' LICENSE

After a Journeyman Plumber has passed an examination to the satisfaction of the Board of Plumbing Examiners, and is registered in accordance with Section 93.0313, a license shall be issued to him by the City Auditor.

SEC. 93.0307 MASTER PLUMBER'S LICENSE

Upon passing a Master Plumber's examination to the satisfaction of the Board of Plumbing Examiners, and registration in accordance with Section 93.0314 , an applicant for a Master Plumber's license shall be entitled to a license, and the City Auditor is hereby authorized and directed to issue said applicant such license, providing that he complies with the full meaning of Section 93.0301.

SEC. 93.0308 EXPIRATION OF LICENSE

All licenses shall expire on the last day of December of the year in which they are issued, unless sooner revoked.

SEC. 93.0309 RENEWAL OF LICENSE - FEES

On or before the first day of July of each year, every

master and journeyman plumber engaged in the occupation of plumbing in said City of San Diego shall make application for a new license for the ensuing fiscal year; said license shall be issued free of charge to journeymen plumbers. The fee for the renewal of the master plumber's license shall be ten dollars ($10.00) annually, payable to the City Treasurer. License shall be issued upon certification of eligibility by the Department of Public Health.

SEC. 93.0310 SIX MONTHS INACTIVITY - FORFEITURE OF LICENSE

The license of each and every Master Plumber shall become null and void after six months' period of inactivity. Upon the event of a Master Plumber's license becoming null and void, such Master Plumber may obtain a new license only after having complied with Section 93.0301. To be inactive shall be construed to mean that a Master Plumber has failed to maintain a place of business, keep up his bond, pay annual fee, sign register, and carry on a legitimate plumbing business as provided herein.

SEC. 93.0311 AGE OF MASTER PLUMBER

An applicant for a Master Plumber's license shall be at least twenty-one (21) years of age.

SEC. 93.0312 REVOCATION OF LICENSE UPON CONVICTION OF VIOLATION

In case of a conviction in a court of competent jurisdiction of any person licensed under the terms and provisions of this Article of a violation of any of the terms and provisions of this Article, it shall be the duty of the Clerk of said Court to furnish a transcript of said judgment

of conviction to the Public Health Commission who shall thereupon have power to suspend or revoke the license of such person so convicted for a period of time not exceeding six months.

SEC. 93.0313 REGISTRATION OF JOURNEYMAN PLUMBER

Every person desiring to engage in the business of plumbing in The City of San Diego, as a Journeyman Plumber, after having passed an examination to the satisfaction of the Board of Plumbing Examiners, shall sign the Journeymen Plumbers' register in the office of the Public Health Commission, giving his residence, age and nativity.

SEC. 93.0314 REGISTRATION OF MASTER PLUMBER

Every person desiring to engage in the business of plumbing in The City of San Diego as a Master Plumber, after having passed an examination to the satisfaction of the Board of Plumbing Examiners, in accordance with Section 93.0301 shall sign the Master Plumbers' register in the office of the Public Health Commission giving his place of business, age and nativity.

SEC. 93.0315 BUSINESS FIRMS REQUIRED TO HAVE ONE PERSON WHO HAS MASTER PLUMBER'S LICENSE

Any firm or corporation desiring to engage in the Plumbing business must have one active member or employee who holds a Master Plumber's license, and who is duly registered in the office of the Public Health Commission. He must also register the name of the firm or corporation which he represents and for whose actions in so far as

compliance with this Article is concerned, he shall be held personally responsible.

SEC. 93.0316 ANNUAL REGISTRATION - MASTER PLUMBER

Each and every year after paying the annual fee and applying for a new certificate, master plumbers shall again sign the Master Plumber's register in the Office of the Department of Public Health. Failure to pay said fee and sign the Master Plumber's register on or about July 1st will automatically cause the annual fee to be doubled. Failure to pay such penalty at once shall be deemed sufficient cause to suspend or revoke the certificate of any Master Plumber failing or neglecting to comply with this Section.

SEC. 93.0317 ANNUAL REGISTRATION - JOURNEYMAN PLUMBER

Each and every year after obtaining a new license, Journeyman Plumbers shall again sign the Journeymen Plumber's register in the office of the Public Health Commission. This must be done on or before January 31st.

SEC. 93.0318 SIGN REQUIRED - CONTENTS

It shall be the duty of every Master Plumber, certified and registered in The City of San Diego, to display a sign at his place of business, with his full registered name, the same as in his certificate and showing thereon his certificate number. No person other than a Master Plumber who is registered in The City of San Diego shall engage in the business of installing or repairing plumbing, display any such sign, used the word "plumbing" or "plumber"

in any advertising medium indicating such person to be engaged in said business, or make any connections with any sewer, drain, soil, waste or vent pipe.

SEC. 93.0319 APPRENTICE PERMIT

"Apprentice" means a person at least 16 years of age who has entered into a written apprentice agreement, which apprentice agreement provides for participation in an approved program of training through employment and education in related and supplementary subjects, and which conforms to the rules and regulations of the State Apprenticeship Council, and to the provisions of the Apprentice Standards Act of the State of California.

Any person desiring to engage in the business of plumbing as an apprentice shall obtain a permit from the Board of Plumbing Examiners which will be issued free of charge. An apprentice shall only be allowed to do plumbing work under the direct supervision of and with a licensed Master or Journeyman Plumber, who shall be held responsible for the work of such apprentice.

SEC. 93.0320 APPRENTICES' REGISTER

At the time of obtaining a permit, an apprentice shall sign the Apprentices' register in the office of the Public Health Commission giving his age, residence address, and the name and address of his employer.

DIVISION - 4

PERMITS AND FEES

SEC. 93.0401 PERMIT FOR WORK - APPLICATION

Before a Master Plumber shall install any plumbing work he shall file with the Department of Public Health an application in writing for a plumbing permit, together with a diagram or plan showing clearly the character and kind of plumbing work to be done under said application. Said plan or diagram shall also show the manner in which the plumbing installation is to be made, or the character of any repairs to any existing plumbing. Said application shall be made out on a blank which shall be furnished by the Department of Public Health. In addition to the foregoing, the following information shall appear thereon:

Stree and house number of the premises where the plumbing work is to be done; date; names of the owner and plumbing contractor; class of building; number of stories; and a list of the plumbing fixtures.

Failure to secure a permit before starting any job of plumbing in The City of San Diego will automatically cause the cost of said permit to be doubled.

SEC. 93.0402 ISSUANCE OF PERMIT

If the Plumbing Inspector has found the plumbing permit application to be correct, he will issue to the applicant a Plumbing Permit, on receipt of which the Master Plumber may commence the plumbing installation described in his application.

SEC. 93.0403 SPECIAL PLUMBING PERMIT

The plumbing Inspector, or the contracting Master Plumber may recommend to the City Council that special plumbing permits for the installation of plumbing work in a manner differing from the provisions of this Article be granted , when in the judgment of either party it is necessary so to do. Said special permits may be granted by the City Council. Upon the completion of this work in conformity with such special permits, the Plumbing Inspector shall issue a final certificate of approval of said work. A book shall be kept by the Plumbing Inspector in which a record of all such special permits shall be made .

SEC. 93.0404 Fees for Permits

Before a permit shall be issued, fees in accordance with the table below shall be paid. There shall be one permit for each building in which the rough work for a plumbing fixture is installed, except in the case of an outhouse or garage that is part of the plumbing system of a dwelling, apartment house, or hotel.

For each permit $2.00

(Add) for each connection ready to receive fixture.....50

(Add) for each connection to any soil or waste line other than a plumbing fixture 50

Soil line extensions only (permit charge) 1.00

Plumbing permits are not transferable. Indirect fixtures

,,.....25

Minimum charge for permits shall be 2.00

If plumbing work under a permit is not commenced within six (6) months after issuance of such permit, or if the work is discontinued for a period of one (1) year from the date of the issuance thereof, the permit shall thereupon become void, and no work shall be done on the premises until a new permit is issued, and all fixture fees paid.

SEC. 93.0405 SEPARATE PERMITS

When one Master Plumber completes the rough work, in whole or in part, on any plumbing job in The City of San Diego, and the second party is called upon to complete the said plumbing work, in whole or in part, then a separate permit without charge is required. Each person holding a permit for the construction of such work shall be held responsible only for the work he installed. Before the second party is issued a permit for the completion of the plumbing job, the Plumbing Inspector shall first notify the Master Plumber holding the original or first permit that a second permit is to be issued. The issuance of the second permit shall cancel the first permit. A second permit shall be invalid until such notice is given.

SEC. 93.0406 PERMIT FOR SEPTIC TANK OR CESSPOOL

Before any person shall install a septic tank, settling tank, or cesspool in The City of San Diego, they shall file an application in writing for a permit, together with a diagram or plan showing clearly the character and kind of proposed work to be done under said application.

Said plan or diagram shall also show the manner in which the work is to be installed. In addition, the following information shall appear thereon:

Street and house number of premises where the work is to be done; the name and address of the owner; the name and address of the contractor doing the work; the size and type of septic or settling tank or cesspool; and the number of people it is to serve. Before a permit shall be issued, an inspection fee of one dollar ($1.00) shall be paid for each septic tank, settling tank or cesspool.

DIVISION - 5

INSPECTION

SEC. 93.0501 ROUGH PLUMBING INSPECTION - INSPECTION CARD

When the rough plumbing work is completed on any premises, the Master Plumber shall notify the Plumbing Inspector that the job is ready for inspection. As soon thereafter as he may find it practicable the Plumbing Inspector shall cause an inspection to be made of the plumbing. If said plumbing work has been installed in accordance with the terms and provisions of this Article, and the rules and regulations of the Board of Health, the Plumbing Inspector shall post an inspection card in a conspicuous place upon the said property, noting thereon the date and approval of work, together with his signature.

SEC. 93.0502 DEFECTIVE CONDITIONS - REINSPECTION AND FEES THEREFOR

If the plumbing work is found to be incorrectly or faultily or defectively installed the Plumbing Inspector shall notify the Master Plumber who installed said work, advising him of the changes necessary to be made in order that the same shall conform to the City Plumbing Article of this Code and rules and regulations of the Public Health Commission. As soon as practicable upon receipt of such notification, the Master Plumber shall make the changes ordered, and upon completion thereof shall notify the Plumbing Inspector to that effect. The latter shall then cause a re-inspection to be made, and if said work is found to comply with the City Plumbing Article of this Code and rules and regulations of the Public Health Commission

he shall place upon the building, or the premises, in a conspicuous place, an inspection certificate, endorsing thereon his approval. There shall be a fee of one dollar ($1.00) for every such re-inspection; said fee to be paid by the Master Plumber under whose permit said work is being done. All such fees shall be paid to the clerk or employee of the Department of Public Health designated by the Director of Public Health to receive such fees, which shall be paid into the City Treasury, and placed in the General Fund; provided, however, that more than one inspection may be made without charge where the progress of construction requires the same.

SEC. 93.0503 FINISH PLUMBING INSPECTION - INSPECTION CARD

Immediately upon the completion of all finished plumbing installed in any building, or in any premises, the Master Plumber shall notify the Plumbing Inspector that such work is ready for a final plumbing inspection. The Plumbing Inspector shall then cause an inspection to be made , and if any faulty or defective plumbing is found, the Master Plumber shall ~~benotified~~ be notified of the changes necessary to be made in order that such work shall conform to the City Plumbing Article of this Code and the rules and regulations of the Public Health Commission. If such plumbing work is found to be correctly installed, the Plumbing Inspector shall endorse his approval on the Inspection Certificate issued when the rough plumbing work was approved.

SEC. 93.0504 NAMES OF PLUMBERS ENTERED ON DIAGRAM

The Journeyman Plumber, or plumbers, installing the plumbing work in any building, shall have his or their names written by the Plumbing Inspector on the plumbing diagram.

SEC. 93.0505 SEPTIC TANK OR CESSPOOL - INSPECTION

As soon as the Septic Tank or Cesspool is installed and ready to receive the cover, the owner or contractor shall notify the Plumbing Inspector that such work is ready for inspection. As soon thereafter as practical, the Plumbing Inspector shall cause an inspection to be made, and if any faulty or defective construction work is found, the owner or contractor shall be notified of the changes necessary to be made in order that such work shall conform to the requirements of this Article and the rules and regulations of the Public Health Commission. If such work is found to be correctly installed and approved by the Plumbing Inspector, he shall post an inspection card in a conspicuous place upon the property, noting thereon the date and approval of the work, together with his signature.

DIVISION - 6

CONSTRUCTION AND INSTALLATION

SEC. 93.0601 SPECIFICATIONS FOR SOIL WASTE AND VENT PIPE

All plumbing material shall be of qualities specified herein and free from defects. All soil, waste and vent pipe and fittings, installed in any building in The City of San Diego, and extending to a point not less than three feet outside of any such building, shall be of not less than 40 lb. cast iron pipe and fittings or the quality known to the plumbing trade as "victory" soil pipe, which pipe shall be not less than 40 lb. cast iron pipe and fittings; provided, however, lead pipe may be used as provided elsewhere in this Article. All cast iron pipe and fittings shall be of the locked hub or lead keyed type and shall conform to the specifications of Soil Pipe Association. All cast iron pipe shall bear the maker's name and weight of pipe.

SEC. 93.0602 SPECIFICATIONS FOR HOUSE SEWERS

House sewers beginning three (3) feet from any building or structure, shall be of cast iron pipe and fittings of not less than 40 lb. cast iron pipe and fittings or the quality known to the plumbing trade as "victory" which quality shall be not less than 40 lb. cast iron pipe and fittings or vitrified clay pipe and fittings with approved mechanical compression joints.

Vitrified clay pipe and fittings must conform to the Federal specifications for clay sewer pipe Serial designation S S P 361 a and shall be not less than four (4) inches

inside diameter. All vitrified clay pipe shall be laid to a true line and an even grade on a firm foundation, with suitable excavation to receive the socket, so as to provide uniform bearing along the entire length of the barrel of the pipe. Pipe laying shall start at the lowest point and proceed up grade with socket pointing up grade.

All vitrified clay pipe house sewers shall have a depth of cover of at least eighteen (18) inches except when protected with concrete. A tee or wye shall be placed in a vertical position at the property line for the purpose of testing the line. Such tests shall consist of filling the system with water to a point producing not less than a ten (10) foot head on the house sewer. During the test the joint shall show no leakage. No joint or pipe shall be covered or concealed until line has been tested, inspected and approved by the plumbing inspector. Pipe and fittings must be covered immediately after approved.

SEC. 93.0603 TRAPS FOR PLUMBING FIXTURES

All plumbing fixtures shall be separately and independently trapped and vented. The traps shall be placed as close to the fixture as possible, and the vent in no case shall be more than twenty-four inches from the seal of the fixture trap. The trap of one fixture shall not connect with the trap of another, except as provided else where in this ordinance.

SEC. 93.0604 ROUGHING ~~BELOW~~ BELOW FLOOR LEVEL - DISTANCE BETWEEN TRAP AND VENT PIPE

For all plumbing fixtures required to be roughed in

below the finished floor, the length of waste and soil pipe shall be not more than twenty-four inches between the fixture trap and vent pipe. (See Section 93.0622.

SEC. 93.0605 CIRCUIT VENT SYSTEM - SPECIFICATIONS

When a circuit vent system is to be installed in any building, or part thereof, the number of water-closets allowed on a four inch horizontal soil line shall not exceed sixteen (16). The vent pipe shall be placed at the beginning, and the end vent pipe taken off in front of the last fixture and shall rise immediately to the vertical. Soil vent pipe shall be not less than four (4) inches inside diameter. If there are more than sixteen (16) water-closet outlets on a horizontal run of a circuit vent system, then commencing at the sewer side of the sixteenth closet outlet, the line shall be increased to five (5) inches; provided, that if there are to be more than sixteen (16) water-closets placed in a battery or a circuit vent formation, then there shall be placed a relief vent of two (2) inch inside diameter about the center of every sixteen (16) closets when the soil pipe leading from the end fixture to the main horizontal run of the circuit vent system is more than thirty (30) inches long; the said fixture shall be back vented, and shall not be considered a part of the circuit vent system. One-fourth inch fall to the foot must be provided for all horizontal circuit vent lines. Other plumbing fixtures may be connected to the soil line of a circuit vent system. Small fixtures connected to a circuit vent system shall not be considered a part of the same.

All such small fixtures shall be independently vented.

SEC. 93.0606 BATTERY OF FIXTURES ON SEPARATE FLOORS - CIRCUIT VENT SYSTEM

When a battery of plumbing fixtures is to be installed on one floor above the other, on a circuit vent system, a ~~circuet~~ circuit vent system installed below the top floor shall be provided with a relief vent, one-half the diameter of the soil or waste stack. The said relief vent is to be taken off in front of the first fixture connection and rise immediately to the vertical, to a point six (6) inches above the highest fixture before intersecting into the main vertical vent of the circuit vent system, providing, however, it is desired to continue the said relief vent vertically through the roof.

SEC. 93.0607 VERTICAL DRAINAGE HEAD OR SIPHON LEG - SPECIFICATIONS

No vertical drainage head or siphon leg on any circuit or back vent system for water closets will be permitted to be shorter than six (6) inches, measuring from the top of the horizontal line run to the finished floor line.

SEC. 93.0608 HORIZONTAL LENGTH OF CIRCUIT VENT SYSTEM

No circuit vent system will ~~bepermitted~~ be permitted to be installed a greater horizontal length than fifty (50) feet, measuring from the center of the first fixture to the center of the end fixture.

SEC. 93.0609 BACK-TO-BACK FIXTURES - SEPARATE VENT

When it is desired to install water-closets, or other

plumbing fixtures back to back, and connect same to the same soil and waste line, each two plumbing fixtures discharging into the same fitting shall be provided with a separate vent. Approved double vent fittings may be used. Plumbing fixtures installed in the above manner will not be considered a circuit vent installation within the meaning of this Article.

SEC. 93.0610 WATER CLOSET FLANGES

To receive a water-closet bowl, heavy brass water-closet flanges of approved type shall be soldered to all lead bends, stubs or lead ferrules, and securely screwed or bolted to the floor. When either iron bends or pipe are used to receive a water-closet bowl, or other similar fixture, a heavy iron floor flange of approved type shall be securely caulked to the outlet. Flanges must be put on and surplus pipe cut off when job is ready for inspection.

SEC. 93.0611 EARTHENWARE, CEMENT, ETC., PIPE UNDER BUILDING - PROHIBITED

No stone, brick, cement sewer pipe or any earthenware pipe shall be permitted to be installed under any building except as provided for acid sinks or tanks as provided for in this Article.

In case of a stone, brick, cement or earthenware sewer having been installed within the property line not under any building prior to the adoption of this Code, if the same is in good working order, it shall remain and continue to be used as a soil drain and

connections may be made therewith.

SEC. 93.0612 INDIRECT PLUMBING FIXTURES - WASTES AND VENTS

Standard welded galvanized steel or wrought iron screw pipe may be used for wastes and vents for indirect plumbing fixtures only when such waste and vent lines are entirely exposed to view, and then only upon the written permission of the Chief Plumbing Inspector. No indirect waste or vent line shall be less than one and one-half ($1\frac{1}{2}$) inches inside diameter.

SEC. 93.0613 SUPPORTS FOR SOIL, WASTE OR VENT PIPES

When soil, waste or vent pipes are to be supported in any manner, the supports shall be of non-rustible iron, or iron of no lesser weight than perforated iron, one-sixth inch thick; provided, however, that on all buildings of three stories or over, the stack shall be supported at the base and at each floor with a suitable clamp to carry the weight.

SEC. 93.0614 SAME - USE OF BRICK, STONE OR CEMENT

When it becomes necessary to support soil and waste pipes from the ground, stone, brick or cement shall be used to keep the same from settling.

SEC. 93.0615 SUMP SPECIFICATIONS

In all buildings where a sump is required by the Department of Public Health the same shall be located as to receive the effluent from all sub-house drains by gravity flow. The said sump shall be watertight, and constructed of metal. The sewage shall be ejected to the main sewer line by means of an automatic ejector. All plumbing fixtures connected to the said sump shall be properly vented. The main vent from said sump shall be not less than two (2) inches inside diameter.

SEC. 93.0616 CATCH-BASIN SPECIFICATIONS

When catch-basins are to be installed to receive the discharge of waste water from plumbing fixtures, (with exception of water-closets, urinals, etc.), which are to be located below the flow line of the main sewer, they shall be constructed of cement or cast iron. The cover of same shall be of heavy cast iron, and made gas tight. The capacity of the tank shall meet with the approval of the Plumbing Inspector. The ejector shall be automatic. All catch basins to be vented through the fixture waste and vent pipe. All catch-basins and ejectors shall be approved by the City Plumbing Inspector before they are installed.

SEC. 93.0617 PREPARATION OF USED PIPE AND FITTINGS

All used soil pipe, waste pipe and fittings of cast iron shall be thoroughly coated with asphaltum applied hot, both inside and outside.

SEC. 93.0618 HORIZONTAL PIPES - SPECIFICATIONS

All horizontal soil and waste pipes and fittings shall be laid in practical alignment and to a uniform grade of not less than one-fourth inch to one foot. All horizontal ventilating pipes, when permitted, shall be run to a uniform grade of not less than one-eighth inch fall to one foot.

SEC. 93.0619 CONCEALING DEFECTS PROHIBITED

It shall be unlawful for any Master or Journeyman Plumber, or any person, to conceal wilfully, with an intent to deceive, any crack, sand holes, or other imperfections in any pipes or fittings, by using thereon in any way, cement, sealing wax, paint or other agents which may prevent the detection by the

Plumbing Inspector of any defect in material or workmanship.

SEC. 93.0620 STALL URINAL SPECIFICATIONS

Where stall urinals are placed in any building or structure, the sidewalls, floors and partitions shall be covered either with glass, marble, enameled cast iron, vitreous tile, or vitreous china slabs. In no case will hydraulic cement or wood-stone be permitted to be used in lieu of the above. ~~The~~ When slate slabs ~~or~~ are used for the floors, side walls, or partitions, they shall be frequently oiled with pure linseed oil. All joints shall be imbedded with approved cement. Oiled cements may be used excepting for marble.

SEC. 93.0621 INSTALLATION OF TANKS, ETC. SUSPENDED FROM WALL OR CEILING

When any water-closet, urinal or any water tank which connects directly or indirectly to any plumbing system, and which is to be suspended or hung from wall or ceiling, the fastenings or supports of the same, including screws and bolts, shall be of brass or other non-rustible material. Common iron screws or bolts are prohibited.

SEC. 93.0622 DOUBLE DIVISION FITTINGS

Double division fittings may be used to receive the discharge of waste waters from two (2) fixtures of the same relation; but in no case shall a kitchen sink or basin waste into the same fitting with a wash tray, nor shall any fixture which requires a different roughing-in measurement than another plumbing fixture, waste into the same fitting.

SEC. 93.0623 WASTE OUTLETS NEAR FIXTURES

All waste outlets which are to receive the discharge from a trap shall be kept as close to the fixture as the

trap will permit, except as provided in circuit venting of water-closets and siphon urinals.

SEC. 93.0624 ROUGHING ABOVE FLOOR LEVEL - TRAP AND WASTE OUTLET

All waste outlets for plumbing fixtures that require roughing-in above the floor line shall be immediately in the rear of the fixture trap. (See Section 93.0604)

SEC. 93.0625 BRASS SCREW PIPE - USE BETWEEN CAST IRON PIPE AND FIXTURE TRAPS

When it is necessary to use screw pipe not over two (2) feet in length between cast iron pipe and fixture traps as in the case of bath tubs or shower drains, said pipe may be of standard brass pipe of the quality known as "Red Brass," which shall be of iron pipe size.

SEC. 93.0626 LOCATION OF SLIP JOINT

Any slip joint for any trap shall be located between the water seal of the trap and the fixture outlet.

SEC. 93.0627 CONNECTION OF OVERFLOW PIPES

Overflow pipes from fixtures shall in each case be connected on the inlet side of the trap.

SEC. 93.0628 CONNECTION OF FIXTURES TO SOIL AND WASTE PIPE

All plumbing fixtures shall be connected directly to the soil and waste lines in the shortest possible manner. All soil, waste and vent pipes shall be run in the shortest possible way. Unnecessary fittings are prohibited.

SEC. 93.0629 MASONRY OR CEMENT BUILDINGS - RECESS FOR SOIL, WASTE AND VENT LINES

In all buildings constructed of masonry or cement, recesses shall be provided in the walls to receive the soil,

waste and vent lines that are to be concealed. Where waste, soil or vent pipes are to be concreted in tthe wall, they shall be wrapped in an approved manner.

SEC. 93.0630 JOINTS FOR CAST IRON PIPE

All joints for cast iron pipe shall be made of pure lead, well caulked, and of not less than one-inch in depth. Oakum shall be used in sufficient quantities to prevent the lead from passing through the joints.

SEC. 93.0631 FIXTURES OR PIPES FASTENED TO MASONRY WALLS

When plumbing fixtures or pipes are to be fastened to any masonry or stone wall, they shall be secured with expansion bolts of approved type. Plugging walls with wood will not be permitted. In case of hollow tile walls, all plumbing fixtures and pipes shall be fastened with bolts and washers extending through the wall, or with bolts of approved type.

SEC. 93.0632 CHANGES OF DIRECTION - USE OF "Y'S"

All changes of direction of any soil, waste or vent pipe shall be made with "Y's," one-sixteenth bends, one-eighth bends, one-sixth bends, or with fittings with relation to twenty-two and one-half degrees, forty-five degrees, or sixty degrees, or by combination fittings that have the same relative curves. No short turn quarter bends or ninety degree ells will be permitted to serve as fittings for any soil, waste, or vent pipes. No one-sixth bends will be permitted on horizontal change of direction on soil or waste pipe.

SEC. 93.0633 DIAMETER OF CONNECTION

No plumbing fixture shall be connected to any pipe

of smaller diameter than the diameter of the fixture outlet.

SEC. 93.0634 DOUBLE HUBS

Double hub tapped tees will be permitted on vertical lines only. Double hubs will be permitted on the vent lines only.

SEC. 93.0635 SLEEVE FITTINGS

Sleeve fittings may be used, where necessary to install a soil or waste fitting.

SEC. 93.0636 DOUBLE SANITARY TEES

Double sanitary tees are not permitted on any part of a soil or waste line.

SEC. 93.0637 DIVISION PATTERN

Double soil and waste fittings known as the division pattern, and which have partition sanitary curves that prevent the discharge of one fixture from entering into the waste opening of the opposite fixture, will be allowed, if the said fitting has a direct vent outlet and full sized drainage openings.

SEC. 93.0638 SADDLES, HUBS, BANDS

Saddles, hubs and bands are in all cases prohibited.

SEC. 93.0639 HALF "Y'S"

Soil or waste fittings, commonly known as"Half Y's," and single sanitary tees will be allowed on vertical lines only.

SEC. 93.0640 LEDGE, SHOULDER,REDUCTION

Any fittings or connection, which has, or forms an enlargement chamber, or recess with a ledge, shoulder or

reduction of pipe area in the direction of the flow, on the outlet or drain side of any trap, is prohibited.

SEC. 93.0641 HEEL OUTLET FITTINGS

Four by two (4x 2) heel outlets, one-quarter bends or other heel outlet fittings will not be permitted on any part of the plumbing system, unless the two-inch outlet is to be in a vertical position. (See Definitions for "Vertical Position.")

SEC. 93.0642 SIDE OUTLET BENDS

Four by two (4 x 2) side outlet bends will only be permitted where the vent from same starts off on a vertical.

SEC. 93.0643 LEAD CONNECTIONS - BRASS FERRULES

Whenever a lead bend, stub or lead pipe is to be caulked into a soil or waste pipe fitting, there shall be placed at one end a brass ferrule of dimensions and grade as specified elsewhere in this Article, the same to be securely fastened to the lead bend or pipe by a wiped solder joint.

SEC. 93.0644 INTERSECTION OF VENTS

All intersections of vents shall be at least six (6) inches above the highest water line of the fixtures they serve.

SEC. 93.0645 FIXTURES IN ROOMS WITH WINDOWS

It shall be unlawful for any plumber to install any plumbing fixture in any room or closet or part thereof in any building which does not contain a window of not less than one-fifth of the superficial floor area. Not less than three (3) square feet of window surface shall be provided.

SEC. 93.0646 SAME - MECHANICAL VENTILATION

Mechanical systems of ventilation may be installed

in lieu of windows of sufficient capacity to change the atmosphere therein at least once every five minutes. Ventilation from toilet rooms shall be separate and apart from other ventilating ducts or windows in the building.

SEC. 93.0647 TRAPS AND VENTS REQUIRED FOR ALL PLUMBING

All plumbing installed inside of the City of San Diego shall be properly trapped and vented in accordance with this Article whether connected with a sewer or not. If there is no sewer abutting the property in which there is installed a plumbing fixture or fixtures, then the drainage from the same shall be carried to a properly constructed cesspool or septic tank. If there is installed a septic tank, the effluent shall drain theough a series of drainage tile, the construction of which must first receive the approval of the Plumbing Inspector.

DIVISION - 7

PLUMBING FIXTURES

SEC. 93.0701 GALVANIZED IRON KITCHEN SINKS

Kitchen sinks constructed of galvanized iron shall be permitted to be installed only in restaurants, hotels and other public eating places, and where it is impracticable to install standard porcelain sinks.

SEC. 93.0702 WOODEN SINKS

Wooden sinks shall not be permitted to be installed in any buildings, or upon any premises, except as otherwise provided in this Article.

SEC. 93.0703 WATER CLOSET BOWLS

All water-closet bowls shall be made of vitreous china.

SEC. 93.0704 WATER CLOSET TANKS

Water-closet tanks shall be set at least six (6) feet or more above the vinished floor, except a water-closet that is to receive the discharge from a low-down tank.

SEC. 93.0705 ENCLOSED PLUMBING FIXTURES

No plumbing fixture shall be permitted to be enclosed in whole, or in part, with wood, metal, or other material; provided, however, bath tubs may be built in if they are built in in such a manner as to prevent moisture or dust from accumulating under or around said bath tub.

SEC. 93.0706 SHEET METAL URINALS

No galvanized iron or other sheet metal will be permitted to be used for urinals, troughs, stalls or partitions, or any part thereof.

SEC. 93.0707 "S" TRAP WATER CLOSET BOWLS

No plunger, pan, common hopper, flush rim hopper, front washout, or "S" trap water-closet bowls will be permitted in any building, or upon any premises, or part thereof.

SEC. 93.0708 ZINC OR COPPER LINED BATH TUBS

Bath tubs of zinc or copper lining will not be permitted to be installed in any building, or upon any premises.

SEC. 93.0709 MULTIPLE WASH BASINS, SINGLE TRAP

When four (4) Factory wash basins are so constructed that they are to represent a single unit, they may be connected to one trap. Five (5) or more basins of a similar type shall be provided with separate connections.

SEC. 93.0710 FACTORY SINKS - SIZE OF WASTE OUTLETS

Factory wash sinks of five (5) feet, or less, in length, may connect to a waste outlet of not less than one and one-half inches in diameter. If over five (5) feet in length, and not more than eight (8) feet in length, a two-inch waste connection shall be provided with an inch and one-half vent.

SEC. 93.0711 GARAGE SAND TRAP

When there is a sand-trap to be constructed in the floor of any garage, it shall be not less than twelve (12) inches measuring from the bottom side of the outlet pipe to the finished bottom of the trap, and not less than ~~eighteen~~ eighteen (18) inches square, and shall be constructed of cement, or other approved material. The waste pipe leading from public garages shall be not less than four (4) inches inside diameter, and shall be cast iron soil pipe. The vent for same shall be not more than ten (10) feet from the seal of the

trap. Where sand traps are permitted to be used, the seal shall be made with a short turn one-quarter bend, caulked immediately into a "Y" fitting; the side outlet of the "Y" fitting shall serve as a cleanout; the edge of the "Y" hub shall show above the floor line outside of the box.

SEC. 93.0712 FLOOR ~~DRAINS~~ DRAINS - SPECIFICATIONS

When two (2) sand traps or floor drains are to be installed in the same building or structure, they may discharge into one (1) four-inch fitting of less than those of a double "Y" and one-eighth bends. One vent pipe of not less than ~~tow~~ two (2) inches, inside diameter, shall answer the purpose for the ventilating of two (2) sand traps or floor drains, provided that each sand trap or floor drain is not of greater distance from vent pipe than ten (10) feet.

SEC. 93.0713 FLOOR DRAINS ABOVE GROUND FLOOR

When sand traps or floor drains are to be installed on any floor above the ground floor of any building, the vent pipe for the same shall connect within ~~tow~~ two (2) feet of the seal of the trap, and if necessary run horizontally to partition, then in a vertical line through the roof, or intersected into the nearest vent line. All horizontal vent lines shall be not less than four (4) inches, inside diameter, and the vertical vent line shall be not less than two (2) inches, inside diameter.

SEC. 93.0714 PEDESTAL SINKS - SIZE OF SOIL PIPE

Pedestal slop sinks, clinic sinks, and all other similar plumbing fixtures which are constructed to receive focal

matter, shall be connected to a soil pipe of not less than four (4) inches, inside diameter.

SEC. 93.0715 DENTAL OR FOUNTAIN CUSPIDORS

All dental or fountain cuspidors shall be properly trapped and vented and connected to the house plumbing system. If it is found impracticable to vent the said dental fixture, a pot trap or other approved trap shall be used; provided, however, that the waste line connects directly into the waste or soil line of some other fixture which is properly trapped and vented. In no case will a non-vented fixture be permitted to discharge its waste waters into a non-vented waste line.

SEC. 93.0716 DRINKING FOUNTAINS

Drinking fountains which are provided with a waste outlet shall be properly trapped, and the waste carried into an open plumbing fixture, or may be carried to and connected to the house side of any fixture trap that is properly vented.

SEC. 93.0717 SAME - WASTE LINE

If there is no plumbing fixture conveniently located to receive the waste waters from a drinking fountain, then the said fountain shall be connected to the waste line the same as a basin or other fixture.

SEC. 93.0718 SAME - MOUTHPIECE

When a drinking fountain consists only of a mouth piece, or supply connection, the same may be placed over any sink or basin. All drinking fountains shall be so constructed as to prevent the mouth coming into contact with the supply orifice.

93.0719

SEC. ~~93.0519~~ SAME - SANITARY REGULATIONS

Drinking fountains will not be permitted to connect directly with any urinal, water-closet, slop sink or clinic sink.

SEC. 93.0720 FLOOR SINKS - SPECIFICATIONS

Floor sinks that are required to receive waste waters from soda fountains, bar fixtures or other indirect plumbing fixtures shall be provided with a waste outlet of not less than two (2) inches, inside diameter, taken from the bottom of the said fixture. The said waste outlet shall be provided with a stand pipe and overflow of the same diameter, extending to within one (1) inch of the top of the floor sink, and sufficient holes drilled in the same to allow free passage of waste waters to pass through. In lieu of the stand pipe a brass or galvanized iron basket of one-quarter inch mesh may be used to prevent any foreign matter entering the sewer. Converting a receptacle of such type into a fixture trap by taking the waste line from the side of such receptacle, thereby retaining a large body of water, will not be permitted. Where, on account of architectural conditions, it is advisable to vent a floor sink trap more distant than two (2) feet from seal of the trap (as prescribed elsewhere), it may be done upon the approval of the Plumbing Inspector. Each indirect fixture must be provided with a trap of the same size as prescribed for waste pipe, except where the developed waste pipe length is less than three (3)feet and in that case no trap need be used. All such sinks shall be

Not less than ten (10) inches deep; provided, however, a sink of less dimensions may be used upon written permission of the Chief Plumbing Inspector for good and sufficient reasons.

SEC. 93.0721 SODA FOUNTAIN AND SALOON BARS - SPECIFICATION

All soda fountain and saloon bars shall be provided with an open drain, lined throughout with vitreous tile or glass, and to connect directly with a floor sink conveniently located. Each and every fixture located in said fountain or bar counter shall drain independently to the said open drain. The open drain shall be not less than six (6) inches in width in its entire length, and not less than two inches at the extreme end from the point of discharge. This drain shall have a pitch of not less than one-eighth inch to the foot. The said open drain shall be exposed from under the fountain or bar at least two (2) inches of its entire length; provided, however, that if the owner desires to install independent waste lines from each counter fixture of not less than one and one-half (1½) inch, inside diameter, to the said floor sink, in lieu of installing an open tile drain, the same may be done .

SEC. 93.0722 INDIRECT WASTE CONNECTION

All plumbing fixtures that require an indirect waste connection that are to be installed one above the other, shall connect to one common waste and vent line. The vent line shall extend independently through the roof.

SEC. 93.0723 FIXTURES NOT OTHERWISE MENTIONED

Refrigerators, refrigerated food cases, ice boxes, and

all fixtures wastes not otherwise specifically provided for in this Division shall be connected to the house sewer in an indirect manner by discharging into any properly installed fixture which is not located in a toilet or living room, and if there is no conveniently located and suitable fixture, then, in such cases, an approved fixture shall be installed to receive the discharge from the aforementioned indirect fixtures. If two (2) or more indirect fixtures are located one above the other, they shall connect to one common waste and vent line, the vent shall extend independently through the roof. All fixtures used or installed to receive the discharge from indirect fixtures, shall be in a visible and accessible location. All indirect fixture waste pipes shall be not less than one and one-half (1½)-inch galvanized pipe, and all fixtures separately trapped, except that a refrigerator or ice box for use of one family and located on the first floor of a dwelling and provided with an approved refrigerator drain and trap, may use a waste pipe of not less than one-inch galvanized pipe and not more than ten (10) feet in length, the same may discharge into the ground outside the foundation of the building in such manner as not to become a nuisance. No black pipe or black malleable fittings will be permitted for any installations of any indirect plumbing fixtures. Approved cleanout fittings for ice boxes, etc., shall be placed at all horizontal change of directions more acute than 22½ degrees, and at the end of all horizontal runs of more than two (2) feet in length, and all cleanouts shall be accessible. Refrigerators, ice-boxes and other similar fixtures will not be permitted to

connect directly to any plumbing system.

SEC. 93.0724 FLOOR DRAINS FOR BATH AND TOILET ROOMS

All floor drains for bath and toilet rooms which are to be installed on the first floor above the lowest fixture shall be properly trapped and connected to one common waste and vent line, extending independently through the roof. The waste pipe therefrom shall connect indirectly with a floor drain or sink, which shall be known as a main floor drain. The said main floor drain shall be properly trapped and vented and connected to the public sewer. All other floor drains connecting thereto shall be connected indirectly. The floor drain known as the main floor drain shall always be supplied with running water by an approved method which will insure a proper seal of the trap.

SEC. 93.0725 BASEMENT OR CELLAR DRAINS

In every building hereafter erected or altered, the basement or cellar of which is to be drained, a main floor drain of sufficient size shall be installed in an area way that is open to the sky. The main floor drain is to be properly trapped to serve; tributary floor drains may then be installed to the cellar or basemtnt only,without vent, although properly trapped, and to be connected to the house side of the main floor drain located in an area way. The sizes of the tributary drains shall be not less than two (2) inches, inside diameter. The main floor drain shall be supplied with running water by an approved method.

SEC. 93.0726 RAIN GUTTERS OR DRAINS

When rain water is to be received and conveyed to a

point of safety from any deck drain, light or air shaft drain or court, the water shall be conveyed to the curb or street gutter. If it is found impracticable to convey such water to the curb line, then such deck drains, light shafts and court drains shall connect to a properly constructed main floor drain to be properly trapped and vented, and connected to the public sewer, and the said floor drain shall be supplied with running water by an approved method.

SEC. 93.0727 PUBLIC BASIN TRAPS

In lieu of the method outlined in this Article a publicly used basin properly trapped may be installed, not more than five (5) feet from the main floor drain and shall discharge its water therein without a vent, in order that the seal of the trap may be assured.

SEC. 93.0728 SHOWER DRAINS

One shower drain shall be provided for every two (2) shower compartments or lesser number of compartments, each two (2) shower heads to be considered the equivalent of one (1) small fixture in computing the size of waste line for a given number of fixtures. No shower drain shall be less than one and one-half (1½) inches, inside diameter. If two (2) shower drains of not more than two (2) inches, inside diameter, are connected to a double division fitting, the vent from the same need not be more than one and one-half (1½) inches, inside diameter.

SEC. 93.0729 SINKS PROVIDED WHERE FOOD IS HANDLED

In all existing dwelling houses, hotels, tenement houses, restaurants, or other structures owned, rented, leased, let or hired out to be occupied, or which is occupied as a place

of business, home or residence, where the preparation, cooking or distributing of any food products is carried on, at least one (1) sink must be provided, or as many as may be deemed necessary by the Department of Public Health.

SEC. 93.0730 WATER CLOSETS PROVIDED

In all existing dwelling houses, hotels, tenement houses, tents, tent houses, stores, factories, or any structure that is owned, rented, leased, let or hired out to be occupied, or which is occupied as a home, residence, office, or place of business not less than one water-closet shall be provided, which shall be installed in the manner prescribed by this Ordinance.

SEC. 93.0731 SEPARATE WATER CLOSETS FOR EACH SEX - EXCEPTIONS

In all places where men and women are employed, there shall be provided separate water-closets for each sex, located in a separate compartment, the entrance to which shall be not less than ten (10) feet apart. There shall be one (1) provided for every twenty (20) females or less. The sexes shall be plainly marked at the entrances. Provided, however, that where there are not more than five (5) persons, consisting of male and female, one (1) water-closet and toilet room shall be considered sufficient accommodations for that number of persons.

DIVISION - 8

VENT PIPES AND TRAPS

SEC. 93.0801 VENT PIPES - REQUIRED

Every fixture trap shall be protected from siphonage, and air circulation assured by means of a vent pipe, of caliber, weight and material as specified elsewhere in this Article except as provided for indirect fixtures.

SEC. 93.0802 SAME - INSTALLATION

Ven pipes shall not be installed more than one inch below the water seal of any trap, except in the case of water-closets, clinic sinks or urinals of siphon action.

SEC. 93.0803 SAME - SIPHON LEG

The vent pipe for all plumbing fixtures that require a siphon leg in order to complete the fixture trap shall be taken off at a point below the fixture so as not to interfere with the principles of the operation of the trap.

SEC. 93.0804 SAME - USE AS WASTEPIPE PROHIBITED

No vent pipe shall be used as waste or soil pipes, except refrigerators, or other direct connections. (See Section 93.0723.)

SEC. 93.0805 SAME - MAIN STACK

The main vent stack of all plumbing systems shall be placed where practicable.

SEC. 93.0806SAME - SIZE

When the main soil line is larger than four (4) inches, inside diameter, in lieu of extending the same size vent as the waste line through the roof, the main vent shall be one or more four-inch vents that will equal the square area of the

main soil line, plus the required vent capacity required for fixtures and the developed length of vents.

SEC. 93.0807 SAME - SIZE

The size of vent pipes for a circuit vent water-closet system shall be not less than four (4) inches, inside diameter, the same to be increased in proportion to the number of fixtures installed, as stated elsewhere in this Article.

SEC. 93.0808 SAME - RELIEF OF BACK PRESSURE

In all buildings where plumbing fixtures are so arranged that the back pressure does occur, the Plumbing Inspector shall order the owner to have additional vent pipes installed to relieve that part of the plumbing system.

SEC. 93.0809 SAME - ADJACENT BUILDINGS

The vent pipes of all plumbing systems shall not terminate closer than fifteen (15) feet of any window or door of any adjacent building; provided, however, that the adjacent building is at least one story higher than the building in which the plumbing is being installed, in which case the vent pipe shall terminate two (2) feet above the nearest opening in the adjacent building.

SEC. 93.0810 SAME - REMOVAL TO DISTANCE

If the vent pipes of any building are located within fifteen (15) feet of any window or fresh air inlet, of any adjacent building, the said vent pipes shall be carried in the least conspicuous manner to a distance of not less than herein specified. This Section also applies where vent pipes are required to be moved on buildings erected prior to the passage of this Code.

SEC. 93.0811 SAME - WATER TANKS

No vent pipe shall be located closer than ten (10) feet from any water tank.

SEC. 93.0812. SAME - FLAT ROOFS

The vent pipe of any building or structure with a flat roof shall not extend higher than the fire wall of same, except where the roof of any building or structure is to be used as living quarters, roof garden, or for any other purpose. In such case vent pipes from the plumbing system shall extend not less than nine (9) feet above the floor of the roof.

SEC. 93.0813 SAME - ROOF TERMINALS

The roof terminal of all vent pipes shall be at least two (2) feet above any door, window, scuttle, hole or air shaft. No vent pipe shall protrude through or extend above any roof or extend above any fire wall more than ten (10) inches. In case the vent pipes are located on the outside of a building not more than one story in height, or over nine (9) feet, the height of the stack shall be not less than ten (10) feet, measuring from the finished floor line.

SEC. 93.0814 SAME - PITCHED ROOFS

Two or more vent pipes within three (3) feet of each other in any partition, must be connected and made into one (1) single vent before passing through on pitched roof buildings, exposed work, or in cases where roof is to be used for any purpose.

SEC. 93.0815 SAME - BATTERY WORK

No flat venting for battery work will be permitted unless

authority is granted by the Public Health Commission. Flat venting of a single fixture will not be permitted unless other angles cannot be made.

SEC. 93.0816 SAME - WATER CLOSETS

A vent pipe of not less than three (3) inches inside diameter, shall be provided for all buildings wherein a water closet is installed, regardless of the building's use; provided, however, if the owner, or his agent, desires to install a water-closet in a private garage not used as a residence, or a small toilet room in the rear of the yard, and which water closet is to be used in connection with a building containing a three-inch stack located on the same lot, under the same ownership, connected to the same soil line, inside of the same property line, the vent pipe may be of the size not less than two (2) inches, inside diameter.

SEC. 93.0817 SAME - COMMON WALL FIXTURES

Where bath tubs, water-closets, basins or other plumbing fixtures, of the same relation, are located on the opposite walls or partitions, or are directly adjacent to each other, such plumbing fixtures may have a common soil or waste pipe and single vent, by using a double division fitting of approved pattern.

SEC. 93.0818 SAME - SEPARATE TRAPS

Each and every plumbing fixture shall be separately trapped and vented with trap of the size required by this Article provided, hwoever, two kitchen sinks located in the same room, whether separate or in one piece, whose waste openings are not more than twenty (20) inches apart measured

From center to center, may be connected to one trap, if such trap does not permit the free circulation of air from one waste opening to the other. Water seal of trap to be as close to fixture as possible except as provided elsewhere in this Article for indirect fixtures.

SEC. 93.0819 SELF-CLEANING TRAPS:

Every trap shall be self-cleansing. No form of trap which depends upon the action of movable or mechanical parts for its seal shall be used. No trap which depends upon concealed interior partitions for its seal, or which has interior partitions that, in case of defect, would allow the passage of sewer air, will be permitted. All traps shall be full bore, and have a smooth interior water way. Traps which are made of drawn tube will be permitted, provided that brass of no lighter weight than 17-guage is used, and that the maker's name and gauge of tubing is stamped thereon; PROVIDED, however, that if and in the event, by reason of any legislative directive issued by or under the authority of the United States Government, or any of its departments, bureaus or commissions, the sale and use of traps of greater weight than 20-gauge is prohibited, then the Plumbing Inspector of the City shall have authority to permit the use of traps of lesser weight than 17-gauge if in the opinion of said Plumbing Inspector the use of such lesser weight traps will not affect the public peace, health and safety of the people of The City of San Diego.

from center to center, may be connected to one trap, if such trap does not permit the free circulation of air from one waste opening to the other. Water seal of trap to be as close to fixture as possible except as provided elsewhere in this Article for indirect fixtures.

SEC. 93.0819 SELF CLEANING TRAPS

Every trap shall be self-cleaning; no form of trap which depends upon the action of movable or mechanical parts for its seal shall be used. No trap which depends upon concealed interior partitions for its seal, or which has interior partitions that, in case of defect, would allow the passage of sewer air, will be permitted. All traps shall be full bore, and have a smooth interior water way. Traps which are made of drawn tube will be permitted, provided that brass of no lighter weight than 17-gauge is used, and that the maker's name and gauge of tubing is stamped thereon.

SEC. 93.0820 IRON DRUM OR POT TRAPS

Iron drum or pot traps shall be made of cast iron and shall not exceed four (4) inches, inside diameter, nor have a water seal greater than seven (7) inches, nor less than two (2) inches.

SEC. 93.0821 WATERSEAL OF TRAP

Every trap shall be so installed that the water seal will protect the trap screw from the sewer air.

SEC. 93.0822 SAME

Each trap shall have a water seal of not less than two (2) inches.

SEC. 93.0823 TRAPS FOR BASINS, SINKS

Traps for basins, sinks, or other similar fixtures shall be made of lead, brass or cast iron.

SEC. 93.0824 TRAPS FOR TWO COMPARTMENT SINK

One trap will be permitted for three (3) wash trays. Four (4) or more trays or sections shall be connected to a separate trap, or, at the ratio of three (3) wash trays, or three (3) compartments of a wash tray to one (1) trap.

SEC. 93.0825 TRAPS FOR WASH TRAYS

One trap will be permitted for three (3) wash trays. Four (4) or more trays or sections shall be connected to a separate trap, or, at the ratio of three (3) wash trays, or three (3) compartments of a wash tray to one (1) trap.

SEC. 93.0826 TRAPS FOR FLOOR DRAINS

Traps for both bath tubs, showers, floor drains, and other similar fixtures shall be made of cast iron, cast brass or lead.

SEC. 93.0827 SUPPORT FOR TRAPS

All traps shall be rigidly supported and set true with respect to their water level, and shall be so located as to protect their seal.

SEC. 93.0828 TRAPS IN CONNECTION WITH WASTE LINE

No traps shall be permitted to be installed in connection with any soil or waste line, except the traps that serve a plumbing fixture, or as provided elsewhere in this Article.

SEC. 93.0829 ACCESSIBILITY OF TRAP FOR CLEANING

All traps shall be located so as to be easily accessible for cleaning.

SEC. 93.0830 CONFORMATION TO PROVISIONS OF ARTICLE

Vent pipes which extend into the air a greater distance than allowed by the present plumbing Article, which are found to have been installed in buildings which were erected prior to the passage of this Article, may be made to conform to the present regulations.

DIVISION - 9

CLEANOUTS

SEC. 93.0901 SIZE OF CLEANOUTS

All cleanouts shall be the same size as the pipe they serve. No cleanout will be permitted to be used in any plumbing system, or part thereof, that has not first received the approval of the Pulbic Health Commissioners after having been recommended by the Board of Plumbing Examiners.

SEC. 93.0902 WHERE REQUIRED

Cleanouts shall be provided at the foot or base of all vertical lines of all soil or waste pipes, and at the end of each horizontal line and the end of all horizontal changes of direction. A cleanout is not necessary where the change of direction is not more than 22½ degrees. All cleanouts shall be accessible either extending through the wall or set back twenty-four (24) inches from the wall.

Where it is necessary to place soil or waste pipes in ditches over eighteen (18) inches in depth, cleanouts shall be brought to the surface. One change of direction only will be allowed without cleanout and then only in the event the change of direction is made with one-sixteenth (1/16) bend. There shall be a cleanout installed at the property line on all soil ans waste lines. All soil or waste lines 150 feet or over shall have a cleanout installed every one hundred fifty (150) feet.

SEC. 93. 0903 WHERE NO CELLAR

In buildings where a cellar is not provided, cleanouts shall extend through the outside walls of the building, or

shall be kept back from the wall. In cases of a cement floor, where the cement is laid upon the ground, then the cleanout shall extend one inch or more above the finished floor.

SEC. 93.0904 WHERE FLOOR CLEARANCE IS INSUFFICIENT

When the clearance is twenty-four (24) inches or less between the ground level, and the underside of the floor joists of any building along the line from the entrance that is provided to obtain access under the building to the main four-inch cleanout, then a cleanout of the Barrett type shall be used on the main soil line not more than six (6) feet, nor less than four (4) feet from the outside of the foundation walls of the building. When a cleanout of the Barrett type is provided for on main soil line of the building outside of the foundation wall, then the cleanout that is provided for in this ordinance to be installed at the base of the four-inch stack may be omitted and in lieu thereof shall be installed two (2) one-eighth bends of fittings having the same relative curves. All other cleanouts shall be made accessible as provided for in Sections 93.0902 and 93.0903.

SEC. 93.0905 COVER GASKETS

All cleanout covers shall be made tight by use of gaskets of leather or fiber, or other approved material.

DIVISION - 10

WASTE AND DISCHARGE

SEC. 93.1001 HOT WATER DISCHARGE INTO WASTE LINE

Water heated over one hundred and forty degrees (140°) Fahrenheit will not be allowed to enter any soil or waste line, or any public sewer. When blowoffs from boilers or tanks discharge water at a higher temperature, they shall be provided with a cooling device.

SEC. 93.1002 EXHAUST STEAM OR BLOWOFF

Exhaust steam, or blow-off shall not connect directly with any soil or waste, or sewer line. Such pipe shall discharge into a suitable closed tank, or condenser, made of wrought iron, cast iron, or hydraulic cement, and provided with a relief pipe. The waste water from the said tank or condenser shall be taken through a pipe at least one size larger than the inlet. It is necessary to reduce temperature of condensed steam, or hot water, and there shall be provided a cooling device, to be installed in connection with the receiving tank or condenser.

SEC. 93.1003 HYDRAULIC ELEVATOR DISCHARGE

When the discharge from a hydraulic elevator is not larger than two-inch inside diameter, it may connect directly into any soil line of the building in which it is installed. If the discharge is larger than two (2) inches, inside diameter, the waste waters from the elevator must discharge into the main sewer line, or in lieu thereof into an open tank of sufficient capacity to receive the full discharge from one single operation of the elevator. The waste pipe from the

said tank shall be not less than two (2) inches, inside diameter.

SEC. 93.1004 CONNECTION TO PUBLIC SEWER LINE

It shall be unlawful for any Master or Journeyman Plumber, or any person or persons, to connect any soil or waste line to any public sewer. All such connections shall be made by the City Sewer Department.

SEC. 93.1005 PRIVY VAULT, ETC. PROHIBITED

No person shall maintain a privy vault or outhouse in The City of San Diego.

SEC. 93.1006 CESSPOOL OR SEPTIC TANK

No person shall maintain a cesspool or septic tank within The City of San Diego upon any premises adjoining a lateral sewer.

SEC. 93.1007 DEPTH OF SOIL OR WASTE LINE

All soil and waste lines shall be laid not less than twenty-four (24) inches below the established grade of the property line, measurements to be taken from the bottom of the soil or waste line to be the established grade line.

SEC. 93.1008 OPENING IN SOIL LINE FOR SURFACE DRAINAGE

No opening shall be provided in any soil or waste pipe in any building, or upon any premises, for the purpose of receiving the surface drainage from any yard, unless special permission is granted by the City Sewer Department.

SEC. 93.1009 RAINWATER LEADERS

Rain water leaders which are installed to convey the waters from the roof of any building shall not be connected to a public sewer unless permission is granted by the City Sewer Department.

SEC. 93.1010 RUBBER COUPLINGS - PROHIBITED

Rubber couplings or ells are not permitted between the water-closet bowl and the flush pipe.

SEC. 93.1011 SEALING OF FIXTURES, OUTLETS WHEN NOT IN USE

All plumbing fixtures outlets when not in use shall be securely sealed with the proper plug, caps, etc. Cementing openings will not be permitted.

SEC. 93.1012 DISCHARGE FROM INDIRECT WASTE CONNECTION

In no case will any plumbing fixture which requires an indirect waste connection be allowed to discharge its waste waters into any plumbing fixture located in a bed room.

SEC. 93.1013 DENTAL QUARTERS

All buildings hereafter erected for dental quarters or offices shall have installed for each room a waste outlet of not less than one and one-half ($1\frac{1}{2}$) inches, inside diameter.

SEC. 93.1014 USE OF ACIDS

In all buildings where acids are used, the waste waters from which shall be discharged into the main sewer lines at a point acceptable to the Plumbing Inspector, the pipe used to convey such waste waters shall be first approved by the Plumbing Inspector. (See Specifications relative thereto, for Sulphuric acid.)

SEC. 93.1015 GREASE TRAP

In all cases where a building is used as a hotel or restaurant, if in the opinion of the Chief Plumbing Inspector a grease trap is required, the owner or lessee shall provide a grease trap, approved by the City Health Board.

SEC. 93.1016 SAND TRAPS

Sand traps, or similar receptacles, will not be permitted in any building, or on any premises, or any part thereof, except in public garages where they shall be of a size as stated elsewhere in this Article.

SEC. 93.1017 AIR PUMPS, GAS MACHINES, FOUNTAINS, ETC.

Air pumps, gas machines, vegetable and window fountains shall drain over an open fixture, or into a floor drain. In no case will direct sewer connections be allowed.

DIVISION - 11

TESTING OF PLUMBING

SEC. 93.1101 PRESENCE OF PLUMBING INSPECTOR

Testing of all plumbing systems installed in the City of San Diego shall be made in the presence of the Plumbing Inspector, and if the tests prove satisfactory to him, and the work installed is in accordance with the City Plumbing Article, he shall issue a certificate to that effect.

SEC. 93.1102 INSTALLATIONS LEFT OPEN

In all new and old buildings where plumbing is to be installed, the Building Inspector, or person or persons in charge of the building construction or alterations, shall leave all floorings, floors and partitions open and uncovered along the lines and angles where the plumbing pipes are to be installed, until the Plumbing Inspector has had ample time to approve the installation.

SEC. 93.1103 COVERING PLUMBING BEFORE INSPECTION PROHIBITED

It shall be unlawful for any carpenter, contractor, builder or other person, to cover or cause to be covered, any part of the plumbing system with flooring, lath, earth, or other material until the Plumbing Inspector has had ample time to approve the said plumbing installation.

SEC. 93.1104 FILLING LINES WITH WATER

All soil lines, waste and vent pipes must have their openings plugged and filled with water to the highest point of the highest vent. The Plumbing Inspector shall have the right to demand such water or other test as he may deem necessary.

When a system of plumbing has been tested in sections, and when the connections or intersections of same are made, an additional water test will be necessary on said connection or intersection.

SEC. 93.1105 ALTERNATE TESTS

When new plumbing is installed in old buildings, and is connected to the soil or waste line previously installed, and it is found not practicable to test the new installation with the water test, the Plumbing Inspector may, in his discretion request a smoke, air or peppermint test on the new work installed.

SEC. 93.1106 BUILDINGS MOVED

All plumbing, whether old or new installations, in all buildings or parts thereof that are moved from one foundation to another, regardless of their location on any property or properties, shall be tested to the floor level of the highest fixture with water.

SEC. 93.1107 SAME - SANITARY MEASURES

When a building is altered, converted or moved from one foundation to another, all plumbing, including fixtures, shall be made sanitary.

SEC. 93.1108 RUBBER TEST PLUGS

Rubber test plugs shall be used when necessary to seal the openings of plumbing outlets of four (4) inches or less, when a water test is applied.

SEC. 93.1109 DUTY TO INSPECT

It shall be the duty of the Plumbing Inspector to inspect all work, whether new or old installations, upon due notice that the said work is ready for inspection.

DIVISION - 12

SPECIFICATIONS AND REGULATIONS FOR MATERIALS

SEC. 93.1201 DIAMETER OF SINGLE FIXTURE WASTE BRANCH

The size of inside diameter waste branch for single fixtures shall never be less than the following:

	(Waste or Soil Pipe)	
Water-closet	4 inches	Trap Standard
Sand Traps (public)	4 "	"
Clinic Sinks .....3 or	4 "	"
Pedestal slop sinks .....3 or	4 "	"
Sumps (private)	2 "	"
Sumps (public).....	4 "	"
Main floor drain (private)	2 "	"
Main floor drain (public)	4 "	"
Tributary floor drain	2 "	"
Stall Urinal	3 "	"
Urinal Troughs, not 8 feet	2 "	"
Urinal Troughs, not 16 feet	3 "	"
Lip Urinals	1½ "	"
Siphon Urinals	2 "	"
Slop sinks other than for dwellings ..	2 "	"
Kitchen Sink, large hotel	2 "	"
Kitchen Sink, residence	1½ "	"
Pantry Sinks	1½ "	"
Shower Bath	1½ "	"
Tub Baths	1½ "	"
Foot Baths	1½ "	"
Sitz Baths	1½ "	"

		Trap
Basins	1½ inches	Standard
Laundry Trays	1½ "	"
Factory Sinks more than 5 feet	2 "	"
Factory Sinks, ordinary	1½ "	"
Fountain cuspidors	1½ "	"
Dental cuspidors	1½ "	"
Soda Fountains, indirect connection	1½ "	"
Soda Fountains, direct connection	2 "	"
Drinking Fountains	1½ "	"
Ice Box and Refrigerators, indirect connection..	1½ "	"

SEC. 93.1202 SIZE OF WASTE AND SOIL PIPE

Size of waste and soil pipe and the number of fixtures that may drain into same are shown in the following table;

Eight (8) feet or less urinal troughs or wash sinks count as one (1) fixture;

All fixtures that require 1½-inch waste outlets count as one (1) fixture;

All plumbing fixtures that require three-inch waste outlets count as two (2) fixtures;

Two (2) shower heads count as one (1) small fixture;

One (1) water-closet counts as four (4) small fixtures;

One (1) clinic sink with a four-inch waste shall count as four (4) small fixtures;

The installation of slop hoppers is not permitted.

MAXIMUM NUMBER OF FIXTURES CONNECTED THERETO

Size of Pipe	Waste and Soil	Soil Pipe
1½ - inch	4 fixtures, not sinks	
1½ - inch	2 sinks	
2 - inch	16 fixtures, not sinks	

Size of Pipe	Waste and Soil	Soil Pipe
2 -inch	8 sinks	
2½-inch	24 fixtures	
3 -inch	60 fixtures	
3½-inch	90 fixtures	
4 -inch	In horizontal circuit or battery formation;	water-closets
4 -inch	200 fixtures	or 50 water-closets
5 -inch	In horizontal circuit or battery formation;	32 water-closets
5 -inch	400 fixtures	or 100 water-closets
6 -inch	800 fixtures	or 200 water-closets
8 -inch	2400 fixtures	or 600 water-closets

In computing the number of fixtures to be connected to any soil pipe, a water-closet or clinic sink is the equivalent of four (4) small fixtures.

SEC. 93.1203 SIZE OF VENT PIPES AND STACKS

The following table gives the size of vent pipes and the maximum number of fixtures that they should serve:

Size of Pipes	Maximum Developed Length in Feet	Number of 1½-in. Traps	Number of 2-in. Traps	Number of Toilets
1½-in. pipe	50	4	2	
2-in. pipe	100	16	8	4 or less
2½-in. pipe	150	32	16	8
3- in. pipe	220	100	60	25
3½-in. pipe	300	150	75	45
4 -in. pipe	360	200	100	50
5 -in. pipe	450	410	250	200
6 -in. pipe	520	800	350	400

The sizes of vent stacks in the above table do not apply when plumbing fixtures are installed in circuit or battery formation.

SEC. 93.1204 LEAD PIPE: WEIGHT AND DIAMETER

Weight of lead pipe, used for branches, soil, waste, vent or flush pipe, bends and traps shall be of the best quality of drawn pipe of not less weight per lineal foot than shown in the following table:

Internal Diameter	Weights per Foot
1 -inch	1 lb. 8 oz.
1½-inch	3 lb. 8 oz.
2 -inch	4 lb. 0 oz.
3 -inch	6 lb. 0 oz.
4 -inch	8 lb. 0 oz.

SEC. 93.1205 BRASS FERRULES

Brass ferrules shall be of the best quality, extra heavy, cast brass, not less than 4½ inches long, and ~~2¼~~ 2 3/4 inch, 3½ inch and 4½ inch in diameter, and not less than the following weights:

Diameters	Weights
2½ inches	1 lb. 0 oz.
3½ inches	1 lb. 12 oz.
4½ inches	2 lb. 8 oz.

SEC. 93.1206 SOLDERING NIPPLES

Soldering nipples shall be of heavy cast brass or of brass pipe, iron pipe size. When cast they shall be full bore, and not less than the following weights:

Diameters	Weights
1½ inches	0 lb. ~~8 oz.~~ 8 oz.
2 inches	0 lb. 14 oz.

Diameters	Weights
$2\frac{1}{2}$ inches	1 lb. 6 oz.
3 inches	2 lb. 0 oz.
4 inches	3 lb. 8 oz.

DIVISION - 13

SEWER CONNECTION

SEC. 93.1301 SEPARATE SEWER CONNECTIONS FOR STRUCTURES

All buildings or structures shall be separately and independently connected with the public sewer. If there is no public sewer, then they shall connect to an approved cesspool or septic tank; provided, however, that the buildings or structures located on one lot, as defined in Section 93.0101, may connect to one common soil line, provided that the lot on which the buildings are to be constructed is of one ownership. The size of the main soil and branch lines shall be determined by the number of plumbing fixtures to be connected thereto, as stated in Section 93.1202. If the foundation of one building extends beyond the lot line limits of a lot, as defined in Section 93.0101 and over onto the adjacent lot or lots, then all buildings erected in the rear or overlapping the said building on the same lot, of the same ownership, may connect to the soil line of the building in front, if the soil line is of a size and grade required by this Article. Provided, however, that all buildings that constitute a bungalow court may connect to one common soil line of the size required by this Article.

SEC. 93.1302 PRIVATE SEWER LINE

When it is impracticable to extend a public sewer to a lot not abutting a public sewer, and a connection to the public sewer is desired, the owner of said property desiring a connection to said public sewer shall first receive permission from the owner of the property over which he wishes to construct a

private sewer line. Said permission shall be obtained in writing, and shall be recorded in the County Recorder's office, and a copy thereof filed with the Department of Public Health. Upon the filing of such record with the Department of Public Health, the Plumbing Inspector shall then issue a Plumbing Permit allowing such sewer extension. Each and every lot must be provided with a separate and independent soil line and sewer connection except as elsewhere provided for Bungalow Courts.

SEC. 93.1303 VARIATION OF SUBDIVISION - SEWER PLANS

When a public sewer has been installed in a subdivision or tract of land in a manner to make it accessible to each lot therein as plated at the time of installation, and it is contemplated by the owner to re-subdivide said tract or lots in a manner different from the original plan, then it shall be necessary for the owner thereof, in making such re-subdivision, to provide a public sewer, established on a street, alley, public thoroughfare, or the sidewalk parking space, nearest the lot line or parallel to and within four (4) feet of the rear of each lot, in such a manner that each lot in the proposed subdivision shall be provided with a public sewer entrance. Where it is proposed to establish a public sewer inside of any property line, or on the ~~sidewlak~~ sidewalk. parking space in any re-subdivision tract, or lots, the same shall be laid at least two (2) feet deep at the point where it terminates for the use of the last lot in the proposed subdivision, and a cleanout plug shall be placed at the end of the line, the size of said sewer to be in accordance with Section 93.1202 and the owner or owners of said tract or lots shall furnish

The City of San Diego, California, an easement and right-of-way for said sewer line. Where it is proposed to establish the sewer line on the sidewalk parking space or inside of any lot line, the same shall be done by a licensed Master Plumber and the Sewer Department shall record such installations by accurate measurements. Furthermore, shall either of the sewer lines established on the ~~sidewlak~~ sidewalk parking space or inside of any lot line be extended to serve any additional lot, a permit must be obtained from the Sewer Department and a fee of five dollars ($5.00) shall be paid for each additional lot connecting thereto.

DIVISION - 14

CESSPOOL AND SEPTIC TANK SPECIFICATIONS

SEC. 93.1401 ~~93.14~~ SPECIFICATIONS FOR CESSPOOL AND SEPTIC TANK CONSTRUCTION

All cesspool construction in The City of San Diego shall be not less than thirty-six (36) inches in diameter, and to a depth to be determined by the Plumbing Inspector. The side supporting walls or cribbing shall be two-inch redwood planks, securely braced with 4x4 redwood timber, placed not less than five (5) feet apart, or the same may be cribbed with loose laid brick or other appropriate material, approved by the Department of Pulbic Health. The top or cover shall be made of not less than two-inch plank and a reinforced concrete cap of not less than four (4) inches thick, and shall extend not less than eighteen (18) inches beyond the sides of the side walls of the cesspool. All connections from the house plumbing to the cesspool must be made with cast iron pipe.

All septic or settling tank construction in The City of San Diego shall be of good concrete or brick. If constructed of concrete, the walls and cover shall be not less than four (4) inches thick, and the bottom and partitions not less than three (3) inches thick. The cover shall be reinforced and a manhole of not less than eighteen (18) inches in diameter shall be provided over the first compartment. If constructed of brick, the inside walls and bottom shall be made water tight by a smooth coating of rich cement mortar at least ½-inch thick. The cover shall be of reinforced concrete constructed in the same manner as prescribed for a concrete tank. All settling or septic tanks shall meet the approval

of the Plumbing Inspector. The side walls of the circular type tanks of the mimimum capacity as specified herein must be of not less than two-inch uniform thickness. The thickness of the side walls and cover for larger sizes shall be determined by the Plumbing Inspector.

All septic tanks, when installed, shall be provided with a cesspool of not less than one hundred (100) feet of three-inch or four-inch diameter subdrainage tile pipe, laid with an even grade of not more than six inches fall to the one hundred (100) feet. The nature of the soil shall determine the depth necessary to accomplish the best results, and shall meet the approval of the Plumbing Inspector. The net capacity of the three compartments shall be not less than four hundred (400) gallons, and where more than ten (10) people are to be provided for, the size of the tank and compartments shall be increased proportionately at the ratio of thirty-five (35) gallons for each additional person to be served. All connections from the house plumbing to the septic tank must be made with cast iron pipe. The inlet and outlet shall be made with cast iron bends, and extend to a point fifteen (15) inches from the bottom. When in the judgment of the Plumbing Inspector the soil is not suitable for a subdrainage system, then in that case, the Plumbing Inspector may order artificial means to provide proper seepage, or a cesspool to care for the effluent.

All connections from the house plumbing to the cesspool or septic tank must be made by a licensed plumber.

DIVISION - 15

GAS FITTINGS AND FIXTURES

SEC. 93.1501 GAS FITTINGS AND FIXTURES - TESTING

The gas piping in every building shall be tested air-tight, first when roughing-in is completed, and second when the entire building is completed and the work ready for gas fixtures. These tests must equal fifteen pounds air test per square inch, or thirty-inch mercury column pressure, and hold for at least fifteen minutes.

SEC. 93.1502 INSPECTION

All pipes must be examined by the Inspector of Gas and Electricity before they are concealed and due notice must be given by the fitter, when any pipe is ready for inspection. The Inspector, on proof of satisfactory test, shall issue a certificate covering such work.

SEC. 93.1503 SIZES AND LENGTHS OF PIPE

The following table of pipe sizes and lengths required should govern all house piping:

DIAMETER OF PIPE	GREATEST LENGTH ALLOWED	CAPACITY PER HOUR	NO. OF 3/8-INCH OPENINGS
3/8 inch	20 feet	15 cu.ft.	1
1/2 inch	30 feet	30 cu. ft.	2
3/4 inch	60 feet	80 cu. ft.	5
1 inch	70 feet	170 cu. ft.	11
1 1/4 inch	100 feet	290 cu. ft.	19
1 1/2 inch	150 feet	470 cu. ft.	31
2 inch	200 feet	860 cu. ft.	57
2 1/2 inch	300 feet	1,200 cu. ft.	80
3 inch	400 feet	1,700 cu. ft.	113

The number of openings may be increased provided the length of pipe is less than the number of feet above specified, upon approval of the Inspector of Gas and Electricity.

SEC. 93.1504 PIPE FITTING SPECIFICATIONS

Risers must be carried up inside of walls where they will be protected from the elements, and end so that the meter and stop cock will be readily accessible.

Vestibule walls are considered outside walls.

No risers shall be less than three-quarters of an inch in diameter. No concealed piping smaller than one-half inch in diameter will be allowed.

All piping, where practicable, shall grade back to the riser and the riser drained to the meter.

Where a trap is unavoidable, a "T" nipple and cap must be placed at the lowest point and left so it will be assessible for removing condensations.

Gasket unions must not be used in concealed work.

No gas-fitters cement, or patching of any kind is permissible.

All risers for a one-r two-story building shall extend to the basement, where all meters must be set.

Where a building is three stories or over in height, the meters must be set on the various floors, provided they are in a public hall.

Where two or more meters are set on a single service pipe, a stop cock must be placed on the surface in an accessible position at or near the foundation wall.

Risers must be so run that meters will not set more than 7

feet 6 inches from floor.

Meters must not be set under a store window, in the top of a closet, or in any confined place where danger might arise of an explosion while setting or removing the meter or from escaping gas.

Meters must be set in a reasonably dry and warm place, but not over any heating apparatus; and when practicable, meters are to be set in a room made for the purpose of containing meters.

Ready access to the meter and stop cock must be maintained at all times. If meters are set under a building, an opening shall be left at the dial of the meter at least two feet square. If meters are set under a building at any distance from the outside wall or foundation, then an opening must be left which will admit a man's body; said opening to be not less than two feet by two feet.

All meters shall be provided with a stop cock.

The meter or meters set by the firm, person or corporation furnishing gas to the City of San Diego, or its inhabitants, shall be at a point or place designated by some duly authorized person, in the employ of such firm, person or corporation.

Service lines shall enter the property of the consumer of gas at a point or place indicated by the person, firm or corporation furnishing gas as aforesaid.

All service lines supplying theatre buildings, hotels, apartment houses, churches, or public halls, or which supply buildings in which the meter or meters are not easily accessible to the outside of the building, shall be provided, by the person, firm or corporation furnishing the gas, with a cut-off which shall meet the approval of the Inspector of Gas and Electricity and the Chief of the Fire Department,

and which shall be located at the curb line.

Applications for inspection must be made at the office of the Inspector of Gas and Electricity. The Inspector will, thereafter, at his earliest convenience, make such inspection.

It shall be the duty of the contractor installing gas pipes or fixtures, before applying for inspection, to put air pressure of not less than 15 pounds per square inch upon all runs of pipe, and by means of a suitable pressure gauge, prove them tight. In case the Inspector shall find said pipe or gas appliance to be faulty, or in a leaky condition, he shall notify the contractor to correct same, and shall collect in advance, from such contractor, the sum of One Dollar ($1.00) for each and every run of pipe on which re-inspection is required, and when such work has been found satisfactory, he shall issue his certificate therefor.

SEC. 93.1505 INSPECTION FEES

For eight outlets or under $1.50

For each additional outlet ..... .10.

DIVISION - ~~15~~ 16

PENALTY

SEC. ~~93.1501~~ 93.1601 Any person who violates, disobeys, omits or neglects or refuses to comply with, or resists, or opposes the execution of any of the provisions of this Article or who maintains in service any plumbing or drainage system installed, constructed, altered or repaired in violation of this Article, shall be deemed guilty of a misdemeanor.

For each day that such violation, disobedience, neglect, or refusal shall continue, every such person shall be deemed guilty of a separate offense, and every part of such plumbing or drainage system as may exist in violation of this Article shall be considered as condemned, and shall be torn out at the expense of the person guilty of the violation.

ARTICLE - 4

RAT - PROOFING

SEC. 94.01 DETAILS OF RAT-PROOFING

All business buildings and premises shall comply with all of the following rat-proofing requirements, and all other buildings and premises shall comply with such requirements the Health Officer may order when rat-infestation is found.

SEC. 94.02 APPROVED MATERIALS AND METHODS

Only such rat-proof materials and methods as have been approved by the Health Officer shall be used.

SEC. 94.03 RUST-RESISTING MATERIALS

Solid sheet metal, expanded metal, and wire cloth specified herein shall have a rust-resisting covering, preferably galvanized.

SEC. 94.04 BASEMENT OR CELLARS

(a) The exterior walls of basements or cellars shall be constructed of cement or masonry impervious to rats at their junction with the ceiling or floor above, and all actual or potential openings in such walls through which rats may gain entrance from the exterior or pass from one building to another, as from one building to another, as those caused by defects in the wall construction, those around drains, pipes, wires, or other installations, and those of any other nature not used for passage, light, or ventilation, shall be closed with cement mortar, masonry, 26-gauge or heavier metal, or other suitable material approved or directed by the Health Officer.

(b) All open pipes or drains in basements or cellars through which rats may pass shall be capped with a perforated

metal cover securely fastened in place, preferably with a hinge, the perforations not being greater than one-half (½) inch in diameter.

(c) All breaks, cracks, or other openings in concrete floors or walls of basements through which rats may pass shall be closed with cement mortar.

(d) Basements and cellars shall be kept free of all rubbish and debris at all times, and all merchandise or other materials stored therein shall be so kept or piled that they will not provide a place of harborage for rats.

(e) When floors in existing basements and cellars are constructed partly or entirely of wood, and such wooden floor causes or contributes to a condition of rat-harborage, or rat-infestation, the Health Officer may require that such wood floors shall be completely removed and that they shall be replaced with a concrete floor three (3) inches or more in thickness, or if there is no basement floor the Health Officer may require that a suitable concrete floor shall be installed.

SEC. 94.05 FIRST OR GROUND FLOORS

(a) If the first or ground floors are constructed of concrete, tile, or other material impervious to rat gnawing and do not have basements or cellars under the entire floor area which can be satisfactorily rat-proofed, all actual or potential openings through which rats may gain entrance, such as those around pipes, wires, or other installations, those caused by defects of any kind, and those where the floor and

sidewalls join, shall be properly sealed with cement mortar, masonry, metal collars, metal flashing of 26-gauge or heavier, or any other suitable material approved by the Health Officer as being rat-proof, and all open drains or pipes through which rats may pass shall be securely capped with perforated metal having openings not greater than one-half (½) inch in any diameter.

(b) If the first or ground floors are constructed of wood and do not have basements or cellars extending under their entire area which can be satisfactorily rat-proofed, all actual or potential openings through which rats may gain entrance shall be sealed with 24-gauge or heavier sheet metal, the junction of the floors with the sidewalls shall be flashed with 24-gauge or heavier sheet metal which shall extend six (6) inches or more to the floor and four (4) or more inches upon the sidewalls, and all drains or open pipes through which rats may pass shall be capped with perforated metal having openings not greater than one-half (½) inch in any diameter.

(1) If such buildings with wood first or ground floors are built on piers so that the distance between the ground and the lower surface of the joists is less than eighteen (18) inches above the ground surface, or if the foundation of the building is not impervious to rat gnawing, or if there is a foundation but it does not extend twenty-four (24) inches straight down below the surface of the ground, a concrete curtain wall shall be installed around the entire periphery of the building, which curtain wall shall be at least four

(4) inches thick and shall extend twenty-four (24) inches below the surface of the ground, or in lieu thereof the curtain wall shall be constructed in the form of an "L" with the vertical portion eighteen (18) inches or more below the ground surface and the lower reinforced horizontal arm extending outwards eight (8) inches from the vertical section.

(2) When the first, or ground floor is constructed of wood or partly of wood and partly of concrete or other rat-proof material, and the Health Officer shall find that such wooden protion of such floor is not rat-proof, the Health Officer may require such wooden portion of such floor to be replaced with concrete or other material approved by the Health Officer as being rat-proof.

(c) Whenever rats are found to be harboring under wooden platforms or secondary wooden floors built over either concrete, wood, or other flooring, the Health Officer may require the rat-proofing or the complete removal of such wooden platforms or floors, or that they be lowered to a distance not exceeding one-half (½) inch above the floor.

SEC. 94.06 DOORS

All doors and door jambs or frames serving as front, side or rear entrances to basements, cellars, ground or first floors, and those on upper floors having exterior stairways, as well as any other doors which may be accessible to rats outside of buildings or between buildings and different business establishments shall comply with the following:

(a) Solid, strong doors constructed of metal, hardwood,

or other material approved by the Health Officer as being resistant to rat gnawing, which fit snugly in their frames and on their thresholds or sills so that rats cannot gain entrance through them and which do not present irregular surfaces or cracks for rats to gnaw through, may be passed by the Health Officer without further treatment, but doors which are in such disrepair or in such poor condition that they cannot be satisfactorily rat-proofed shall be replaced by new ones or shall be repaired so as to be satisfactorily rat-stopped, and they shall swing smoothly and easily on their hinges.

(b) Doors constructed of soft wood or other material not resistant to rat gnawing, doors which show evidence of rat gnawing or have any irregularities, cracks, or small openings along their lower margin or sides and therefore offer potential sites for rats to gnaw, and doors which have any openings over three-eighths (3/8) inch wide anywhere or between the door and door sill or threshold shall be fortified and rat-proofed by using either metal channels of 24-gauge or heavier metal or metal flashing of 26-gauge or heavier metal. After application of either metal channel or flashing the door shall swing or move smoothly without any binding.

(c) Wooden door frames shall be flashed with 26-gauge or heavier metal to the same height as the door flashing whenever there is a crack or other defect between them and their doors which may be utilized by rats for gnawing through the frame.

(d) Irregularities or defects in wooden door sills shall

be corrected by flashing the sills with 24-gauge or heavier metal.

(e) Irregularities or defects in door thresholds constructed of concrete or masonry which produce openings under doors three-eights (3/8) inch or greater shall be corrected by pointing up with cement mortar or other suitable rat-proof material approved by the Health Officer or by constructing a new threshold of similar material.

(f) Sliding wooden or metal doors and swinging metal doors that have a space greater than three-eighths (3/8) inch wide between them and their sills or thresholds shall have either rigid or movable sliding strips of 20-gauge metal or equivalent material fastened to their lower margins so that spaces under such doors when closed will not exceed three-eighths (3/8) inch in width.

(g) Mail slits in the lower part of doors which are accessible to rats shall be fitted with covers which cannot be raised by rats from the outside.

(f) Other openings in exterior doors used as vents or for other purposes shall be fitted with iron grill work having no openings larger than one-half (½) inch in any diameter or with wire cloth of the same mesh 19-gauge or heavier.

SEC. 94.07 WINDOWS

All windows of business buildings through which rats may gain entrance, including all windows having sills less than thirty (30) inches from the ground, or those which may be accessible to rats from the roof of the same building or adjacent structures, and those which rats may gain entrance

to by climbing the walls of the building or by means of vines, trees, wires, pipes, or any other installation, shall be rat-proofed if the windows are open or capable of being opened.

(a) Windows shall be rat-proofed by covering their entire surface with nineteen (19) gauge or heavier wire cloth having a mesh not greater than one-half (½) inch. The wire cloth shall be securely fastened to frames that are to be installed so that they may be readily removed to clean the windows or for other purposes. The edges of the wire cloth along the entire outer margin of wood frames shall be covered with metal strips approximately one (1) inch wide.

SEC. 94.08 VENTS

All vents or openings for light or ventilation in the foundation, walls, or roofs of buildings which may be accessible to rats from the ground or other surface or by clinging shall be rat-proofed by the installation of iron grills or 16-gauge or heavier wire cloth or expanded metal of 18 or heavier gauge, all having openings no greater than one-half (½) inch in any diameter. The metal may be sealed in place with cement mortar or it may be installed on a tightly fitting wooden or metal frame. If a wood frame is used the edges of the wire cloth or expanded metal shall be covered by strips of metal approximately one (1) inch wide.

SEC. 94.09 SIDEWALK VENTS AND LIGHT OR WINDOW WELLS

Unless closed by a metal grill having no openings greater than one-half (½) inch in any diameter, all sidewalk vents and light wells of business buildings shall be rat-proofed by one or more of the following methods:

(a) by covering the opening in the side wall or foundation of the building with 19-gauge or heavier wire cloth having a mesh not greater than one-half (½) inch in any diameter, which shall be securely fastened in place with cement mortar or a tight-fitting frame. If it is deemed necessary to gain entrance to the well for any purpose the frame shall be installed so that it can be easily removed or swung open on hinges.

(b) By partially closing the opening in the foundation or wall with masonry or similar material and treating the remaining opening as in (a) above.

(c) In lieu of the above described procedures for the rat-stoppage of light wells and sidewalk vents a rat-proof wire basket may be installed upon written approval of the Director of Public Health.

(d) If he shall deem it necessary, the Health Officer may require that the bottom and sides of light wells shall be rat-proofed with concrete or masonry, making at least one hole per square foot in the bottom for drainage, not greater than one-half (½) inch in diameter. If deemed necessary, the openings of sidewalk vents or light wells may be entirely closed with cement mortar or other material impervious to rats.

SEC. 94.10 BUILT-IN ~~REFRIGERATORS~~ REFRIGERATORS OR ICE-BOXES

When there is evidence of rats harboring in or entering built-in refrigerators or ice-boxes, all openings used by rats shall be sealed with 26 or heavier gauge metal, and if

deemed necessary by the Health Officer the function of the ice-boxes with the floor and walls shall be flashed with 24- or heavier gauge metal. If the built-in refrigerators or ice-boxes rest on the surface of the ground the Health Officer may require that curtain walls shall be installed around the periphery in the same manner as those used for imperfect foundations of buildings. (See Sec. 94.05 (b)).

SEC. 94.11 METER BOXES, ETC.

Meter boxes and other installations sunk into sidewalks or in the ground near buildings from which conduits or pipes pass to buildings shall have their sides and bottom surfaces sealed with cement mortar or other rat-proof material. Drainage shall be provided when necessary by holes not greater than one-half ($\frac{1}{2}$) inch in any diameter.

SEC. 94.12 MISCELLANEOUS OPENINGS

Opening of any type in foundations, walls, and roofs of buildings, such as those caused by defects in construction, those resulting from disrepair or deterioration of the buildings, those around wires, pipes, conduits and any other installation, through which rats may enter a building or gain access to the space between double walls from the exterior, and which are not used for light or ventilation, shall be sealed with 26 or heavier gauge metal used as collars or flashing or with cement mortar, masonry, or any other suitable material approved by the Health Officer as being impervious to rat gnawing.

SEC. 94.13 DIVIDING WALLS

Openings of any kind in party walls between business

buildings shall be rat-stopped in the same manner as those in walls having a free exterior surface, and when feasible, the walls dividing an establishment in which food is handled, stored, sold, or served from other establishments in the same building shall be rat-stopped in the same manner as exterior walls.

SEC. ~~93.14~~ 94.14 ELEVATOR AND DUMBWAITER SHAFTS

The walls, bottom, and top of elevator and dumbwaiter shafts shall be constructed and repaired so as to make them rat-proof in the same manner as prescribed for basement walls and exterior walls of buildings.

SEC. 94.15 LOADING PLATFORMS

Loading platforms shall be constructed of concrete or other rat-proof material placed on a clean solidly packed fill enclosed by a concrete or other rat-resistent curtain wall as prescribed for imperfect foundations or buildings(See Sec. 94.05(b)(1) hereof.); provided that open wood or other construction may be used where a clearance of eighteen (18) inches or more exists between the floor joists of the platform and the finished ground level, and the intervening space is kept open on at least three sides and is kept clear of all storage and debris.

SEC. 94.16 SIDEWALKS AND GROUND COVERINGS

Sidewalks and ground coverings shall be constructed of concrete, solid masonry, or other rat-proof material laid directly upon the ground or other clean, solidly-pacied fill; provided that open construction may be used where a clearance of eighteen (18) inches or more exists

between the floor joists of the elevated sidwwalk or ground covering and the finished ground level, and the intervening space is kept open on at least three sides and is kept clear of all storage and debris. When rats burrow under sidewalks or ground coverings, a rat-resistant curtain wall shall be installed as prescribed for imperfect foundations of buildings. (See Section 94.05(b)(1).)

SEC. 94.17 OUTHOUSES, STORAGE BOXES, ETC.

All outhouses, sheds, barns, garages, and other structures shall be rat-proofed and kept free of rats in the same manner as other buildings, or in lieu thereof they shall be torn down. Chicken houses, rabbit houses or hutches, and the like, shall be separated from other structures by at least six (6) feet, and shall be especially well rat-proofed, and shall have a rat-resistant curtain wall as prescribed for imperfect foundations of buildings (See Sec. 94.05(b)(1)), provided that open construction may be used where a clearance of eighteen (18) inches or more exists between the floor joists and the finished ground level, and the intervening space is kept open on at least three sides and is kept clear of all storage debris, and material which would afford food for rats. Outside storage boxes and lockers shall likewise be elevated at least eighteen (18) inches from the ground. Feed pens, mangers, water troughs, shelving, ans so forth shall be of open construction.

SEC. 94.18 REMOVING AND RESTORING RAT-PROOFING

Any contractor, public utility, person or individual

who makes any alterations or repairs on a building or who installs any wires, conduits, or pipes, or who makes any other installation, or who for any other reason removes existing rat-proofing, and does not restore the rat-proofing in a proper condition as soon as it is practicable, or who makes new openings by which rats may enter buildings from the ground, or by climbing, or burrowing, shall be deemed guilty of a misdemeanor.

ARTICLE - 5

SIGNS AND HOUSE NUMBERS

DIVISION - 1

SIGNS

SEC. 95.0101 DEFINITIONS

Sign: The term "Sign" shall be deemed to mean any arrangement of letters, designs or borders superimposed on, suspended from, or attached to a surface, painted on a surface or incised into a surface. Unlighted architecturtural ~~configuattion~~ configuration, with no advertising, lettering or design shall not be included within the meaning of this definition.

Area Of Sign: The area of a sign shall be the sum of the areas enclosed within parallelograms drawn around each letter or design, and the area of the borders of the sign which shall be computed by including the area enclosed by a line drawn around and two inches distant from the border on all sides. If the letters or designs are connected to one another as in script writing, the parallelograms shall be drawn around each group of letters or designs so connected.

If the frame or backing of the letters, designs or borders of a sign form an integral part of the sign, then the sign area shall be the total area of the face of the sign.

Each face of a multi-face sign shall be counted in computing the permitted area of the sign.

Designation Of Principal Use Of Premises: Shall not include a description of, listing of, or advertising of auxiliary service, or accessory use of the premises.

Advertising Structure: The term "Advertising Structure" shall be deemed to mean a structure of any kind or character erected, used or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including walls of buildings or structures, statuary and billboards for advertising purposes.

SEC. 95.0102 HAZARDOUS LOCATIONS

No sign or advertising structure shall be located near any highway or thoroughfare in such a position as to obstruct the view sufficient to create a condition dangerous to traffic.

SEC. 95.0103 PUBLIC PROPERTY PROHIBITION

(a) No person shall place, paint or secure any lettering advertisement, card, poster, sign or notice of any kind, or cause same to be done, on any curb, sidewalk, post, pole, lamp post, hydrant, bridge, tree or other surface located on public property except such signs as may hereafter be lawfully authorized.

(b) No advertising structure, billboard or part thereof, shall be located over public property except as otherwise specified in detail in this Division.

The provisions of this Section shall be enforced by the San Diego Police Department, employees of the Planning Department and employees of the Inspection Department of The City of San Diego.

SEC. 95.0104 PERMITS

The Building Inspector shall issue permits for signs

and billboards when the plans and specifications filed by an applicant have been checked and found to be complete and in conformity with the requirements of this Division, and the Building Code of the City and no sign or billboard shall be started, placed, rebuilt, replaced or appreciably increased in size without first obtaining said permit. The stamp and approval of the City Planning Commission shall not be required in Zones C, M-1 and M-2, unless said areas by ordinance required all applications for building permits to be referred by the Building Inspector to the Planning Commission for approval as to exterior design.

Provided, that in the following areas, the following signs shall be permitted:

Zone R-1A: One (1) unlighted name plate of a maximum of four (4) square feet, and one (1) unlighted sign of a maximum of eight (8) square feet offering the premises for sale or lease may be displayed.

ZONE R-1: One (1) unlighted name plate of a miximum of one (1) square foot in area attached to and parallel with the exterior wall of the building, or one (1) unlighted name plate of a maximum of four (4) square feet in area identifying farms, nurseries, parks, playgrounds, and golf courses, and one (1) unlighted sign of a maximum of eight (8) square feet offering the premises for sale or lease may be displayed. Such signs shall be located back of the set-back line.

ZONE R-2: Any sign permitted in Zone R-1 shall be permitted

in Zone R-2. One sign of a ~~maximum~~ maximum of eight (8) square feet in area may be displayed back of the setback line by churches, schools and telephone exchanges.

ZONE R-4 One (1) sign, visible from the exterior of the building and designating the permitted principal use of the premises, shall be permitted fronting each street.

The sign for each street frontage shall not exceed 20' x 4' maximum dimension, nor exceed three-tenths of a square foot for each lineal foot of street frontage of the premises, whichever is the lesser area, provided that the sign on any one premises need not be less than eight (8) square feet in area.

Signs shall be attached to, but not project more than eight (8) inches beyond the face of the building nor project above the parapet or eaves of the building. Face of signs shall be parallel to the face of the building.

ZONE R-C: The aggregate area of all signs permitted on a premises in Zone R-C shall not exceed five-tenths of a square foot for each lineal foot of the street frontage occupied by the premises , provided that the aggregate area of all signs used by a single place of business need not be less than fifteen (15) square feet.

No sign shall exceed 25' x 5' in maximum dimension.

Signs shall be attached to but not project more than sixteen inches beyond the face of the building nor project above the parapet or eaves of the building.

Any provision of this Division to the contrary notwithstanding, signs to be placed in areas wherein the exterior design of the buildings is to be approved by the City Planning

Commission, pursuant to ordinances heretofore or hereafter adopted, shall be adopted, shall be referred by the Building Inspector to the Planning Commission or any other commission designated by the City Council for approval as to exterior design, and procedure thereon shall be as prescribed by the Zoning Chapter of the Code of the City of San Diego for the granting of variances and permitting appeals to the City Council, or any other ordinance designated by the City Council. All additional signs shall be regulated, pursuant to the provisions of this Division.

SEC. 95.0105 PERMIT FEES

Any person desiring a permit for a sign, billboard or similar structure shall, after making application therefor, in due form, pay to the City Treasurer a fee as required in this Section, and such permit fee shall be as follows:

TOTAL GROSS VALUATION

From	To	Fee
$ 0.00	$ 50.00	None
50.01	300.00	$2.50
300.01	1,000.00	$1.00 plus $0.50 per $100 or fraction thereof of total valuation.

SEC. 95.0106 NO PERMITS, WHEN

The following types shall be deemed the only types of signs and billboards which may be erected on private property in Zones C, M-1 and M-2 without first obtaining a

permit:

(a) Isolated signs and billboards supported from the ground on a private property, provided that, the aggregate of such signs and billboards do not exceed a total of 50 square feet in area nor 6 feet in height measured from ground to top of sign.

(b) Signs and billboards, other than electric, when placed flat against the exterior walls of a building, provided that no part of such signs and billboards project more than 6 inches over public property and have clearance above public property as required in ~~Section~~ Chapter 45 of the ~~Building Code~~ Uniform Bldg Code: and provided, further, that such signs and billboards do not exceed a total of 50 square feet in area on any one premises or property.

(c) Temporary cloth signs when placed flat against walls of a building, also auction signs or banners, not exceeding 400 square feet in total, as particularly described in this Article.

(d) Temporary signs on temporary structures over public property, where permit has been issued for use of such public property during construction period, shall be for identification and principal use of the premises only.

SEC. 95.0107 STRUCTURAL REQUIREMENTS:

(a) All signs and billboards, including their supporting parts and fastenings, shall have sufficient strength to safely support all possible live and dead loads, and shall safely resist the wind pressures as provided and required in the Building Code. Poles, posts and similar vertical supports when used to support a sign must be designed to

safely support the weight of the sign and resist bending and torsion, if any.

(b) The structural safety of the roof, wall or other support which directly or indirectly supports any sign or billboard shall be carefully investigated and reinforced or strengthened when necessary to insure the safety requirements of the Building Code. All structural steel and similar supporting parts shall be galvanized or painted with three coats of preservative exterior paint.

SEC. 95.0108 STRUCTURAL DESIGN

All signs and billboards, including their supporting parts and fastenings, shall have sufficient strength to safely support all possible live and dead loads, and when designing same the lateral wind pressure shall be assumed as 15 pounds per square foot for exposed surfaces, excepting that when said signs and billboards are to be located on or above the roof of a building or structure exceeding four stories or 40 feet in height above ground or grade, the lateral wind pressure shall be assumed as 20 pounds per square foot of exposed surfaces.

All sign and billboard supports and structural framing are to be substantial, rigid and well-braced and no member of said structural support or framing, when of steel, shall be less than 3/16 of an inch in thickness.

SEC. 95.0109 MAINTENANCE

All signs and billboard supports and fastenings shall be maintained in a state of safe repair, and well painted

by the person, firm or corporation owning, operating or having the care or custody of such signs and billboards.

SEC. 95.0110 GALVANIZED MEMBERS

The minimum permissible diameter of all sign supporting wires, guy wires, or cables, where structurally required, shall be not less than one-fourth of an inch. All wires, cables, turnbuckles, clevises, sleeve nuts, and fastenings connected therewith shall be bronze, galvanized or painted with three coats of approved paint and all supporting cables and guy wires shall be provided with turnbuckles or sleeve nuts.

SEC. 95.0111 PERMANENT FASTENINGS

Wooden plugs, wedges and similar wooden fastenings are prohibited. One-half inch diameter shall be the minimum allowable for bolts and similar fastenings at the walls. Loose brick, stone or masonry around fastenings must be permanently cemented back in place.

SEC. 95.0112 FLAT WALL SIGNS, ETC.

When a sign exceeds 50 square feet in area and is placed flat, against the wall of a building, such sign shall be constructed from non-combustible material, excepting that such signs may have a wooden skeleton stiffening frame.

SEC. 95.0113 UNLAWFUL FASTENINGS

No sign or banner shall be fastened to, or supported on or from any standpipe, ~~Downspout~~ downspout, conduit, fire escape, or fire escape balcony, and no sign or banner of any kind shall be placed across or directly in front of any necessary or required window.

SEC. 95.0114 IDENTIFICATION

All signs must have the ~~maker's~~ maker's name conspicuously located and permanently attached or painted on the exterior.

SEC. 95.0115 NON-COMBUSTIBLE MATERIALS, STEEL FRAME

Except as otherwise ~~particularly~~ particularly stated in this Division, all signs and billboards, their supports and fastenings when placed on or above any roof or similar location, shall be constructed entirely from non-combustible or approved materials.

Roof signs having an advertising surface exceeding 15 feet in height, shall consist of open metal work skeleton lettered construction with a structural steel frame.

SEC. 95.0116 ROOF AND PARAPET SIGNS

(a) The lower edge of all roof signs and billboards shall be kept at least 4 feet in the clear above the roof, except when the topmost part of a sign does not exceed 5 feet in height above the roof.

(b) All roof signs and all billboards shall be so constructed as to provide a sufficient clearance for safety and fire fighting purposes, which clearance shall be at least 3 feet on either side and 4 feet above the roof surface.

(c) A non-combustible sign, not exceeding 20 feet in length, the top or upper edge of which does not exceed 30 inches in height above the parapet may be placed directly on the parapet of a building, provided the sign, supports and parapet wall are suitable for the purpose and structurally safe.

SEC. 95.0117 MAXIMUM VERTICAL SIGN PROJECTION

Signs may project over a public street or public sidewalk as far as, but not beyond the limiting dimensions as

follows:

Height Above Sidewalk	Maximum Projection Over Public Street
8 feet	1 foot
9 feet	1 foot, 6 inches
10 feet	2 feet
11 feet	2 feet, 6 inches
12 feet	3 feet
13 feet	3 feet, 6 inches
14 feet	4 feet
15 feet	4 feet, 6 inches
16 feet and over	5 feet

Vertical signs which are placed at the corner of two intersecting streets shall be hung so as to make the same angle with both streets. Said signs shall not exceed 16 inches in thickness; however the signs may extend vertically any safe distance.

SEC. 95.0118 SIGNS OVER PUBLIC PROPERTY

(a) Unless otherwise stated in this Division, all signs, other than signs on marquees, when projecting more than 12 inches (and not exceeding 5 feet) over public property, must be hung at right angles to the face of the building and/or property line, excepting that at the corners of intersecting streets the sign shall be hung so as to make the same angle with both streets. Small metal molding, trim, incandescent bulbs and neon tubing may project not to exceed 3½ inches beyond the face of the sign. "V" shaped signs or rounded signs projecting more than 30 inches over public property are prohibited and no "V" shaped (or rounded) sign

shall exceed three feet in height, nor more than 14 feet in length measuring parallel to the building. Signs may be placed flat against parapet walls, provided such signs do not project above top of parapets. Excepting that when such sign does not exceed 20 feet in length, the same may project not to exceed 30 inches above the parapet.

(b) All signs which project more than 8 inches over public property shall be constructed from non-combustible material, excepting that signs which do not extend more than 30 inches over public property and do not exceed a total of 10 square feet in area may be constructed from plywood, slow burning fiber board, or similar rigid material. No sign other than an approved electric sign shall project more than 30 inches over public property, except as to approved theater marquee signs, which signs shall be regulated by Section 95.0132.

SEC. 95.0119 DISTANCE BETWEEN SIGNS

No sign projecting more than 30 inches over public property shall be located within 4 feet, measuring in any direction, of any other sign, which projects more than 30 inches over public property. Such signs shall be entirely free and independent of one another.

SEC. 95.0120 ELECTRIC SIGNS

All signs which project more than 30 inches beyond the property line (over public property) shall be illuminated, approved electric signs. Both sides or faces of such signs shall be illuminated. The exterior illumination shall be

arranged to form an integral part of the characters, symbols and/or decorative features. The illumination shall be not less than the equivalent of 12 watts per square foot of exposed surface on each side when using incandescent lamps. When gaseous tubes are used not less than 10 linear inches of exposed, illuminating tubing for each square foot of exposed sign surface on each side will be required. The exposed illuminated tubing shall be reasonably distributed over the sign surface except for small concentrated areas containing a feature of the sign.

SEC. 95.0121 ATTACHED SIGNS

A small metallic sign, not exceeding 18 inches in height, may be attached directly to the top or bottom of an electric sign which projects over the public walk, provided there is enough extra illumination on the electric sign to provide for the added surface as required in the preceding paragraphs, and provided, further, that the added sign shall be bolted, riveted and/or rigidly secured, as approved, directly to the electric sign, thus making one complete sign.

SEC. 95.0122 THICKNESS, INTERNAL ILLUMINATION - WEATHERPROOF

Hollow signs shall not exceed 16 inches in thickness. Signs when provided with approved and sufficient non-leak weather-tight transparencies on both sides, and uniformly distributed internal illumination, will be accepted as electric signs, provided that the total effective illumination in the preceding paragraphs be provided. All hollow signs shall have drainage holes in bottom.

The interior of all box type and hollow electric signs shall be protected from the elements, and shall be constructed so as to insure a reasonably dry interior.

SEC. 95.0123 REFLECTED ILLUMINATION PROHIBITED

Illuminating any sign by reflected light will not qualify such sign as an electric sign when the light is held away from the sign with arms, brackets, conduits or rods, whenever any portion thereof is over public property.

SEC. 95.0124 NATIONAL CODE REQUIREMENTS

Except as otherwise specified in this Division, all electric signs shall meet specification and construction requirements equal or equivalent to the electrical sign requirements as specified in the current National Electrical Code.

SEC. 95.0125 NON-COMBUSTIBLE SIGNS - GLASS PANELS

All electric signs which extend more than 8 inches over public property shall be constructed entirely from non-combustible materials, and shall be reinforced with rigid steel or equivalent structural frame and bracing. Plain or plate glass panels or characters exceeding 200 square inches in area are prohibited. Wire glass, or approved heat resisting glass or approved equivalent fire resisting panels may be used, provided the area does not exceed 720 square inches.

SEC. 95.0126 ILLUMINATED WHEN

All electric signs which project more than 30 inches over public property (beyond the property line) must be burned at full capacity at least two hours each and every

night between the hours of sundown and midnight; excepting that Sunday and legal holiday nights may be optional. All signs not so burned shall be entirely removed, except where a diligent effort is being made to repair said sign or where said building is temporarily unoccupied, but not to exceed a period of ninety (90) days. It shall be the responsibility of the person, firm or corporation owning, operating or having the care or custody of such signs to remove the same.

SEC. 95.0127 ERECTION BY ELECTRICIANS - WHEN

For the purpose of this Division all electric signs will be considered as electric fixtures and must bear the approval of the Underwirters' Laboratory or other similar institution of recognized standing. All electric signs shall be erected and connected under the jurisdiction of a licensed electrical or sign contractor, and all permits for such signs shall be issued to a licensed sign or electrical contractor.

SEC. 95.0128 CLOCKS

Clocks will be permitted next to curb at outer edge of walk, provided such clocks, constructed from non-combustible materials are kept running and correctly keep the time of day. The bottom or pedestal part shall not exceed 2 feet in any outside dimension. That part of the clock carrying the dials shall be at least 7 feet, 6 inches in the clear above the walk. The entire "upper part" containing the dial shall not exceed 14 inches in thickness, and each face

shall not exceed a total over-all gross area of 20 square feet, the space occupied by the net area of the clock dials each side shall form at least one-half of such "upper part." Said clocks shall contain no advertising other than the name of the manufacturer or designer thereof, and said name designation shall be by name plate with engraved or embossed letters not exceeding 6 inches in height; provided that existing clocks whose dimensions are in excess of the requirements of this Section shall be allowed to remain standing so long as they comply with all of the other provisions of this Section.

SEC. 95.0129 CLOTH SIGNS

Temporary cloth signs not exceeding a total of 400 square feet in area for any one premises or property, streched on a wood frame, when in good repair and as long as said sign remains in good condition, may be placed or kept flat against the face of the building for a period not to exceed 90 days in any period of 12 consecutive months. In the event said temporary cloth sign shall be in a state of disrepair or poor condition or become poor in appearance, the Building Inspector shall order its removal. No cloth or other sign shall be placed over or across any necessary or required window, nor shall such signs or advertising be placed on, over or suspended from or near any electric sign.

SEC. 95.0130 STREET BANNERS

Banners streched over public property are prohibited, unless recommended by the City Manager, after which the

written approval of the City Council by resolution in writing must be obtained. After such approval has been granted the same shall be presented to the Building Inspector, and the latter will then issue an erection permit, for which a fee of Three dollars ($3.00) shall be collected. No banner shall be allowed over public property for a longer period than 30 days. A substantial rope at least one inch in diameter, not wire cable or other metallic rope, or wire, shall be used as the main support, and two one-half inch ropes shall be used for securing each lower corner, and the banner shall have sufficient wind holes.)

SEC. 95.0131 SIGNS ON MARQUEES

(a) Signs may be permitted on marquees. All applications for permits for signs on Marquees shall be referred by the Building Inspector to the Planning Commission or any other commission designated by the City Council for approval. Procedure thereon shall be as prescribed by the zoning chapter of the Code of The City of San Diego or by any other ordinance designated by the City Council.

(b) Marquees lawfully constructed in accordance with the requirements of the Building Code of The City of San Diego may contain signs or lettering along or on the outer vertical faces of said marquees, as provided herein. Signs may be superinposed or placed upon the roof or deck or upper edge of any marquee as provided herein. Signs may be attached to the soffit or lower edge or bottom deck of said marquee as provided herein.

(c) Marquees, when being used for theatrical purposes

only, may have signs superimposed or placed upon the roof or deck or upper edge of said marquees, and said sign shall consist of ornamental, non-combustible ornamentation and/or skeleton lettering, not to exceed 30 inches in height. Said marquees being used for theatrical display may contain signs or lettering along or on the outer vertical faces of said marquees. The maximum height of a marquee, measuring from the extreme bottom of the marquee to the extreme top, shall not exceed 6 feet.

(d) Approved electric signs may be rigidly connected directly to the soffit or lower edge or bottom deck of a marquee when the sign is placed at right angles to the face of the building, provided that the bottom of the sign be located at least 7 feet 8 inches in the clear above the walk or public property, and provided, further, that said sign shall be no longer than 8 feet in length nor more than two-thirds of the width of the marquee from the building line and the outer edge of the marquee and shall be symmetrically placed along a center line running parallel to the face of the building, which line shall run along the center of the marquee between the outer edge of the marquee and the building line, and provided, further, that the lettering on said sign shall consist of not more than a single row of letters not exceeding 8 inches in height, and further provided that said sign shall not exceed 12 inches in width and/or 12 inches in gross all-over height.

(e) Temporary decoration may be erected upon a marquee

for a few days during some special occasion. A small temporary sign containing the words "Welcome," "Convention Headquarters," or similar temporary notices directing out-of-town delegates to their convention headquarters may be placed upon a marquee and a minimum clearance of 7 feet 8 inches above sidewalk grade. However, no advertising shall appear on such temporary sign.

SEC. 95.0132 FLAG-TYPE BANNERS

Temporary advertising flag-type banners, not exceeding 30 square feet in area, may be placed over the public walk, provided that such banners be suspended from temporary portable poles extending from the building. The banner shall be at least 7 feet in the clear above the walk, and no part of such banner shall extend more than 4 feet from the building. For the purpose of this paragraph the term "temporary" shall be deemed to mean "not to exceed 60 hours in any one week," and such banners shall be entirely removed from above public property at all other times.

SEC. 95.0133 THEATER AND NEWS BULLETINS

It shall be lawful for theaters, motion picture theaters, and newspaper publishing concerns to display banners composed of approved fabric or ducking for the purpose of acquainting the public with their current attractions and informative news items. The maximum size of any theater or newsbulletin under this Section shall not exceed 6 feet 6 inches by 30 feet in height, and placed flat against the building. Such banner or news bulletin shall be suitably supported, and shall be provided with openings to relieve wind pressure through the material of which it is constructed.

SEC. 95.0134 ADDITIONAL BILLBOARD REQUIREMENTS

No permit shall be issued for the erection or placing of any billboard requiring a permit unless the applicant be licensed to practice outdoor advertising, as provided in the San Diego General License chapter. This section shall not prohibit the Building Inspector from issuing such permit to any person, firm or corporation for the purpose of advertising their own business by means of outdoor signs or billboards on property which they own, lease or have [redacted] control.

SEC. 95.0135 BILLBOARD IDENTIFICATION

There shall be placed and maintained on each billboard the"name"plainly painted of the person , firm or corporation owning, or who is in possession, charge or control of such billboard, and such name shall be legible to the naked eye at a distance of 100 feet from the billboard.

SEC. 95.0136 BILLBOARD HEIGHTS,FRAMING ADVERTISING SURFACES

Billboards with an advertising surface exceeding 15 feet in height, whether one or more sections in height or not, are prohibited. Non-combustible ornamental columns or pedestals only may be placed at the ends of billboards. Each section may have a small skeleton wood frame in back of the non-combustible advertising surface. The surface of all billboards shall be of non-combustible material, providing, however, that the surface of billboards located outside Fire Zone No. 1, on which the advertising matter is painted, may be of wood, at least three-quarters of an

inche in thickness, or approved equivalent.

SEC. 95.0137 DEBRIS, WEEDS

No paper, cloth or advertising matter shall hang loose from any billboard, nor shall any person who constructs, owns, maintains or controls any billboard fail or neglect to remove at all times weeds, rubbish, or any inflammable material from below and adjacent to such billboard.

SEC. 95.0138 BILLBOARD DEBRIS ON PUBLIC PROPERTY

No person shall scatter, daub, or leave any paint, paste or other substance used for painting, pasting, or affixing advertising matter, upon any public street or sidewalk, nor shall any person scatter or throw or permit to be scattered or thrown, any bills, waste matter, paper, cloth, or materials removed from billboards, on any public or private property.

SEC. 95.0139 REMOVAL OF NON-CONFORMING SIGNS

Any sign presently complying with existing regulations and overhanging public property, and not in compliance with this Division shall be removed prior to June 1, 1953, and on and after such date it shall be unlawful for any person to have, keep or maintain any sign extending more than five feet over public property except approved signs on marquees as provided for in this ordinance

Within ten (10) days after the effective date of this Code every person who has contracted for or is constructing or installing a sign not in compliance with this Division shall register said plans and make application for a permit with the Building Inspector of The City of San Diego, and

shall proceed threron as provided for in this Division. Otherwise, all signs over public property shall conform to this Division.

SEC. 95.0140 PERMITS REVOCABLE

All permits for signs issued pursuant to this Division shall be revocable at any time if, in the discretion of the Council of The City of San Diego, the same is required in the public interest; and all permits shall be issued upon the condition that the City of San Diego shall be held free from any liability on account of the construction, installation, maintenance and/or repair of such signs.

SEC. 95.0141 ILLEGAL SALE OR CONSTRUCTION - MISDEMEANOR - PENALTY

No person shall sell or offer to sell, or construct, or offer to construct, install, repair, remodel or maintain any sign in violation of this Division and any person violating any of the requirements, regulations or provisions of this Division shall be deemed guilty of a misdemeanor.

DIVISION - 2

HOUSE NUMBERS

SEC. 95.0201 NUMBERING SYSTEM - NORTH - SOUTH

Buildings in the City of San Diego shall be numbered in the following manner.

Buildings on all streets running in a general North and South direction lying between "N" street and the San Diego River and the United States Military Reservation and the San Diego River shall be given numbers starting with one at "N" street or the United States Military Reservation line, as the case may be, and increasing Northward.

Numbers on streets running in a general North and South direction lying south of "N" street shall start with 100 at "N" street and increase southward and such numbers shall be assigned and used with the prefix "South" before the street name.

SEC. 95.0202 NUMBERING SYSTEM - EAST - WEST

On all streets running in a general east and west direction lying east of First street and south of the San Diego River, numbers shall start with 100 at First street and increase eastward.

On all streets running in a general east and west direction lying west of First street and south of the San Diego River, numbers shall start with 100 at First Street and increase westward, and such numbers shall be assigned and used with the prefix "West" before ths street name.

SEC. 95.0203 SAME - NORTH OF SAN DIEGO RIVER

On all streets running in a general north and south direction lying north of the San Diego River, numbers shall

start with 100 at the San Diego River and increase northward, and such numbers shall be used with no prefix except in cases where streets running approximately north and south shall extend across the river, in which event the numbers on that portion of the street lying north of the river shall be assigned and used with the prefix "North" before the street name.

SEC. 95.0204 ONE HUNDRED NUMBERS PER BLOCK

Numbers shall be assigned on the general plan of 100 to each block; but where adjacent blocks are irregular in length, the numbers in these blocks or adjacent blocks may be varied to meet the conditions as determined by the Superintendent of Division of Accounting, Department of Water, of The City of San Diego.

SEC. 95.0205 ONE NUMBER FOR EACH TWELVE AND ONE-HALF FEET OF FRONTAGE

One number shall be assigned to each twelve and one-half ($12\frac{1}{2}$) feet of street frontage, except in that portion of the city bounded by Upas street on the north, "N" street on the south, the Bay on the west and the Park on Twenty-third street on the east, in which district three numbers shall be assigned to each twenty-five feet of frontage.

SEC. 95.0206 EVEN AND ODD NUMBERS

Even numbers shall be allotted to the north and west sides of streets and the odd numbers to the south and east sides.

SEC. 95.0207 APPLICATION FOR HOUSE NUMBER

Before any permit shall be issued for building operations

or any application for water filed with the Water Department the applicant for such permit or water connection shall obtain from the Superintendent of Division of Accounting, Department of Water, the proper house number for the lot for which such permit or water is desired.

SEC. 95.0208 AUTHORITY TO DETERMINE NUMBER

All numbers shall be allocated by the Superintendent of Division of Accounting, Department of Water, who shall determine the proper number in each case from maps to be numbered and maintained on file in the office of the Superintendent of Division of Accounting, Department of Water.

SEC. 95.0209 OBTAINING AND POSTING OF NUMBER

House numbers as allotted by the Superintendent of Division of Accounting, Department of Water shall be placed on buildings on the transom over the principal entrance or on some other place on the front of the building where the number may be easily seen from the street and all such numbers shall be at least two and one-half ($2\frac{1}{2}$) inches in height.

It shall be the duty of the lessee, occupant or owner, of any building to obtain the proper house number from the Superintendent of Division of Accounting, Department of Water and to place such number on the building in question as required by this Division. And it shall be a violation of this Division to fail to so obtain and place the proper number.

SEC. 95.0210 NOTICE OF NON-COMPLIANCE

If the Building Inspector shall find any building

upon which the proper number has not been properly placed as required by this Division he is hereby given authority to order the occupant, lessee or owner to obtain and properly place such number within five (5) days. The posting of a notice upon the entrance door of such building shall meet the requirements of this Division for legal service of such notice or order.

THE FOLLOWING DOCUMENT IS THE BEST COPY AVAILABLE FOR FILMING

CHAPTER X

PLANNING AND ZONING

ARTICLE 1

ZONING - ZONE PLAN

DIVISION 1

DEFINITIONS

SEC. 101.0101 For the purpose of this ~~Chapter~~ Article the following terms shall be construed to have the meaning herein given them.

BLOCK - All lots or parcels of land extending or bordering along any side of any curved or straight street herein termed the "Primary Street" located between two cross streets which intersect the said primary street. When the primary street offsets more than five (5) feet, or comes to a dead end, or intersects the City limits, said off-set or primary street limitations shall have the same effect as an intersecting cross street.

BUSINESS BLOCK - The particular side of a street within any block where at least one-third of the block is occupied by one or more business buildings facing said street.

BUSINESS BUILDING - A store or public building devoted to any business which has articles, substances or commodities for sale. Also all other buildings excepting residences, apartments, churches and public schools.

CORNER LOT - A lot or parcel of land at the intersection of two streets.

FRONT OF BUILDING - The particular face, side or elevation nearest the front property line shall be deemed the front face of the building.

FRONT PROPERTY LINE - The front boundary line of a lot or parcel of land bordering on the street.

RESIDENCE DISTRICT - The entire City of San Diego, California, excepting the following: Business Blocks, Inner Fire Limits; and C,D and E Zones.

SET-BACK LINES - The term set-back line, except as otherwise used herein, shall be deemed to mean a line running a certain distance back from the front property line, parallel with the street, between which line and the street no building or structure, or portion thereof, shall be permitted to be erected, constructed or placed.

STRUCTURE - The term structure and/or building shall be deemed to include any kind of building, porch, pier, column, porch post, sign, billboard, or other obstruction which extends more than one (1) foot above the average established or estimated main floor levels of adjacent existing or future buildings, or which will obscure the vision of police or firemen looking down the street, or which will obscure the vision of passing motorists in such a way as to create a danger at street intersections, or which will shut off or obstruct the vision, light or air from adjacent buildings.. This Paragraph shall not include an approved masonry lot-line or garden wall, provided that no part of said wall exceeds a height of five (5) feet above ground, nor shall this paragraph include an ordinary cornice or eave projection.

ACCESSORY BUILDING - A subordinate building or portions of the main building, the use of which is incidental to that of the main building on the same lot or parcel of land,

and which is used exclusively by the occupants of the main building.

ALLEY - Any public thoroughfare for the use of pedestrians or vehicles, not less than ten (10) feet, in width, which has been deeded or dedicated to the City and accepted by the City Council as a secondary means of access to abutting property.

AUTO PARK OR MARKET - Open premises used for the storage or sale of complete and operatable automobiles.

APARTMENT - Two or more rooms in an apartment house or dwelling occupied, or intended or designed for occupation by one family for living or sleeping purposes and doing their cooking in one of the rooms.

APARTMENT HOUSE - Any building or portion thereof more than one story in height, which is designed, built, rented or leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other in separate apartments.

BUILDING - A structure having a roof supported by columns or walls.

COURTS - Single Court. A single court is the portion of the lot upon which the family units front on one side only and/or on the end of the court.

DOUBLE COURT. A double court is the portion of the lot upon which the family units front on both sides and/or on the end of the court.

DWELLING, ONE-FAMILY - A detached building containing only one kitchen, designed or used to house not more than

one family, including all necessary employees of such family.

DWELLING, TWO-FAMILY - A detached building containing not more than two kitchens, designed or used to house two families living independently of each other, including all necessary employees of each such family.

FAMILY - An individual or two or more persons related by blood or marriage living together as a single housekeeping unit with only one kitchen. In each instance, in addition to the family, it shall be understood that there may be the necessary servants but no additional kitchen.

GROUP DWELLINGS - Two or more dwellings designed and/or used for housing three or more families on the same lot or parcel of land.

HOTEL - Any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied or which are occupied by six or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise; including lodging and rooming houses, dormitories, turkish baths, bachelor hotels, studio hotels, and any such building of any nature whatsoever so occupied, designed or intended to be occupied, except jails, hospitals and sanitoriums.

LOT - Any area or parcel of land as shown with a separate and distinct number or letter on a subdivision tract map recorded with the County Recorder of San Diego County, or any parcel of land abutting at least one public street and held under one ownership at the time of the adoption

of the first zone ordinance enacted by the City Council affecting the use of the property.

MULTIPLE DWELLING - A building designed and/or used for housing three or more families, except apartment houses which have access to the family units from a common hall.

DIVISION - 2

AUTHORITY AND PROCEDURE

SEC. 101.0201 ZONE MAP REQUIRED

It shall be the duty of the Planning Department of The City of San Diego to prepare a zone map of said City specifically outlining thereon the various districts brought within the zones herein outlined. Each zone shall be shaded in a different color, and shall clearly show the boundaries of each zone. The map shall also contain a legend specifically describing the restrictions and limitations of each zone, in so far as they determine the location and locations of commerce, trades and enterprises, and the location of all buildings arranged or intended for special uses in The City of San Diego.

SEC. 101.0202 PLANNING DEPARTMENT APPROVAL REQUIRED BEFORE ISSUANCE OF PERMIT

The Department of Public Health and the Department of Inspection shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration or enlargement of any building, structure, or improvement in any portion of the city until a stamp of approval of the Planning Department has been obtained by the applicant or owner, and every application for a permit shall state therein the purpose for which the proposed building, structure or improvement is intended to be used.

SEC. 101.0203 NOTICE, HEARING AND PROCEDURE FOR ZONING

Before the City Planning Commission shall include

or place any property in any district or zone created or to be created, said Commission shall fix a time for a hearing and give notice thereof to property owners within the affected district or zone, by at least one publication thereof in the official newspaper of The City of San Diego, and by posting such notices in at least three (3) public places within the proposed district or zone. The notice to be posted shall be headed "Notice of Zone Hearing," in letters of not less than one inch in height and shall in legible characters recite the boundaries of the proposed district, the zone into which said district is sought to be placed; a brief outline of the restrictions of said zone, and the date and place of hearing; together with a statement that any property owner may appear and be heard before said Planning Commission.

At least ten (10) days shall elapse after the posting and first publication of such notice before the public hearing shall be held.

After conducting the public hearing the City Planning Commission may recommend by the affirmative vote of five (5) members, the adoption of an ordinance incorporating property in the City of San Diego in any of the zones described herein.

In the event the Planning recommends against the adaption of such ordinance or failed to recommend it, then it will require the affirmative vote of five (5) members of the City Council to adopt said ordinance.

SEC. 101.0204 ZONING COMMITTEE - POWER, AUTHORITY

There is hereby created a zoning committee to administer regulations of this Chapter and amendments thereto; to hear and decide upon all matters involving variances and to approve the issuance of conditional permits therefor; to pass upon the exterior design of buildings proposed to be constructed in areas subject to architectural control by the City Planning Commission; to decide upon suspensions or modifications of setback ordinance; and to perform such other duties as are requested either by the City Planning Commission or the City Council by resolution.

The Zoning Committee shall be composed of three members and an alternate, who shall act in place and stead of an absent member. The members and alternate shall be appointed by the Chairman of the Planning Commission from the membership of such Commission. The members and alternate of the Zoning Committee shall serve for one year or until their successors are appointed.

The Zoning Committee shall meet regularly at least once a month and oftener if necessary for the transaction of business. It shall elect its own officers, establish its own rules, and keep a record of its actions and render an annual report to the City Council and the City Planning Commission.

The Zoning Committee is authorized to grant variances and adjustments to regulations only to overcome practical difficulties and prevent unnecessary hardships in the application of the regulations. It shall have the power to do the following:

(a) To reduce the amount of front yard required by setback Ordinances;

(b) To reduce the amount of setback required for future street widening where the property owner applying for the reduction signs an agreement with the City to remove any proposed building at his own expense when so requested by the City for street widening;

(c) To reduce the amount of side or rear yard distance required by this Ordinance;

(d) To increase the maximum percentage of lot coverage permitted by Ordinance;

(e)To approve the exterior design of buildings proposed to be located in areas subject to architectural control;

(f) To approve, only after a public hearing, public utility buildings and structures, churches, schools, broadcasting stations and private clubs in restricted areas;

(g) To permit the temporary use of property for a tract real estate office upon condition and agreement to remove same within a specified time;

(h) To permit in undeveloped areas or districts predominantly agricultural in character, the construction and maintenance of commercial stables, polo fields, and aviation fields or airports;

(i) To grant conditional variances for the excavation for sand, gravel or soil in undeveloped areas or where such excavation is part of an approved construction project, and to permit the filling of low lands and canyons with approved

filling materials;

(j) To permit boarding and lodging houses under conditional and revocable variances in residence (R) zones;

(k) To permit more than one house on large lots in restricted zones where the lot area devoted to each proposed dwelling will meet the City's minimum requirements and comply with the standards already established in the area; and to permit ~~proidences tobe~~ residences to be constructed on lots or parcels of land fronting on an adequate easement that will provide ample ingress and egress to a dedicated street and/or to permit the construction of residences on lots or parcels of land with frontages that do not comply with the minimum standards of this ordinance;

(l) To permit in connection with an authorized use in "R" residential or "C" Commercial zone districts, such commercial and manufacturing uses respectively as are purely accessory and incidental to such authorized use;

(m) To permit on a lot immediately adjoining or across an alley from property in a less restrictive zone district, a building or use upon such conditions and safeguards as will tend to cause an effective transition from the less restrictive to the more restrictive zone district;

(n) To permit the extension of an existing or proposed building or use which is in the proper zone district into a more restricted zone district immediately adjacent thereto, under such conditions as will protect and safeguard the more restrictive zone district;

(o) To permit in any "C" commercial or "M" manufacturing

zone district any use permitted in the next less restrictive zone provided such use, due to the limited nature of its operations or by adhering to proper requirements as to scale and methods of operation, installation of modern nuisance eliminating devices and equipment, design of building and other safeguards, which will be so conducted as to be no more objectionable than uses permitted in the zone in which the property involved is located.

(p) To permit the installation of off-street automobile parking lots or storage garages in "R" residential zones on property adjoining existing or proposed multiple dwelling or commercial development, under such conditions as will prevent injury to adjoining residential property;

(q) To permit construction of buildings or the use of property where there are adjacent thereto, or in the immediate vicinity, buildings or uses which do not conform to the zone ordinance and which interfere with the proper development of the property in question;

(r) To permit the extension of a non-conforming use or building, the reestablishment of a non-conforming use which has been abandoned, or the reconstruction of a non-conforming building which has been partially or totally destroyed by fire or other calamity within one year;

(s) To grant conditional variances or Resolutions of Property Use for auto courts or trailer camps;

(t) To grant an extension of time to any conditional variance previously granted by the City Planning Commission

and the City Council prior to the effective date of this ordinance,provided the variance is similar to a variance permitted to be granted by the zoning committee under authority of this ordinance;

(u) To permit the construction of residences and/or accessory buildings on lots or parcels of land fronting on an adequate easement, where in the opinion of the zoning committee an adequate easement for permanent access has been provided for ample ingress and egress to a dedicated street and/or to permit the construction of residences on lots or parcels of land with frontages that do not comply with the minimum standards;

(v) To grant authority to the Building Inspector to issue permits for the construction of fences to a greater height or of other classifications than is permitted under City Ordinances.

(w) To grant authority to convert single family dwellings into two-family dwellings with the appearance of single family dwellings in Zones R-1, or R-1A, on lots at least twice the size of the standard residential sites in the neighborhood, containing in each instance not less than ten thousand square feet in lot area, and having at least one hundred feet frontage on a dedicated public street or adequate private easement.

~~SEC. 101.0205 RESOLUTION OF PROPERTY USE FROM ZONING COMMITTEE~~

~~In order to obtain a Resolution of Property Use from the Zoning Committee, the applicant shall file a verified written petition with the City Planning Department, in which he shall state the number of automobile trailer spaces to be provided for and such other facts relied upon, including a~~

a plan of proposed development. Prior to filing said application with the Planning Department the petitioner shall pay to the City Treasurer of The City of San Diego the sum of Fifteen Dollars ($15.00) as an investigation fee. The Zoning Committee may grant by a majority vote of its members the granting of a Resolution of Property Use upon such terms and conditions as it deems proper.

An appeal from the decision of the Zoning Committee may be be taken to the City Council according to the procedure prescribed in the Zoning chapter of this Code.

A copy of the resolution of the final action of the Zoning Committee or City Council upon the petition shall be forwarded with the report to the Director of Public Health.

DIVISION - 3

GENERAL REGULATIONS

SEC. 101.0301 NON-CONFORMING USES PERMITTED

Except as provided herein, the use or uses of all buildings, improvements and premises existing in any of the said zones or districts thereof, respectively at the time of the adoption of this Code may be continued.

Except as provided herein, no building, structure or improvement now existing shall be altered or enlarged, and no buildings, structures or improvement shall be erected, constructed or established which is designed, arranged or intended for occupancy or use in any of said zones or districts restricted by this Chapter against such erection, construction or establishment.

SEC. 101.0302 EXISTING ORDINANCES, RULES, REGULATIONS OR PERMITS RETAINED

Except as herein specifically provided, it is not intended by this Chapter to modify or abrogate or repeal any ordinances, rules, regulations or permits previously adopted or issued pursuant to law, relating to the use, management or conduct of buildings, structures, improvements or premises; provided, however, that where this Chapter imposes a greater restriction upon the erection, establishment, alteration or enlargement of buildings than is imposed or required by such ordinance, rules, regulations or permits, the provisions of this Chapter shall control.

SEC. 101.0303 DISCONTINUANCE OF NON-CONFORMING USE

The lawful use of land or buildings existing at the time

the district zone ordinance became effective with which ordinance such use did not conform in every respect may be continued provided no enlargement or additions to such use or buildings is made except that permitted by a zone variance as hereinafter provided.

Any discontinuance of such a non-conforming use for a continuous period of twelve (12) months shall be deemed to constitute abandonment of any non-conforming rights existing at the time of the enactment of the Ordinance.

Any change from a non-conforming use of land or buildings to a more restrictive or conforming use shall constitute abandoment of such non-conforming rights.

Repairs and alterations which do not enlarge or increase the size of a non-conforming building, structure or improvement may be made provided that the aggregate value of all such repairs or alterations shall not exceed fifty (50) per cent of its value. The value of the building shall be determined to be an amount equal to twice the assessed value of the building on the date the building first became a non-conforming building. The terms ""repairs and alterations," do not include painting or replacement of exterior stucco siding or shingles.

If any non-conforming building be destroyed by fire, explosion, Act of God, or act of the public enemy to the extent of one hundred (100)per cent or more of the assessed value thereof, according to the assessment thereof by the County Assessor for the fiscal year during which such destruction occurs, then and without further action by the City

Council the said building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by the zone ordinance for the district in which such building was located.

SEC. 101.0304 PURPOSES OF USE RESTRICTED TO PERMITTED ZONE USES

No building, structure or improvement shall be occupied or used for any purpose other than the purpose permitted in the zone or district in which such building, structure or improvement is situated, except as provided in Sections 101.0301 and 101.0501.

No dwelling, apartment, hotel or living quarters of any type hereafter erected, constructed, converted, established, altered and/or enlarged in any portion of the city shall be erected, converted, constructed, established, altered or enlarged on any property unless said property shall have a frontage of the full width of the lot and/or abut the full length of lot on public street as herein defined.

SEC. 101.0305 CREMATORY PERMITTED ONLY WITHIN CEMETERY

That, except only within a cemetery in said City now or hereafter established and maintained according to law, it shall be unlawful for any person, firm, association, or corporation to erect, establish, maintain or operate, or cause to be erected, established, maintained or operated within the limits of The City of San Diego, California, any crematory for the cremation of human bodies.

DIVISION - 4

ZONES

SEC. 101.0401 ZONES ESTABLISHED

In order to regulate, restrict and segregate the location of industries, businesses, trades, apartments, dwellings and other specified uses, eight classes of districts, which shall be known as "R-1A"Zone,"R-1" Zone, "R-2" Zone, "R-4" Zone, "R C" Zone, "C" Zone, "M-1" Zone, M-2" Zone, which said several zones and the district of each thereof are hereby established. The boundaries of said districts and each of them are to be determined and defined in the manner and in accordance with the provisions of this Chapter.

It is further declared that any territory which is unsubdivided and is placed in the single-family residence zone will be placed in zones applicable thereto as soon as the property is subdivided.

SEC. 101.0402 R-1 A ZONE

In an R-1 A zone, no building, and/or improvement, or portion thereof, shall be erected, constructed, converted, established, altered and/or enlarged, nor shall any premises be used for any purpose except as hereinafter provided for and allowed in this Section.

(a) One-family dwellings located on a building site nor less than one (1) acre in size for each one-family dwelling; except that upon the effective date of this ordinance any lot having an area less than one (1) acre under a different ownership than that of adjoining property, may be so used.

(b) Churches, elementary and Junior High Schools, parks,

playgrounds and private stables.

(c) Farming, including all types of agriculture and horticulture except commercial dairies, rabbits, fox and goat farms.

(d) Public utility substations and transmission lines.

(e) Accessory buildings and uses customarily incident to any of the above permitted uses.

(f) Front Yard Required. No building or portion thereof shall be located closer to the front property line than fifteen (15) feet or more as provided for in Division 6 of this Chapter.

(g) That any lot or parcel of land subdivided shall have a width of at least one hundred (100) feet and a minimum frontage of one hundred (100) feet upon a dedicated highway.

(h) That any residence built on a lot in any subdivision map filed of record prior to June 29, 1940, and having a width of less than one hundred (100) feet, shall maintain side yards of 10% of width of the lot, with minimum of four (4) feet; yard requirements as prescribed in an R-1 Zone, according to Division 6 of this Chapter.

SEC. 101.0403 R-1 B ZONE

In an R-1 B Zone no building and/or improvement or portion thereof shall be erected, constructed, converted, established, altered and/or enlarged nor shall any premises be used for any purpose except as hereinafter provided for and allowed in this Section.

(a) One-family dwellings located on a building site containing not less than twenty thousand (20,000) square feet area; excepting that any building site appearing as a lot

of record on an approved subdivision map prior to the first of August, 1951, may be used as a site for a single family residence regardless of the fact that it may contain less than 20,000 square feet.

(b) Accessory buildings and uses customarily incident to single family residences.

(c) Front yard required. No building or portion thereof shall be located closer to the front property line than 25 feet.

(d) Street Frontages. Any building site in Zone R-1 B subsequent to August 1, 1951, shall have a width of at least 75 feet and shall have a frontage on a dedicated street of at least 75 feet.

SEC. 101.0404 "R-1 C" ZONE

In an R-1 C Zone no building and/or improvement or portion thereof shall be erected, constructed, converted, established, altered and/or enlarged, nor shall any premises be used for any purpose except as hereinafter provided for and allowed in this Section.

(1) One family dwellings located on a building site containing not less than ten thousand (10,000) square feet area; excepting that any building site appearing as a lot of record on an approved subdivision map prior to the first of August, 1951, may be used as a site for a single family residence regardless of the fact that it may contain less than 10,000 square feet.

(2) Accessory buildings and uses customarily incident to single family residences.

(3) Front yard required. No building or portion thereof shall be located closer to the front property line than 20 feet, except where the average setback of existing structures would establish a setback differing therefrom, which setback shall be used.

(4) Street Frontages. Any building site in Zone R-1 C subsequent to August 1, 1951, shall have a width of at least 60 feet and shall have a frontage ~~on a~~ on a dedicated street of at least 60 feet.

SEC. 101.0405 R-1 ZONE

In an R-1 Zone no building or premises shall be ~~erected~~ erected, constructed, converted, established, altered and/or enlarged or used except for one or more of the following uses:

(1) Single family dwellings; provided however, that not more than four (4) persons in addition to members of the family may be boarded or lodged therein;

(2) Farms, truck gardens, including all types of agriculture and horticulture except commercial dairies, rabbit, fox, goat and hog farms;

(3) Nurseries and greenhouses used only for the propagation and cultivation of plants, provided all fertilizers, empty containers and planting materials, are stored a ~~miminum~~ minimum of seventy (70) feet back of street frontage;

(4) Parks, playgrounds;

(5) Regulation golf courses;

(6) Accessory buildings and uses customarily incident to any of the above permitted uses;

In an R-1 Zone only one single family dwelling may be erected, constructed, converted, established, altered and/or enlarged or used on any one lot or parcel of land.

For the purpose of this Section, the term "lot or parcel of land" shall be deemed to mean a piece of residence property which has a width and street frontage of at least fifty (50) feet, and shall contain an area of at least 5,000 square feet; no diamensions of said residence property shall be less than fifty (50) feet in any part; provided that the above minimum width and area requirements shall not apply to any lot or parcel of land appearing of record on a map or plat on file in the office of the County Recorder of San Diego County, prior to October 4, 1926.

SEC. 101.0406 R-2 ZONE

In an R-2 Zone no building or premises shall be erected, constructed converted, established, altered and/or enlarged or used except for one or more of the following uses:

(1) Any use permitted in an R-1 Zone;

(2) Church, temple or other place used exclusively for religious purposes;

(3) Duplex or two single family dwellings;

(4) School (Elementary or High);

(5) Telephone exchange offices;

(6) Accessory uses customarily incident to any of the above uses.

SEC. 101.0407 LOTS LARGER THAN PERMITTED UNDER ZONING

Whenever three or more recorded lots in R-1 or R-2 residential

zone are to be developed as sites for a fewer number of residences than permitted under the zone regulations, and each residence will be located on a parcel of land containing an area greater than the original lots and which parcel of land has a frontage on a dedicated street greater than the original lot frontage, no zone variance will be necessary. Provided however, a statement of facts and intentions showing that no parcel of land smaller than the ~~size~~ SIZE of the original lots remains, must be filed in the office of the City Planning Department prior to the granting of approval of the building plans. It is the intention of this Section that builders be encouraged where they are attempting to build on lots larger than those previously recorded.

SEC. 101.0408 R-4 ZONE

In an R-4 Zone no building or premises shall be erected, constructed, converted, established, altered and/or enlarged or used except for one or more of the following uses;

(1) Any use permitted in an R-1 or R-2 Zone;

(2) Apartment houses, multiple dwellings;

(3) Automobile storage garages for the exclusive use of patrons of any uses in this Section enumerated, provided such garages are a part of principal building or located in connection therewith on the same or adjoining lot or parcel of land.

(4) Boarding and lodging houses;

(5) Doctors' and dentists' offices (prohibiting overnight patients);

(6) Electric distributing stations for service of immediate

district and provided all equipment is within enclosure walls observing yard and setback requirements and subject to ~~archi-~~ Architectural ~~tectural~~ approval of the Planning Commission or Zoning Committee thereof.

(7) Fraternity and sorority houses;

(8) Group dwellings;

(9) Hotels which may include dining room, restaurant and bar for the convenience of occupants, provided there shall be no entrances to such places of business except from the lobby of the hotel or the inside of the building, and provided there is no advertising matter of such business visible from the outside of such hotel.

(10) Institutions of an educational or philanthropic nature;

(11) Libraries and museums;

(12) Private clubs, lodges, which may include such businesses as are permitted in hotels in the R-4 Zone with the same restrictions, provided these clubs and lodges are used exclusively by bona fide members and their individual guests.

SEC. 101.0409 ~~R-0~~ RC ZONE

In an ~~R-0~~ RC Zone, no building and/or improvement, or portion thereof, shall be erected, constructed, converted, established, altered and/or enlarged on any lot in Zone ~~R-0,~~ RC and no such lot or premises shall be used for any purpose, except as hereinafter specifically provided and allowed in this Section.

(1) Any lot or premises in Zone RC may be used for any purpose allowed in Zone R-1, Zone R-2 and Zone R-4, subject to the limitations hereinafter enumerated in this Section.

(2) Any lot, premises and/or buildings in Zone R C may be used and occupied under the conditions hereinafter specified for any of the following stores, shops and/or businesses, to-wit;

Banks, beauty parlors, barber shops, conservatories, studio (not including motion picture studios), photograph and art galleries, tea rooms, restaurants or cafes, provided no dancing or sale or consumption of intoxicating liquor is permitted in connection therewith; dressmaking, millinery, shoe or tailor shops, of a retail nature and not a factory nature; professional and business offices; messenger and telegraph offices, stores or shops for the retail sale of bakery products, drugs, groceries, dressed meats, drygoods, clothing, wearing apparel, notions, stationery, books, confectionery, jewelry, objects of art, antiques or other similar goods, wares or merchandise (except the sale of used or second-hand ~~goods~~ goods, wares or merchandise, or the operation of "on -sale" or "off -sale" intoxicating liquor establishments or stores), or other similar enterprises or businesses, which, in the opinion of the City Planning Commission, or the City Council, as evidenced by resolution of record, are not more obnoxious or detrimental to the particular community than the businesses herein in this subsection enumerated.

(3) The conditions under which the above specified stores, shops, or businesses are permitted to be established and conducted in Zone R C are as follows:

(a) That any and all of the permitted stores, shops or businesses shall be entirely located and conducted within

buildings, the principal business entrances to which shall be from the principal street along which the R C Zone is established. No other public entrance to such stores, shops or businesses shall be located more than fifty (50) feet distant from such principal street, except as provided in sub-Section six (6) of this Section, or unless approved by the City Planning Commission.

(4) There may be the usual accessories in connection with such buildings, structures and/or uses including garage space not to exceed that necessary for two (2) automobiles for each family unit contained on such lot.

(5) Garage space for automobiles of the tenants and patrons of the stores, shops, or businesses located in any building in Zone R C may be provided in such building.

(6) Free parking space for automobiles of patrons and tenants may be provided on any lot or premises in Zone R C in connection with stores, shops or businesses operated or conducted in a building or buildings on said lot or premises as described by this Section, only provided said parking space is improved with some type of pavement, oil and gravel or decomposed granite and is maintained in such a manner as to prevent dust, and provided further that in every instance where such a parking space adjoins the side lot line of a lot in an R residential zone, parking shall be prohibited within four (4) feet of said lot line, and there shall be erected or planted and maintained in said four (4) foot strip a wall or tight fence or an evergreen hedge with a minimum height

of six (6) feet. There may be a rear entrance to the stores, shops or businesses from such parking space, provided such entrance is located at least twenty (20) feet distant from any adjoining street other than the principal street upon which the stores, shops or businesses front. Any and all lights provided to illuminate such parking spaces shall be so designed as to reflect the light away from adjoining premises.

(7) Nothing in this Section shall be construed as permi~~ted~~ting billboards or advertising statuary to be erected, constructed and/or maintained or established on lots ~~of~~ or premises in Zone R C;

(8) In any case where the front lot-line and/or the side, ~~lot-lineof~~ lot-line of a lot or lots in Zone R C is substantially the continuation, without intervening streets, of the front line of lots in any R residential zone which are subject to an existing or subsequently adopted ordinance to a front yard or building line regulation, there shall be a yard or building line observed along such front and/or side lot-lines of such R C Zone lots. The depth of such yard or building line on such R C Zone lots shall be not less than the depth required for such R Zone lots, but not to exceed fifteen (15) feet in depth in any case, nor exceed twenty-five (25) per cent of the width of the lots where such yard or building line extends along the side lot-line of a corner lot in Zone R C;

(9) Any building, structure and/or improvement in Zone R C may be altered or repaired as provided in Section 101.0303.

SEC. 101.0410 C P ZONE

In a C P Zone, no building and/or improvement or portion thereof, shall be erected, constructed, converted, established, altered and/or enlarged on any lot and no such lot or premises shall be used for any purpose, except as hereinafter specifically provided and allowed in this Section:

(1) To provide off-street parking for passenger automobiles for customers, clients, visitors or employees either on the premises or within parking buildings.

(2) Existing non-conforming buildings and uses of land may be continued as provided elsewhere in this Article.

(3) Other uses of property may be permitted in accordance with the procedures established in Division 5 of this Article of Zone variances as they presently exist or hereinafter be amended.

(4) Vehicles shall not be left in storage on any parking lot in Zone C P for a period longer than 48 hours consecutively.

(5) No wrecked or junked vehicles shall be parked on any parking lot in Zone C P.

(6) Improvements required in C P Zone.

Before open air auto parking may be conducted in a C P Zone, certain improvements shall be required to be installed conforming to approved plans. These improvements shall include the following:

(a) Surfacing of parking area.

(b) Installation of appropriate marking and bumper guards.

(c) If the auto parking area is adjacent to property in a residential zone an approved wall shall be constructed along the dividing line.

SEC. 101.0411 C ZONE

In a C Zone, no building or premises shall be erected, constructed, converted, established, altered and/or enlarged or used except for one or more of the following uses:

(1) Any use permitted in Zones R-1, R-2 or RC;

(2) Amusement place located entirely within a building, miniature golf course, or golf practice range;

(3) Armory;

(4) Assembly hall;

(5) Athletic park;

(6) Auto paint and repair shop;

(7) Automobile, automobile trailer (usable), retail sales yard; or parking lot or garage;

(8) Bank, office or studio;

(9) Barber shop;

(10) Bath house;

(11) Billboard or advertising structure;

(12) Cleaning and ~~dying~~ dyeing works (not more than ten employees);

(13) Dancing academy;

(14) Funeral parlor;

(15) Furniture storage (provided all loading off street);

(16) Retail gasoline and fuel oil station;

(17) Hotel;

(18) Hospital (not hospital for insane or for contagious diseases nor animal hospital);

(19) Ice delivery station;

(20) Laundry (not more than ten employees);

(21) Machine shop (limited to 10 h.p. electric operated);

(22) Needle and millinery craft;

(23) Newspaper and job printing;

(24) Nursery and pottery retail sales yard;

(25) Photograph gallery;

(26) Plumbing shop;

(27) Public garage;

(28) Restaurant;

(29) Schools, (trade or vocational);

(30) Store, retail;

(31) Store, for the conduct of a wholesale business where not more than 25% of the total floor area of building is used for storage, packaging of goods, wares, or merchandise and/or not more than 25% of the open area of the premises may be used for storage, provided, however, that all open storage spaces or areas shall be enclosed by a six (6) foot solid enclosure wall;

(32) Shoe repair shop;

(33) Shop for custom work on wearing apparel, fabrics, upholstery, window drapes and curtaining;

(34) Theater;

(35) Manufacturing and processing incidental to any of the above uses conducted on the premises and where the total power of all equipment does not exceed 10 h.p.and that not more than 15% of total floor area of building may be used for manufacturing;

(36) Any similar enterprises or businesses which, in the opinion of the City Planning Commission and said Council are not more obnoxious or detrimental to the welfare of the particular community than the uses herein in this Section enumerated.

SEC. 101.0412 M-1 ZONE

In an M-1 Zone no building or premises shall be erected, constructed, converted, established, altered and/or enlarged or used except for one or more of the following uses:

(1) Any use permitted in Zone R-1, R-2, R-4, R C or C;

(2) Aeroplane manufacture;

(3) Boat and canoe building;

(4) Building materials storage;

(5) Bottling works;

(6) Bakery

(7) Blacksmith shop;

(8) Cabinet making or carpenter shop;

(9) Carting, express,storage yard;

(10) Carpet or bag cleaning;

(11) Central electric plant;

(12) Cleaning and dying works;

(13) Contractor's plant or storage yard;

(14)Concrete pipe storage;

(15) Creamery;

(16)Ice cream manufacture;

(17) Ice manufacture (less than 20 tons);

(18) Lumber yard;

(19) Laundry;

(20) Machine shop;

(21) Metal working shop;

(22) Milk distributing station;

(23) Novelty or toy manufacture;

(24) Outdoor advertising plant;

(25) Potato chip manufacture;

(26) Paper or pulp manufacture;

(27) Saw planing, wood working mill;

(28) Stone dressing or cutting;

(29) Storage warehouse;

(30) Any similar enterprises or businesses which in the opinion of the City Planning Commission and said City Council are not more obnoxious or detrimental to the welfare of the particular community than the uses herein in this Section ~~enumerated~~ enumerated;

Provided, however, that no use shall be permitted in said M-1 Zone which may be so injurious, obnoxious or offensive to a neighborhood by reason of the emission of odor, dust, smoke, vibration or noise, as to constitute a public nuisance.

SEC. 101.0413 M-2 ZONE

In an M-2 Zone buildings and land may be used for any purposes whatsoever not in conflict with any ordinance of the City of San Diego regulating nuisances; provided however, that no building permit shall be issued for any of the following uses until and unless the location of such shall have been approved by the City Planning Commission and permit obtained from the Council; said Council shall not grant a permit for any of the following uses until a public hearing has been held. Notice of said hearing shall be given by publication in the official newspaper of the city at least ten (10) days prior to said hearing.

(1) Acid manufacture;

(2) Cement, lime, gypsum, or plaster of paris manufacture;

(3) Distillation of bones;

(4) Explosives, manufacture or storage;

(5) Fat rendering;

(6) Fertilizer manufacture;

(7) Garbage offal or dead animal reduction;

(8) Gas manufacture;

(9) Glue manufacture;

(10) Petroleum refining;

(11) Smelting of tin, copper, zinc, or iron ores;

(12) Stock yards or slaughter of animals;

SEC. 101.0414 AIRPORT APPROACH ZONE

In an Airport Approach Zone no building, structure or improvement, or portion thereof, shall be erected, constructed, converted, altered, moved-in or enlarged in such a manner as to create an airport hazard which obstructs the aerial approaches of an airport or is otherwise hazardous to its use for airplane landing or taking off.

It is hereby declared that any building, structure or portion thereof which extends through and above an Airport Approach Plane as hereinafter defined shall be deemed to constitute an airport hazard.

An Airport Approach Plane is defined as an inclined plane beginning at the end of an airport runway and extending over the adjacent airport approach zone area. Said Airport Approach Plane shall intersect the ground level at the end of an airport runway and extend upwards and away from said runway at a slope of either-

(a) Class 1, forty (40) units of measure horizontally to one (1) unit vertically; or

(b) Class 11, thirty (30) units of measure horizontally to one (1) unit vertically; or

(c) Class 111, twenty (20) units of measure horizontally to one (1) unit vertically.

Airport Approach Zones - may be created in areas surrounding an airport as follows: Each Airport Approach Zone shall have a width of five hundred (500) feet at the end of said runway, and broaden to a width of two thousand five hundred (2,500) feet at a distance of two (2) miles therefrom. The center line of said Airport Approach Zone shall be the continuation of the center line of said runway.

It is also declared that any building, structure or portion thereof which extends through and above any Airport Turning Plane as hereinafter defined shall be deemed to constitute an airport hazard. An Airport Turning Plane is defined as an inclined plane beginning at an adjacent approach plane and extending over an Airport Turning Zone. An Airport Turning Plane shall have one edge in common with the longest side of an Airport Approach Plane and shall extend upwards and away from said Airport Approach Plane in such a manner that the slope of said Airport Turning Plane as measured along a horizontal line drawn at right angles to said longest side of the Airport Approach Plane is twenty (20) units of measure horizontally to one (1) unit vertically.

Airport Turning Zones may be created in the areas adjacent to Airport Approach Zones. Each Airport Turning Zone shall have a width not to exceed five hundred (500) feet at the end adjacent to the airport and may broaden to a width not to exceed two thousand five hundred (2,500) feet at a distance of two (2) miles therefrom.

Variances. Variances may be granted from the height limit restrictions in accordance with the procedures established in Sections 101.0204 and 101.0501. Variances may be granted to permit buildings, or other structures to be constructed to a height of not more than three (3) stories, or thirty (30) feet above the established grade of the street on which the lot faces or adjoins; or to permit the rebuilding of a structure partially or totally destroyed by fire or otherwise; or to permit a building of greater height to be located near an existing building which exceeds the height limits established by this Aritcle; or to permit a building of greater height near the exterior boundary of an approach zone or turning zone in order to provide a gradual transition.

SEC. 101.0415 AIRPORT APPROACH, TURNING ZONES ESTABLISHED

That all territory situated in The City of San Diego, within the boundaries of the area adjacent to the Municipal Airport as described in Documents Nos. 364708 and 366052 filed in the office of the City Clerk of said City, be, and the same is, incorporated into four Class 111 Airport Approach Zones and eight Class 111 Airport Turning Zones as said approach zones and turning zones are described, defined and bounded by Section 101.0410.

SEC. 101.0416 AIRPORT APPROACH ZONE - HEIGHT OF BUILDINGS

From and after the taking effect of this Code, no building or premises in an Airport Approach Zone in the area hereinabove described shall be erected, constructed, converted, altered, enlarged and/or used which exceeds a height in excess of that made by an inclined plane which intersects the end of an airport runway and slopes upward at a slope of twenty (20) units

of measure horizontally to one (1) unit vertically.

SEC. 101.0417 AIRPORT TURNING ZONE - HEIGHT OF BUILDINGS

From and after the taking effect of this Code, no building or premises in an Airport Turning Zone in the area hereinabove mentioned shall be erected,constructed, converted, altered, enlarged and/or used which exceeds a height in excess of that made by an inclined plane which is drawn through the nearest edge of an airport approach zone and slopes upward and away therefrom at a slope of twenty (20) units of measure horizontally to one (1) unit vertically.

SEC. 101.0418 CONSTRUCTION OF ZONE MAP - BOUNDARIES

Where uncertainty exists with respect to the boundaries of zones, as shown on said zone map, the following rules shall apply:

(a) The zone boundaries are either streets or alleys unless otherwise shown, and where the colors of said zone map are approximately bounded by a street or alley line, said street or alley shall be construed to be the boundary of such zone.

(b) Where the zone boundaries are not shown to be streets or alleys, and where the property has been or may hereafter be divided into blocks and lots, the zone boundaries shall be construed to be the lot lines, and where the colors on said zone map are approximately bounded by lot lines, said lot lines shall be construed to be the boundaries of such zone.

(c) In unsubdivided property the zone boundary lines on said zone map shall be determined by the scale contained

on such map, and where uncertainty exists the zone boundary lines shall be determined by the City Planning Commission upon written application from said zone map and record thereof kept on file in the office of the City Planning Commission.

DIVISION - 5

ZONE VARIANCE

SEC. 101.0501 APPLICATION FOR ZONE VARIANCE - CONDITIONS PROCEDURE

Application for any permissible variances of regulations or for any special permit as provided herein shall be made to the zoning committee in the form of a written application for a permit. Said application shall be filed with the City Planning Department and shall be made upon forms provided by said Department, and shall be accompanied by complete plans and descriptions of the property involved, and the proposed use, together with plans and elevations of all proposed buildings.

Any variance, suspension or special permit granted by the Zoning Committee or the City Council as herein provided for, shall be conditional upon the privileges granted being utilized within six months after the effective date of the variance. In the event some construction work is involved, it must actually commence within the stated period and must be diligently prosecuted to completion; otherwise the variance is automatically voided. A lapse of work for a period of three months will be sufficient to cause the invalidity of the zone variance.

The Zoning Committee may determine by rules and regulations the method of notification of the public hearing, if any to be held on the application. From the time of filing said application until the time of such hearing, the application,

together with plans and other data submitted, shall be available for public inspection in the office of the City Planning Department.

The act of a majority of the Planning Commission or of the Zoning Committee when in session, as a Planning Commission or as a Zoning Committee, except as otherwise provided in this Article, shall be deemed the act of the Planning Comission or the Zoning Committee; but any investigation, inquiry, hearing or decision which said Commission or said Committee has power to undertake or to hold or to make, may be undertaken, or held or made by or before any Comissioner or Committee member, or City Planning Director or Assistant City Planning Director designated for the purpose by the Commission or Committee respectively, and every order or decision made by a Commissioner or Committee member or such planning officer as designated, pursuant to such inquiry, investigation, hearing or decision, when approved or confirmed by the Commission or Zoning Committee, ordered filed in the office of the Planning Commission, shall be deemed to be the order or decision of the Comission or Zoning Committee.

At the public hearing or meeting set to consider the application for variance the applicant shall present a statement and adequate evidence for the purpose of showing:

(1) That there are special circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in that district;

(2) That the strict application of the regulations would

work unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner, possessed by other property owners in the same zone and vicinity;

(3) That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood;

(4) That the granting of the variance will not adversely affect the Master Plan of the City;

If the facts presented at the public hearing or by an investigation show that the requested variance comes within the purview of the Zoning Committee, it may grant the request in whole or in part upon such conditions and safeguards as it deems necessary.

A copy of the resolution granting or denying the application shall be mailed to the applicant, a copy sent to the City Clerk, a copy to the Building Inspector and a copy filed in the office of the City Planning Department.

The resolution of approval or disapproval of the Zoning Committee shall become final on the sixth day following its filing in the office of the City Clerk, unless during the previous five (5) days a written appeal from the decision is filed with the City Clerk asking the City Council to hold a public hearing on the matter and reserve the decision of the Zoning Committee.

If an appeal is filed within the time specified, it

automatically stays proceedings in the matter until a determination is made by the Council.

Notice that an appeal has been filed shall be sent by the City Clerk to the Building Inspector and the Zoning Committee of the City Planning Commission.

After an appeal is filed the City Clerk shall place the matter on the docket of the City Council. Notice of the Council hearing shall be given to affected property owners by the City Planning Department. Sufficient time shall elapse between the filing of the appeal and the City Council hearing to permit such notices to be mailed to property owners.

After conducting the public hearing and reviewing the report of the Zoning Committee, the City Council may grant or deny the appeal, upon such terms and conditions as the City Council deems appropriate.

In the event the appeal is filed protesting a zone variance granted by the Zoning Committee, or if the appeal is caused by the denial of a variance application, it shall require five (5) votes of the City Council to override the Zoning Committee.

The decision of the City Council shall be final and conclusive in such appeal.

SEC. 101.0502 ZONE VARIANCE - FEES

That any person, firm or corporation who petitions The City of San Diego, requesting that a variance, or suspension of the provisions of any building set-back, zoning or subdivision ordinance of said City be granted, or that a change

in the classification of any property zone heretofore or hereafter established be made, shall,prior to the filing of such petition with said City, pay to the City Treasurer the following fees:

(a) For variance of or suspension of the side yard, rear yard requirements or lot coverage, the sum of Five Dollars ($5.00).

(b) For variance of or suspension of the front yard requirements, ths sum of Ten Dollars ($10.00).

(c) For variance of or suspension of the requirements of the Subdivision Ordinance, the sum of Ten Dollars ($10.00).

(d) For a zone variance or suspension or set-back change the sum of twenty five ($25.00) dollars.

(e) For a change in the classification of any property zone, the sum of Fifty Dollars ($50.00).

The City Treasurer shall thereupon issue his receipt for said fee and shall designate upon said petition that said fee has been paid. No action of any kind shall be taken upon such petition by the Council or any commission of The City of San Diego without the payment of said fee.

DIVISION - 6

YARD REGULATIONS - BUILDING LINES

SEC. 101.0601 SIDE AND REAR YARDS - RESIDENTIAL PURPOSES

(1) All buildings, structures and/or improvements, or portions thereof, hereinafter erected, constructed, converted, established, altered and/or enlarged in any residential zone; and all buildings, structures, and/or improvements or portions thereof, designed or intended for living purposes in any portion of The City of San Diego shall provide both side and rear yards; not less than the following:

ZONE	SIDE YARDS		REAR YARDS	
	Lots 50 ft. wide or less	Lots wider than 50 ft.	Lots less than 100 feet deep	Lots 110 feet deep or more
R-1 A	10% of width of lot with a miximum of 10 feet.		20	25
R-1	4	5	20	25
R-2	3	4	15	20
R-4	3	4	10	15
R C	3	4	10	10
C	3	3	10	10
M-1	3	3	10	10
M-2	3	3	10	10

(2) Provided however, that cornice or eave projections shall be a minimum of two (2) feet, six (6) inches from side lot line and shall not extend into the required side yard to exceed 25% of such side yard width;

(3) Provided further, that the above side yard requirements shall be increased one (1) foot for each story

above two, for buildings erected in Zones R-1, R-2, R-4 and R C;

(4) Provided further,that except in an R-1A zone, that a garage, auxiliary portion of dwelling or other one-story accessory building, not more than five hundred (500) square feet in area and not more than thirty (30) feet in total length, may disregard the above side yard and rear yard requirements if located within the rear 30% of the lot or back of the front seventy (70) feet of the lot. Corner lots which have been resubdivided shall maintain side yards in compliance with the requirements placed on the original lot and in addition shall observe all the yard requirements for the new parcel of land.

Garages located entirely within at least a six (6) foot natural embankment and so maintained, provided no portion of the roof parapet or handrail is more than two (2) feet, six (6) inches above natural ground as a maximum, nor more than one foot above the average estimated floor level of adjacent existing or future buildings, may disregard the side yard requirement.

(5) Provided further that where an alley or other public thoroughfare abuts such side or rear yard, one-half the width of wuch alley or thoroughfare may be figured up to a maximum of ten (10) feet for such required side or rear yard space.

Provided further that in Zones R-2 and R-4, that the rear yard in the extreme rear of the lot may be reduced to ten (10) feet provided the remaining rear yard is provided between

dwellings in front in addition to other required spaces.

(6) Provided further in group or multiple dwellings each and every family unit shall front upon the street or on a court for primary access which shall be clear and unobstructed to the sky and said court shall extend clear and unobstructed of same width to a public street or to another court of equal or greater width which extends to a public street. The minimum width of a single court shall be ten (10) feet between buildings on said lot or to lot line and the minimum width of a double court shall be twelve (12) feet, measured between buildings or to lot line.

(7) Provided further, that detached dwellings shall maintain a minimum of six (6) feet between dwellings and three (3) feet between the dwelling and detached auxiliary buildings.

(8) Provided further that auxiliary portions of the dwelling may disregard side yard and rear yard requirement if located as specified and limited herein, provided there is no access from the auxiliary portion to the interior of the dwelling unit.

(9) Provided further, that residential buildings not conforming to these yard requirements may be altered or enlarged to 50% of the assessed value as of September 27, 1935, and provided the additions observe all existing zoning requirements.

(10) The following table of allowable lot coverage, together with the yard requirements of The City of San Diego, shall be deemed to provide adequate light and air requirements;

Maximum per cent of lot permitted to be covered with buildings, including accessory buildings:

ZONE	INTERIOR LOT	CORNER LOT
R-1 A	40%	40%
R-1	40%	50%
R-2	40%	50%
R-4	50%	60%
R C	50%	60%
C	60%	70%
M-1	60%	70%
M-2	60%	70%

Provided, however, that the above side and rear lot requirements and area provisions used not apply on any lot of less than 2,000 square feet in area, if such lot appeared of record on the effective date of Ordinance No. 733, New Series, adopted August 27, 1935.

SEC. 101.0602 IMPROVED PROPERTY - AVERAGE SET-BACK LINE

Whenever in any block on any street in the residence district, forty per cent (40) of the lots in such block, and facing such street, have been improved, it shall be required that the front face of all buildings or structures thereafter placed, erected, or rebuilt, on all other lots, within said block shall be kept back of a set-back line established not nearer to the front property line than the average distance back from the front property line that the front of the existing buildings in said block have been built; excepting that the front of no buildings will be required to set back a greater distance than thirty-five (35) feet from the front property line; and it is further provided that the front of no building which is to be located

between existing buildings, not exceeding one hundred fifty (150) feet apart, will be required to set back farther than the average distance back from the front property line that the said existing adjacent buildings on each side have been built.

SEC. 101.0603 UNIMPROVED PROPERTY - SET-BACK LINE

Whenever less than forty per cent, (40%) of the lots in any block on any street in a residence district have been improved, the set-back line shall be established not less than fifteen (15) feet back from the front property line. This Section also applied to all new additions, subdivisions and unimproved blocks.

When the size, shape or location of the lot, or when the nature of the ground makes it impractical or unreasonable to comply with the set-back requirements herein established, the set-back line may be consistently modified by the City Council upon recommendation of the Planning Commission.

The set-back line within any block may be established by the City Council, upon petition of two-thirds of the property owners owning property in said block, and upon recommendation by the City Planning Commission.

SEC. 101.0604 VARIATION OF REQUIRED SET-BACK LINE

Whenever in any block there appears a setback line on the subdivision map thereof, as approved by the City Planning Commission and the City Council, and recorded in the office of the County Recorder, which varies from the setback line as provided for in other sections of this Article and setback lines as shown on such subdivision map shall be applicable

as to said property, notwithstanding any provisions to the contrary contained in this Article.

SEC. 101.0605 PRIVATE ROAD - SET-BACK LINES

Whenever buildings are constructed on property facing upon a private road or right-of-way, in any residential district in The City of San Diego, such buildings or structures shall be kept back of a setback line established not nearer to the center line of such private road or right-of-way than thirty (30) feet therefrom.

SEC. 101.0606 CORNER LOT - SET-BACK LINE

When a building or other structure is to be located on a corner lot, regardless of which direction it may face, the entire building shall be kept back of the setback line established for the other buildings within the block which face in a direction parallel to the longest dimension of the original lots.

SEC. 101.0607 SET-BACK LINE WHERE EMBANKMENT

When a yard is on an embankment averaging six (6) or more feet in height, and the height of yard is at least six (6) feet high above walk grade, measuring at front property line, private garages may be built within said embankment disregarding the setback line, provided that no part of garage roof or parapet walls extend above the established or estimated first floor levels of adjacent existing or future buildings, and provided, further, that the garage door or doors do not swing out over public property, public walks, or public property between walk and front property line.

SEC. 101.0608 DIAGONAL SET-BACK LINE

When a dwelling is to be located within one hundred fifty (150) feet of an existing apartment house, business building

or similar structure, and said existing structure extend in front of the regular required setback line, the front of the proposed building or structure need not be located farther back than behind an assumed diagonal setback line. Said diagonal setback line shall begin on the above-mentioned existing structure, at the adjacent outer corner nearest the front property line, and shall extend backward, making an angle of not less than thirty (30) degrees from a line parallel with the front property line. The diagonal line shall continue in a straight direction until it intersects the regular setback line elsewhere described in this ordinance.

SEC. 101.0609 MIXED BUSINESS AND RESIDENCE DISTRICT

If at any time a business building or buildings occupying less than one-third of the block be located in a Residence District, said district shall still remain a residence district, and all business and other buildings and structures shall be kept back of the setback line.

SEC. 101.0610 PENALTY

Any architect, owner, builder, mechanic, or any other person, firm or corporation, who shall violate any of the provisions of this Division or fail to comply with any order or regulation made thereunder, or who shall build or move in violation of any detailed statement, specification or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall be deemed guilty of a misdemeanor.

SEC. 101.0611 EXCEPTIONS TO SET-BACK REQUIREMENTS

That the terms and provisions of Sections 101.0602 to 101.0609 inclusive as to setback lines shall not apply, nor be applicable, in any manner whatsoever, to the property along both sides of Dunemere Drive, between Monte Vista Avenue and Sea Lane, in The City of San Diego.

SEC. 101.0620 FENCES, WALLS, ENCLOSURES - FENCE CLASSIFICATIONS:

Class 1. Masonry, concrete or frame stucco walls;

Class 2. Ornamental iron;

Class 3. Woven wire (wood or iron posts);

Class 4. Wood picket (more than 50% open);

Class 5. Solid fences (less than 50% open);

Class 6. Sharp pointed and electrically charged fencing.

(NOTE: See Section 91.0501 ~~0303 (d)~~ for fees for fences)

SEC. 101.0621 COMBUSTIBLE FENCES PROHIBITED IN CERTAIN AREAS:

Fences built of wood boards, lattice or other combustible materials are prohibited within Fire Zone No. 1.

SEC. 101.0622 FENCES, WALLS, ENCLOSURES - CONSTRUCTION:

All fences exceeding five feet (5') in height shall safely withstand a uniform horizontal wind pressure of fifteen (15) pounds per square foot. All parts of wooden posts which may come in contact with the earth shall be thoroughly protected with creosote or approved equivalent. All steel posts shall be set in concrete footings at least twenty-four inches (24") in depth. All fences shall be constructed of new or good used material.

SEC. 101.0623 FENCES, WALLS, ENCLOSURES - HEIGHT LIMITS:

Fences in all residential zones and restricted commercial zones, including but not limited to R-1A, R-1, R-2, R-4 and RC zones, in front of the residential setback lines shall be of Class 1, 2, 3, 4 or 5 and shall be limited to a height of thirty-six inches (36"); except that Class 2, 3, or 4 fences of a maximum height of two feet (2') six inches (6") above ground level may be erected where the first floor level of adjacent

existing or future buildings are below grade of the adjoining public sidewalk.

SEC. 101.0624 FENCES, WALLS, ENCLOSURES - SIDE AND REAR YARD HEIGHT LIMITS:

Sideyard and rear yard fences back of setback lines in residential and restricted commercial, including but not limited to R-1A, R-1, R-2, R-4 and RC zones shall be of Class 1 to 5 inclusive and shall not exceed a height of six feet (6') 0 inches above the average adjacent ground level. Except that sideyard and rear yard fences of Class 2, 3, or 4 of a maximum height of three feet (3') six inches (6") may be placed on top of a masonry retaining wall of maximum height of six feet (6') 0 inches above lowest ground level, provided all portions over a gross height, of retaining wall and fence of nine feet (9') six inches (6") above lowest ground level is back of the front seventy feet (70') of the lot or within the rear thirty per cent (30%) of the lot.

SEC. 101.0625 SHARP-POINTED FENCES PROHIBITED:

No barbed wire or other sharp pointed fence and no electrically charged fence shall be erected or maintained in any zone except as hereinafter provided.

SEC. 101.0626 HEIGHT LIMIT FOR CERTAIN FENCES - RESIDENTIAL ZONES:

Fences of Class 1, 3 or 4 located in residential zones in compliance with all sideyard, rear yard and setback requirements for living quarters as specified in the zoning articles are permitted to a maximum height of eight feet (8').

SEC. 101.0627 HEIGHT LIMIT FOR FENCES - "C", "M-1", "M-2" ZONES:

Fences of Classes 1 to 5 inclusive are permitted in Zones C, M-1, and M-2, not to exceed a maximum height of six feet (6') 0 inches above adjoining public sidewalk

grade nor above the adjacent average ground level on sides or rear line other than street frontage except that extension arms are permitted of twelve inches (12") vertical height projecting inward on private property on which sharp pointed fencing may be placed, provided all such fencing is a minimum of six inches (6") from the exterior face of the fence.

SEC. 101. 0628 APPROVAL BY ZONING COMMITTEE - SPECIAL FENCES - CONDITIONS FOR PERMITTING:

Fences of a greater height or of other classifications than herein permitted may be approved by the Zoning Committee of the Planning Commission upon presentation of a petition. The petitioner must make a sufficient showing:

1. That there are exceptional circumstances;

2. That there is no public hazard;

3. That neighboring properties will not be materially damaged; and

4. That the regulations cause unnecessary hardship upon the petitioner.

SEC. 101.0629 SECTIONS DO NOT CONFLICT WITH OTHER PROVISIONS:

No part of this ordinance shall be deemed to mitigate any of the Building Code provisions, nor conflict with the setback and zoning laws. Provided further, that an approved masonry lot-line or garden wall, as defined in Section 101.0101 shall be considered as a Class 1 fence and shall be limited in height as defined in the preceeding sections.

DIVISION - 7

ARCHITECTURAL CONTROL

SEC. 101.0701 EXTERIOR DESIGN CONTROL

That Ordinance No. 13375, adopted December 7, 1931 (Building Code), insofar as it requires the Building Inspector to refer all applications to the City Planning Commission for approval as to the exterior design in certain areas within The City of San Diego, be, and the same is hereby continued in force and effect. Said certain areas are defined in the following ordinances:

400 (New Series) Adopted February 5, 1934;

701 (New Series) adopted July 2, 1935;

881 (New Series) adopted April 7, 1936;

896 (New Series) adopted May 6, 1936;

935 (New Series) adopted July 7, 1936;

1281(New Series) adopted Meve,ber 16, 1937;

1315 (New Series) adopted January 25, 1938;

1445 (New Series) adopted August 23, 1938;

1446 (New Series) adopted August 23, 1938;

1474 (New Series) adopted November 9, 1938;

1475 (New Series) adopted November 9, 1938;

1592 (New Series) adopted May 16, 1939;

1608 (New Series) adopted June 6, 1939;

1946 (New Series) adopted October 1, 1940;

2219 (New Series) adopted July 29, 1941;

2220 (New Series) adopted July 29, 1941;

2349 (New Series) adopted January 13, 1942;

2557 (New Series) adopted October 20, 1942;

2581 (New Series) adopted December 8, 1942;

2592 (New Series) adopted December 29, 1942;

2600 (New Series) adopted January 12, 1942;

2851 (New Series) adopted June 13, 1944;

2878 (New Series) adopted August 29, 1944;

2894 (New Series) adopted October 10, 1944;

2903 (New Series) adopted November 14, 1944

3106 (New Series) adopted December 18, 1945;

3496 (New Series) adopted August 12, 1947;

3497 (New Series) adopted August 12, 1947;

ARTICLE - 2

SUBDIVISIONS

SEC. 102.01 AUTHORITY FOR ARTICLE

The provisions of this Article are adopted pursuant to the authority granted by "The Subdivision Map Act," (Division 4, Part 2, Chapter 2, Business and Professions Code of the State of California), and is supplemental thereto, and in furtherance thereof, and is to be construed and enforced in connection and conformity therewith.

SEC. 102.02 TENTATIVE AND FINAL SUBDIVISION MAP REQUIRED - DEFINITIONS

Whenever ~~Whenever~~ any subdivision of land as herein defined shall hereafter be laid out within or partly within the incorporated limits of The City of San Diego, the subdivider thereof, or his agent, shall submit both a tentative and a final Map thereof to the City Planning Commission of said City. Said Maps and all procedure relating thereto shall in all respects be in full compliance with the provisions of the Subdivision Map Act of the State of California, and any amendments thereto, and with the regulations hereinafter contained in this Article.

(a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the last preceding tax roll as a unit or as contiguous units, which is divided for the purpose of sale, whether immediate or future, into five or more parcels within any one-year period.

(b) "Subdivision" does not include any parcel or parcels of land divided into lots or parcels, each of a net area of

one acre or more, a tentative map of which has been submitted to the governing body and has been approved by it as to street alignment and widths, drainage provisions and lot design, in which case there shall be filed a record of survey map pursuant only to the provisions of Chapter 15 of Division 3 of the Business and Professions Code of the State of California.

All lands offered to the City for streets, highways, alleys, or other public use, where no approval of the City Planning Commission has been secured, shall be referred to the City Planning Commission for a report and recommendations before being accepted by the City Council.

SEC. 102.03 MAJOR STREET PLAN

The subdivision of land, or the dedication of land, for streets, highways, alleys, or other public use, shall conform to the Major Street Plan, and to the Master Plan, as approved and accepted by said City of San Diego.

SEC. 102.04 WATERFRONT SUBDIVISIONS

Whenever any new subdivision of land is bounded on any side, or in any way, by the Bay of San Diego, or by any bay in The City of San Diego, or by the Pacific Ocean, there shall be dedicated upon and by such map or plat, a street along said bay or ocean front, and such street shall be given a distinct name; and all such streets, and those streets leading to said bay front or ocean front shall run and be open to the mean high tide line.

SEC. 102.05 RELATIONS TO ADJOINING STREET SYSTEMS

New subdivisions shall make provisions for the continuation of the principal existing streets in adjoining or adjacent

subdivisions in so far as they may be necessary for public requirements. In general, such streets shall be of a width as great as that of the streets so continued or projected. The center lines of such streets shall continue with the center lines of existing streets. In general, the streets shall extend to the boundary of the subdivision to provide the proper access to the adjoining property, and provide for proper connection with the highway system for continuous and adjacent land.

SEC. 102.06 EASEMENTS

(1) Where alleys are not required an easement of not less than four (4) feet wide shall be provided at the rear of all lots.

SEC. 102.07 STREET AND ALLEY WIDTHS

1. Widths of major and secondary highways shall conform with the widths established in the Major Street Plan for San Diego.

2. Widths of local streets shall in general be not less than fifty (50) feet.

3. A street or alley lying along the boundary of a subdivision may be dedicated one-half the required width if it is practical to require the dedication of the other half when the adjoining property is subdivided. Such portion of a street shall be distinctly designated upon the map or plat as being a portion only of a street, and not the street of full width.

4. Whenever there already exists a dedicated and recorded half-street or alley on an adjoining plat, the other half must be dedicated on the proposed plat to make the street

or alley complete.

5. Alleys not less than twenty (20) feet wide shall be provided in the rear of all business lots, and in the rear of all lots fronting on the streets eighty (80) or more feet wide.

6. If alleys are provided at the rear of residence lots, they shall be not less than twenty (20) feet wide.

SEC. 102.08 STREET AND ALLEY INTERSECTIONS

1. Intersections of streets shall be at an angle of ninety degrees (90°), or as close to such an angle as practicable, but in no case less than thirty degrees (30°). Terminations of streets at intersections shall be clearly defined.

2. Alleys intersecting other alleys or streets shall be increased in width at the intersection in conformity with the standards adopted by the Planning Commission as contained in Document No. 289156, on file in the office of the City Clerk.

3. Block corners shall be cut off or rounded in conformity with the standards adopted by the Planning Commission, as contained in said Document No. 289156.

SEC. 102.09 GRADES

1. Streets shall be so arranged that the grades shall, as far as possible, not exceed seven (7) per cent.

2. No grades of less than one-half (½) of one (1) per cent shall be allowed on any street.

SEC. 102.10 CURVE RADII

1. Center line radii of major and secondary streets shall be, in general, not less than five hundred (500) feet.

2. Center line radii of major and secondary streets in rough and broken areas shall be not less than two hundred (200) feet.

3. Center line radii of local streets shall be not less than one hundred (100) feet.

4. Reverse or compound curves on major and secondary streets shall be separated by a tangent sufficient to provide safety of travel.

SEC. 102.11 BLOCKS

1. Streets shall be platted a distance apart to allow for a block width sufficient for two tiers of lots with an alley or easement between.

2. No block shall be longer than nine hundred (900) feet between street lines, except as provided in Section 102.15.

3. BLOCK NUMBERS. If system of designating blocks be used, the blocks shall be numbered in consecutive order commencing with the numeral "1" with no omissions or duplications, except that if additional units of a subdivision are filed, the numbering of the blocks shall begin with the numeral next higher than used in the preceding unit.

SEC. 102.12 LOTS

1. All lots shall face upon a public street.

2. The side lines of lots shall approximately be at right angles or radial to the street upon which the lots face.

3. All residential lots shall have a width of not

less than fifty (50) feet; except those lots located at the end of a dead end street may have a minimum width at the front line of not less than twenty (20) feet, provided the average width of such lots is not less than fifty (50) feet.

4. Each residential lot shall contain an area of not less than five thousand (5,000) square feet.

5. Business lots shall have a width of not less than twenty-five (25) feet.

6. Lots fronting on a major highway shall have a depth of not less than one hundred twenty-five (125) feet.

7. Lots must not be cut by a City boundary line. City boundary lines may be lot lines or center lines of streets or alleys.

8. Lot numbers. The lots shall be numbered in numerical order, commencing with the numeral "1", with no omissions or duplications.

SEC. 102.13 PEDESTRIAN WAYS

1. When grades of pedestrian ways offered for dedication exceed twenty (20) per cent, the subdivider must construct concrete stairways with hand rails before the acceptance of the final map by the City Planning Commission.

SEC. 102.14 DEAD-END STREETS

1. Where dead-end streets are approved by reason of the topography, or other reason, the diameter of the turning area at the end of such street must be not less than seventy feet.

SEC. 102.15 SUSPENSION OF PROVISIONS OR REQUIREMENTS

1. A suspension of any requirements of this Article

except the requirements in Section 102.19 may be granted by the City Council in a particular case upon the recommendation of the City Planning Commission. Application for such suspension must show that there are special circumstances or conditions affecting the property in question; also, that such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property in the territory.

SEC. 102.16 TENTATIVE MAP

(a) Information on Map. The preliminary plan or tentative map of the subdivision shall contain the following information:

1. The name or title under which the proposed subdivision is to be recorded.

2. The name and address of the record owner or subdivider.

3. The location, width and approximate grade and radius of proposed and existing streets, alleys, highways and ways included in the plat; also similar facts regarding the property contiguous or adjacent.

4. The location of all existing features affecting the subdivision, such as railroads, buildings, trees, easements, ditches, watercourses, etc.

5. The location and size of the nearest available public sewers and water mains, existing or planned. Also the method of sewage disposal proposed.

6. Approximate dimensions of lots, approximate radii of all curves, and approximate location of building

setback lines.

7. Where, in the opinion of the City Planning Commission, topographical map of the area is required, the subdivider must furnish such map, with contour lines of not more than five (5) foot intervals.

8. Date, North. Point and Scale. Maps shall be drawn to show clearly all information, at a scale of one hundred (100) feet to one (1) inch.

(b) The following information shall be filed with the tentative map:

1. Sufficient legal description to define the boundaries of the proposed tract.

2. A written statement or a zoning map indicating the proposed use of the various parcels.

3. Tree planting plan, if any.

4. Proposed improvements.

(c) Procedure (Tentative Map).

1. Property owners or subdividers, desiring to record plats of subdivisions shall submit four (4) copies of the tnetative map to the City Planning Commission.

2. The subdivider shall be issued a receipt by the City Planning Commission when the tentative map is submitted.

3. The City Planning Commission shall refer one copy of the tentative map to the City Engineer and one copy to the Director of Public Health. The City Engineer and Director of Public Health shall each be allowed fifteen (15) days in which to submit his written report and recommendations to the City Planning Commission.

The City Engineer shall examine the plat as to its compliance with the laws and ordinances of The City of San Diego, the Major Street Plan, and other ~~offician~~ official plans of the City, the existing street systems and good engineering practice. The City Engineer's written recommendation shall set forth the size and type of improvement necessary for public use and safety to be constructed by the subdivider before acceptance of the final map.

The Director of Public Health's written recommendation shall set forth the type of sanitary facilities to be installed.

After receiving written recommendation from the City Engineer and Director of Public Health, the City Planning Commission shall submit a copy of the tentative map to the City Council, together with the Commission's recommendation attached thereto in accordance with the provisions of Sections 8 and 9, Chapter 837 of Statutes of 1929.

The Council shall approve or disapprove the tentative map by the passage of a resolution. If the map is approved, the resolution of approval shall also state the nature and character of the improvements that will be required to be made by the subdivider, based upon the recommendation of the Planning Commission, the City Engineer and the Director of Public Health, or as determined by the Council; provided, however, that in every case the resolution shall require the minimum improvements specified in Section 102.19. In the event any subdivider is dissatisfied with the findings of the City Council he may appeal from such findings within the time and in the manner provided

for in Section XI of Chapter 837 of the Statutes of 1929.

No work shall be done by the subdivider on any land offered or to be offered for dedication until the Council shall have adopted said resolution determining the nature and character of the work and improvements to be required.

Improvements constructed pursuant to the requirements of The City of San Diego must be made in accordance with the Specifications for Public Improvements, Series 2-29, a copy of which is filed in the office of the City Clerk of said City, under Document No. 275153.

SEC. 102.17 SURVEY

(a) Each subdivision shall, subsequent to the approval of the tentative map thereof, and prior to the filing with the Planning Commission of the final map, be surveyed accurately in accordance with the tentative map and all alterations and changes required; except, however, in the case where the map is exclusively a reversion to acreage, such survey shall be required.

(b) The procedure and practice of all survey work done upon such subdivision shall conform with the accepted standards of the engineering profession.

(c) Monuments. Permanent monuments shall be set at the boundary corners of each subdivision and along the boundary lines at intervals of not more than one thousand (1000) feet. Such monuments shall be concrete posts or iron pipes.

For the purpose of this Article, a permanent monument shall be not less substantial than the following: (1) A cylinder of reinforced concrete six inches in diameter not less than two (2)

feet in length, set two (2) feet in the ground with the center point marked by a copper disc firmly set in the top; or (2)An iron pipe with a two-inch outside diameter not less than two (2) feet in length, centered with a lead or cement plug and tack, and driven at least two (2) feet into the ground. The depth of the top of such monument, whether above, below or flush with the surface of the ground, shall be shown upon such final map.

Monuments at block corners and at all angles and points of curves of the street and alley property lines, at corners and angles of the exterior boundaries of the subdivision shall be not less substantial than steel rods one-half inch in diameter, not less than eighteen (18) inches in length, and driven at least eighteen (18) inches into the ground.

Lot corners shall be marked with a two-inch Cedar stake twelve (12) inches long, centered with a copper tack, driven at least ten (10) inches into the ground; or by a one-half inch steel rod or pipe, twelve (12) inches long, driven at least ten (10) inches into the ground.

A copy of the original field notes shall be filed in the office of the City Engineer.

SEC. 102.18 FINAL MAPS

Whenever such tentative map has been approved by the City Planning Commission, or whenever the subdivider has complied with the provisions of said Act of June 17, 1929, and amendments thereto, and this Article, and has made all the changes in such map and in the subdivision shown thereon necessary to remove

the defects and objections indicated in the disapproval of such tentative map by said Planning Commission, he shall, within one year from the approval or return of such map by the City Planning Commission, submit to said Commission a final map of such subdivision, together with the tentative map.

The final map shall be drawn with waterproof India ink, on tracing cloth of good quality, eighteen (18) inches by twenty-six (26) inches in size, drawn to a scale of 100' to 1" with a one inch ruled margin; the same being the map of record. The original, and four blue prints shall also be filed with the City Planning Commission.

(a) Information. The final map shall accurately and definitely show the following information:

1. The boundaries of the property subdivided and the boundaries of all proposed streets, alleys and ways, with their widths, names, etc.

2. All easements and lot lines and the numbers of all lots and blocks with figures to show their dimensions.

3. All dimensions, both linear and angular, necessary for locating lots, tracts or parcels of ground, alleys and easements, and the boundaries of the subdivision, and connections or ties to all adjoining subdivisions.

4. Basis of bearings shown on the final map.

5. The necessary functions for all curvilinear lines and streets, and the radii for all rounded corners.

6. The description and location of all monuments set in the subdivision.

7. Name of subdivision, location and extent of the property subdivisde, arrow designating true north, scale of

plat, and the name of the engineer platting the tract.

8. City Boundaries must be accurately shown whenever they cross or adjoin a subdivision.

9. Street names. Approval of street names shall be secured from the City Planning Commission and the City Engineer before printing the same on the map.

10. The traverse of the exterior boundaries of the tract and the boundaries of each block in the tract shall be submitted with the final map to the City Engineer.

11. All linear dimensions shall be expressed in feet and hundredths of a foot.

(b) Certificates. On final map.

The following certificates shall appear on the title sheet of the Final Map:

1. Dedication Certificate.

The Title sheet of the Final Map shall contain a certificate offering to dedicate easements to all streets, highways or other public ways shown on the map.

2. Engineer's Certificate. On every such map or plat there shall be endorsed a certificate signed and sealed by the engineer making the survey shown on such map or plat, certifying that he actually made the survey and performed the work shown and set the stake monuments and marks indicated thereon, and specifying the size and kinds of stakes, monuments and marks found, together with the date that such ~~feild~~ field work was done by him.

3. No such map or plat shall be accepted by the Council unless it bears a certificate of the City Planning Engineer and

the City Engineer of the City of San Diego, certifying substantially as follows:

"We the undersigned, hereby certify that we have carefully examined each lot shown on the annexed map as to its value for residential or commercial purposes, and we find said subdivision suitable for such purposes.

Dated this ..... day of ....., 19...

.....
City Engineer

.....
City Planning Engineer.

By.....Deputy.

4. No such map or plat shall be accepted by the Council unless it bears a certificate of the City Auditor of the City of San Diego, certifying substantially as follows:

State of California)
) ss.
County of San Diego)

I, ...City Auditor of the City of San Diego, California, hereby certify that there are no liens for unpaid City Taxes or unpaid bonds issued under the Improvement Bond Act of 1915, Statutes of 1915, p. 1441, State of California, shown by the books of this office, except taxes not yet payable against the tracts or subdivision, or any part thereof, shown on the annexed map and described in the caption thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this ..... day of ....., 19 .....

.....
City Auditor.

5. No such map or plat shall be accepted by the Council

unless it bears a certificate of the City Treasurer of the City of San Diego, California, certifying substantially as follows:

State of California)
) ss
County of San Diego)

I, ..., City Treasurer of The City of San Diego, California, hereby certify that there are no unpaid bonds issued under Street Improvement Acts of the State of California, against the tracts or subdivisions, or any part thereof, shown on the annexed map and described in the caption thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this ..... day of ....., 19.....

.....
City Treasurer.

By ..... Deputy.

6. Certificate of Abstract or Title Company.

No such map or plat shall be accepted by the City Council unless it bears a certificate by a Title Insurance Company, authorized by the laws of the State of California, giving the names of all parties whose consent is necessary to pass a clear title, except that if the property is registered under the Land Registration Act, known as the Torrens System, the certificate of the Registrar of the County of San Diego, certifying the same facts shall be accepted in lieu thereof.

The ..... hereby certifies that on the ..... day of ....., 19...., at .... M. .....
.....
were all the owners and persons interested in and whose consent

was necessary to pass a clear title to the land embraced within the subdivision to be known as .....
as shown on this map, and particularly described as follows:
.....
.....

IN WITNESS WHEREOF, said ..... has caused this instrument to be executed under its corporate name and seal, by its proper officers, thereunto duly authorized, the day and year first above written.

..... Company

..... President.

Attest:

..... Secretary.

Owner's Certificate. No such map or plat shall be accepted by the City Council unless it bears a certificate signed by the owners of the land within the subdivision and all other parties necessary to pass a clear title consenting to making of said map or plat, and dedicating to public use all property so indicated.

In every consent and dedication endorsed upon such map or plat there shall be contained a specific designation by name of the particular streets, highways, alleys, courts, parks, and all parcels of land within such tracts or subdivision offered for dedication for public use, and not merely a reference thereto.

In case any dedication or consent shown on a subdivision map is signed by a corporation, a certified copy of the resolution passed by the Board of Directors of said Corporation authorizing certain officers to sign said subdivision map, must accompany the final map.

8. Acknowledgements. All such signatures of owners and others, whether individuals or corporations, must be properly Signed

and acknowledged in India ink before a Notary Public.

9. City Engineer's Approval. No such map or plat shall be accepted by said City Council unless it first shall have been submitted to the City Engineer of said City for his approval, which approval and recommendation shall be endorsed thereon.

10. City Planning Commission's Approval. No such plat or map shall be accepted by said City Council unless it shall first have been submitted to the City Planning Commission of said City for its approval and recommendation, which approval and recommendation shall be endorsed thereon.

11. City Attorney's Approval. No such map or plat shall be accepted by said City Council unless it first shall have been submitted to the City Attorney of said City for his approval, which approval shall be endorsed thereon.

12. On all such maps presented to the City Council for approval, there shall be provided proper certificates for the City Clerk to certify the approval of the map by the City Council, and the acceptance on behalf of the public of all dedications shown thereon.

(c) Procedure. Final Map.

1. The final map and four copies thereof shall be submitted to the City Planning Commission.

2. One copy of the final map and the legal description thereto shall be referred to the City Attorney for examination and approval. The City Attorney shall examine the map for sufficiency of affidavits, legal descriptions, and other checking to insure compliance with applicable provisions of law.

3. Two copies of the final map shall be referred to the City Engineer for examination and approval. The City Engineer shall check for correctness of mathematical data and computations and setting of monuments.

4. The Planning Commission shall examine the map for compliance with the tnetative map, and approved changes thereof. When the City Planning Commission is satisfied, from a study of the map and a field inspection, that the subdivision complies with the provisions of this Article and the State Laws, it may, be a majority vote, approve said map and recommend its adoption by the City Council.

5. After the map has been signed by the Chairman and the Secretary of the Planning Commission, it shall be forwarded to the City Attorney to submit to the City Council.

SEC. 102.19 IMPROVEMENTS

(a) The subdivider shall improve all land dedicated for streets, highways or other public ways in the manner and to the extent as set forth and required in the resolution of the City Council provided for under the provisions of Section 102.16. In addition to such other improvements as the Council may determine and declare in such resolution, the subdivider shall in every instance be required to set the survey monuments and to grade ths streets to provide convenient access to each lot of said subdivision before any final map shall be accepted by the City Council.

(b) In event other improvements of all lands dedicated for streets, highways or other public ways, including water mains and sewer mains or sanitary system required by the resolution referred to in subdivision (a) of this Section have not been made, installed and completed at the time the final map is presented to the City Council for acceptance, no such map shall

be accepted by the City Council unless the subdivider, prior to or simultaneously with the presentation thereof to the City Council, shall have complied with and performed the following requirements, to-wit:

(1) The subdivider shall file with the City Clerk detailed plans and specifications, bearing the approval of the City Engineer, for all of the improvements, including water mains, or sewer mains or sanitary system required by the resolution referred to, not already completed and installed required to be made or installed by the resolution of the Council referred to in Subdivision (a) of this Section; together with a detailed estimate made or approved by the City Engineer of the cost of such improvements and an estimate of the time reasonably necessary to complete the same.

(2) The subdivider shall enter into a contract with The City of San Diego, approved as to form and legality by the City Attorney, to make, install and complete all the improvements, including water mains and sewer mains or sanitary system required by the resolution referred to, not already installed and completed required by resolution of the City Council referred to in Subdivision (a) of this Section; and shall accompany the same by a signed or certified copy of his contract if any with a contractor for the improvements hereinbefore referred to, and said Subdivider shall cause to be filed with the City Clerk a faithful performance bond, in favor of the City of San Diego, in a penal sum equal to City Engineer's estimate of the cost of the said improvements, which said bond shall have been approved as to its form by the City Attorney, and approved by the City Manager.

Surety companies to be acceptable to the City shall be on the accredited list of the United States Treasury Department, and holding a certificate under the Acts of Congress of August 13, 1894, and March 23, 1910.

Provided, however, that in the event that the subdivider desires to submit cash in lieu of the faithful performance bond, he may do so by depositing with the City Treasurer a sum of money in an amount not less than one and one-half ($1\frac{1}{2}$) times the total of the City Engineer's estimate of the cost of the improvements; and in that event the subdivider shall agree in the contract with the City hereinbefore provided for, that if the said work is not performed within the agreed time, said sum so deposited with the City Treasurer shall be in full payment by said subdivider to the City for all the improvements required in the contract, unless an extension of time is granted by resolution of the Council.

The time of performance of said contract shall be the period estimated by the City Engineer to be reasonably necessary to complete the improvements.

SEC. 102.20 RECORDING OF MAP

Whenever such map or plat shall have been accepted by the City Council, the City Clerk shall file the same in the office of the County Recorder of San Diego, California. A negative shall then be made from the recorded original of said map or plat, which negative shall thereupon be filed in the office of the City Engineer of said City of San Diego. Said Engineer shall thereafter make prints from said negative for use in the office of the City Engineer, the City Auditor, City Planning Commission and the City Clerk of said City.

SEC. 102.21 FEES

(a) Checking. Upon the forwarding of the Final Map to the City Engineer the subdivider shall pay to the City Clerk a fee of Twenty-five Dollars($25.00), plus Twenty-five Cents (25¢) for each lot or parcel of land shown thereon and lying within The City of San Diego.

(b) Recording. Upon the filing of the Final Map with the City Council, said subdivider shall deposit with the City Clerk of San Diego a sum sufficient to cover the cost of filing the map and making the negative and prints as above mentioned in Section 102.20 .

SEC. 102.22 SUBDIVISIONS OUTSIDE THE CITY

All plats of property situated outside the corporate limits which require action by the City Planning Commission and the City Engineer shall comply with the foregoing regulations as far as applicable.

SEC. 102.23 WATER DISTRIBUTION SYSTEM - MAPS AND COSTS - PURCHASE OF WATER SYSTEM BY CITY

(a) All new subdivisions shall have a complete water distribution system installed before such subdivisions are finally accepted by the City. The Plan, design and size of pipes or mains of such water distribution system must be approved by the Water Department and the City Manager. Such system shall include a feeder main or mains from the nearest point in the City's water system from which a satisfactory quality of water in sufficient quantity and at sufficient pressure can be supplied for the proposed subdivision. The subdivider shall pay for the installation of said water distribution system, including the said feeder main or mains,

except as hereinafter provided.

(b) Upon receipt of an application for approval of a new subdivision and the filing of a tentative map thereof, which shall contain an accurate description of the property to be served, the Manager shall cause the Water Department to prepare a plan of the water distribution system necessary to adequately serve the proposed subdivision. Said system shall include a feeder main or mains. In this connection the Department shall determine whether the best interests of the City will be served by installing larger mains than necessary for the proposed subdivision in order that the City may serve areas outside of the said subdivision. Where mains larger in size than those actually needed for the purpose of providing water for the proposed subdivision, or a larger feeder main or mains are determined to be necessary to serve not only the subdivisions but other territory, the increased cost of such water mains, including the larger sized feeder main or mains, shall be borne by the City, as hereinafter provided. The Water Department shall then decide whether it would be in the interests of the City to install said system, including said feeder main or mains, by city forces or public contract. If so decided the Water Department shall then determine the amount of the entire cost of the system, including the feeder main or mains, which the subdivider shall be required to pay under this ordinance. The amount of such cost thus determined shall be deposited by the applicant with the City. If the City's interests will be best served, or in the event of shortage, scarcity or unavailability, the City cannot acquire the materials necessary for the installation of such system, the City may require

that the subdivider furnish materials in part payment under conditions and at current market prices to be determined by the City. Following the receipt of such deposit, the Manager shall take the necessary steps and cause said water distribution system to be installed in the proposed subdivision either by City forces or by contract.

In the event of the applicant's deposit for estimated cost of the installation of said water system, including the feeder main or mains, which the subdivider is required to pay, exceeds the actual cost of such installation, the excess shall be refunded to the applicant; and in the event that the deposit is less than the actual cost of the installation the applicant shall pay to the City the amount of such deficiency.

If it is decided that the City will not itself undertake the installation of said water system, including the feeder main or mains, ~~it~~ it shall be the duty of the subdivider to install the water system in said subdivision, including the feeder mains, in accordance with the said plan of the Water Department. If the subdivider is required to install larger mains and appurtenances than are actually needed for the particular subdivision the City shall bear the additional cost of the larger sized mains and appurtenances, including any additional cost of installation. The cost to be thus borne by the City shall be paid to the subdivider or person interested in the manner, condition, and at the time provided in subdivision (c) of this Section of this ~~Ordinance~~ article.

(c) Upon request of the Manager the Purchasing Agent of the City is hereby authorized and directed to purchase

any existing water system installed by the owner of new subdivisions pursuant to the terms of this ~~Ordinance~~ article or otherwise where the cost of the installation of said water system, including the feeder main or mains, has been entirely borne by the owner of said subdivision and where the owner has been required to install water mains, including a feeder main or mains larger than necessary to be installed in order to supply water to the subdivision. The price to be paid by the City for such water districation system shall be determined by the Water Department, and shall be that amount which represents the difference in cost of mains and appurtenances necessary for serving the subdivision and the mains and appurtenances which were actually installed by the owner of the subdivision by order of the City in order that the City might secure the benefit of the larger sized mains to serve territory in addition to that in the subdivision. In all such cases before the money is actually paid said owner shall be required to furnish and deliver to the City a good and sufficient quitclaim and conveying to the City all of the right, title and interest of the legal owner of any existing water distribution system located in public streets, rights of way, highways and public places, either within or without said subdivision.

(d) No subdivision, or map thereof, shall be finally approved or accepted, nor shall any bond or other security given pursuant to any laws, to insure the installation of public improvements or utilities, be exonerated by the Council on behalf of the City until the legal owner, or the person

interested, shall have furnished and delivered to said City a good and sufficient quitclaim deed, quitclaiming and conveying to the City all of the right, title and interest of said owner or person interested in and to any water system which has been installed in the public streets, highways, rights of way and public places either within or without said subdivisions, pursuant to the requirements of this ~~ordinance~~ article.

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ORDINANCE NO. 5047
(New Series)

AN ORDINANCE APPROPRIATING THE SUM OF $45,000.00 FROM THE TRAFFIC SAFETY FUND OF THE CITY OF SAN DIEGO, FOR THE PURPOSE OF PROVIDING FUNDS FOR RESURFACING VARIOUS STREETS IN SAID CITY.

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

Section 1. That the sum of Forty-five Thousand Dollars ($45,000.00), or so much thereof as may be necessary, be, and the same is hereby set aside and appropriated out of the Traffic Safety Fund of The City of San Diego, for the purpose only and exclusively of providing funds for the improvement by resurfacing of the following streets in said City;

43rd Street, from Orange Avenue to University Avenue;
Boundary Street, from Orange Avenue to Suncrest Drive;
Dunemere Drive, from La Jolla Boulevard to Monte Vista Avenue;
Florida Street, from Robinson Avenue to University Avenue;
Golden Gate Drive, from Cleveland Avenue to Delaware Street;
Harvey Road, from Golden Gate Drive to North dead end;
K Street, from W. S. 4th Avenue to 5th Avenue;
K Street, from 10th Avenue to 12th Avenue;
L Street, from 10th Avenue to 12th Avenue;
La Jolla Boulevard, from Prospect Street to Mesa Way;
Landis Street, from Fairmount Avenue to Marlborough Avenue;
Landis Street, from Swift Avenue to Wilson Avenue;
Landis Street, from Cherokee Avenue to 37th Street;
Norwood Street, from Menlo Avenue to Chamoune Avenue;
Polk Street, from Idaho Street to 32nd Street;
Ward Road, from Cherokee Avenue to 38th Street.

Section 2. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by _____

Approved as to form by J.F.DuPaul, City Attorney.

By Shirley J. Higgins
Assistant City Attorney

00039

I HEREBY CERTIFY that the money required for the appropriation made and/or indebtedness and/or obligation incurred by reason of the provisions of the foregoing ordinance is in the Treasury, and that it is otherwise unencumbered.

Dated Jan 22, 1952

J. McCullen
Auditor and Comptroller of The City of San Diego, California.

By ..... Deputy.

Passed and adopted by the Council of the City of San Diego, California, this 22nd day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Schneider, Kerrigan, Godfrey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilman: Dail.

John D Butler
Mayor of The City of San Diego, California.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 22nd day of January, 1952.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until it had been read on two separate calendar days of the Council, to-wit: on the ..... day of ..... , and on the ..... day of .....

~~(SEAL)~~

City Clerk of The City of San Diego, California.

By ..... Deputy.

FORM 1255

00040

A.M.W

DOCUMENT No. 443743

Date Jan. 18 1952

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

ORDINANCE No. 5047

Appr $45,000.00 from the Traffic Safety Fund for resurfacing various streets in said City.

FIRST READING

JAN 22 1952

Moved by Swan

Seconded by Wincote

ADOPTED BY COUNCIL

JAN 22 1952

Moved by Wincote

Seconded by Dail

GOES INTO EFFECT

Recorded on Film Roll
No. 46 353

00041

ORDINANCE NO. 5048
(New Series)

AN ORDINANCE APPROPRIATING THE SUM OF $8,000.00 FROM THE CAPITAL OUTLAY FUND OF THE CITY OF SAN DIEGO, FOR THE PURPOSE OF PROVIDING FUNDS FOR THE CONSTRUCTION OF A STORM DRAIN IN UNA STREET AND COTTONWOOD STREET, AND IN BLOCK B, ARLINGTON, IN SAID CITY.

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

Section 1. That the sum of eight thousand dollars ($8,000.00), or so much thereof as may be necessary, be, and the same is hereby set aside and appropriated out of the Capital Outlay Fund of The City of San Diego, for the purpose only and exclusively of providing funds for the construction of a storm drain in Una Street and Cottonwood Street, and in Block B, Arlington, in said City.

Section 2. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by E. M. Campbell

Approved as to form by J.F.DuPaul, City Attorney.

By Shelley J. Higgins
Assistant City Attorney.

00042

I HEREBY CERTIFY that the money required for the appropriation made and/or indebtedness and/or obligation incurred by reason of the provisions of the foregoing ordinance is in the Treasury, and that it is otherwise unencumbered.

Dated Jan 16, 1952

J. McCullough
Auditor and Comptroller of The City of San Diego, California.

By ..... Deputy.

Passed and adopted by the Council of the City of San Diego, California, this 22nd day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Schneider, Kerrigan, Godfrey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilman: Dail.

John D Butler
Mayor of The City of San Diego, California.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 22nd day of January, 1952.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until it had been read on two separate calendar days of the Council, to-wit: on the ..... day of ....., and on the ..... day of .....

~~(SEAL)~~

City Clerk of The City of San Diego, California.

By ..... Deputy.

FORM 1255

00043

A. M. W.

DOCUMENT No. 443744

Date JAN 18 1952

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

ORDINANCE No. 5048

Appr. $5,000.00 from Capital Outlay Fund for construction of Storm Drain in Vera Street and Cottonwood Street, FIRST READING etc

JAN 22 1952

Moved by Wincote

Seconded by Schneider

ADOPTED BY COUNCIL

JAN 22 1952

Moved by Schneider

Seconded by Wincote

GOES INTO EFFECT

Recorded on Film Roll
No. 46 354

00044

ORDINANCE NO. 5049
(New Series)

AN ORDINANCE APPROPRIATING THE SUM OF $5,500.00 FROM THE CAPITAL OUTLAY FUND OF THE CITY OF SAN DIEGO, FOR THE CONSTRUCTION OF A CONNECTING SEWER FROM LA JOLLA COUNTRY CLUB HEIGHTS TO DELLCREST LANE, IN SAID CITY.

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

Section 1. That the sum of Five Thousand Five Hundred Dollars ($5,500.00), or so much thereof as may be necessary, be, and the same is hereby set aside and appropriated out of the Capital Outlay Fund of The City of San Diego, for the purpose only and exclusively of providing funds for the construction of a connecting sewer from La Jolla County Club Heights to Dellcrest Lane, in said City.

Section 2. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by [signature]

Approved as to form by J.F.DuPaul, City Attorney.

By [signature]
Assistant City Attorney.

00045

I HEREBY CERTIFY that the money required for the appropriation made and/or indebtedness and/or obligation incurred by reason of the provisions of the foregoing ordinance is in the Treasury, and that it is otherwise unencumbered.

Dated Jan. 16, 1952

J. McCulloch
Auditor and Comptroller of The City of San Diego, California.

By ..... Deputy.

Passed and adopted by the Council of the City of San Diego, California, this 22nd day of January, 1952., by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Schneider, Kerrigan, Godfrey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilman: Dail.

John D Butler
Mayor of The City of San Diego, California.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 22nd day of January, 1952.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until it had been read on two separate calendar days of the Council, to-wit: on the ..... day of ....., and on the ..... day of .....

~~(SEAL)~~

City Clerk of The City of San Diego, California.

By ..... Deputy.

FORM 1255

00046

DOCUMENT No. 443745

Date JAN 18 1952

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

ORDINANCE No. 5049

Appr. $ 5500.00
from Capital Outlay
Fund for connecting
sewer from La Jolla Country
Club Heights to Dellcrest
Lane. FIRST READING JAN 22 1952

Moved by Swan

Seconded by Kerrigan

ADOPTED BY COUNCIL JAN 22 1952

Moved by Swan

Seconded by Wincote

GOES INTO EFFECT

00047

Recorded on Film Roll
No. 46 355

ORDINANCE NO. 5050
(New Series)

AN ORDINANCE APPROPRIATING THE SUM OF $117.00 FROM THE UNAPPROPRIATED BALANCE OF THE CITY OF SAN DIEGO, FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDS FOR THE PURCHASE OF NEW EQUIPMENT FOR THE CENTRAL DUPLICATING OFFICE.

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

Section 1. That the sum of One Hundred Seventeen Dollars ($117.00), or so much thereof as may be necessary, be, and the same is hereby set aside and appropriated out of the Unappropriated Balance of The City of San Diego, for the purpose only and exclusively of providing funds in addition to the funds heretofore appropriated by Ordinance No. 4951 (New Series) of the ordinances of said City, for the purchase of new equipment for the Central Duplicating Office.

Section 2. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by O. W. Campbell

Approved as to form by J. F. Dutard
City Attorney.

I HEREBY CERTIFY that the money required for the appropriation made and/or indebtedness and/or obligation incurred by reason of the provisions of the foregoing ordinance is in the Treasury, and that it is otherwise unencumbered.

Dated Jan 17, 1952

J. McQuillen
Auditor and Comptroller of The City of San Diego, California.

By ..... Deputy.

Passed and adopted by the Council of the City of San Diego, California, this 22nd day of January, 1952, by the following vote, to-wit:

YEAS—Councilmen: Swan, Wincote, Schneider, Kerrigan, Godfrey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilman: Dail.

John D Butler
Mayor of The City of San Diego, California.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 22nd day of January, 1952.

FRED W. SICK
City Clerk of The City of San Diego, California.

(SEAL)

By Donald L. Steinert Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until it had been read on two separate calendar days of the Council, to-wit: on the ..... day of ....., and on the ..... day of .....

~~(SEAL)~~

City Clerk of The City of San Diego, California.

By ..... Deputy.

FORM 1255

00049

A.T.W.

DOCUMENT No. 443746

Date JAN 18 1952

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

ORDINANCE No. 5050

Appr. # 117 cc from Unappropriated Balance for purchase of new equipment for the Central Duplicating Office.

FIRST READING JAN 22 1952

Moved by Schneider

Seconded by Kerrigan

ADOPTED BY COUNCIL JAN 22 1952

Moved by Swan

Seconded by Wincote

GOES INTO EFFECT

00050

Recorded on Film Roll No. 46 356