

12214

O. 77-275  
NOV 16 1977

ORDINANCE NO. \_\_\_\_\_  
(New Series)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3,  
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING  
SECTIONS 63.02 AND 63.02.24, REGULATING USE  
OF PUBLIC PARKS, PLAYGROUNDS, BEACHES, TIDE-  
LANDS AND OTHER PROPERTY.

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

Section 1. That Chapter VI, Article 3, of the San Diego  
Municipal Code be and the same is hereby amended by amending  
Sections 63.02 and 63.02.24 to read as follows:

SEC. 63.02 USE OF PUBLIC PARKS AND BEACHES REGULATED

(a) Purpose and Intent. It is the purpose and  
intent in enacting this section to regulate and prohibit  
certain activities in public parks and beaches within  
the City of San Diego in the interests of protecting the  
enjoyment and safety of the public in the use of the  
facilities.

(b) No person shall within any public park or  
plaza or public beach or beach areas within the City of  
San Diego do any of the acts hereinafter enumerated.

(c) Whenever doing any of the acts hereinafter  
enumerated is conditioned upon obtaining a permit, per-  
mission, or consent from the City Manager, the following  
procedure shall be followed:

(1) An application for a permit shall be filed  
not less than ten (10) days before the date on which

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OCT 4 1978

01819

the proposed activity or event is to be conducted;

(2) The application shall include information as to the proposed activity, the sponsoring person or organization, the number of persons expected to attend, the proposed park area to be used, the proposed date and time of the event, the duration in time, and the proposed alternate park areas and dates, if any;

(3) The City Manager shall within three (3) days after the filing of such application, act thereon;

(4) The City Manager shall issue the permit if he finds that the activity will not conflict or interfere with any other event previously scheduled and that the activity will not unreasonably add to congestion or interfere with or impede the normal flow of vehicular or pedestrian traffic;

(5) Each permit shall state the date, time and area of the park for which it is issued, and the name of the person or persons to whom it is issued;

(6) Every such permit shall be subject to the provisions regarding noise contained in Chapter V, Article 9.5, beginning with Section 59.5.0101 of this Code;

(7) If the application for a permit is denied, the applicant may submit a new request proposing an alternate date, time, or location.

(8) The City Manager shall notify the applicant in person or by mail of his action granting or denying the application or alternative application. The City Manager, in denying an application, may authorize the gathering at such other date, time, or location as will not conflict or interfere with previously scheduled events, or add to congestion, or interfere with or impede traffic. If the applicant wishes to accept the proposed alternate date, time, or location, he shall, within two (2) days of receiving the City Manager's notification, file a notice of acceptance with the City Manager. The City Manager shall thereupon issue a permit.

(9) When a permit is denied, the applicant may, within fifteen (15) days of denial, appeal the decision to the City Council by filing a petition therefor with the City Clerk. Such denial shall become final if an appeal is not filed. The City Clerk shall cause the matter to be set for hearing before the Council on a regular Council meeting docket within fourteen (14) days after such filing, and, after hearing the petition, the Council may approve or disapprove the issuance of the permit. The decision of the Council shall be final.

(10) The City Manager may consider an application for a permit which is filed less than ten (10) days before the activity is proposed to take place.

(11) Any parade proposed to be conducted in or through any park shall be subject to the provisions of Chapter II, Article 2, Section 22.0207, of this Code. —

(12) The City Manager may restrict those activities that increase congestion to certain specified areas, and may make such other regulations as may be reasonably necessary for the enforcement of this section.

SEC. 63.02.24 SAME--CELEBRATION, PARADE, PICNIC, ETC.

Any company, society, organization or group of persons, exceeding seventy-five (75) in number to hold, conduct or participate in any celebration, parade, service, picnic or exercise in any park without first obtaining a permit from the City Manager.

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

APPROVED: JOHN W. WITT, City Attorney

By Nancy M. Jones  
Nancy M. Jones  
Deputy City Attorney

NMJ:rc:523  
6/29/77 REVISED 10/18/77  
Or.Dept.: Park & Recreation

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OCT 4 1978

12214

NOV 16 1977

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

**PETE WILSON**  
 Mayor of The City of San Diego, California.  
**CHARLES G. ABDELNOUR**  
~~EDWARD NIELSEN~~  
 City Clerk of The City of San Diego, California.  
 By Jan Johnson, Deputy.

(Seal)

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

**NOV 2 1977**

and on **NOV 16 1977**

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

**CHARLES G. ABDELNOUR**  
~~EDWARD NIELSEN~~  
 City Clerk of The City of San Diego, California.  
 By Jan Johnson, Deputy.

RECEIVED FILE  
 CITY CLERK  
 1977 SEP 12 AM 10:54  
 SAN DIEGO, CALIF.  
 (Seal)

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Office of the City Clerk, San Diego, California

Ordinance Number **12214** Adopted **NOV 16 1977**  
**01823**

ATTORNEYS:

San Diego, City of  
12th Floor, City Admin. Bldg.  
202 C St.  
San Diego, Ca 92101  
Attn: Jan Johnson

CERTIFICATE OF PUBLICATION

No. 12214

IN THE MATTER OF

REGULATING USE OF PUBLIC PARKS,  
PLAYGROUNDS, ETC.

**ORDINANCE NO. 12214**

(New Series)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 63.02 AND 63.02.24, REGULATING USE OF PUBLIC PARKS, PLAYGROUNDS, BEACHES, TIDELANDS AND OTHER PROPERTY.

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

Section 1. That Chapter VI, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 63.02 and 63.02.24 to read as follows:

SEC. 63.02- USE OF PUBLIC PARKS AND BEACHES REGULATED

(a) Purpose and Intent. It is the purpose and intent in enacting this section to regulate and prohibit certain activities in public parks and beaches within the City of San Diego in the interests of protecting the enjoyment and safety of the public in the use of the facilities.

(b) No person shall within any public park or plaza or public beach or beach areas within the City of San Diego do any of the acts hereinafter enumerated.

(c) Whenever doing any of the acts hereinafter enumerated is conditioned upon obtaining a permit, permission, or consent from the City Manager, the following procedure shall be followed:

(1) An application for a permit shall be filed not less than ten (10) days before the date on which the proposed activity or event is to be conducted;

(2) The application shall include information as to the proposed activity, the sponsoring person or organization, the number of persons expected to attend, the proposed park area to be used, the proposed date and time of the event, the duration in time, and the proposed alternate park areas and dates, if any;

(3) The City Manager shall within three (3) days after the filing of such application, act thereon;

(4) The City Manager shall issue the permit if he finds that the activity will not conflict or interfere with any other event previously scheduled and that the activity will not unreasonably add to congestion or interfere with or impede the normal flow of vehicular or pedestrian traffic;

(5) Each permit shall state the date, time and area of the park for which it is issued, and the name of the person or persons to whom it is issued;

(6) Every such permit shall be subject to the provisions regarding noise contained in Chapter V, Article 9.5, beginning with Section 59.5.0101 of this Code;

(7) If the application for a permit is denied, the applicant may submit a new request proposing an alternate date, time, or location.

(8) The City Manager shall notify the applicant in person or by mail of his action granting or denying the application or alternative application. The City Manager, in denying an application, may authorize the gathering at such other date, time, or location as will not conflict or interfere with previously scheduled events, or add to congestion, or interfere with or impede traffic. If the applicant wishes to accept the proposed alternate date, time, or location, he shall, within two (2) days of receiving the City Manager's notification, file a notice of acceptance with the City Manager. The City Manager shall thereupon issue a permit.

(9) When a permit is denied, the applicant may, within fifteen (15) days of denial, appeal the decision to the City Council by filing a petition therefor with the City Clerk. Such denial shall become final if an appeal is not filed. The City Clerk shall cause the matter to be set for hearing before the Council on a regular Council meeting docket within fourteen (14) days after such filing, and, after hearing the petition, the Council may approve or disapprove the issuance of the permit. The decision of the Council shall be final.

I, **PATRICIA M. SPAULDING** hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

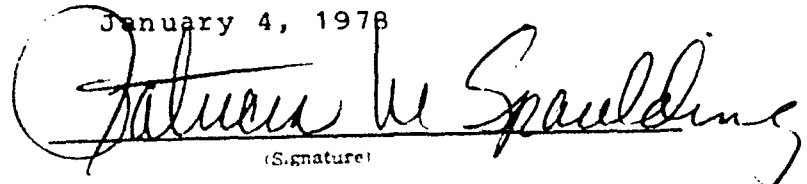
ORDINANCE NO. 12214

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

November 30, 1977

I certify under penalty of perjury that the foregoing is true and correct at San Diego, California, on

January 4, 1978

  
(Signature)

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OCT 4 1978  
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