

ORDINANCE NUMBER O- 18518 (NEW SERIES)

ADOPTED ON MAY 26 1998

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 60, TITLED "TRESPASS ON ZOO GROUNDS," SECTIONS 52.6001 THROUGH 52.6007, RELATING TO TRESPASS ON PROPERTY OWNED, LEASED OR OPERATED BY THE ZOOLOGICAL SOCIETY OF SAN DIEGO.

WHEREAS, the Zoological Society of San Diego, hereinafter "Society," a California nonprofit corporation organized and existing under the Nonprofit Corporation Law of the State of California, has for more than seventy years maintained and operated zoological gardens, hereinafter "San Diego Zoo," in a 100-acre portion of Balboa Park; and

WHEREAS, the Society has since 1969 maintained and operated a 1,800-acre wildlife preserve, hereinafter "Wild Animal Park," in the San Pasqual Valley, where visitors can view herds of exotic animals as they might occur in their native homelands of Africa or Asia; and

WHEREAS, the San Diego Zoo's animal collection, the largest in North America, contains 4,238 specimens representing 816 species and subspecies, including 1,607 mammals of 214 species and subspecies, of which 56 are endangered; 1,762 birds of 428 species and subspecies, of which 16 are endangered; and 869 reptiles and amphibians representing 174 species and subspecies, of which 6 are endangered; and

WHEREAS, the San Diego Zoo is an officially recognized botanical garden and has special collections of more than 6,500 different species; and

WHEREAS, the Wild Animal Park's animal collection contains 3,002 specimens of 374

species and subspecies, including 1,658 mammals of 122 species, of which 38 are endangered; 1,327 birds of 243 species and subspecies, of which 11 are endangered; and 17 reptiles of 9 species and subspecies; and

WHEREAS, the Wild Animal Park's botanical collection includes some 4,000 plant species, of which more than 260 are endangered; and

WHEREAS, the Society is dedicated to promoting the understanding, appreciation and conservation of all plants and animals, and each year some five million individuals visit the San Diego Zoo and the San Diego Wild Animal Park to enjoy the beauty, rarity, and diversity of its collections; and

WHEREAS, title to all the animals and plants, and their progeny and product, as well as all exhibits and personal property located in the San Diego Zoo, is vested in the City of San Diego; and

WHEREAS, through agreement with the City of San Diego the Society possesses, maintains and cares for the animals and plants, and their progeny and product, as well as all exhibits and personal property located in the San Diego Zoo; and

WHEREAS, over the last several years there has been an increasing incidence of trespass on the grounds of the San Diego Zoo and the Wild Animal Park while the properties are closed to the public; and

WHEREAS, both the San Diego Zoo and the Wild Animal Park maintain dangerous animals in accessible enclosures, which trespassers may enter intentionally or inadvertently, particularly in the dark of night; and

WHEREAS, over the last several years numerous trespassers have scaled one or more of

the many fences, or attempted to enter buildings, on the property of the San Diego Zoo and the Wild Animal Park, which may bring these intruders into contact with life-threatening carnivores, primates, large hoof stock, or reptiles; and

WHEREAS, trespassers may damage or injure one or more of the many animals or plants, including those that are endangered or in need of special care; and

WHEREAS, the Wild Animal Park contains a high-voltage monorail, which contact with could cause serious injury or death; and,

WHEREAS, existing state and local laws dealing with criminal trespass do not serve as adequate enforcement tools for law enforcement in its attempts to prevent trespass onto the property of the San Diego Zoo and the Wild Animal Park, and that these laws do not sufficiently address the special safety concerns set forth above; NOW, THEREFORE,

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

Section 1. That Chapter 5, Article 2, of the San Diego Municipal Code is amended by adding Division 60, titled "TRESPASS ON ZOO GROUNDS," and Sections 52.6001 through 52.6007, to read as follows:

SEC. 52.6001 Declaration of Purpose

The Council for the City of San Diego finds and declares that:

(a) The San Diego Zoo's animal collection contains 4,238 specimens representing 816 species and subspecies, including 1,607 mammals of 214 species and subspecies, of which 56 are endangered; 1,762 birds of 428 species and subspecies, of which 16 are endangered; and 869 reptiles and amphibians representing 174 species and subspecies, of which 6 are endangered.

(b) The Wild Animal Park's animal collection contains 3,002 specimens of 374 species and subspecies, including 1,658 mammals of 122 species, of which 38 are endangered; 1,327 birds of 243 species and subspecies, of which 11 are endangered; and 17 reptiles of 9 species and subspecies.

(c) The San Diego Zoo is an officially recognized botanical garden and has special collections of more than 6,500 different species, and the Wild Animal Park's botanical collection includes some 4,000 plant species, of which more than 260 are endangered.

(d) Title to all the animals and plants, and their progeny and product, as well as all exhibits and personal property located in the San Diego Zoo, is vested in the City of San Diego.

(e) Over the last several years there has been an increasing incidence of trespass on the grounds of the San Diego Zoo and the Wild Animal Park when the properties are closed to the public.

(f) Trespassers may climb over one or more of the many fences, or attempt to enter buildings, on the property of the San Diego Zoo and the Wild Animal Park, bringing these intruders into contact with life-threatening carnivores, primates, large hoof stock or reptiles.

(g) Trespassers may damage or injure one or more of the many animals or plants, including those that are endangered and in need of special care.

(h) The reasonable restrictions found in this Division on access to the San Diego Zoo and the Wild Animal Park during non-business hours will serve to protect the animals and plants maintained on these properties, as well as any trespasser, and will not

unduly restrict legitimate visitors from enjoying entertainment and educational opportunities provided by the San Diego Zoo and the Wild Animal Park.

SEC. 52.6002 Definitions

The first letter of each word or phrase defined in this division is capitalized.

Except as otherwise provided, for purposes of this division:

“Hours of Operation” means the period of time on any given day during which either San Diego Zoo or the Wild Animal Park is open to the public.

“Person” has the same meaning as in Municipal Code section 11.0210.

“San Diego Zoo” means that portion of the property, located within Balboa Park, that is maintained and operated as the San Diego Zoo by the Zoological Society of San Diego, and that is within a periphery composed of entry and exit gates, walls, fences, borders or other natural or artificial structures, that a reasonable person would know or should know to be lines of demarcation of the San Diego Zoo grounds. It does not include Zoo Drive or that portion of the property between Zoo Drive and Park Boulevard used as an automobile parking lot.

“Wild Animal Park” means that portion of the property, located in the San Pasqual Valley, that is maintained and operated as the Wild Animal Park by the Zoological Society of San Diego, and that is within a periphery composed of entry and exit gates, walls, fences, borders or other natural or artificial structures, that a reasonable person would know or should know to be lines of demarcation of the Wild Animal Park grounds.

SEC. 52.6003 Trespass on San Diego Zoo Grounds

Except as provided in Section 52.6005:

(a) It is unlawful for any Person to gain or attempt to gain admittance to the San Diego Zoo during its Hours of Operation by any means other than through the entrance gates used for access by the public, and upon presentation of a valid ticket, voucher, membership card, or pass.

(b) It is unlawful for any Person to enter or attempt to enter the San Diego Zoo at any time other than during its Hours of Operation.

(c) It is unlawful for any Person to remain in the San Diego Zoo after its Hours of Operation.

(d) It is unlawful for any Person to enter or attempt to enter any area within the San Diego Zoo not open to the public.

SEC. 52.6004. Trespass on the Wild Animal Park Grounds

Except as provided in Section 56.6005:

(a) It is unlawful for any Person to gain or attempt to gain admittance to the Wild Animal Park during its Hours of Operation by any means other than through the entrance gates used for access by the public, and upon presentation of a valid ticket, voucher, membership card, or pass.

(b) It is unlawful for any Person to enter or attempt to enter the Wild Animal Park at any time other than during its Hours of Operation.

(c) It is unlawful for any Person to remain in the Wild Animal Park after its Hours of Operation.

(d) It is unlawful for any Person to enter or attempt to enter any area within the

Wild Animal Park not open to the public.

SEC. 52.6005 Exceptions

Sections 52.6003 and 52.6004 do not apply to the following Persons:

(a) Any employees, agents or officers of the Zoological Society of San Diego acting within the scope of his or her employment.

(b) Any employee of the City of San Diego who is acting within the scope of his or her employment.

(c) Any Person attending a private party, function, or event, upon the grounds of the San Diego Zoo or Wild Animal Park, authorized by the Zoological Society of San Diego, the San Diego Zoo, or the Wild Animal Park.

(d) Any Person to whom the Zoological Society of San Diego has given written authorization to enter or remain in the San Diego Zoo or Wild Animal Park for a specific purpose.

SEC. 52.6006 Enforcement Authority

The Chief of Police, or any other Director authorized by the City Manager, is authorized to administer and enforce the provisions of this Division. The Chief of Police may exercise any enforcement powers as provided in Division 1, Article 2 of Chapter I of this Code.

SEC. 53.6007 Enforcement Remedies

Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201. The Chief of Police may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal

Code Section 12.0202 or pursue any administrative remedy provided in Chapter I of this Code.

Section 2. This ordinance shall take effect on the thirtieth day after its passage.

APPROVED: CASEY GWINN, City Attorney

By Michael T. Smyth
Michael T. Smyth
Deputy City Attorney

MTS:jp
04/28/98
Or.Dept:NR&C
O-98-126

CERTIFICATE OF PUBLICATION

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SAN DIEGO, CALIF.

Erlinda Soriano
City of San Diego
202 C Street
M.S. 2A
San Diego, CA 92101

IN THE MATTER OF

NO.

O-18518

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This ordinance makes it unlawful to trespass on the grounds of the San Diego Zoo or the San Diego Wild Animal Park, by either remaining on the premises after closing time, or by entering the premises at any time by any means other than through the main entrance gates with the appropriate ticket or pass, unless specifically authorized by management of the Zoo or Wild Animal Park. The effective date of this ordinance shall be thirty days after adoption of this ordinance.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101. Introduced on May 11, 1998. Passed and adopted by the Council of the City of San Diego on May 26, 1998.

AUTHENTICATED BY:
SUSAN GOLDING
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By: Mary A. Cepeda, Deputy (Ordinance)
Pub. June 9-e109994

I, Sylvia Serrano, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not 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

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 9

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 9 day of

June, 1998

S. Serrano
(Signature)

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