

ORDINANCE NO. 1677

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS 12.12.080, 12.12.090, 12.12.100, 12.12.110 AND 12.28.030, SUBSECTION B, OF THE CHULA VISTA MUNICIPAL CODE, ALL RELATING TO THE STORAGE OF MATERIALS AND REMOVAL OF OBSTRUCTIONS IN THE PUBLIC RIGHT OF WAY

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Sections 12.12.080, 12.12.090, 12.12.100, 12.12.110 and 12.28.030, Subsection B, of the Chula Vista Municipal Code be, and the same are hereby amended to read as follows:

Sec. 12.12.080. Debris Dropped from Vehicles Prohibited on Streets.

No person shall throw, deposit or drop, or cause to be thrown, deposited or dropped, any dirt, debris, boulders, pebbles, hardpan, rock, glass or any material whatsoever on any street in the City, or permit any dirt, debris, pebbles, hardpan, rock, boulders, or glass to drop, roll or leak from any vehicle on any street in the City.

Further, it shall be unlawful for any person to place upon the surface of any street, alley or public place in the City any nails, broken glass, sharp implements, crushed rock, or any other substance tending to cause injury to the tires of vehicles passing along such street, alley or public place.

In the event that such debris is deposited on any street in the City of Chula Vista, the Director of Public Works shall require the person responsible to immediately remove said debris and clean said street right of way and to stop all activity on the project until the cleanup has been undertaken. In the event that the City shall undertake to effect such cleanup, the cost thereof shall be charged to the person responsible and final clearance of the project shall be withheld until such charge has been paid.

Sec. 12.12.090. Storage of Building Materials - Temporary Encroachment Permit Required When.

It is unlawful for any person to use any street, alley or public place in the City for depositing and storing building materials to be used in the construction of buildings or structures adjacent to such part of the street so to be used for any length of time without first obtaining a temporary encroachment permit so to use such street, alley or public way from the Director of Public Works. The Director of Public Works shall determine a reasonable length of time for the storage of such building materials in the street right of way.

Whenever such permit is granted, it shall be deemed to be upon condition that:

- A. Not more than twenty feet immediately in front of the building or structure proposed to be constructed shall be so used;
- B. The materials are easily removable and cause no obstruction to vehicular traffic;
- C. During such construction, whenever practicable, a portion of the sidewalk in front of such work shall be kept open for public travel; and
- D. That lights, during the period of darkness, shall be placed on such material deposited in the street in such manner that they may be plainly seen by travelers passing along such street, and afford sufficient warning against danger or driving or riding into or upon such obstruction.

Sec. 12.12.100. Temporary Encroachment Permit Fees.

A non-refundable application fee of ten dollars (\$10.00) shall accompany each application for a temporary encroachment permit.

If materials are placed in the street by the applicant prior to issuance of a temporary encroachment permit, the application fee shall be doubled. The payment of such double fee shall not relieve any person from fully conforming with the requirements of this chapter. Such double fee shall not be construed as a penalty but shall be construed as an added fee required to defray the additional expense of investigation and enforcement by the City as the result of failure to comply with the provisions of this chapter. In the event that issuance of a temporary encroachment is refused, any previously deposited materials shall be removed as provided in Section 12.12.110 of this chapter.

Sec. 12.12.110. Removal of Obstructions from Streets Required - Notice - City Performance When - Costs Deemed Lien - Collection.

In the event that any unauthorized obstructions or debris are placed upon the sidewalks, curbs, gutters or streets, the Director of Public Works shall immediately notify the owner of record, the occupant or occupants, or person having charge of the real property lying adjacent to or contiguous to said portion of the public right of way containing said unauthorized obstructions which have been placed thereon at any time either prior to or subsequent to July 18, 1969, and being any obstruction, thing, object, material, whether organic or inorganic, that said obstruction shall be removed forthwith or within a reasonable period of time as determined by the Director of Public Works depending upon the nature of the obstruction, after receipt of said notice.

In the event that said property owner, occupant or occupants, or person having charge of the property shall fail to remove the obstruction within the time set forth herein or as determined by the Director of Public Works, the Director of Public Works shall cause said obstruction to be removed and a lien shall be imposed against the property in the manner provided in Sections 5610 through 5630 of the Streets and Highways Code of the State, and said lien shall be collected as a portion of the regular tax assesment as provided in Section 5628 of the Streets and Highways Code.

Sec. 12.28.030.      Improvements Not Requiring Council  
Authorization - Temporary Encroach-  
ments.

B. In addition thereto, the Director of Public Works may permit temporary encroachments in the public right of way upon application for an encroachment permit and the payment of the fee as prescribed in Section 12.12.100 of this title for the placing of materials or equipment in the public right of way for a reasonable period as determined by the Director of Public Works and indicated on such permit, provided that said materials are of such a nature as to be easily removable and cause no obstruction to the free passage of vehicular and pedestrian traffic along the public right of way, and said encroachment is necessitated by the applicant's construction or development of his property.

SECTION II: This ordinance shall take effect and be in full force on the thirty-first from and after its adoption.

Presented by and Approved as to Form by

  
George D. Lindberg, City Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA, CALIFORNIA this Sixth day of April,  
1976, by the following vote, to-wit:

AYES: Councilmen Scott, Hobel, Hamilton, Hyde, Eqdahl  
NAYES: Councilmen None  
ABSENT: Councilmen None

Thomas D. Hamilton Jr.  
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista,  
California, DO HEREBY CERTIFY that the above and foregoing is a full,  
true and correct copy of \_\_\_\_\_ and  
that the same has not been amended or repealed.

DATED \_\_\_\_\_

\_\_\_\_\_  
City Clerk

(SEAL)