

ORDINANCE NUMBER O- 19605 (NEW SERIES)

DATE OF FINAL PASSAGE APR 19 2007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 6, ARTICLE 3, DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 63.20.5 TITLED WASTE, REFUSE, FIRES TO CLARIFY REGULATIONS PERTAINING TO BEACH FIRES.

WHEREAS, the regulations pertaining to beach fires contained in Section 63.20.5 of the San Diego Municipal Code [SDMC] were intended to prohibit fires except as built in portable barbeque devices and City-provided fire containers, which are concrete and installed permanently at beaches where fires are permitted; and

WHEREAS, the current language in Section 63.20.5 of the SDMC states that "It is unlawful for any person to build, maintain, use, or be within ten (10) feet of a fire on any beach that is not in a City-provided fire container," and that "It is permissible to build a fire on a public beach in a portable barbeque container or other similar device...;" and

WHEREAS, said language in Section 63.20.5 does not define what a "City-provided fire container" or "other similar" device is for the purposes of the SDMC; and

WHEREAS, the City of San Diego finds it necessary for the health, safety and welfare of the public to better refine the fire regulations pertaining to beach fires and assist the public in complying with the law; and

WHEREAS, the City Fire Chief has reviewed the subject ordinance and has determined that there will be no additional Fire Department resources over and above that already necessary for the prevention and putting out of fires; and

WHEREAS, the signs installed at public beaches should also reference the applicable SDMC regulations pertaining to beach fires to better inform the public about how to comply with the regulations; NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 3, Division 00 of the San Diego Municipal Code is amended by amending Section 63.20.5, to read as follows:

§63.20.5 Waste, Refuse, Fires

- (a) No change in text.
- (b) No change in text.
- (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. City-provided fire containers are concrete and pre-installed at certain beach locations where fires are allowed. Fires are prohibited on beaches where there is no City-provided fire container(s).
- (d) Fires may be built in City-provided fire containers only using fire materials limited to charcoal, clean wood, or paper products, none of which contain landscape debris, paint, stain, sealer, wood preservative, cloth, rubber, metal (including nails and other hardware), 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.

- (e) Notwithstanding subsection 63.20.5(c), it is permissible to build a fire on a public beach in a portable barbecue device using fuel material authorized in subsection 63.20.5(d). Coals from any portable barbecue 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.
- (f) No change in text from former section (d).
- (g) No change in text from former section (e).
- (h) 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 City-provided 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.
- (i) It is unlawful for any person to use a City-provided fire container or a portable barbecue device 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.
- (j) No change in text from former section (h).

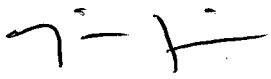
(k) No change in text from former section (i).

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

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Nina M. Fain
Deputy City Attorney

NMF:mm
03/07/07
Or.Dept: Council District 6
O-2007-108
MMS#4506

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 10 2007.

ELIZABETH S. MALAND
City Clerk

By Jana Richardson
Deputy City Clerk

Approved: 4.19.07
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor