

ORDINANCE NO. 2331

AN ORDINANCE OF THE CITY OF CHULA VISTA REPEALING SECTIONS 17.08.020 THROUGH 17.08.430 AND SECTIONS 17.08.520 THROUGH 17.08.540, ESTABLISHING A NEW CHAPTER 17.07, RENUMBERING SECTION 17.08.010 AND SECTIONS 17.08.440 THROUGH 17.08.510 AND RETITLING CHAPTER 17.08, AND ADDING SECTIONS 17.07.020, 17.07.030 AND 17.07.040 TO THE CHULA VISTA MUNICIPAL CODE RELATING TO OPEN SPACE DISTRICTS

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

SECTION I: Sections 17.08.020 through 17.08.430 and 17.08.520 through 17.08.540 of the Chula Vista Municipal Code are hereby repealed.

SECTION II: A new Chapter 17.07 entitled Open Space Districts is hereby established in the Chula Vista Municipal Code.

SECTION III: Section 17.08.010 is hereby renumbered as Section 17.07.010 of new Chapter 17.07 of the Chula Vista Municipal Code.

SECTION IV: Chapter 17.08 of the Chula Vista Municipal Code is hereby retitled Open Space District Encroachments and Sections 17.08.440 through 17.08.510 are hereby renumbered Sections 17.08.010 through 17.08.080.

SECTION V: Section 17.07.020 is added to the Chula Vista Municipal Code to read as follows:

Sec. 17.07.020 Incorporation of the Landscaping and Lighting Act of 1972.

The Landscaping and Lighting Act of 1972, Part 2 of Division 15 (commencing with Section 22500) of the Streets and Highways Code is incorporated in and made a part of this ordinance. Except as otherwise provided in this Chapter 17.07, all annual assessment procedures for all existing Open Space Districts in the City pursuant to the Chula Vista Open Space District Procedural Ordinance of 1972, as well as all other procedures for the organization, levying and collection of assessments, and financing of new and existing open space districts shall be in accordance with the provisions of the Landscaping and Lighting Act of 1972, as same may be amended from time to time.

SECTION VI: Section 17.07.030 is added to the Chula Vista Municipal Code to read as follows:

Sec. 17.07.030 Reserve Operating Fund.

Each Open Space District shall, upon creation, have added to the assessment an amount equivalent to ten percent of the previous year's operating budget, so that after five years of generation there shall be accumulated a reserve of fifty percent of the previous year's operating budget. Thereafter the reserve shall be maintained to provide necessary cash flow for operations for the first six months of each fiscal year.

SECTION VII: Section 17.07.040 is added to the Chula Vista Municipal Code to read as follows:

Sec. 17.07.040 Change to Streets and Highways Code Section 22525.

"Improvement" means one or any combination of the following:

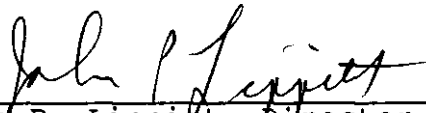
- (a) The installation of planting of landscaping.
- (b) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- (c) The installation or construction of public lighting facilities.
- (d) Native plantings and open space areas, including natural drainage facilities.
- (e) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- (f) The installation of park, recreational, or open space improvements, including, but not limited to, all of the following:
 - (1) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.

- (2) Lights, playground equipment, play courts, and public restrooms.
- (g) The maintenance or servicing, or both, of any of the foregoing.
- (h) The acquisition of land for park, recreational, or open-space purposes."

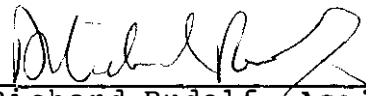
SECTION VIII: This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by



John P. Lippitt, Director of
Public Works

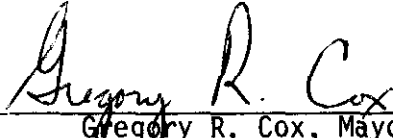
 4/17/89

D. Richard Rudolf, Assistant
City Attorney

6027a

ASSESSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 5th day of September, 1989 by the following vote:

AYES: Councilmembers: Malcolm, McCandliss, Moore, Nader, Cox
NOES: Councilmembers: None
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None



Gregory R. Cox, Mayor

ATTEST:



Beverly A. Authelet, City Clerk

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

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2331 had its first reading on August 22, 1989 and had its second reading and adoption at a regular meeting of said City Council held on the 5th day of September, 1989.

Executed this 5th day of September, 1989.



Beverly A. Authelet, City Clerk