

ORDINANCE NUMBER O- 19961 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 21 2010

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3, DIVISION 0 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 63.20.5, RELATING TO WASTE, REFUSE, AND FIRES IN BEACH AREAS.

WHEREAS, San Diego Municipal Code [Code] sections 63.20.5(j) and (k), relating to the prohibition of household furniture and barriers at all *designated public areas*, reference the definition of "*designated public areas*" contained in section 56.71 as "[a]ll beaches on the Pacific Ocean and adjacent parks and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines Park; and all land areas of Mission Bay Park, including Fanuel Street Park, Sail Bay, Crown Point, Bayside Walk, Ocean Beach Athletic Area (Robb Field), Dusty Rhodes Park, including parking lots, Santa Clara Point, and Bob McEvoy Youth Fields (Mission Bay Youth Fields)"; and

WHEREAS, sections 56.70, 56.71 and 56.72 relate to the prohibition of kegs containing alcoholic beverages at any "*designated public area*" on the Fourth of July; and

WHEREAS, on November 4, 2008, the voters of the City of San Diego passed Proposition D, which amended San Diego Municipal Code section 56.54 to make consumption of alcohol unlawful 24 hours a day at all City beaches, Mission Bay Park, and all coastal parks; and

WHEREAS, the passage of Proposition D requires a repeal of sections 56.70, 56.71 and 56.72 as unnecessary; and

WHEREAS, it is therefore necessary to add the definition of “*designated public area*” to section 63.20.5; NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 3, Division 0, 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) through (i) [No change in text.]

(j) 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. Each piece of *household furniture* possessed shall constitute a separate and punishable violation of section 63.20.5(j).

Section 63.20.5(j) 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. For the purposes of sections 63.20.5(j) and 63.20.5(k), a *designated public area* includes the following areas:

- (1) All beaches on the Pacific Ocean and adjacent parks and perimeter sidewalks between the southern boundary of Sunset Cliffs Natural Park and the southern boundary of Torrey Pines Park; and
- (2) All land areas of Mission Bay Park, including Fanuel Street Park, Sail Bay, Crown Point, Bayside Walk, Ocean Beach Athletic Area (Robb Field), Dusty Rhodes Park, Santa Clara Point, and Bob

McEvoy Youth Fields (Mission Bay Youth Fields), including all parking lots.

- (k) 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. Section 63.20.5(k) 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(k) 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(k) 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 passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

KAD:mm:js
SMT:cw
07/07/09
02/25/10
Or. Dept: Park & Rec.
O-2010-79
MMS#9426
Companion: O-2010-80

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 15 2010.

ELIZABETH S. MALAND
City Clerk

By Paul Richard
Deputy City Clerk

Approved: 6-21-10
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor