

ORDINANCE NUMBER O- 20058 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 26 2011

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 63.0102 AND 63.0103, ALL RELATED TO PUBLIC PARKS, PLAYGROUNDS, BEACHES, TIDELANDS AND OTHER PROPERTY.

WHEREAS, the San Diego Charter and the San Diego Municipal Code provide that the City Manager shall have control over the City's parks, plazas, and beaches; and

WHEREAS, the San Diego Municipal Code provides the City Manager with the authority to issue permits for the use of the parks, plazas, and beaches; and

WHEREAS, the current practice of the City Manager, through the Park and Recreation Director, is to issue permits for the use of the parks, plazas, and beaches based on the availability of space; and

WHEREAS, the City Council desires to amend the San Diego Municipal Code to conform the San Diego Municipal Code to the current practice; NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 3, Division 1 of the San Diego Municipal Code is amended by amending sections 63.0102 and 63.0103 to read as follows:

**§63.0102 Use of Public Parks and Beaches Regulated**

- (a) [No change in text.]
- (b) It is unlawful for any person within any public park or plaza or public beach or beach areas within the City of San Diego to do any of the acts enumerated in Section 63.0102(b).
  - (1) through (12) [No change in text.]

(13) Sale of Merchandise.

(A) Except for those sales that are protected by the First Amendment, it is unlawful to sell or offer for sale any goods, wares, merchandise, article, or thing whatsoever without the written consent of the City Manager.

(B) Those sales that are protected by the First Amendment must conform to the City Manager's regulations.

(14) through (28) [No change in text.]

**§63.0103 City Manager Permit Procedure**

Whenever doing any of the acts specified in this Article is conditioned upon obtaining a permit, permission, or consent from the City Manager, the following procedure shall be followed:

(a) An application for a permit shall be filed not less than ten (10) days before the date on which the proposed activity or event is to be conducted; however, the City Manager may consider any permit which is filed less than ten (10) days before the proposed activity is to take place;

(b) through (c) [No change in text.]

(d) The City Manager shall issue the permit if the activity will not conflict or interfere with any other event previously scheduled or interfere with the public's general use of the park, plaza, beach, or beach area;

(e) through (g) [No change in text.]

(h) The City Manager shall notify the applicant in person or by mail of his or her action granting or denying the application or alternative application.

The City Manager, in denying an application, may authorize the gathering

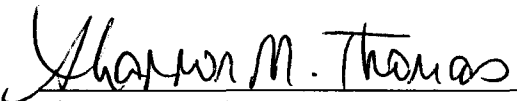
at such other date, time, or location as will not conflict or interfere with previously scheduled events, or the public's general use of the park, plaza, beach, or beach area. If the applicant wishes to accept the proposed alternate date, time, or location, he or she shall, within two (2) days of receiving the City Manager's notification, file a notice of acceptance with the City Manager. The City Manager shall thereupon issue a permit.

- (i) Any parade proposed to be conducted in or through any park shall be subject to Chapter 2, Article 2, Division 40, of this Code.
- (j) The City Manager may make such other regulations as may be reasonably necessary for the enforcement of Section 63.0103.

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  
Deputy City Attorney

ST:als  
04/12/11  
Or.Dept:Park & Rec.  
PL#2011-05549

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 24 2011.

ELIZABETH S. MALAND  
City Clerk

By Carmina J. Trujano  
Deputy City Clerk

Approved: 5-26-11  
(date)

JSL  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor