

(O-96-153)
(CORRECTED COPY)

ORDINANCE NUMBER O- 18310 (NEW SERIES)

ADOPTED ON MAY 28 1996

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3,
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 63.20.23, RELATING TO JUMPING INTO
PACIFIC OCEAN OR MISSION BAY

WHEREAS, the Council of The City of San Diego is concerned that citizens, including many juveniles, have a continuing practice of jumping or diving from certain areas of the cliffs adjacent to the ocean and in certain instances such persons have been severely injured or killed; and

WHEREAS, two young men recently died as a result of injuries received when jumping from an area known as the "Clam" in the La Jolla area; and

WHEREAS, the City Council is determined to protect the safety and lives of young people and to ensure that parents are held accountable for their children's actions, NOW, THEREFORE,

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

Section 1. That Chapter VI, Article 3, of the San Diego Municipal Code be, and the same is hereby, amended by amending Section 63.20.23 to read as follows:

SEC. 63.20.23 Jumping into Pacific Ocean or Mission Bay

(a) For Purposes of Section 63.20.23:

"Juvenile" means any person under eighteen years of age.

"Parent" means a person who is the natural or adoptive parent of an unemancipated juvenile. Parent includes a court-appointed guardian or other person eighteen (18) years of age or older, authorized by the parent, by a court order, or by a court-appointed guardian to have the care and custody of the unemancipated juvenile.

"Peace Officer" includes any person so designated by the California Penal Code and any City lifeguard authorized to enforce state and local codes pursuant to Municipal Code Section 63.20.8.

(b) Offenses.

(1) It is unlawful for any person 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.

(2) It is unlawful for the parent of any juvenile to knowingly permit, or by insufficient control allow, the juvenile to be in violation of Section 63.20.23(b)(1).

(c) Enforcement Procedure.

(1) Upon any violation of this Section by a juvenile, a peace officer may issue a citation to the juvenile. If cited, the juvenile and a parent must appear in court as directed in the citation. The peace officer shall advise the parents that the juvenile was

cited for a violation of San Diego Municipal Code section 63.20.23 and shall warn the parents of their parental responsibility and liability. The peace officer shall make a written record of the warning.

(2) Upon any subsequent violation of Section 63.20.23(b)(1) by the juvenile, a parent who has been warned previously pursuant to Section 63.20.23(c)(1) is guilty of a misdemeanor and shall be required to appear in court.

(d) Penalties. Any juvenile who violates Section 63.20.23(b)(1) is guilty of an infraction. Any other person who violates Section 63.,20.23(b)(1) is guilty of a misdemeanor. In addition to any other penalty imposed by the court, any person convicted of violating this Section shall pay a fine of no less than \$100.00 or be required to perform public works service or community service, or both. The parents of juveniles who violate this Section are strictly liable for ensuring payment of the fines assessed.

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

APPROVED: JOHN W. WITT, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

HOV:PMD:ps:cdk
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