

ORDINANCE NUMBER O- 19284 (New Series)

ADOPTED ON MAY 24 2004

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3,  
SECTION 63.20.5 OF THE SAN DIEGO MUNICIPAL CODE  
RELATING TO FIRES, WASTE, AND REFUSE AT  
DESIGNATED AREAS AND PUBLIC BEACHES

WHEREAS, fires at public beaches in the late evening hours create an attractive nuisance so that crimes may be committed, including, but not limited to, alcohol consumption by minors, public intoxication, littering, fighting, and other related violations of the law; and

WHEREAS, the presence of household furniture at designated beach areas causes many health and safety problems, including attracting large unruly crowds, burning of furniture left behind, hazards to persons walking on the designated areas, particularly at night, and blocking access to the beach by police, fire, lifeguard and medical personnel; and

WHEREAS, the presence of barriers created by rope, cord, barrier tape, or any other materials or devices at designated beach areas causes many health and safety problems, including having persons fight and argue over their right to cordon off an area, preventing other persons from using the area which was cordoned off, creating large unruly crowds, creating litter, creating an area for consumption of alcoholic beverages by minors, creating hazards to persons walking on the designated areas, particularly at night, blocking access to the beach by police, fire, and medical personnel, and depriving people of the right to free access to designated beach areas;

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WHEREAS, police and other public resources are diverted to handle calls related to problems caused by the fires at public beaches in the late evening hours, household furniture used at designated areas, and barriers erected at designated beach areas;

WHEREAS, the City Council of the City of San Diego finds and declares that the purpose of the ordinance is:

- (1) To protect the public, health, safety, and general welfare; and
- (2) To reduce the amount of police and public resources diverted to deal with problems associated with late night firearms use, household furniture and barriers located at beach areas;

NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 3, Section 63.20.5 of the San Diego Municipal Code is hereby amended to read as follows:

§ 63.20.5 Waste, Refuse, Fires

(a) and (f) [no change in text.]

(g) It is unlawful for any person to use a City-provided fire container between the hours of 12:00 a.m. and 5:00 a.m. The City Manager may issue a permit to allow a fire in a City-provided fire container between the hours of 12:00 a.m. and 5:00 a.m.

(h) It is unlawful for any person to possess any *household furniture* at any *designated public area*. "*Household furniture*" means items such as, but not limited to, dining tables, coffee tables, chairs, lamps, sofas, couches, recliners, and other similar items ordinarily

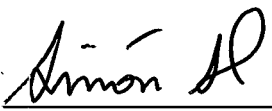
intended and made for use in the interior of a home. A *designated public area* means the areas described in section 56.71(b). Each piece of *household furniture* possessed shall constitute a separate and punishable violation of section 63.20.5(h). Section 63.20.5(h) does not apply to a *special event* or *commercial special event* for which a *special event permit* has been issued pursuant to section 22.4004.

- (i) It is unlawful for any person to block off, fence, or erect any barrier at any *designated public area* with any rope, cord, barrier tape, or any other material or device. A *designated public area* means the areas described in section 56.71(b). Section 63.20.5(1) does not apply to a *special event* or *commercial special event* for which a *special event permit* has been issued pursuant to section 22.4004. Section 63.20.5(1) does not apply to an open sided tent or pop-up style shade device intended for outdoor use provided the said tent or device is open on at least two sides and is attended at all times. The open area of the tent or device must be equal to at least one-half (50%) of the overall size of the tent or device. Section 63.20.5(i) does not apply when an area is blocked off, fenced off, or had a barrier or marking erected for the purpose of identifying or preventing access to any hazard or construction site, or to any barrier erected by any government entity, department, or agency.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By   
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Simon Silva  
Deputy City Attorney

SS:jrp  
04/14/04  
05/11/04 (REV.)  
Or.Dept: Police  
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