

(O-94-105)

ORDINANCE NUMBER O-18073 (NEW SERIES)ADOPTED ON MAY 31 1994

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 63.15.1, 63.15.2, 63.15.3, 63.15.4, 63.15.5, 63.15.6, 63.15.7, 63.15.8, 63.15.9, 63.15.10, 63.15.11, 63.15.12, 63.15.13, 63.15.14, 63.15.15., 63.15.16, 63.15.17, 63.15.18, 63.15.19, 63.15.20, 63.15.21, 63.15.22, 63.15.23, 63.15.24, 63.15.25, 63.15.26, 63.15.27, 63.15.28, 63.15.29, 63.15.30, 63.15.31, 63.15.32, 63.15.33, 63.15.34, 63.15.35, 63.15.36, 63.15.37, 63.15.38, 63.15.39, 63.15.40, 63.15.41, 63.15.42, 63.15.43, 63.15.44, 63.15.45, 63.15.46, 63.15.47, 63.15.48, 63.15.49, 63.15.50, 63.15.51, 63.15.52, 63.15.53, 63.15.54, 63.15.55, 63.15.56, 63.15.57, 63.15.58, 63.15.59, 63.15.60, 63.15.61, 63.15.62, 63.15.63, 63.15.64, 63.15.65, 63.15.66, 63.15.67, 63.15.68, 63.15.69, 63.15.70, 63.17, 63.17.1, 63.17.2, 63.17.3, 63.17.4, 63.17.5, 63.17.6, 63.17.7, 63.17.8, 63.17.9, 63.17.10, 63.17.11, 63.17.12, 63.17.13, 63.17.14, 63.17.15, 63.17.16, 63.18, 63.20.25, 63.20.27, 63.25.8, 63.25.9, 63.25.10, 63.25.15, 63.25.16, 63.25.21, 63.25.23, 63.25.27, 63.25.32, 63.25.33, 63.25.34, 63.25.35, 63.25.36, 63.25.37, 63.25.38, 63.25.39, 63.25.40, 63.25.41, 63.25.44, 63.25.46, 63.25.48, 63.25.49, 63.25.60, 63.25.63, 63.25.64, 63.25.65, 63.25.66 AND 63.25.69; BY AMENDING SECTIONS 63.20, 63.20.1, 63.20.2, 63.20.3, 63.20.4, 63.20.5, 63.20.6 AND 63.20.7; BY RETITLING SECTION 63.20.8; BY AMENDING SECTIONS 63.20.9, 63.20.10, AND 63.20.11; BY RETITLING SECTION 63.20.12; BY AMENDING SECTIONS 63.20.13, 63.20.14, 63.20.15, 63.20.18, 63.20.19, 63.20.20, 63.20.21, 63.20.22 AND 63.20.23; BY ADDING SECTION 63.20.24; BY AMENDING SECTIONS 63.25, 63.25.1 AND 63.25.2; BY RETITLING SECTION 63.25.3; BY AMENDING SECTIONS 63.25.4, 63.25.5, 63.25.6, 63.25.7, 63.25.11, 63.25.12, 63.25.13, 63.25.14 AND 63.25.17; BY RETITLING SECTION 63.25.18; BY AMENDING SECTIONS 63.25.19, 63.25.20, 63.25.22, 63.25.24, 63.25.25, 63.25.26, 63.25.28, 63.25.29, 63.25.30, 63.25.31 AND 63.25.43; BY RETITLING SECTION 63.25.45; BY AMENDING SECTION 63.25.47; BY RETITLING SECTIONS 63.25.50, 63.25.51 AND 63.25.52; BY AMENDING SECTIONS 63.25.53 AND 63.25.54; BY RETITLING SECTION 63.25.55; AND BY AMENDING SECTIONS 63.25.56, 63.25.57, 63.25.58, 63.25.59, 63.25.61, 63.25.62, 63.25.67, 63.25.68, 63.25.71, 63.25.72 AND 63.25.73; ALL RELATING TO MUNICIPAL RECREATION FACILITIES.

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

Corrected 5/26/94

Section 1. That Chapter VI, Article 3, of the San Diego Municipal Code be and the same is hereby amended by repealing Section 63.15.1, Section 63.15.2, Section 63.15.3, Section 63.15.4, Section 63.15.5, Section 63.15.6, Section 63.15.7, Section 63.15.8, Section 63.15.9, Section 63.15.10, Section 63.15.11, Section 63.15.12, Section 63.15.13, Section 63.15.14, Section 63.15.15, Section 63.15.16, Section 63.15.17, Section 63.15.18, Section 63.15.19, Section 63.15.20, Section 63.15.21, Section 63.15.22, Section 63.15.23, Section 63.15.24, Section 63.15.25, Section 63.15.26, Section 63.15.27, Section 63.15.28, Section 63.15.29, Section 63.15.30, Section 63.15.31, Section 63.15.32, Section 63.15.33, Section 63.15.34, Section 63.15.35, Section 63.15.36, Section 63.15.37, Section 63.15.38, Section 63.15.39, Section 63.15.40, Section 63.15.41, Section 63.15.42, Section 63.15.43, Section 63.15.44, Section 63.15.45, Section 63.15.46, Section 63.15.47, Section 63.15.48, Section 63.15.49, Section 63.15.50, Section 63.15.51, Section 63.15.52, Section 63.15.53, Section 63.15.54, Section 63.15.55, 63.15.56, Section 63.15.57, Section 63.15.58, Section 63.15.59, Section 63.15.60, Section 63.15.61, Section 63.15.62, Section 63.15.63, Section 63.15.64, Section 63.15.65, Section 63.15.66, Section 63.15.67, Section 63.15.68, Section 63.15.69, Section 63.15.70, Section 63.17, Section 63.17.1, Section 63.17.2, Section 63.17.3, Section 63.17.4, Section 63.17.5, Section 63.17.6, Section 63.17.7, Section 63.17.8, Section 63.17.9, Section 63.17.10, Section 63.17.11, Section 63.17.12, Section 63.17.13, Section 63.17.14, Section 63.17.15, Section 63.17.16, Section 63.18, Section 63.20.25, Section 63.20.27, Section 63.25.8, Section 63.25.9, Section 63.25.10, Section 63.25.15, Section 63.25.16,

Section 63.25.21, Section 63.25.23, Section 63.25.27, Section 63.25.32, Section 63.25.33, Section 63.25.34, Section 63.25.35, Section 63.25.36, Section 63.25.37, Section 63.25.38, Section 63.25.39, Section 63.25.40, Section 63.25.41, Section 63.25.44, Section 63.25.46, Section 63.25.48, Section 63.25.49, Section 63.25.60, Section 63.25.63, Section 63.25.64, Section 63.25.65, Section 63.25.66, and Section 63.25.69.

Section 2. That Chapter VI, Article 3, of the San Diego Municipal Code is hereby amended to read as follows:

SEC. 63.20 BEACH AREAS -- AUTHORITY AND CONTROL

(a) The Park and Recreation Department of The City of San Diego shall have jurisdiction and control over all beaches owned or controlled by The City of San Diego and all waters abutting or adjacent thereto within the limits of The City of San Diego, and of 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 it shall be responsible for the control and management of said beaches and lands, and waters abutting or adjacent thereto, and of the recreational activities thereon and therein.

(b) In the following sections dealing with the same subject, wherever the context thereof shall permit, the term "beach area" shall mean any beach or land and the waters abutting or adjacent thereto under the jurisdiction and control of the Park and Recreation Department as set forth in paragraph (a) of this section.

SEC. 63.20.1 AUTHORITY TO ENFORCE PROVISIONS

It is the duty of the Park and Recreation Director, as the City Manager's designee, to enforce the provisions of these sections; and all employees of the Park and Recreation Department charged with the duty of maintaining peace, order and safety in beach areas 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. Whenever a power is granted to, or a duty is imposed upon the Director, the power may be exercised, or the duty may be performed by the Park and Recreation Director, or any person the Director may designate for the enforcement of these regulations.

SEC. 63.20.2 WATER ACTIVITY ZONES ESTABLISHED

(a) It is the intent and purpose of the Council of The City in enacting this Section, 63.20.2, to regulate recreational water activities such as swimming, board surfing, and boat launching in and upon the waters and lands of all beach areas.

(b) There are hereby established, in and upon the waters and beaches under the jurisdiction and control of the Park and Recreation Department, six (6) activity zones. Unless otherwise defined and with the exception of Closed Zones, all activity zones shall extend one thousand (1,000) feet seaward from the mean high tide line. Boat Launch Zones shall also include the adjacent beach area. The six activity zones are as follows:

SWIMMING ZONE

BOARD SURFING ZONE

CONTROL ZONE

NO BOARD SURFING ZONE

CLOSED ZONE

BOAT LAUNCH ZONE

The boundaries of each zone are designated from time to time by resolution of the Council of The City of San Diego. These boundaries notwithstanding, City of San Diego lifeguards may, due to weather, crowd conditions, special events, or other factors, alter the boundaries on any given day; and persons shall be notified of any change by signs, signals, verbal warnings or other means. A checkered flag may be posted on the boundary line between two activity zones and when so posted shall constitute due notification of said boundary whether it is the regular boundary fixed by resolution of the Council or a temporary change in the boundary made by lifeguards. Nothing in this Section, 63.20.2, empowers lifeguards to permanently change existing boundaries.

(c) Definitions:

(1) "Bathing and Swimming" shall mean all bathing and swimming activities conducted in water except those activities which involve board surfing or those which involve the possession, control or use of a surfboard.

(2) "Surfboard" shall mean any noninflated device upon which or with the use or aid of which a

person can ride waves or be carried along or propelled by the action of the waves.

(3) "Board surfing" shall mean any activity which involves riding waves with the use or aid of a surfboard, or being carried along or being propelled by the action of the waves with the use or aid of a surfboard. To "board surf" shall mean to do or engage in board surfing.

(d) Only bathing and swimming are permitted in a SWIMMING ZONE, and it is unlawful for any person to board surf in, or to possess, control, release, place, carry, throw, or discharge a surfboard into, or to permit a surfboard to float, drift or be carried into, a SWIMMING ZONE.

(e) Only board surfing is permitted in a BOARD SURFING ZONE, and it is unlawful for any person to engage in bathing and swimming activities, except as may be incidental to board surfing, in a BOARD SURFING ZONE.

(f) The following regulations shall be in effect in any area designated as a CONTROL ZONE beginning on the second Saturday in June and extending through the first Sunday after Labor Day of each year:

(1) It is unlawful for any person to wade, bathe, swim, surfmat, or engage in any activities incidental to bathing or swimming activities, except those incidental to board surfing in a CONTROL ZONE, prior to eleven (11:00) o'clock a.m. and after six (6:00) o'clock p.m. daily.

(2) It is unlawful for any person to board surf in, to possess, control, release, place, carry, throw or discharge a surfboard into, or to permit a surfboard to float, drift, or be carried into a CONTROL ZONE during the hours between eleven (11:00) o'clock a.m. and six (6:00) o'clock p.m. daily.

(g) It is unlawful for any person to board surf in a NO BOARD SURFING ZONE or to ride or attempt to ride waves with the use or aid of any other object, except swim fins.

(h) It is unlawful for any person to board surf in, or to possess, control, use or permit a surfboard to float, drift or be carried into, or to engage in bathing and swimming activities in, a CLOSED ZONE or BOAT LAUNCH ZONE.

SEC. 63.20.3 WARNING SIGNALS

(a) It is unlawful for any person to bathe, swim, surfboard ride, row, canoe, or operate a sailboat or powerboat or other device on or upon water when warning signals have been placed on or upon said water or the adjacent beach area except for the purpose of making a rescue.

(b) It is unlawful for any person to operate a vessel, as defined in the California Harbors and Navigation Code, or a windsurfer, sailboard, or similar device within a swimming area which has been marked by means of buoys or to operate same within one hundred (100) feet of such area at a speed in excess of five (5) miles per hour.

SEC. 63.20.4 COMPLIANCE

It is unlawful for any person to refuse to follow or comply with any lawful order, signal, or other direction of a lifeguard, or to knowingly provide false information to 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 Chapter VI, Article 3.

SEC. 63.20.5 WASTE, REFUSE, FIRES

(a) It is unlawful for any person to leave, discard, deposit, or throw away any glass container, tin can, waste food, papers, or any refuse or rubbish upon any beach area in the City of San Diego. All waste materials shall be deposited in trash cans or receptacles provided for that purpose.

(b) It is unlawful for any person to move, rummage through, turn over, remove, deface, or knock down any trash can or receptacle placed in any beach area by the City.

(c) It is unlawful for any person to build, maintain, use, or be within ten (10) feet of a fire on any public beach that is not in a City-provided fire container. Fires may be built using fire materials limited to charcoal, wood, or paper products, none of which contains landscape debris, cloth, rubber, metal, asphalt, foam rubber, plastic, or any similar matter or material producing noxious fumes, odors, smoke, or leaving any type of solid residue other than ash.

Fire materials shall not exceed a height of more than twelve (12) inches above the upper edge of the fire container and must be wholly contained within the inside edge of the fire container. It is permissible to build a fire on a public beach in a portable barbecue or other similar device using fuel material authorized in Section 63.20.5(c). Coals from any portable barbecue or similar device shall either be removed from the beach area or be deposited in a City-provided fire container or designated hot coal container provided on the beach for such purposes.

(d) It is unlawful to use a City-provided fire container for any purpose other than the building of fires for cooking or warmth or for the deposit of coals.

(e) It is unlawful for any person to possess or use any container made of glass upon any beach or adjacent sidewalk area in the City of San Diego.

(f) It is unlawful for any person who has built, maintained, used, or been within ten (10) feet of a fire on the beach, to abandon the fire until all ignited fire fuel material has been exhausted or extinguished. Sand, dirt, or similar material shall not be employed as an extinguishing material. Extinguished ashes shall not be covered but may be left in fire containers. All unused fire material must be removed from the beach and the adjacent public areas of the beach or park. All refuse or rubbish adjacent to the fire container must be

removed from the beach or placed in trash receptacles provided for such purpose, so that the beach is left in a clean, sanitary, and presentable condition.

SEC. 63.20.6 CERTAIN LIFEGUARDS DESIGNATED HARBOR POLICE

(a) Purpose and Intent. It is the purpose and intent of the City Council in enacting Section 63.20.6 that certain City lifeguards who are regularly employed and paid for duties performed in Mission Bay which are commonly performed by Harbor Police, be designated by the City as Boating Safety Unit members. "Boating Safety Unit" means a unit of the lifeguard service, which, in addition to regular lifeguard functions, is responsible for functions similar to those performed by Harbor Police.

(b) Those lifeguards designated as Boating Safety Unit members, who enforce laws of The State of California and The City of San Diego which pertain to boating, are designated as Harbor Police; are declared to be regularly employed and paid as such; and are authorized and empowered to act as Harbor Police while on duty in the beach area.

(c) Those lifeguards designated as Harbor Police are peace officers as defined in Section 830.33 of the California Penal Code; however, they are not peace officers for the purposes of California Penal Code sections 171c, 171d or 12027 which deal with the possession of firearms.

**SEC. 63.20.7 DRIVING VEHICLES ON BEACH PROHIBITED;
EXCEPTIONS; SPEED LIMIT ON BEACH**

(a) Except as permitted by the Director and except as specifically permitted on Fiesta Island in Mission Bay, no person may drive or cause to be driven any motor vehicle as defined in the California Vehicle Code on any beach, any sidewalk or turf adjacent thereto; provided, however, that motor vehicles which are being actively used for the launching or beaching of a boat may be operated across a beach area designated as a boat launch zone.

(b) The driver of any vehicle operated under the authority of this Section, 63.20.7, shall use extraordinary care and shall at all times limit the speed of the vehicle to five (5) miles per hour or less.

(c) This Section, 63.20.7, does not apply to vehicles operated by governmental employees in the discharge of official duties.

**SEC. 63.20.8 LIFEGUARDS AUTHORIZED TO ENFORCE
STATE AND LOCAL CODES -- ARRESTS
AND CITATIONS**

[No change to text.]

**SEC. 63.20.9 BOAT BEACHING AREAS AND BOAT
LAUNCHING ZONES, BEACHING PROHIBITED
ELSEWHERE**

The Director may designate any beach area or portion thereof as an area which may be used for the purpose of beaching or launching boats, and may establish and collect fees for the use of such boat beaching or launching areas, subject to the approval of the City Council.

Such provisions shall be effective when signs are posted in such areas giving notice of such designation and fees. No boat or vessel, excepting inflatable boats which are not propelled by machinery, may be launched or retrieved from any beach area in the City except in a designated boat beaching area or boat launch zone. Boats or vessels in distress are exempted from the foregoing provided there is a verifiable emergency immediately threatening persons or property and provided the boat or vessel can reach the shore without further threatening the safety of other persons or property. The burden of proof that an emergency exists or existed rests with the owner and pilot or person in command of the boat or vessel.

SEC. 63.20.10 REGULATIONS FOR USE OF BOAT LAUNCH AREAS

(a) Boat launch zones are intended exclusively for the purpose of the expeditious launching and retrieval of boats and vessels. It is unlawful for any person to remain in or to interfere with the lawful launching or retrieval of boats and vessels in boat launch zones. Legally registered vehicles, including trailers, used for launching or retrieving boats or vessels shall not be obstructed. Vehicles shall not be left unattended in a boat launch zone and shall not be parked for periods in excess of five (5) minutes.

(b) It is unlawful for any person to allow a vessel to be anchored, parked or left in a boat launch zone for any period in excess of fifteen (15) consecutive minutes and a total of (30) thirty minutes on any given day.

(c) Repeated beaching and launching which would tend to obstruct beaching or launching by others is prohibited. In enforcing this Section, 63.20.10, enforcement personnel shall consider the attendance level at the time of the violation and shall not issue a notice of violation until a verbal warning has been issued and there has been lack of compliance.

SEC. 63.20.11 CAMPING, SLEEPING OVERNIGHT PROHIBITED

Unless specifically authorized by license or lease from the City, it is unlawful for any person, to remain overnight, or to erect, maintain, use, or occupy any tent, lodge, shelter, or structure on any public beach in this City, unless the tent, lodge, shelter, or structure has two sides open and there is an unobstructed view of the interior from the outside on at least two sides.

SEC. 63.20.12 DOGS PROHIBITED

[No changes in text.]

SEC. 63.20.13 RULES TO BE FOLLOWED; POSTING

It is 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 Director for the use of the beach area, provided, however, that the rules shall be conspicuously posted in the beach area.

SEC. 63.20.14 EMPLOYEE EXCEPTIONS

[No changes in text.]

SEC. 63.20.15 VESSEL SPEED

It is unlawful for any person in command of any vessel to use it or permit it to be used at a speed in excess of five (5) miles per hour within one thousand (1,000) feet of the mean high tide line of the Pacific Ocean adjacent to the shoreline on the City of San Diego, with the following exceptions:

(a) Vessels using a marked channel or boat launch area, designated by the City, the State, or the Federal Government, may travel at the speed designated for that area.

(b) Persons licensed by the State of California for commercial fishing may travel within one thousand (1,000) feet of shore at speeds in excess of five (5) miles per hour while actively engaged in commercial fishing, provided, however, said persons must use extraordinary care to avoid injury to persons or property when operating a vessel at such speed in that area.

(c) Surfboards with sails attached, commonly known as sailboards, may exceed five (5) miles per hour while using areas designated for surfing, pursuant to the relevant sections of the San Diego Municipal Code.

(d) Employees of governmental agencies are exempt from this Section, 63.20.15, while acting in the course of their official duties.

(e) This Section, 63.20.15, shall not apply to Mission Bay or San Diego Bay.

SEC. 63.20.18 FISHING SPEARS REGULATED

It is unlawful for any person to carry a fishing spear gun in a cocked or armed position on any public swimming area or within fifty (50) feet of a swimmer in the water or in any area where swimmers are present. All spears, barbs, prongs, and similar implements shall be sheathed, covered, or removed. A spear gun or similar instrument shall be deemed cocked or armed unless it shall be in a harmless condition and incapable of projecting spears, barbs, or prongs.

SEC. 63.20.19 WEAPONS, FIREARMS PROHIBITED

It is 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 SALE OR RENTAL OF MERCHANDISE, GOODS, PROPERTY, ETC. PROHIBITED; EXCEPTIONS

It is unlawful for any person, firm or corporation to attempt to carry on or to carry on any commercial operation, to rent or sell merchandise of any kind, or to beach or moor any vessel for the purpose of displaying it for rental or sale, in any beach area, as defined in Section 63.20, including Mission Bay Park, unless licensed or otherwise specifically permitted to do so by the Director. This is specifically intended to include a commercial operation which involves delivering merchandise, a rental item, or a service to a beach area whether or not a financial transaction takes place within the beach area. Lessees and others who carry on a

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commercial operation under the terms of a formal agreement with the City are exempt from this section. Commercial fishers are permitted to use beach areas provided that their activity does not interfere with recreation.

If advertising of any kind, other than incidental advertising permanently affixed to the side of a vehicle, is displayed in the beach area, it shall constitute prima facie evidence that the actions of the person or persons, firm or corporation responsible for introducing said advertising within the beach area violate this section.

Persons convicted of this offense shall be punished by the following minimum fines:

First offense -- \$50.00

Second offense -- \$300.00

Third and future offenses -- \$700.00

SEC. 63.20.21 TAMPERING WITH BOATS OR OTHER PROPERTY PROHIBITED

It is 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 ABANDONING BOATS AND OTHER PROPERTY PROHIBITED, MOORING AND ANCHORAGE REGULATED

(a) Except as otherwise permitted by this Code and except as may be permitted by the Director, it is unlawful:

(1) To allow vessels, boats, vehicles, or trailers to remain unattended in any beach area, including the waters thereof and Mission Bay Park.

(2) To moor or anchor any vessel, or for the owner thereof to allow it to be moored or anchored, whether occupied or unoccupied, between the hours of ten (10:00) o'clock p.m. and seven (7:00) o'clock a.m. in any area of Mission Bay Park.

(b) Any vessel, boat, vehicle or trailer left in violation of Section 63.20.22(a) may be removed by the Director without notice and any cost of removal and storage of said property may be recovered by The City of San Diego from the owner or any other person responsible for a violation of this Section, 63.20.22. Nothing herein shall prevent impounding of a vessel as may be authorized by the California Harbors and Navigation Code or by this Code.

(c) Upon impounding a boat or vessel under the authority of Subsection 63.20.22(b), the Director shall, within ten (10) days of the impounding, send a registered letter to the owner of record advising of the impounding and what actions the owner may take to reclaim the property. If inadequate identifying information is available on the impounded property, no notification is required. If the owner of the property fails to appear within ninety (90) days of the impounding of the property and pay all fees, the property shall be subject to removal, destruction, sale, or other disposal by the

Director at the expense of the owner or owners and without any liability for any damage to any property of the owner or owners.

(d) Any sunken or abandoned rafts, wharves, buildings, or other obstructions found upon any beach area, including the waters thereof and Mission Bay Park, may be removed, destroyed, sold, or otherwise disposed of by the Director at the expense of the owner or owners and without any liability for any damage to any property of the owner or owners.

SEC. 63.20.23 JUMPING INTO PACIFIC OCEAN OR MISSION BAY

It is unlawful to jump or dive or attempt to jump or dive into the Pacific Ocean or Mission Bay from either a natural or human-made point connected to land which is greater than five (5) feet above the mean level of the sea or water at the time of the jump or dive or attempted jump or dive. Upon the first conviction, a violator of this Section, 63.20.23, shall be guilty of an infraction. Upon any subsequent conviction the violator shall be guilty of a misdemeanor. Persons convicted of this offense shall be punished by the following minimum fines:

First offense -- \$50.00

Second offense -- \$150.00

Third and future offenses -- \$300.00

SEC. 63.20.24 FLOATS PROHIBITED IN LA JOLLA COVE

Except for the purpose of effecting a rescue, it is unlawful for any person to introduce into or upon the waters of La Jolla Cove any floating object, such as a

"Float" includes wharf, pier, quay, or landing.

"Mission Bay Park" includes all waters of Mission Bay together with channels of ingress and egress and all beaches and City-owned land fronting on said waters. Mission Bay and the waters of Mission Bay for purposes of Chapter VI, Article 3, are defined to be all water areas within the limits of Mission Bay Park.

"Mooring" includes 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 its regular equipment.

"Personal Watercraft" means a motorboat, as defined in the California Harbors and Navigation Code, powered by a jet drive, which is under thirteen (13) feet in length, designed by the manufacturer to be capable of speeds in excess of fifteen (15) miles per hour, and designed to be operated by a person sitting, standing, or kneeling on, or being towed behind, the device, rather than the conventional manner of sitting or standing inside the vessel.

"Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water.

**SEC. 63.25.2 AUTHORITY TO PARK AND RECREATION
 DEPARTMENT; HARBORMASTER DESIGNATED**

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 Park and Recreation Department

shall, through its Director, be responsible for the regulation of commercial and recreational use of Mission Bay by vessels and for the enforcement of Chapter VI, Article 3. The person in charge of the Lifeguard Services Division of the Park and Recreation Department is hereby designated as the Mission Bay Harbormaster.

SEC. 63.25.3 POWER AND AUTHORITY OF PARK AND RECREATION DIRECTOR

[No change in text.]

SEC. 63.25.4 VESSEL SPEED

(a) It is unlawful to operate a vessel upon Mission Bay at a speed greater than five (5) nautical miles per hour between sunset and sunrise.

(b) In order to assure greater safety for all citizens using the Mission Bay recreational facilities, the Director may establish prima facie speed limits for any area or areas of Mission Bay by posting such limits in or at the entrances to such areas. When areas are so posted, the speed limits shall be as fully effective as if specified herein.

(c) The speed limit shall be five (5) nautical miles per hour in the following areas:

(1) Within one-hundred (100) feet of the shoreline of Mission Bay; provided, however, that this subsection, 63.25.4(c), shall not apply in water areas designated for a single, special use including areas designated for the exclusive use of personal watercraft, water skiing, a special event or areas designated for water ski take-off and landing.

(2) Within one-hundred (100) feet of another vessel, a swimming flat or platform, or a lifeline.

(3) Under bridges.

(d) The speed of any vessel in excess of the limits specified in the preceding subsection, 63.25.4(c), or limits established and posted pursuant to the preceding subsection, 63.25.4(b), is unlawful and a violation of this Section, 63.25.4, unless the operator establishes by competent evidence that any speed in excess of said limits did not constitute a violation of the basic speed rule declared in the California Code of Regulations, Title 14, Section 6615 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 basic speed law, but not the speed limits, 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 JUMPING FROM BRIDGES, SWIMMING IN CHANNEL, OBSTRUCTING NAVIGATION

Within the limits of Mission Bay Park, it is unlawful for any person to:

(a) Jump or dive from any bridge, or cause another person to jump or dive from any bridge, or to climb upon or under any bridge except in places specifically designated for pedestrian traffic; or dive or swim in the waters under or within seventy-five (75) feet of any bridge;

(b) Fish by hand line, rod or spear from any bridge, within any marked water ski landing or take-off area, or within any marked swimming area;

(c) Swim, dive or play in the Mission Bay ocean channel, the turning basin 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 or in any water ski take-off or landing area.

(d) Swim, dive or play in any waters not specifically designated for these activities in a manner which might tend to hinder the safe navigation of any vessel.

(e) Swim, dive or fish in any water area designated by the Park and Recreation Department for exclusive use of personal watercraft or water skiing, so long as the area is marked by signs, buoys or both signs and buoys.

SEC. 63.25.6 WATER SKIING

(a) No water skier, aquaplaner, free-boarder, or other person being towed behind a vessel and the towing vessel therefor may operate within one hundred (100) feet of another boat, canoe, paddleboard, float, swimmer, person fishing, or the beach except when taking off or landing in prescribed areas posted for this purpose.

(b) In areas prescribed for water skiing, all motorized vessels shall adhere strictly to a counterclockwise pattern regardless of the number of vessels in the area, and shall be subject to the control and supervision of the authorized representative of the City.

(c) It is unlawful for the operator of any vessel, with the exception of a vessel actively engaged in water skiing, to allow the vessel to enter within two hundred (200) feet of the shoreline of a designated water ski landing or take-off area.

(d) It is unlawful for any person to operate any vessel or device which tows a water skier and which is operated or controlled by the water skier.

SEC. 63.25.7 SIRENS AND MUFFLERS

(a) It is unlawful to sound or operate or cause to be sounded or operated a siren on a vessel within the limits of Mission Bay Park. This provision shall not apply to City-owned, operated, or commandeered vessels. This section, 63.25.7, shall not preclude vessels from being provided with sound-producing devices as required by the appropriate Coast Guard regulations.

(b) Except as provided in Section 63.25.11, every watercraft equipped with an internal combustion engine operated on Mission Bay shall at all times be equipped with an adequate muffler, in constant operation and properly maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

SEC. 63.25.11 RACES

It is 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 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 Mission Bay; and provided further that any such special permit of the 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) hours of any calendar day, the entire period of time for which such special permit is granted to fall between the hours of eight o'clock (8:00) a.m. and eight o'clock (8:00) p.m.

In addition to the aforementioned 10 day permit, the Director may issue a permit for unlimited hydroplane racing, provided such permit shall be for a period of time not exceeding four (4) additional days in any calendar year, and shall not exceed eight (8) hours of any calendar day, the entire period of time for which the permit is granted, to fall between eight o'clock (8:00) a.m. and eight o'clock (8:00) p.m., and provided further that the racing is approved in all other respects by reviewing authorities. In the event the additional four (4) days are not used for unmuffled hydroplane racing, they may not be utilized for any other unmuffled boat racing activity. Such hydroplane racing shall take place only during the four-day period designated by the Director.

SEC. 63.25.12 LAUNCHING AND REMOVAL OF VESSELS

It is unlawful to launch or remove from the waters of Mission Bay any vessel over any seawall, sidewalk, street end, public or private property, except 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 Director.

SEC. 63.25.13 DISPLAY OF VESSELS FOR SALE

Within the limits of Mission Bay Park, it is 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 ANCHORAGE, BEACHING AND MOORING AREAS

(a) The anchorage or mooring areas designated exclusively for recreational vessels are as follows:

(1) The area commonly know as San Juan Cove, located on the west side of Mission Bay, between Santa Clara Point and El Carmel Point.

(2) The area commonly known as Santa Barbara Cove, located on the west side of Mission Bay, between El Carmel Point and Gleason Point (also known as Bahia

Point).

(3) The area commonly know as De Anza Cove, located at the northeast corner of Mission Bay north of De Anza Point.

(b) The anchorage or mooring area designated for recreational or small commercial vessels is in the area commonly known as Mariner's Basin, located on the southwest side of Mission Bay, just north of the Mission Bay ocean channel.

(c) The beaching areas designated exclusively for recreational vessels are the beaches adjacent to:

(1) The area commonly known as Santa Clara Cove, located on the northwest side of Mission Bay;

(2) The area commonly known as San Juan Cove, located on the west side of Mission Bay;

(3) The area commonly known as Santa Barbara Cove, located on the west side of Mission Bay;

(4) The area commonly known as Mariner's Basin, located on the southwest side of Mission Bay;

(5) The area commonly known as Sail Bay at the point that Fanuel Street ends at Sail Bay;

(6) The area commonly known as Riviera Shores at the point that Moorland Drive ends at Riviera Shores.

(d) Notwithstanding any other provisions of this Code, the Director has the authority to determine and establish rules and regulations specifying the size and type of vessels using the anchorage, beaching and mooring areas.

SEC. 63.25.17 ANCHORAGE AND MOORING LOCATION

It is unlawful for any 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 Director. Any vessel which is moored or anchored in Mission Bay at a place not designated for such vessel by the Director shall, upon the demand of the Director, be forthwith moved to a designated area. In the designation of areas and places for the mooring or anchoring of vessels, the Director shall consider 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 vessel shall be moored and anchored in any part of any turning basin or channel unless it is 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 moored or anchored to prevent it from swinging or drifting into any turning basin or channel.

SEC. 63.25.18 CHANGE OF MOORING

[No change in text.]

SEC. 63.25.19 MAKING FAST A MOORED VESSEL

It is 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 OBSTRUCTION OF PASSAGE

It is 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; whenever a vessel is wrecked or sunk in Mission Bay, accidentally or otherwise, it is the duty of the owner 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; the neglect or failure of the owner to do so is unlawful. The owner shall immediately commence the removal of the obstruction and prosecute the removal diligently to completion, and any failure to do so shall constitute an abandonment of the vessel. Whenever the navigation of any navigable water within Mission Bay Park is obstructed or endangered by any vessel or other obstruction, which 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 shorter period of time, the vessel or other obstruction is subject to be removed, sold, or otherwise disposed of by the City Manager at his or her discretion without liability for any damages to the owners.

Any costs incurred by the City in the removal of any vessel or other obstruction, may be recovered by the City from the owner of such vessel or the person causing or responsible for the obstruction, in any court of competent jurisdiction.

SEC. 63.25.22 MOORING PERMIT REQUIRED

It is unlawful to place, erect, construct, or install moorings in Mission Bay Park without a permit issued by the Director. Moorings must conform to the requirements and specifications set forth by the Director.

SEC. 63.25.24 CANCELLATION OR REVOCATION OF MOORING PERMIT

Any mooring permit issued by the Director shall provide that the permit may be canceled at any time by the Director by giving five (5) days written notice by mail sent to the person to whom the permit was issued at the address listed on the permit; and upon the permit being canceled, it is the duty of the owner of the mooring to immediately remove it. If the owner should fail to collect or refuse to move the mooring within ten (10) days, it may be removed by the Director at the expense of the person to whom the permit was issued, and the cost may be collected in any court of competent jurisdiction. Any impounded mooring not claimed by the owner within thirty (30) days becomes the property of The City of San Diego. The permit shall further provide that the Director has the discretion to permit any vessel to use an unoccupied mooring on a temporary basis; and that any mooring not used by the owner for a period of

six (6) consecutive months out of any twelve (12) months becomes the property of the City and may be removed, used, rented, or sold by the Director with or without notice at the Director's option, and the Director may then cancel or revoke the permit.

SEC. 63.25.25 MOORING PERMIT FEES

The owner of every vessel in the designated anchorage areas having a mooring shall pay the City an initial permit fee payable upon issuance of a permit, and thereafter shall pay the City a yearly fee to be paid on the first business day of March of each year, to be effective for the following twelve month period. The permit shall specify that it is the responsibility of the recipient of the permit to pay the annual fee if the recipient wishes to renew the permit and the City shall not be required to send a reminder notice to that effect.

The mooring permit shall further provide that if the owner fails to renew on the annual date specified and is in arrears for a period of seven (7) days, the Director shall, unless extraordinary circumstances exist, impound the mooring and make the space available, using normal procedures, to any other person who qualifies for a permit. The owner of an impounded mooring who wishes to claim it shall be charged a fee for the removal and storage of the mooring. If the owner fails to claim the mooring within a thirty (30) day period, the title to that mooring shall pass to The City of San Diego.

The amount of the fees herein required shall be established by the City Manager upon the recommendation of the Director.

SEC. 63.25.26 UNUSED MOORINGS

The Director may assign unused moorings to visiting vessels for a rental fee established by the City Manager upon the recommendation of the Director.

SEC. 63.25.28 TAXES ON MOORED VESSELS

Any applicant for a permit shall acknowledge that the vessel to be anchored or moored within the designated mooring areas shall be assessed in The City of San Diego and that the applicant shall pay all taxes on the vessel to The City during the time that the mooring is maintained in The City of San Diego.

SEC. 63.25.29 CONTENTS OF PERMIT

(a) Owners of vessels using private moorings in Mission Bay Park must first obtain a permit from the Park and Recreation Department, shall be limited to the designated anchorage and mooring areas established by the City, and shall conform to the rules and specifications established for such areas.

(b) Permits for moorings will be issued to an individual person for a period of one year, on a renewable basis. Neither the permit nor the space for which the permit is granted is transferrable.

(c) Any permit issued under the terms of this Section shall be personally signed by the applicant, and shall contain the rules and specifications established by the Director.

(d) The fees for any services provided for in the rules and specifications shall be established by the City Manager upon the recommendation of the Director.

SEC. 63.25.30 INSTALLATION OF PRIVATELY-OWNED MOORINGS

Upon request of the owner and at the discretion of the Director, privately-owned moorings may be installed by City forces at a rate established by the City Manager upon the recommendation of the Director.

SEC. 63.25.31 USE OF MOORINGS

(a) It is unlawful for any vessel other than that described in the mooring permit to use any private mooring in Mission Bay; and the vessel must be owned, in whole or in part, by the person to whom the permit was issued.

(b) It is unlawful for any person, other than the Director, to give permission for any non-permitted vessel to use a private mooring.

SEC. 63.25.43 CONSTRUCTION AND RENTAL OF HARBOR FACILITIES AUTHORIZED

The City may construct or cause to be constructed such floats wharves, piers, and other harbor facilities in Mission Bay Park as may be required by the public interest, and the City may rent or lease in whole or in part such floats, wharves, piers, and other harbor facilities to individuals, nonprofit associations, and such other organizations as it may determine. The City may further establish by resolution a schedule setting forth the charges for the use of said floats, wharves,

piers, and other harbor facilities, which use shall be governed by the terms of the rental or lease agreement executed by the City, and any applicable provisions of this Code.

SEC. 63.25.45 INFORMATION REQUIRED FOR BERTHING SPACE

[No changes in text.]

SEC. 63.25.47 USE OF HARBOR FACILITIES

(a) It is unlawful for any owner or any person having charge of any vessel to make such vessel fast, whether directly or indirectly, to any float, wharf, pier, or other harbor facility with the exception of those specifically designated for use by the general public, without the consent of the lessee, agent or person in charge of the float, wharf, pier, or harbor facility.

(b) It is unlawful for any owner or any person having charge of any vessel to permit it to remain fastened to any float, wharf, pier, or dock in Mission Bay Park, or to remain moored immediately in front thereof, after the user or users of the vessel have finished loading or unloading at such float, wharf, pier, or dock, without obtaining the consent of the owner, agent or person in charge of the float, wharf, pier, or dock.

SEC. 63.25.50 HEAD AND STERN LINES, CHAFING GEAR REQUIRED

[No changes in text.]

SEC. 63.25.51 HANDLING EXPLOSIVES; PERMIT REQUIRED

[No changes in text.]

SEC. 63.25.52 PETROLEUM PRODUCTS REGULATED

[No changes in text.]

SEC. 63.25.53 CONTAINERS FOR INFLAMMABLE PRODUCTS REGULATED

It is unlawful for any person to cause empty drums, tanks, barrels, or other containers used for the storage or transportation of gasoline, distillate, kerosene, or other inflammable products to remain on any float, wharf, pier, or other harbor facility, or the shoreline, roadways, parkways, or any property in Mission Bay Park.

SEC. 63.25.54 DONKEY ENGINE; SPARK ARRESTER REQUIRED

It is unlawful for any person to use any donkey engine or other stream engine for any reason on any wharf, dock, pier, or vessel in Mission Bay 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 PUBLIC PIERS AUTHORIZED

[No changes in text.]

SEC. 63.25.56 OBSTRUCTION OF PUBLIC PIER OR FACILITY PROHIBITED

It is 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; and it is unlawful to obstruct the land site of any public facility with automobiles or any other vehicle or gear; and the 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 WASTE MATERIALS UPON SHORELINE
PROHIBITED; PENALTY**

It is unlawful to allow any materials, including but not limited to garbage, refuse, timbers, or waste matter of any description, to remain upon the shorelines of Mission Bay Park; and the Director may remove same with or without notice, and any cost of removal may be recovered by the City against any person responsible therefor in any court of competent jurisdiction.

Violations of this provision is a misdemeanor.

SEC. 63.25.58 CONSTRUCTION OF PRIVATE PIERS

It is unlawful for any person, firm, corporation, or association to 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, or make, or cause to be made, any filling of any description in Mission Bay Park. It is also unlawful for any person to dredge or excavate within Mission Bay Park for the benefit or use of any private person, firm, corporation, or association unless plans showing the proposed work have been approved by the City Manager, and a permit issued therefor.

**SEC. 63.25.59 PRIVATE PIERS OR WHARVES -- DEFECTIVE
CONDITION**

If the Director learns that any wharf, dock, or pier on Mission Bay is in such a defective or dangerous condition that life or property is endangered thereby, the Director shall immediately notify in writing the

owner thereof, or the agent, lessee, or any other person or persons having charge of the same, of the defective and dangerous condition, and shall require such person or persons to immediately repair the same, or to erect fences or other barriers to prevent persons from using or going upon the wharf, dock, or pier. If the person or persons having charge of the wharves, docks, or piers fails or neglects to repair it or to erect fences or other barriers, then the Director may erect fences or other such barriers as may be deemed necessary for the protection of the public, and charge the expense to the person or persons having charge of the wharf, dock, or pier. It is unlawful for any person or persons to interfere whatsoever with any fence or barrier erected to prevent the use of the defective wharf, dock, or pier.

If any wharf, any portion thereof, or any material on such wharf, falls into the waters of Mission Bay, it is the duty of the owner, agent, or lessee of the wharf to forthwith remove such material from the waters of Mission Bay, and, if they fail to do so, the Director may remove or cause the material to be removed; and the cost of the removal is recoverable from the owner, agent, or lessee by the City.

SEC. 63.25.61 DISCHARGE OF INFLAMMABLE MATERIAL

It is unlawful for any vessel to pump, discharge, or dump into the waters of Mission Bay, oil, spirits, gasoline, distillate, or any other 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 DISCHARGE OF PETROLEUM PRODUCTS

It is unlawful to discharge, deposit, or cause or allow to be discharged, deposited, to pass in or into the waters of Mission Bay, any coal tar, refuse or residuary products of coal, petroleum, asphalt, bitumen, or any other carbonaceous material or substance.

SEC. 63.25.67 ENTERING WATERCRAFT WITHOUT PERMISSION OF OWNER

It is unlawful to enter or climb into or upon any boat, vessel, yacht, or water craft moored, tied, or anchored in Mission Bay, without the consent of the owner or operator of said vessel.

SEC. 63.25.68 TAMPERING WITH MOORINGS PROHIBITED

It is unlawful to tamper with, or in any way interfere with the moorings or anchorages of any boats, vessels, yachts, or other water craft in Mission Bay.

SEC. 63.25.71 LIVING ON BOARD VESSELS, OVERNIGHT ANCHORAGE REGULATED

(a) It is unlawful for any person to remain overnight on board any vessel in Mission Bay Park unless the vessel has a functional, self-contained toilet on board that does not discharge into the waters of the Bay. It is unlawful for any owner of any vessel to occupy it or allow it to be occupied overnight in Mission Bay Park for a period of more than ninety (90) days, whether successive or cumulative, during any one calendar year.

A vessel is presumed to be occupied overnight when there are one or more persons on board after midnight. The lessees of land in Mission Bay Park are primarily responsible for the enforcement of this subsection, 63.25.71(a), on the water abutting their leased lands.

(b) It is unlawful for any owner or person in command of any vessel to allow it to be left anchored or moored overnight upon the waters of Mission Bay unless the owner or person in command has received permission from the Director or, in the case of property within a leasehold, from a lessee under the terms and conditions of the lease. In the area of Mariners Basin, a vessel may be permitted to remain moored or anchored for a period not to exceed seventy-two (72) hours during any seven (7) consecutive days, provided that the owner or person in command of such vessel has first received permission from the Director and provided that at least one person of eighteen years or older remains on board from dusk to dawn. Permission to moor or anchor in Mariners Basin will be partially based on capacity of the area.

(c) The Director may without notice remove any vessel, boat or trailer stored or left in violation of subsection 63.25.71(b), and the cost of removal and storage may be recovered by the City against any person responsible therefor through collection processes or proceedings in any court of competent jurisdiction and in any case prior to release of the impounded vessel to the registered owner or the authorized agent thereof.

SEC. 63.25.72 REGULATION OF PARA-SAILS AND SIMILAR DEVICES

(a) It is unlawful for any person to use a hang glider, para-sail, ski-kite, or similar device which may be used to lift a person from the water or land in Mission Bay Park except by special permit issued by the Director.

(b) For purposes of this section, 63.25.72, the following definitions apply:

"Hang glider" means any delta-wing kite used as an air foil to elevate a person by a tow line.

"Para-sail" means any multi-vented sail used to elevate a person by a tow line.

"Ski kite" means any kite used to elevate a person by a tow line.

SEC. 63.25.73 OVERNIGHT STORAGE OF VESSELS, BOATS, AND TRAILERS PROHIBITED

(a) It is unlawful to store or leave any vessel, boat, or trailer on the beach on the west, north, and east shoreline of Mission Bay Park between Santa Clara Point and the Ingraham Street Bridge between the hours of 10:00 p.m. to 7:00 a.m., except where permitted by the Director at an authorized beach mooring bar or facility. This prohibition shall not apply between 10:00 p.m. Friday night through 7:00 a.m. Sunday morning, nor from 10:00 p.m. of the night preceding an official holiday of the City through 7:00 a.m. on the day of the holiday.

(b) The Director may without notice remove any vessel, boat, or trailer stored or left in violation of

Section 63.25.73(a), and the cost of removal and storage may be recovered by the City against any person responsible therefor through collection processes or proceedings in any court of competent jurisdiction.

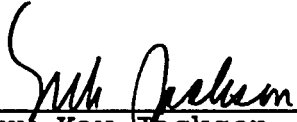
(c) Persons using vessels in designated beaching areas, established and posted as such by the City, must first obtain a permit from the Park and Recreation Department, and shall conform to the rules and specifications established for such areas by the Department.

(d) Permits for using designated beaching areas will be issued for a period of one (1) year, on a renewable basis, and are nontransferable. The permit shall provide that it may be canceled at any time by the Director by giving five (5) days written notice by mail to the person at the address registered on such permit; and upon said permit being canceled, it shall be the duty of the owner of the vessel to immediately remove it, and if the owner should fail to collect or refuse to remove the vessel within ten (10) days, it may be removed or impounded by the Director.

(e) The owner of every vessel having a permit to use a designated beaching area shall pay the City of San Diego an initial permit fee payable upon issuance, and a yearly fee thereafter, to be paid on the first business day of March each year. The fees specified herein shall be established by the City Manager upon the recommendation of the Director.

Section 3. This ordinance shall take effect and be in force on the thirtieth day after its passage by the Council of The City of San Diego.

APPROVED: JOHN W. WITT, City Attorney

By 

Mary Kay Jackson
Deputy City Attorney

MKJ:mb
04/28/94
Or.Dept:Pk&Rec
O-94-105
Form=o+t

STRIKEOUT ORDINANCE

OLD LANGUAGE - STRICKEN
NEW LANGUAGE - UNDERLINED

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 63.15.1, 63.15.2, 63.15.3, 63.15.4, 63.15.5, 63.15.6, 63.15.7, 63.15.8, 63.15.9, 63.15.10, 63.15.11, 63.15.12, 63.15.13, 63.15.14, 63.15.15., 63.15.16, 63.15.17, 63.15.18, 63.15.19, 63.15.20, 63.15.21, 63.15.22, 63.15.23, 63.15.24, 63.15.25, 63.15.26, 63.15.27, 63.15.28, 63.15.29, 63.15.30, 63.15.31, 63.15.32, 63.15.33, 63.15.34, 63.15.35, 63.15.36, 63.15.37, 63.15.38, 63.15.39, 63.15.40, 63.15.41, 63.15.42, 63.15.43, 63.15.44, 63.15.45, 63.15.46, 63.15.47, 63.15.48, 63.15.49, 63.15.50, 63.15.51, 63.15.52, 63.15.53, 63.15.54, 63.15.55, 63.15.56, 63.15.57, 63.15.58, 63.15.59, 63.15.60, 63.15.61, 63.15.62, 63.15.63, 63.15.64, 63.15.65, 63.15.66, 63.15.67, 63.15.68, 63.15.69, 63.15.70, 63.17, 63.17.1, 63.17.2, 63.17.3, 63.17.4, 63.17.5, 63.17.6, 63.17.7, 63.17.8, 63.17.9, 63.17.10, 63.17.11, 63.17.12, 63.17.13, 63.17.14, 63.17.15, 63.17.16, 63.18, 63.20.25, 63.20.27, 63.25.8, 63.25.9, 63.25.10, 63.25.15, 63.25.16, 63.25.21, 63.25.23, 63.25.27, 63.25.32, 63.25.33, 63.25.34, 63.25.35, 63.25.36, 63.25.37, 63.25.38, 63.25.39, 63.25.40, 63.25.41, 63.25.44, 63.25.46, 63.25.48, 63.25.49, 63.25.60, 63.25.63, 63.25.64, 63.25.65, 63.25.66 AND 63.25.69; BY AMENDING SECTIONS 63.20, 63.20.1, 63.20.2, 63.20.3, 63.20.4, 63.20.5, 63.20.6 AND 63.20.7; BY RETITLING SECTION 63.20.8; BY AMENDING SECTIONS 63.20.9, 63.20.10, 63.20.11, 63.20.13, 63.20.14, 63.20.15, 63.20.18, 63.20.19, 63.20.20, 63.20.21, 63.20.22 AND 63.20.23; BY ADDING SECTION 63.20.24; BY AMENDING SECTIONS 63.25, 63.25.1, 63.25.2, 63.25.3, 63.25.4, 63.25.5, 63.25.6, 63.25.7, 63.25.11, 63.25.12, 63.25.13, 63.25.14 AND 63.25.17; BY RETITLING SECTION 63.25.18; BY AMENDING SECTIONS 63.25.19, 63.25.20, 63.25.22, 63.25.24, 63.25.25, 63.25.26, 63.25.28, 63.25.29, 63.25.30, 63.25.31, 63.25.43 AND 63.25.47; BY RETITLING SECTIONS 63.25.50, 63.25.51 AND 63.25.52; AND BY AMENDING SECTIONS 63.25.53, 63.25.54, 63.25.55, 63.25.56, 63.25.57, 63.25.58, 63.25.59, 63.25.61, 63.25.62, 63.25.67, 63.25.68, 63.25.71, 63.25.72 AND 63.25.73; ALL RELATING TO MUNICIPAL RECREATION FACILITIES.

REPEALED:

Section 63.15.1, Section 63.15.2, Section 63.15.3, Section

63.15.4, Section 63.15.5, Section 63.15.6, Section 63.15.7,
Section 63.15.8, Section 63.15.9, Section 63.15.10, Section
63.15.11, Section 63.15.12, Section 63.15.13, Section 63.15.14,
Section 63.15.15, Section 63.15.16, Section 63.15.17, Section
63.15.18, Section 63.15.19, Section 63.15.20, Section 63.15.21,
Section 63.15.22, Section 63.15.23, Section 63.15.24, Section
63.15.25, Section 63.15.26, Section 63.15.27, Section 63.15.28,
Section 63.15.29, Section 63.15.30, Section 63.15.31, Section
63.15.32, Section 63.15.33, Section 63.15.34, Section 63.15.35,
Section 63.15.36, Section 63.15.37, Section 63.15.38, Section
63.15.39, Section 63.15.40, Section 63.15.41, Section 63.15.42,
Section 63.15.43, Section 63.15.44, Section 63.15.45, Section
63.15.46, Section 63.15.47, Section 63.15.48, Section 63.15.49,
Section 63.15.50, Section 63.15.51, Section 63.15.52, Section
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63.15.57, Section 63.15.58, Section 63.15.59, Section 63.15.60,
Section 63.15.61, Section 63.15.62, Section 63.15.63, Section
63.15.64, Section 63.15.65, Section 63.15.66, Section 63.15.67,
Section 63.15.68, Section 63.15.69, Section 63.15.70, Section
63.17, Section 63.17.1, Section 63.17.2, Section 63.17.3,
Section 63.17.4, Section 63.17.5, Section 63.17.6, Section
63.17.7, Section 63.17.8, Section 63.17.9, Section 63.17.10,
Section 63.17.11, Section 63.17.12, Section 63.17.13, Section
63.17.14, Section 63.17.15, Section 63.17.16, Section 63.18,
Section 63.20.25, Section 63.20.27, Section 63.25.8, Section
63.25.9, Section 63.25.10, Section 63.25.15, Section 63.25.16,
Section 63.25.21, Section 63.25.23, Section 63.25.27, Section
63.25.32, Section 63.25.33, Section 63.25.34, Section 63.25.35,

Section 63.25.36, Section 63.25.37, Section 63.25.38, Section 63.25.39, Section 63.25.40, Section 63.25.41, Section 63.25.44, Section 63.25.46, Section 63.25.48, Section 63.25.49, Section 63.25.60, Section 63.25.63, Section 63.25.64, Section 63.25.65, Section 63.25.66, and Section 63.25.69.

**SEC. 63.20 BEACH AREAS -- AUTHORITY AND CONTROL
MEANING**

(a) The Park and Recreation Department of The City of San Diego shall have jurisdiction and control over all beaches owned or controlled by The City of San Diego and all waters abutting or adjacent thereto within the limits of The City of San Diego, and of 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 it shall be responsible for the control and management of said beaches and lands, and waters abutting or adjacent thereto, and of the recreational activities thereon and therein.

(b) In the following sections dealing with the same subject, wherever the context thereof shall permit, the term "beach area" shall mean any beach or land and the waters abutting or adjacent thereto under the jurisdiction and control of the Park and Recreation Department as set forth in paragraph (a) of this section.

SEC. 63.20.1 ~~SAME~~ -- AUTHORITY TO ENFORCE PROVISIONS

It ~~shall be~~ is the duty of the Park and Recreation Director, as the City Manager's designee, to enforce the provisions of ~~this ordinance, and in that behalf these~~

sections; and 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 ~~this ordinance~~ these sections including the power to make arrests for the violation hereof.

Whenever a power is granted to, or a duty is imposed upon the Director, the power may be exercised, or the duty may be performed by the Park and Recreation Director, or any person the Director may designate for the enforcement of these regulations.

SEC. 63.20.2 ~~SAME~~ — WATER ACTIVITY ZONES ESTABLISHED

(a) It is the intent and purpose of the Council of The City of ~~San Diego~~ in enacting this Section, 63.20.2, to regulate ~~and control such~~ recreational water activities such as bathing and swimming, and board surfing, and boat launching in and upon the waters and lands of all beach areas.

(b) There are hereby established, in and upon the waters and beaches under the jurisdiction and control of the Park and Recreation Department, ~~the following five~~ six (6) water activity zones. Unless otherwise defined and with the exception of Closed Zones, all activity zones shall extend one thousand (1,000) feet seaward from the mean high tide line. Boat Launch Zones shall also include the adjacent beach area. The six activity zones are as follows:

~~BATHING AND SWIMMING ZONE~~

BOARD SURFING ZONE

CONTROL ZONE

NO BOARD SURFING ZONE

CLOSED ZONE

BOAT LAUNCH ZONE

The boundaries of each zone ~~shall be as are~~ are designated from time to time by resolution of the Council of The City of San Diego. These boundaries notwithstanding, City of San Diego lifeguards may, due to weather, crowd conditions, special events, or other factors, alter the boundaries on any given day; and persons shall be notified of any change by signs, signals, verbal warnings or other means. A checkered flag may be posted on the boundary line between two activity zones and when so posted shall constitute due notification of said boundary whether it is the regular boundary fixed by resolution of the Council or a temporary change in the boundary made by lifeguards. Nothing in this Section, 63.20.2, empowers lifeguards to permanently change existing boundaries.

(c) Definitions:

(1) "Bathing and Swimming" shall mean all bathing and swimming activities conducted in water except those activities which involve board surfing or those which involve the possession, control or use of a surfboard.

(2) "Surfboard" shall mean any noninflated

device upon which or with the use or aid of which a person can ride waves or be carried along or propelled by the action of the waves.

(3) "Board surfing" shall mean any activity which involves riding waves with the use or aid of a surfboard, or being carried along or being propelled by the action of the waves with the use or aid of a surfboard. To "board surf" shall mean to do or engage in board surfing.

(d) Only bathing and swimming ~~shall be~~ are permitted in a ~~BATHING AND SWIMMING ZONE~~, and it ~~shall be~~ is unlawful for any person to board surf in, or to possess, control, ~~or use a surfboard in, or to release,~~ or place, a surfboard in, ~~or to carry, throw,~~ or discharge a surfboard into, or to permit a surfboard to float, drift or be carried into, a ~~BATHING AND SWIMMING ZONE~~.

(e) Only board surfing ~~shall be~~ is permitted in a BOARD SURFING ZONE, and it ~~shall be~~ is unlawful for any person to engage in bathing and swimming activities, except ~~such~~ as may be incidental to board surfing, in a BOARD SURFING ZONE.

(f) ~~Board surfing shall be permitted in a CONTROL ZONE, except during the hours of eleven o'clock a.m. to six o'clock p.m. daily. Swimming and bathing are permitted in a CONTROL ZONE between the hours of eleven o'clock a.m. and six o'clock p.m., but shall not be permitted prior to eleven o'clock a.m. and after six~~

~~o'clock p.m.~~ The following regulations shall be in effect in any area designated as a CONTROL ZONE beginning on the second Saturday in June and extending through the first Sunday after Labor Day of each year:

(1) It ~~shall be~~ is unlawful for any person to wade, bathe, swim, surfmat, or engage in any activities incidental to bathing or swimming activities, except those incidental to board surfing in a CONTROL ZONE, prior to eleven (11:00) o'clock a.m. and after six (6:00) o'clock p.m. daily ~~(effective only from June 1 through September 30 of each year).~~

(2) It ~~shall be~~ is unlawful for any person to board surf in, ~~or to possess, control, or use a surfboard in, or to release, or place, a surfboard in, or to carry,~~ throw or discharge a surfboard into, or to permit a surfboard to float, drift, or be carried into a CONTROL ZONE during the hours between eleven (11:00) o'clock a.m. and six (6:00) o'clock p.m. daily ~~(effective only from June 1 through September 30 of each year).~~

(g) It is ~~shall be~~ unlawful for any person to board surf in a NO BOARD SURFING ZONE or to ride or attempt to ride waves with the use or aid of any other object, except swim fins.

(h) It ~~shall be~~ is unlawful for any person to board surf in, or to possess, control, ~~or use a surfboard in, or to release or place a surfboard in, or to carry, throw or discharge a surfboard into,~~ or to permit a surfboard to float, drift or be carried into, or to engage in

bathing and swimming activities in, a CLOSED ZONE or BOAT LAUNCH ZONE.

~~(i) Signs giving notice of the applicable water activity zone, if any, shall be erected in appropriate places upon the beach or lands abutting or adjacent thereto. For each water activity zone, there shall be displayed upon the signs therefor notice as follows:~~

~~(1) For a BATHING AND SWIMMING ZONE: BATHING AND SWIMMING ONLY SURFBOARDS UNLAWFUL.~~

~~(2) For a BOARD SURFING ZONE: BOARD SURFING ONLY BATHING AND SWIMMING UNLAWFUL.~~

~~(3) For a CONTROL ZONE: BOARD SURFING UNLAWFUL BETWEEN 11:00 a.m. AND 6:00 p.m.~~

~~(4) For a NO BOARD SURFING ZONE: BOARD SURFING UNLAWFUL.~~

~~(5) For a CLOSED ZONE: SURFBOARDS, SWIMMING AND BATHING UNLAWFUL.~~

**SEC. 63.20.3 ~~SAME SWIMMING, BOATING, ETC.~~
PROHIBITED WHERE WARNING SIGNALS**

(a) It shall be is unlawful for any person to bathe, swim, surfboard ride, row, canoe, or and/or operate a sailboat or powerboat or other device on or upon water where when warning signals have been placed on or upon said water or the adjacent beach area except for the purpose of making a rescue.

(b) It is unlawful for any person to operate a vessel, as defined in the California Harbors and Navigation Code, or a windsurfer, sailboard, or similar

device within a swimming area which has been marked by means of buoys or to operate same within one hundred (100) feet of such area at a speed in excess of five (5) miles per hour.

SEC. 63.20.4 ~~SAME -- REFUSAL TO COMPLY -- INJURY~~
~~WARNING SIGNALS~~ COMPLIANCE

It ~~shall be~~ is unlawful for any person to refuse to follow or comply with any lawful order, signal, or other lawful direction of a lifeguard, or to knowingly provide false information to 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 ~~this ordinance 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~~ Chapter VI, Article 3.

SEC. 63.20.5 ~~SAME -- BEACH AREAS --~~ WASTE, REFUSE,
FIRES

(a) It ~~shall be~~ is unlawful for any person to leave, discard, deposit, or throw away any glass container, tin can, waste food, 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 or receptacles provided for that purpose.

(b) It ~~shall be~~ is unlawful for any person to move, ~~molest,~~ rummage through, turn over, remove, deface, or knock down any trash can or receptacle placed in any beach area by the City.

(c) ~~Except as provided in this subsection, it shall be~~ It is unlawful for any person to build, maintain, or use, or be within ten (10) feet of a fire on any public beach that is not in a City-provided fire container. ~~In this subsection, the word "use" shall include being present within ten (10) feet of a fire.~~ Fires may be built ~~in a City-provided fire container~~ using fire materials ~~that are~~ limited to charcoal, wood, or paper products, none of which contains landscape debris, cloth, rubber, metal, asphalt, foam rubber, plastic, or any similar matter or material producing noxious fumes, odors, smoke, or leaving any type of solid residue other than ash. Fire materials shall not exceed a height of more than twelve (12) inches above the upper edge of the fire container and must be wholly contained within the inside edge of the fire container. It ~~shall be~~ is permissible to build a fire on a public beach in a portable barbecue or other similar device using fuel material authorized in ~~this subsection~~ Section 63.20.5(c). Coals from any portable barbecue or similar device shall either be removed from the beach area or be deposited in a City-provided fire container or designated hot coal container provided on the beach for such purposes.

(d) It ~~shall be~~ is unlawful to use a City-provided fire container for any purpose other than the building of fires for cooking or warmth or for the deposit of coals ~~provided for in subsection (c)~~.

(e) ~~It shall be~~ is unlawful for any person to ~~have,~~ possess or use any ~~cup, tumbler, jar or~~ container made of glass and ~~used for carrying or containing any liquid for drinking purposes~~ upon any beach or adjacent sidewalk area in the City of San Diego.

(f) ~~Except as provided in this subsection, it shall be~~ It is unlawful for any person who has built, maintained, ~~or used,~~ or been within ten (10) feet of a fire on the beach, to abandon ~~such~~ the fire until all ignited fire fuel material has been exhausted or extinguished. ~~In this subsection, the word "used" shall include having been present within ten (10) feet of the fire.~~ Sand, dirt, or similar material shall not be employed as an extinguishing material. Extinguished ashes shall not be covered but may be left in fire containers. All unused fire material ~~shall~~ must be removed from the beach and the adjacent public areas of the beach or park. All refuse or rubbish adjacent to the fire container ~~shall~~ must be removed from the beach or placed in trash cans ~~or~~ receptacles provided for such purpose, so that the beach is left in a clean, sanitary, and presentable condition

**SEC. 63.20.6 ~~SAME~~ — CERTAIN LIFEGUARDS DESIGNATED
HARBOR POLICE**

~~A.~~ (a) Purpose and Intent. It is the purpose and intent of the City Council in enacting ~~this section~~ Section 63.20.6 that certain City lifeguards ~~who are designated by the City as Mission Bay Patrol Members and~~

who are regularly employed and paid for duties performed in Mission Bay which are ~~by their nature duties~~ commonly performed by Harbor Police, be designated by the City as ~~Harbor Police for the purposes of Section 830.31 of the Penal Code of the State of California.~~ Said Section ~~specifies that Harbor Police regularly employed and paid as such by City are peace officers while engaged in the performance of their duties~~ Boating Safety Unit members. "Boating Safety Unit" means a unit of the lifeguard service, which, in addition to regular lifeguard functions, is responsible for functions similar to those performed by Harbor Police.

B. (b) ~~Those certain regularly employed lifeguards who are assigned to Mission Bay and who are designated within the Coastal Division as Mission Bay Patrol Members and as Boating Safety Unit members, who enforce provisions contained in the document entitled California Boating Law (a copy of which is on file in the office of the City Clerk as Document No. 740210) as said Boating Law may from time to time be amended be,~~ laws of The State of California and The City of San Diego which pertain to boating, and they are hereby designated as Harbor Police; they are declared to be regularly employed and paid as such; and are hereby authorized and empowered to act as Harbor Police within the limits of Mission Bay while on duty in the beach area.

C. (c) ~~That said~~ Those lifeguards designated as Harbor Police are peace officers for the purpose of, and

~~as set forth in Section 830.31 of the~~ as defined in
Section 830.33 of the California Penal Code; of the State
of California; provided, however, said Harbor Police they
are not peace officers for the purposes of Sections 171e,
171d, or 12027 of said California Penal Code, sections
171c, 171d, or 12027 which Sections deal with the
possession of firearms.

SEC. 63.20.7 ~~SAME~~ ~~BOATING NEAR SWIMMERS PROHIBITED~~
DRIVING VEHICLES ON BEACH PROHIBITED;
EXCEPTIONS; SPEED LIMIT ON BEACH

~~It shall be unlawful for any firm, person 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.~~

(a) Except as permitted by the Director and except
as specifically permitted on Fiesta Island in Mission
Bay, no person may drive or cause to be driven any motor
vehicle as defined in the California Vehicle Code on any
beach, any sidewalk or turf adjacent thereto; provided,
however, that motor vehicles which are being actively
used for the launching or beaching of a boat may be
operated across a beach area designated as a boat launch
zone.

(b) The driver of any vehicle operated under the
authority of this Section, 63.20.7, shall use

extraordinary care and shall at all times limit the speed of the vehicle to five (5) miles per hour or less.

(c) This Section, 63.20.7, does not apply to vehicles operated by governmental employees in the discharge of official duties.

SEC. 63.20.8 ~~SAME~~ --- LIFEGUARDS AUTHORIZED TO ENFORCE STATE AND LOCAL CODES -- ARRESTS AND CITATIONS

[No change to text.]

SEC. 63.20.9 BOAT BEACHING AREAS AND BOAT LAUNCHING ZONES, BEACHING PROHIBITED ELSEWHERE

The Director of ~~Parks and Recreation~~ may designate any beach ~~areas~~ area or ~~portions~~ portion thereof as an area which may be used for the purpose of beaching or launching boats, and may establish and collect fees for the use of such boat beaching or launching areas, subject to the approval of the City Council. Such provisions shall be effective when signs are posted in such areas giving notice of such designation and fees.

No boat or vessel, excepting inflatable boats which are not propelled by machinery, may be launched or retrieved from any beach area in the City except in a designated boat beaching area or boat launch zone. Boats or vessels in distress are exempted from the foregoing provided there is a verifiable emergency immediately threatening persons or property and provided the boat or vessel can reach the shore without further threatening the safety of other persons or property. The burden of proof that an emergency exists or existed rests with the

owner and pilot or person in command of the boat or vessel.

~~No person shall drive or cause to be driven any motor vehicle as defined in the Vehicle Code of the State of California on any beach; provided, however, that motor vehicles of The City of San Diego on official business and motor vehicles being operated for the purpose of launching or beaching a boat may be operated across areas designated as boat launching or beaching areas.~~

SEC. 63.20.10 ~~SAME -- FIRES, WASTE MATERIALS PROHIBITED, INTERFERENCES WITH BOATS PROHIBITED~~
REGULATIONS FOR USE OF BOAT LAUNCH AREAS

~~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 remain 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.~~

(a) Boat launch zones are intended exclusively for the purpose of the expeditious launching and retrieval of boats and vessels. It is unlawful for any person to remain in or to interfere with the lawful launching or retrieval of boats and vessels in boat launch zones. Legally registered vehicles, including trailers, used for launching or retrieving boats or vessels shall not be obstructed. Vehicles shall not be left unattended in a boat launch zone and shall not be parked for periods in excess of five (5) minutes.

(b) It is unlawful for any person to allow a vessel to be anchored, parked or left in a boat launch zone for any period in excess of fifteen (15) consecutive minutes and a total of (30) thirty minutes on any given day.

(c) Repeated beaching and launching which would tend to obstruct beaching or launching by others is prohibited. In enforcing this Section, 63.20.10, enforcement personnel shall consider the attendance level at the time of the violation and shall not issue a notice of violation until a verbal warning has been issued and there has been lack of compliance.

**SEC. 63.20.11 ~~SAME~~ CAMPING, SLEEPING OVERNIGHT
PROHIBITED ~~EXCEPTIONS~~**

Unless specifically authorized by license or lease from the City, ~~it shall be~~ it is 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 to remain overnight, or to erect, maintain, use, or occupy upon any public beach in this City any tent, lodge, shelter, or structure on any public beach in this City, unless the same the tent, lodge, shelter, or structure shall have has two sides thereof open and unless there shall be there is an unobstructed view into such lodge, structure, shelter or tent, of the interior from the outside on at least two sides thereof.

SEC. 63.20.12 ~~SAME~~ DOGS PROHIBITED

[No changes in text.]

SEC. 63.20.13 ~~SAME~~ --- **RULES TO BE FOLLOWED; --**
POSTING

It ~~shall be~~ is 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,~~ Director for the use of ~~said~~ the beach area, provided, however, that ~~said~~ the rules shall be conspicuously posted in ~~said~~ the beach area.

SEC. 63.20.14 ~~SAME~~ --- ~~PROVISIONS DO NOT APPLY TO~~
~~EMPLOYEES~~ EMPLOYEE EXCEPTIONS

[No changes in text.]

SEC. 63.20.15 **VESSEL SPEED**

It ~~shall be~~ is unlawful for the ~~owner, operator, or~~ any person in command of any vessel to use it or permit it to be used at a speed in excess of five (5) miles per hour within one thousand (1,000) feet of the mean high tide line of the Pacific Ocean adjacent to the shoreline on the City of San Diego, with the following exceptions:

(a) Vessels using a marked channel or boat launch area, designated by the City, the State, or the Federal Government, may travel at the speed designated for that area.

(b) Persons licensed by the State of California for commercial fishing may travel within one thousand (1,000) feet of shore at speeds in excess of five (5) miles per hour while actively engaged in commercial fishing, provided, however, said persons must use extraordinary

care to avoid injury to persons or property when operating a vessel at such speed in that area.

(c) Surfboards with sails attached, commonly known as sailboards, may exceed five (5) miles per hour while using areas designated for surfing, pursuant to the relevant sections of the San Diego Municipal Code.

(d) Employees of governmental agencies are exempt from this ~~section~~ Section, 63.20.15, while acting in the course of their official duties.

(e) This ~~section~~ Section, 63.20.15, shall not apply to Mission Bay or San Diego Bay.

SEC. 63.20.18 ~~SAME~~ --- FISHING SPEARS REGULATED

It ~~shall be~~ is unlawful for any person to carry a fishing spear gun in a cocked or armed position on any public swimming area or within fifty (50) feet of a swimmer in the water or in any area where swimmers are present. All spears, barbs, prongs, and similar implements shall be sheathed, covered, or removed. A spear gun or similar instrument shall be deemed cocked or armed unless it shall be in a harmless condition and incapable of projecting spears, barbs, or prongs.

SEC. 63.20.19 ~~SAME~~ --- WEAPONS, FIREARMS PROHIBITED

It ~~shall be~~ is 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 OR RENTAL OF MERCHANDISE, GOODS, PROPERTY, ETC. PROHIBITED; -- EXCEPTIONS

It shall be is unlawful for any person, firm or corporation to attempt to carry on or to carry on any commercial operation, or to rent or sell merchandise of any kind, or to beach or moor any vessel for the purpose of displaying it for rental or sale, on any beach or waters adjacent thereto or in any beach area, as defined in Section 63.20, including Mission Bay Park, unless licensed or otherwise specifically permitted to do so by the Park and Recreation Department Director. This is specifically intended to include a commercial operation which involves delivering merchandise, a rental item, or a service to a beach area whether or not a financial transaction takes place within the beach area. Lessees and others who carry on a commercial operation under the terms of a formal agreement with the City are exempt from this section. Commercial fishers are permitted to use beach areas provided that their activity does not interfere with recreation.

If advertising of any kind, other than incidental advertising permanently affixed to the side of a vehicle, is displayed in the beach area, it shall constitute prima facie evidence that the actions of the person or persons, firm or corporation responsible for introducing said advertising within the beach area violate this section.

Persons convicted of this offense shall be punished by the following minimum fines:

First offense -- \$50.00

Second offense -- \$300.00

Third and future offenses -- \$700.00

SEC. 63.20.21 ~~SAME~~ — TAMPERING WITH BOATS OR
OTHER PROPERTY PROHIBITED

It shall be is unlawful for any unauthorized person to mar, destroy, or move any boat or public or private property on any beach or waters adjacent thereto ~~en~~ or in Mission Bay Park.

SEC. 63.20.22 ~~SAME~~ — ABANDONING BOATS AND
OTHER PROPERTY PROHIBITED,
MOORING AND ANCHORAGE REGULATED

~~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.~~

(a) Except as otherwise permitted by this Code and except as may be permitted by the Director, it is unlawful:

(1) To allow vessels, boats, vehicles, or trailers to remain unattended in any beach area, including the waters thereof and Mission Bay Park.

(2) To moor or anchor any vessel, or for the owner thereof to allow it to be moored or anchored, whether occupied or unoccupied, between the hours of ten (10:00) o'clock p.m. and seven (7:00) o'clock a.m. in any area of Mission Bay Park.

(b) Any vessel, boat, vehicle or trailer left in violation of Section 63.20.22(a) may be removed by the Director without notice and any cost of removal and storage of said property may be recovered by The City of San Diego from the owner or any other person responsible for a violation of this Section, 63.20.22. Nothing herein shall prevent impounding of a vessel as may be authorized by the California Harbors and Navigation Code or by this Code.

(c) Upon impounding a boat or vessel under the authority of Subsection 63.20.22(b), the Director shall, within ten (10) days of the impounding, send a registered letter to the owner of record advising of the impounding and what actions the owner may take to reclaim the property. If inadequate identifying information is available on the impounded property, no notification is required. If the owner of the property fails to appear within ninety (90) days of the impounding of the property and pay all fees, the property shall be subject to removal, destruction, sale, or other disposal by the Director at the expense of the owner or owners and without any liability for any damage to any property of the owner or owners.

(d) Any sunken or abandoned vessels, boats, water craft, rafts, wharves, buildings, or other obstructions found upon any beach area, including the waters thereof and Mission Bay Park, shall may 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 Director at the expense of the owner or owners and without any liability for any damage to any property of the said owner or owners.

SEC. 63.20.23 ~~SAME~~ MISSION BAY PARK DEFINED JUMPING INTO PACIFIC OCEAN OR MISSION BAY

~~That for the purpose 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.~~

It is unlawful to jump or dive or attempt to jump or dive into the Pacific Ocean or Mission Bay from either a natural or human-made point connected to land which is greater than five (5) feet above the mean level of the sea or water at the time of the jump or dive or attempted jump or dive. Upon the first conviction, a violator of this Section, 63.20.23, shall be guilty of an infraction. Upon any subsequent conviction the violator shall be guilty of a misdemeanor. Persons convicted of this offense shall be punished by the following minimum fines:

First offense -- \$50.00

Second offense -- \$150.00

Third and future offenses -- \$300.00

SEC. 63.20.24 FLOATS PROHIBITED IN LA JOLLA COVE

Except for the purpose of effecting a rescue, it is unlawful for any person to introduce into or upon the waters of La Jolla Cove any floating object, such as a body board, foam object, ball, life preserver or other similar device, which is used or could be used to assist in the floatation of a person. This Section, 63.20.24, does not prohibit scuba divers from using wetsuits, swim fins or inflatable devices.

**SEC. 63.25 MISSION BAY REGULATIONS --
POWER TO DESIGNATE 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 Director or by the individual or individuals that whom he or she 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 here, 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 and phrases:~~

~~(a) "Vessel" and "Craft" include ships and boats 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.~~

"Commercial Vessel" includes any vessel which is licensed as a commercial vessel, 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, during the calendar year in which the use or event occurred as above described; provided, however that the Director or designee may change such classification if the Director has good cause to believe that the vessel is to be used in the future for purely recreational purposes.

~~(d) "Designated Anchorage Areas" are includes the areas more particularly described in Sections 63.25.14 and 63.25.15 or establishment established 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.~~

"Float" includes wharf, pier, quay, or landing.

~~(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.~~

"Mission Bay Park" includes all waters of Mission Bay

together with channels of ingress and egress and all beaches and City-owned land fronting on said waters. Mission Bay and the waters of Mission Bay for purposes of Chapter VI, Article 3, are defined to be all water areas within the limits of Mission Bay Park.

"Mooring" includes 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 its regular equipment.

"Personal Watercraft" means a motorboat, as defined in the California Harbors and Navigation Code, powered by a jet drive, which is under thirteen (13) feet in length, designed by the manufacturer to be capable of speeds in excess of fifteen (15) miles per hour, and designed to be operated by a person sitting, standing, or kneeling on, or being towed behind, the device, rather than the conventional manner of sitting or standing inside the vessel.

"Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water.

SEC. 63.25.2 ~~SAME~~ — AUTHORITY TO PARK AND RECREATION DIRECTOR DEPARTMENT; HARBORMASTER DESIGNATED

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 Chapter VI, Article 3.~~ The person in charge of the Lifeguard Services Division of the Park and Recreation Department is hereby designated as the Mission Bay Harbormaster.

SEC. 63.25.3 ~~SAME~~ POWER AND AUTHORITY OF PARK AND RECREATION DIRECTOR

[No change in text.]

SEC. 63.25.4 ~~MISSION BAY REGULATIONS~~ SPEED OF WATERCRAFT VESSEL SPEED

(a) ~~No person shall~~ It is unlawful to operate a boat, vessel or other watercraft upon Mission Bay at a speed greater than ~~is reasonable or prudent, having due regard to other vessels, property and persons on said Mission Bay, and in no event at a speed which endangers the safety of persons or property; provided, however, that no person shall operate a boat, vessel, or other watercraft upon Mission Bay at a speed grater than five~~ (5) nautical miles per hour between sunset and sunrise.

(b) In order to assure greater safety for all citizens using the Mission Bay recreational facilities, the ~~City Council~~ Director may, ~~by resolution,~~ establish prima facie speed limits for any area or areas of Mission Bay and, ~~when~~ by posting such limits ~~are posted~~ in or at the entrances to such areas. When areas are so posted, the speed limits they shall be as fully effective as if specified herein.

(c) The ~~prima facie~~ speed limit shall be five (5) nautical miles per hour in the following areas:

~~(1-)~~ Within one-hundred (100) feet of ~~a beach frequented by bathers~~ the shoreline of Mission Bay; provided, however, that this subsection, 63.25.4(c), shall not apply in water areas ~~where swimming is prohibited by ordinance or regulation and is so posted~~ designated for a single, special use including areas designated for the exclusive use of personal watercraft, water skiing, a special event or areas designated for water ski take-off and landing.

~~(2-)~~ Within one-hundred (100) feet of ~~a boat, canoe, another vessel,~~ a swimming flat or platform, or a lifeline.

~~(3-)~~ Under bridges.

(d) The speed of any vessel in excess of the limits specified in the preceding subsection, 63.25.4(c), or limits established and posted pursuant to the preceding ~~subparagraph~~ subsection, 63.25.4(b), is ~~prima facie~~ unlawful and a violation of this ~~subsection~~ Section, 63.25.4, unless the ~~defendant~~ operator establishes by competent evidence that any speed in excess of said limits did not constitute a violation of the basic speed rule declared in subsection (a) hereof, the California Code of Regulations, Title 14, Section 6615 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,~~
but not the speed limits, 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 ~~MISSION BAY REGULATIONS --- RECKLESS OR DRUNKEN~~
DRIVING JUMPING FROM BRIDGES, SWIMMING IN
CHANNEL, OBSTRUCTING NAVIGATION

~~No person shall drive or operate a boat, vessel,~~
~~or other watercraft on Mission Bay while under the~~
~~influences of intoxicating liquor or in so reckless a~~
~~manner as to indicate either a willful or wanton~~
~~disregard for the safety of persons or property.~~

Within the limits of Mission Bay Park, it is
unlawful for any person to:

(a) Jump or dive from any bridge, or cause another
person to jump or dive from any bridge, or to climb upon
or under any bridge except in places specifically
designated for pedestrian traffic; or dive or swim in the
waters under or within seventy-five (75) feet of any
bridge;

(b) Fish by hand line, rod or spear from any
bridge, within any marked water ski landing or take-off
area, or within any marked swimming area;

(c) Swim, dive or play in the Mission Bay ocean
channel, the turning basin 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 or in any

water ski take-off or landing area.

(d) Swim, dive or play in any waters not specifically designated for these activities in a manner which might tend to hinder the safe navigation of any vessel.

(e) Swim, dive or fish in any water area designated by the Park and Recreation Department for exclusive use of personal watercraft or water skiing, so long as the area is marked by signs, buoys or both signs and buoys.

~~SEC. 63.25.6 MISSION BAY REGULATIONS -- WATER SKIING~~

(a) No water skier, aquaplaner, or free-boarder, or other person being towed behind a vessel and the towing vessel therefor shall may operate within one hundred (100) feet of another boat, canoe, paddleboard, float, swimmer, fisherman person fishing, or the beach except when taking off or landing in prescribed areas posted by the City for this purpose.

(b) In prescribed areas prescribed for water skiing, all motor boats motorized vessels shall adhere strictly to a counterclockwise pattern regardless of the number of boats vessels in the area, and shall be subject to the control and supervision of the authorized representative of the City. The sounding of a siren shall be a warning for all motor boats to beach immediately.

~~(c) Operators of or observers in motor boats shall signal with one arm in the air when a person or other hazardous object is in the water adjacent to or in the~~

~~vicinity of their boat. Such person shall cut the motor completely when rescuing any person from the water into the boat.~~

(dc) ~~It shall be~~ is unlawful to park, anchor, or beach any vessel in a water ski landing area designated as such by the Park and Recreation Director for the operator of any vessel, with the exception of a vessel actively engaged in water skiing, to allow the vessel to enter within two hundred (200) feet of the shoreline of a designated water ski landing or take-off area.

(d) It is unlawful for any person to operate any vessel or device which tows a water skier and which is operated or controlled by the water skier.

SEC. 63.25.7 ~~MISSION BAY REGULATIONS~~ -- SIRENS AND MUFFLERS

(a) ~~No person shall~~ It is unlawful to sound or operate or cause to be sounded or operated a siren on a vessel within the limits of Mission Bay Park. This provision shall not apply to City-owned, operated, or commandeered vessels. This section, 63.25.7, shall not preclude vessels from being provided with sound-producing devices as required by the appropriate Coast Guard regulations.

(b) Except as provided in Section 63.25.11, every water-craft equipped with an internal combustion engine operated on Mission Bay shall at all times be equipped with an adequate muffler, in constant operation and properly maintained to prevent any excessive or unusual

noise, and no such muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

SEC. 63.25.11 ~~SAME~~ RACES

It ~~shall be~~ is 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 Mission Bay; and provided further that any such special permit of the ~~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) hours of any calendar day, the entire period of time for which such special permit is granted to fall between the hours of eight o'clock (8:00) a.m. and eight o'clock (8:00) p.m.

In addition to the aforementioned 10 day permit, the Director may issue a permit for unlimited hydroplane racing, provided such permit shall be for a period of time not exceeding four (4) additional days in any calendar year, and shall not exceed eight (8) hours of any calendar day, the entire period of time for which the permit is granted, to fall between eight o'clock (8:00)

a.m. and eight o'clock (8:00) p.m., and provided further that the racing ~~be and~~ is approved in all other respects by reviewing authorities. In the event the additional four (4) days are not used for unmuffled hydroplane racing, they may not be utilized for any other unmuffled boat racing activity. Such hydroplane racing shall take place only during the four-day period designated by the Director.

SEC. 63.25.12 ~~SAME~~ LAUNCHING AND REMOVAL OF VESSELS

It ~~shall be~~ is 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~~ except 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~~ is 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, BEACHING AND MOORING AREAS

~~(a) Anchorage area for recreational craft A-1, 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.~~

~~(b) Anchorage area for recreational craft A-2, more commonly known as Juanita Basin, located on the west side of Mission Bay, between El Carmel Point and Santa Clara Point.~~

~~(c) Anchorage area for recreational craft A-3, more commonly known as De Anza Cove, located at northeast corner of Mission Bay.~~

~~(d) Anchorage area for recreational craft A-4, more commonly known as Yacht Club Basin, located just north of Mission Bay Channel.~~

~~(e) Anchorage area for recreational craft and small commercial craft B-1, more commonly known as Quivira Basin, located north and east of the main Mission Bay Harbor entrance.~~

(a) The anchorage or mooring areas designated exclusively for recreational vessels are as follows:

(1) The area commonly know as San Juan Cove, located on the west side of Mission Bay, between Santa Clara Point and El Carmel Point.

(2) The area commonly known as Santa Barbara Cove, located on the west side of Mission Bay, between El Carmel Point and Gleason Point (also known as Bahia Point).

(3) The area commonly know as De Anza Cove, located at the northeast corner of Mission Bay north of De Anza Point.

(b) The anchorage or mooring area designated for recreational or small commercial vessels is in the area commonly known as Mariner's Basin, located on the southwest side of Mission Bay, just north of the Mission Bay ocean channel.

(c) The beaching areas designated exclusively for recreational vessels are the beaches adjacent to:

(1) The area commonly known as Santa Clara Cove, located on the northwest side of Mission Bay;

(2) The area commonly known as San Juan Cove, located on the west side of Mission Bay;

(3) The area commonly known as Santa Barbara Cove, located on the west side of Mission Bay;

(4) The area commonly known as Mariner's Basin, located on the southwest side of Mission Bay;

(5) The area commonly known as Sail Bay at the point that Fanuel Street ends at Sail Bay;

(6) The area commonly known as Riviera Shores at the point that Moorland Drive ends at Riviera Shores.

(d) Notwithstanding any other provisions of this Code, the Director has the authority to determine and establish rules and regulations specifying the size and type of vessels using the anchorage, beaching and mooring areas.

SEC. 63.25.17 ~~SAME~~ — ANCHORAGE AND MOORING LOCATION

~~It shall be is~~ 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~~ a designated area. 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~~ consider 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 and anchored in any part of any turning basin or channel unless ~~the same shall be~~ it is securely moored, both fore and aft. Every vessel moored or anchored in any part of Mission Bay outside of any turning basin or channel ~~the same~~ shall be moored or anchored to prevent ~~such vessel~~ it from swinging or drifting into any turning basin or channel ~~or any part thereof~~.

SEC. 63.25.18 ~~SAME~~ CHANGE OF MOORING

[No change in text.]

SEC. 63.25.19 ~~SAME~~ MAKING FAST A MOORED VESSEL

It ~~shall be~~ is 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~~ is 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~~ is 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~~ the owner to do so ~~shall be~~ is unlawful. The owner thereof shall immediately commence the removal of ~~said~~ the obstruction and prosecute the removal diligently to completion, and any failure to do so shall constitute an abandonment of ~~such~~ the vessel. Whenever the navigation of any navigable water within Mission Bay Park ~~shall be~~ is 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~~ shorter

~~space~~ period of time, the vessel or other obstruction shall ~~be~~ is subject to be removed, sold, or otherwise disposed of by ~~The City of San Diego~~ the City Manager at ~~its~~ his or her discretion without liability for any damages 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~~ the obstruction, in any court of competent jurisdiction.

SEC. 63.25.22 ~~SAME~~ — MOORING PERMIT REQUIRED

It shall ~~be~~ is unlawful to place, erect, or construct, or install moorings in ~~the designated anchorage areas~~ Mission Bay Park ~~before~~ without a permit shall ~~have been~~ issued by the ~~Park and Recreation~~ Director. Moorings must conform to the requirements and specifications set forth by the Director.

SEC. 63.25.24 ~~SAME~~ — CANCELLATION OR REVOCATION OF MOORING PERMIT

Any ~~Permit~~ mooring permit issued by the ~~Park and Recreation~~ Director shall provide ~~in effect~~ that ~~said~~ the permit may be canceled at any time by the ~~Park and Recreation~~ Director by giving five (5) days written notice by mail sent to the person to whom the permit was issued at the address listed on the permit; ~~occupant of said cancellation,~~ and upon ~~said~~ the permit being canceled, it shall ~~be~~ is the duty of the owner of ~~said~~

the mooring to immediately remove the same, and if he it.
If the owner should fail to collect or refuse to move the
same mooring within thirty ten (10) days, said mooring it
may be removed by the Park and Recreation Director and
the cost thereof shall be paid by at the expense of the
person to whom the permit was issued occupant of said
mooring place, and same the cost may be collected in any
court of competent jurisdiction. Any impounded mooring
not claimed by the owner within thirty (30) days becomes
the property of The City of San Diego. Said The permit
shall further provide in effect that the Park and
Recreation Director may at his has the discretion to
permit any vessel to use an unoccupied mooring on a
temporary basis; and ~~Said permit shall further provide~~
that any mooring not used by the owner for a period of
six (6) consecutive months out of every any twelve (12)
months becomes the property of the City ~~of San Diego~~ and
may be removed, used, rented, or sold by the Park and
Recreation Director with or without notice at his the
Director's option, and the Director may then cancel or
revoke the permit. ~~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 ~~the City of~~
~~San Diego~~ an initial permit fee payable upon issuance of
a permit, and thereafter shall pay ~~the City of San Diego~~

a yearly ~~inspection~~ fee to be paid on the first business day of ~~January~~ March of each year, to be effective for the following twelve month period. The permit shall specify that it is the responsibility of the recipient of the permit to pay the annual fee if the recipient wishes to renew the permit and the City shall not be required to send a reminder notice to that effect.

The mooring permit shall further provide that if the owner fails to renew on the annual date specified and is in arrears for a period of seven (7) days, the Director shall, unless extraordinary circumstances exist, impound the mooring and make the space available, using normal procedures, to any other person who qualifies for a permit. The owner of an impounded mooring who wishes to claim it shall be charged a fee for the removal and storage of the mooring. If the owner fails to claim the mooring within a thirty (30) day period, the title to that mooring shall pass to The City of San Diego.

The amount of the fees herein required shall be established by the City Manager upon the recommendation of the ~~Park and Recreation~~ Director.

SEC. 63.25.26 ~~SAME~~ --- UNUSED MOORINGS

The ~~Park and Recreation~~ Director may assign unused moorings to visiting vessels ~~.The moorage rental to be paid to the City for the use of such moorings used by visiting vessels shall be at a rate for a rental fee~~ established by the City Manager upon the recommendation of the ~~Park and Recreation~~ Director.

**SEC. 63.25.28 ~~SAME~~ --- ~~AGREEMENT WITH OWNER FOR PAYMENT~~
~~OF TAXES ON MOORED VESSELS~~**

Any applicant for a permit shall ~~agree with The City of San Diego~~ acknowledge 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~~ the applicant shall pay all taxes on ~~said~~ the vessel to The City of ~~San Diego~~ during the time that ~~said~~ the mooring shall be is 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 63.25.28 inclusive of this title and any permit shall be personally signed by the applicant.~~

(a) Owners of vessels using private moorings in Mission Bay Park must first obtain a permit from the Park and Recreation Department, shall be limited to the designated anchorage and mooring areas established by the City, and shall conform to the rules and specifications established for such areas.

(b) Permits for moorings will be issued to an individual person for a period of one year, on a renewable basis. Neither the permit nor the space for which the permit is granted is transferrable.

(c) Any permit issued under the terms of this Section shall be personally signed by the applicant, and shall contain the rules and specifications established by the Director.

(d) The fees for any services provided for in the rules and specifications shall be established by the City Manager upon the recommendation of the Director.

SEC. 63.25.30 ~~SAME~~ — 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.

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.~~

(a) It is unlawful for any vessel other than that described in the mooring permit to use any private mooring in Mission Bay; and the vessel must be owned, in whole or in part, by the person to whom the permit was issued.

(b) It is unlawful for any person, other than the Director, to give permission for any non-permitted vessel to use a private mooring.

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~~ Mission Bay Park as may be required by the public

interest, and ~~said~~ the City may rent or lease in whole or in part such floats, wharves, piers, and other harbor facilities to individuals, nonprofit associations, and such other organizations as it may determine. The City may further ~~by resolution~~ establish by resolution a schedule setting forth the charges for the use of said floats, wharves, piers, and other harbor facilities, which use shall be governed by the terms of the rental or lease agreement executed by the City, and any applicable provisions of this Code.

SEC. 63.25.45 ~~SAME~~ INFORMATION REQUIRED FOR BERTHING SPACE

[No changes in text.]

SEC. 63.25.47 ~~SAME~~ ~~CONSENT OF LESSEE REQUIRED FOR USE OF HARBOR FACILITIES~~

(a) ~~It shall be~~ is unlawful for any ~~master owner~~ or any person having charge of any vessel to make such vessel fast, whether directly or indirectly, ~~to the front of~~ any float, wharf, pier, or other harbor facility ~~in the designated anchorage areas~~ with the exception of those specifically designated for use by the general public, without the consent of the lessee, agent or person in charge of ~~any such~~ the float, wharf, pier, or harbor facility.

(b) It is unlawful for any owner or any person having charge of any vessel to permit it to remain fastened to any float, wharf, pier, or dock in Mission Bay Park, or to remain moored immediately in front

thereof, after the user or users of the vessel have finished loading or unloading at such float, wharf, pier, or dock, without obtaining the consent of the owner, agent or person in charge of the float, wharf, pier, or dock.

SEC. 63.25.50 ~~SAME~~ — HEAD AND STERN LINES, REQUIRED — CHAFING GEAR REQUIRED

[No changes in text.]

SEC. 63.25.51 ~~SAME~~ — EXPLOSIVE HANDLING EXPLOSIVES; — PERMIT REQUIRED

[No changes in text.]

SEC. 63.25.52 ~~SAME~~ — PETROLEUM PRODUCTS REGULATED

[No changes in text.]

SEC. 63.25.53 ~~SAME~~ — CONTAINERS FOR INFLAMMABLE PRODUCTS REGULATED

~~Empty~~ It is unlawful for any person to cause 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 or the shoreline, roadways, or parkways, adjoining the designated anchorage areas or any property in Mission Bay Park.

SEC. 63.25.54 ~~SAME~~ — DONKEY ENGINE; — SPARK ARRESTER REQUIRED

It ~~shall be~~ is unlawful for any person to use any donkey engine or other stream engine for any reason 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

[No changes in text.]

SEC. 63.25.56 ~~SAME~~ — OBSTRUCTION ~~OF USE OF~~ PUBLIC PIER OR FACILITY PROHIBITED

It ~~shall be~~ is 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 ; and it is~~ 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 SHORELINE PROHIBITED; — PENALTY

It ~~shall be~~ is unlawful to allow ~~vessels, boats, any~~ materials, including but not limited to garbage, refuse, timbers, or waste matter of any description, to remain upon the shorelines of ~~the designated anchorage areas~~ Mission Bay Park; ~~and any person violating this provision shall be guilty of a misdemeanor, and in addition thereto, the Park and Recreation and the~~ Director may remove same with or without notice, ~~at his option,~~ and any cost of ~~removing the same~~ removal may be recovered by

the City of ~~San Diego~~ against any person responsible therefor in any court of competent jurisdiction.

Violations of this provision is a misdemeanor.

SEC. 63.25.58 ~~SAME~~ --- CONSTRUCTION OF PRIVATE PIERS

~~No~~ It is unlawful for any person, firm, corporation, or association shall to 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 to be made, any filling to be made of any description in the designated anchorage areas Mission Bay Park., nor shall any dredging or excavating be done It is also unlawful for any person to dredge or excavate within said areas Mission Bay Park 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 have been approved by the City Manager, and a permit issued therefor.

SEC. 63.25.59 ~~SAME~~ --- PRIVATE PIERS OR WHARVES -- DEFECTIVE WHARVES CONDITION

~~When~~ If the Park and Recreation Director shall learns that any wharf, dock, or pier on Mission Bay is in such a defective or dangerous condition so that life or property is endangered thereby, the Park and Recreation Director shall immediately notify in writing the owner thereof, or his the agent, lessee, or any other person or persons having charge of the same, in writing, of the defective and dangerous condition thereof, requiring and

shall require such person or persons to immediately repair the same, or to ~~put up~~ erect fences or other barriers to prevent persons from using or going upon the same wharf, dock, or pier. If the ~~owner, lessee, or~~ other person or persons having charge of the wharves, docks, or piers ~~shall fails or neglects~~ to repair it or to ~~put up~~ erect 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~~ erect fences or other such barriers as he may be deemed necessary for the protection of the public, and charge the ~~cost and expense of the~~ same to such the owners, lessee, agent, person or persons having charge of such the wharf, dock, or pier, and ~~it shall be~~ It is unlawful for any person or persons ~~whatsoever~~ to interfere with or molest in any manner whatsoever with any fence or barrier which ~~may have been constructed erected for the purpose of~~ to preventing the use of the defective wharves, wharf, docks, or pier, s ~~aforsaid.~~

If any wharf, ~~or~~ any portion thereof, or any material on such wharf, ~~shall falls~~ into the waters of Mission Bay, it ~~shall be~~ is the duty of the owner, agent, or lessee of such the wharf to forthwith remove such material from the waters of said Mission Bay, and, if they ~~shall~~ fail to do so, the ~~Park and Recreation~~ Director may remove or cause the same material to be removed; and the cost of such the removal ~~by the Park and~~

~~Recreation Director shall be recovered~~ is recoverable
from the owner, agent, or lessee ~~of such wharf in a civil~~
~~action brought~~ by the City ~~of San Diego~~.

SEC. 63.25.61 ~~SAME~~ — DISCHARGE OF INFLAMMABLE MATERIAL

~~It shall be~~ is unlawful for any vessel to pump,
discharge, or dump into the waters of Mission Bay, oil,
spirits, gasoline, distillate, or any other 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~~
It is unlawful to discharge, deposit, or ~~shall~~ cause or
~~suffer~~ allow 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 any other carbonaceous material or substance.

**SEC. 63.25.67 ~~SAME~~ — ENTERING WATERCRAFT WITHOUT
PERMISSION OF OWNER**

~~No person shall~~ It is unlawful to enter or climb
into or upon any boat, vessel, yacht, or water craft
moored, tied, or anchored in Mission Bay, without the
consent of the owner or operator of said ~~boat~~ vessel.

SEC. 63.25.68 ~~SAME~~ — TAMPERING WITH MOORINGS PROHIBITED

~~No person shall~~ It is unlawful to tamper with, or
in any way ~~moolest~~ or interfere with the moorings or
anchorage of any boats, vessels, yachts, or other water
craft in Mission Bay.

**SEC. 63.25.71 LIVING ON BOARD WATERCRAFT VESSELS,
OVERNIGHT ANCHORAGE REGULATED**

(a) ~~No person shall~~ It is unlawful for any person
to remain overnight on board any watercraft or houseboat
vessel in Mission Bay Park unless the watercraft or
houseboat vessel has a functional, self-contained toilet
on board that does not discharge into the waters of the
Bay. No owner of any watercraft or houseboat shall It
is unlawful for any owner of any vessel to occupy it or
allow it to be occupied overnight in Mission Bay Park for
a period of more than ninety (90) days, whether
successive or cumulative, during any one calendar year.
A ~~watercraft or houseboat vessel~~ vessel is presumed to be
occupied overnight when there are one or more persons on
board after midnight. The lessees of land in Mission Bay
Park ~~lands of the City~~ are primarily responsible for the
enforcement of this subsection, 63.25.71(a), on the water
abutting their leased lands.

(b) ~~No owner of any watercraft or houseboat shall~~
It is unlawful for any owner or person in command of any
vessel to allow it to be occupied overnight in Mission
Bay Park while it is moored in the stream at any
anchorage or mooring areas, except that, in the area of
Quivira Basin, a watercraft or houseboat may remain for a
period not to exceed 72 hours. left anchored or moored
overnight upon the waters of Mission Bay unless the owner
or person in command has received permission from the
Director or, in the case of property within a leasehold,

from a lessee under the terms and conditions of the lease. In the area of Mariners Basin, a vessel may be permitted to remain moored or anchored for a period not to exceed seventy-two (72) hours during any seven (7) consecutive days, provided that the owner or person in command of such vessel has first received permission from the Director and provided that at least one person of eighteen years or older remains on board from dusk to dawn. Permission to moor or anchor in Mariners Basin will be partially based on capacity of the area.

(c) The Director may without notice remove any vessel, boat or trailer stored or left in violation of subsection 63.25.71(b), and the cost of removal and storage may be recovered by the City against any person responsible therefor through collection processes or proceedings in any court of competent jurisdiction and in any case prior to release of the impounded vessel to the registered owner or the authorized agent thereof.

**SEC. 63.25.72 REGULATION OF ~~HANG-GLIDERS~~ PARA-SAILS
AND SIMILAR DEVICES**

~~A.~~ (a) It ~~shall be~~ is unlawful for any person to use a hang glider, ~~ski-kite,~~ para-sail, ski-kite, or similar device which may be used to lift a person from the water or land in Mission Bay Park except by special permit issued by the ~~Park and Recreation~~ Director.

~~B.~~ (b) For purposes of this section, 63.25.72, the following definitions ~~shall~~ apply:

~~1.~~ "Hang glider" ~~shall~~ means any delta- wing kite used as an air foil to elevate a person by a tow

line.

"Para-sail" means any multi-vented sail used to elevate a person by a tow line.

~~2.~~ "Ski kite" shall means any kite used to elevate a person by a tow line.

~~3. "Para-sail" shall mean any multi-vented sail used to elevate a person by a tow line.~~

**SEC. 63.25.73 OVERNIGHT STORAGE OF VESSELS, BOATS,
AND TRAILERS PROHIBITED**

(a) ~~No person shall~~ It is unlawful to store or leave any vessel, boat, or trailer on the beach on the west, north, and east shoreline of Mission Bay Park between Santa Clara Point and the Ingraham Street Bridge between the hours of 10:00 p.m. to 7:00 a.m., except where permitted by the ~~Park and Recreation~~ Director at an authorized beach mooring bar or facility. This prohibition shall not apply between 10:00 p.m. Friday night through 7:00 a.m. Sunday morning, nor from 10:00 p.m. of the night preceding an official holiday of the ~~City of San Diego~~ through 7:00 a.m. on the day of the holiday.

(b) The ~~Park and Recreation~~ Director may without notice remove any vessel, boat, or trailer stored or left in violation of Section 63.25.73(a), and the cost of removal and storage may be recovered by the City against any person responsible therefor through collection processes or proceedings in any court of competent jurisdiction.

(c) Persons using vessels in designated beaching areas, established and posted as such by the City, must first obtain a permit from the Park and Recreation Department, and shall conform to the rules and specifications established for such areas by the Department.

(d) Permits for using designated beaching areas will be issued for a period of one (1) year, on a renewable basis, and are nontransferable. The permit shall provide that it may be canceled at any time by the Director by giving five (5) days written notice by mail to the person at the address registered on such permit; and upon said permit being canceled, it shall be the duty of the owner of the vessel to immediately remove it, and if the owner should fail to collect or refuse to remove the vessel within ten (10) days, it may be removed or impounded by the Director.

(e) The owner of every vessel having a permit to use a designated beaching area shall pay the City of San Diego an initial permit fee payable upon issuance, and a yearly fee thereafter, to be paid on the first business day of March each year. The fees specified herein shall be established by the City Manager upon the recommendation of the Director.

MKJ:mb
04/28/94
Pk. & Rec.
so-94-105

MAY 31 1994

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

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Arthur Lewis*, Deputy.

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

MAY 09 1994

MAY 31 1994

....., and on

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

(Seal)

By *Arthur Lewis*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
Number.....

0 - 18073

Adopted

MAY 31 1994

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

94 JUN 17 AM 10:13

SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
2ND FLOOR, CITY ADMIN BLDG
202 C. STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3, OF THE
SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS.....

ORDINANCE NUMBER 0-18073 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3, OF THE
SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS
63.15.1, 63.15.2, 63.15.3, 63.15.4, 63.15.5, 63.15.6, 63.15.7,
63.15.8, 63.15.9, 63.15.10, 63.15.11, 63.15.12, 63.15.13, 63.15.14,
63.15.15, 63.15.16, 63.15.17, 63.15.18, 63.15.19, 63.15.20,
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63.15.63, 63.15.64, 63.15.65, 63.15.66, 63.15.67, 63.15.68,
63.15.69, 63.15.70, 63.17, 63.17.1, 63.17.2, 63.17.3, 63.17.4,
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63.25.44, 63.25.46, 63.25.48, 63.25.49, 63.25.60, 63.25.63,
63.25.64, 63.25.65, 63.25.66, AND 63.25.69; BY AMENDING
SECTIONS 63.20, 63.20.1, 63.20.2, 63.20.3, 63.20.4, 63.20.5,
63.20.6 AND 63.20.7; BY RETITLING SECTION 63.20.8; BY
AMENDING SECTIONS 63.20.9, 63.20.10, 63.20.11, 63.20.13,
63.20.14, 63.20.15, 63.20.18, 63.20.19, 63.20.20, 63.20.21,
63.20.22 AND 63.20.23; BY ADDING SECTION 63.20.24; BY
AMENDING SECTIONS 63.25, 63.25.1, 63.25.2, 63.25.3, 63.25.4,
63.25.5, 63.25.6, 63.25.7, 63.25.11, 63.25.12, 63.25.13, 63.25.14
AND 63.25.17; BY RETITLING SECTION 63.25.18; BY AMEN-
DING SECTIONS 63.25.19, 63.25.20, 63.25.22, 63.25.24,
63.25.25, 63.25.26, 63.25.28, 63.25.29, 63.25.30, 63.25.31,
63.25.43, AND 63.25.47; BY RETITLING SECTIONS 63.25.50,
63.25.51, AND 63.25.52; AND BY AMENDING SECTIONS
63.25.53, 63.25.54, 63.25.55, 63.25.56, 63.25.57, 63.25.58,
63.25.59, 63.25.61, 63.25.62, 63.25.67, 63.25.68; 63.25.71,
63.25.72, AND 63.25.73; ALL RELATING TO MUNICIPAL REC-
REATION FACILITIES.

I, Corey Donahue, am a citizen of the United States and a resident of the
county aforesaid; I am over the age of eighteen years, and not a party to
or interested in the above-entitled matter. I am the principal clerk of the
San Diego Daily Transcript, a newspaper of general circulation, printed
and published daily, except Saturdays and Sundays, in the City of San
Diego, County of San Diego and which newspaper has been adjudged a
newspaper of general circulation by the Superior Court of the County of
San Diego, State of California, under the date of January 23, 1909,
Decree No. 14894; and the

ORDINANCE NUMBER 0-18073 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

JUNE 14
I certify under penalty of perjury that the foregoing is true and correct.
Dated at San Diego, California this 14th day of JUNE, 1994.

Corey Donahue
(Signature)

This due course ordinance amends Chapter VI, Article 3, of the San Die-
go Municipal Code to update those parts of the Municipal Code relative to
San Diego Bay, the oceanfront beach areas, and Mission Bay, and in order
to immediately provide for safer recreational uses of the affected areas.
A complete copy of the Ordinance is available for inspection in the Office
of the City Clerk of the City of San Diego, Second Floor, City Administration
Building, 202 C Street, San Diego, CA 92101.
INTRODUCED ON May 9, 1994
Passed and adopted by the Council of the City of San Diego on May 31,
1994.
AUTHENTICATED BY:
SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By ESTHER CERREZO, Deputy
Pub. June 14 296327

145.92
5 1/4" x 2 = \$ 145.92