

1/10/2023 #65

(O-2023-91)  
COR. COPY

ORDINANCE NUMBER O- 21606 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 13 2023

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 11, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 511.0307; AMENDING CHAPTER 6, ARTICLE 3, DIVISION 00 BY AMENDING SECTIONS 63.20, 63.20.1, 63.20.2, 63.20.3, 63.20.5, 63.20.6, 63.20.7, 63.20.8, 63.20.9, 63.20.12, 63.20.13, 63.20.14, 63.20.20, AND 63.20.22, AND BY AMENDING CHAPTER 6, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 63.0102 RELATING TO BEACH FIRES.

WHEREAS, the San Diego Municipal Code (Municipal Code) addresses fires in *beach areas* and in public parks; and

WHEREAS, the amendments to the Municipal Code will clarify rules about building permissible fires in beach areas and in public parks so that regulations regarding fires in those areas are clear and consistent; and

WHEREAS, the amendments will also improve enforcement efforts and address safety concerns due to hot coals; and

WHEREAS, air quality will be improved from the elimination of fires built in portable wood-fueled devices; and

WHEREAS, the amendments will also reflect that the words "Park and Recreation" will state "Parks and Recreation" in accordance with Municipal Code section 22.1801(b); and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That Chapter 5, Article 11, Division 3 of the San Diego Municipal Code is amended by amending section 511.0307, to read as follows:

**§511.0307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces**

- (a) Local Amendment. Section 307.4.1, Bonfires, is amended to read as follows:

A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

Exceptions:

- (1) Fires in *beach areas* shall be in accordance with San Diego Municipal Code sections 63.20.5(c), (d), (e), (f), (h), and (i).

*Beach area* has the same meaning as in San Diego Municipal Code section 63.20(b).

- (2) [No change in text.]

Section 2. That Chapter 6, Article 3, Division 00 of the San Diego Municipal Code is amended by amending sections 63.20, 63.20.1, 63.20.2, 63.20.3, 63.20.5, 63.20.6, 63.20.7, 63.20.8, 63.20.9, 63.20.12, 63.20.13, 63.20.14, 63.20.20, AND 63.20.22, to read as follows:

**§63.20 Beach Areas — Authority and Control**

- (a) [No change in text.]
- (b) For purposes of section 63.20 through section 63.20.28 and section 63.0102, the term *beach area* means any beach or land (with waters immediately abutting or adjacent) under the jurisdiction and control

of the Parks and Recreation Department, as set forth in paragraph (a) of this section. For example, the *beach area* includes the area between the boardwalk or private property to the water, but not areas controlled by private entities through ownership or agreement. The *beach area* does not include parks, which are separately regulated in Chapter 6, Article 3, Divisions 00 and 1 of this Code.

- (c) [No change in text.]
- (d) Throughout this Article, the term *City-provided fire ring* means a container made of concrete and pre-installed in certain *beach areas*.

**§63.20.1 Authority to Enforce Provisions**

It is the duty of the Parks and Recreation Director, as the City Manager's designee, to enforce the provisions of these sections. Designated employees of the Parks and Recreation Department are charged with the duty of maintaining peace, order, and safety in *beach areas* and are empowered to assist the police officers of the City of San Diego in the enforcement of the provisions of these sections, including the power to make arrests for the violation of these provisions.

Whenever a power is granted to, or a duty is imposed upon, the Director, the power may be exercised, or the duty may be performed by the Parks and Recreation Director, or any person the Director may designate for the enforcement of these regulations.

**§63.20.2 Water Activity Zones Established**

- (a) It is the intent and purpose of the Council in enacting Section, 63.20.2, to regulate recreational water activities such as swimming, board surfing, and boat launching in and upon the waters and lands of all *beach areas*.
- (b) There are established, in and upon the waters and beaches under the jurisdiction and control of the Parks and Recreation Department, six activity zones. Unless otherwise defined and with the exception of Closed Zones, all activity zones shall extend 1,000 feet seaward from the mean high tide line. Boat Launch Zones shall also include the adjacent *beach area*. The six activity zones are as follows:

SWIMMING ZONE

BOARD SURFING ZONE

CONTROL ZONE

NO BOARD SURFING ZONE

CLOSED ZONE

BOAT LAUNCH ZONE

The boundaries of each zone are designated from time to time by resolution of the Council of the City of San Diego. These boundaries notwithstanding, City of San Diego lifeguards may, due to weather, crowd conditions, special events, or other factors, alter the boundaries on any given day; and persons shall be notified of any change by signs, signals, verbal warnings, or other means. A checkered flag may be posted on the boundary line between two activity zones and when so posted shall

constitute due notification of the boundary whether it is the regular boundary fixed by resolution of the Council or a temporary change in the boundary made by lifeguards. Nothing in this Section, 63.20.2, empowers lifeguards to permanently change existing boundaries.

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

**§63.20.3 Warning Signals**

(a) It is unlawful for any person to bathe, swim, surfboard ride, row, canoe, or operate a sailboat or power boat or similar device in, on, or upon water when warning signals have been placed on or upon that water or the adjacent *beach area* except for the purpose of making a rescue.

(b) [No change in text.]

**§63.20.5 Waste, Refuse, Fires**

(a) It is unlawful for any person to leave, discard, deposit, or throw away any glass container, tin can, waste food, papers, or any refuse or rubbish upon any *beach area* in the City of San Diego. All waste materials shall be deposited in trash cans or receptacles provided for that purpose.

(b) It is unlawful for any person to move, rummage through, turn over, remove, deface, or knock down any trash can or receptacle placed in any *beach area* by the City.

(c) It is unlawful for any person to build, maintain, use, or be within ten feet of a fire in any *beach area* that is not in a *City-provided fire ring* or contained within a portable propane-fueled device, unless approved in writing by the City Manager.

- (d) Fires may be built in *City-provided fire rings* using fire materials limited to charcoal, clean wood, or paper products, none of which contains 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 inches above the upper edge of the *City-provided fire ring* and must be wholly contained within the inside edge of the *City-provided fire ring*.
- (e) It is permissible to use a portable propane-fueled device in *beach areas* consistent with Municipal Code section 63.20.5(c). Permissible devices are limited to liquefied-petroleum LP (including propane) gas fueled devices having LP gas containers. Other fuel materials are not permitted in portable devices.
- (f) It is unlawful to use a *City-provided fire ring* for purposes of disposal or for any purpose other than building of fires for cooking, warmth, or for the deposit of coals.
- (g) [No change in text.]
- (h) It is unlawful for any person who has built, maintained, used, or been within ten feet of a fire in a *beach area* 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 rings*. All

unused fire material must be removed from the *beach area* and the adjacent public areas of the beach or park. All refuse or rubbish adjacent to the *City-provided fire ring* must be removed from the *beach area* 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 ring* or a portable propane-fueled device in any *beach area* between the hours of 12:00 a.m. and 5:00 a.m. However, the City Manager may issue a permit to allow a fire in a *City-provided fire ring* between the hours of 12:00 a.m. and 5:00 a.m.

- (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) [No change in text.]
- (2) All land areas of Mission Bay Park, including Fiesta Island, 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) [No change in text.]

**§63.20.6 Certain Lifeguards Designated Harbor Police**

(a) [No change in text.]

(b) Those lifeguards designated as Boating Safety Unit members, who enforce laws of the State of California and the City of San Diego which pertain to boating, are designated as Harbor Police; are declared to be regularly employed and paid as such; and are authorized and empowered to act as Harbor Police while on duty in the *beach area*.

(c) [No change in text.]

**§63.20.7 Driving Vehicles On Beach Prohibited; Exceptions; Speed Limit On Beach**

(a) Except as permitted by the Director and except as specifically permitted on Fiesta Island in Mission Bay, no person may drive or cause to be driven any motor vehicle as defined in the California Vehicle Code on any beach, or any adjacent sidewalk or turf; provided, however, that motor vehicles which are being actively used for the launching or beaching of a boat may be operated across a *beach area* designated as a boat launch zone.

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

**§63.20.8 Lifeguards Authorized to Enforce State and Local Codes — Arrests and Citations**

(a) [No change in text.]



- (b) Lifeguards of the City of San Diego are authorized, empowered, and given the duty to enforce provisions of the San Diego Municipal Code and misdemeanors designated in the State Codes; to make arrests without a warrant whenever any such lifeguard has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the lifeguard's presence; and while engaged in the performance of their duties, to arrest persons and issue citations for violations of all Codes under the provisions of Municipal Code section 836.5 and 853.6 of the Penal Code of the State of California when violations occur in City of San Diego *beach areas*.

**§63.20.9 Boat Beaching Areas and Boat Launching Zones, Beaching Prohibited Elsewhere**

The Director may designate any *beach area* or portion thereof as an area which may be used for the purpose of beaching or launching boats, and may establish and collect fees for the use of such boat beaching or launching areas, subject to the approval of the City Council. Such provisions shall be effective when signs are posted in such areas giving notice of such designation and fees.

No boat or vessel, excepting inflatable boats which are not propelled by machinery, may be launched or retrieved from any *beach area* in the City except in a designated boat beaching area or boat launching zone. Boats or vessels in distress are exempted from the foregoing provided there is a verifiable emergency immediately threatening persons or property and provided the boat or vessel can reach the shore without further threatening the safety of other persons or property. The burden of proof that an emergency exists or existed rests with the owner and pilot or person in command of the boat or vessel.

**§63.20.12 Dogs Prohibited**

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

(d) Legally licensed dogs shall be allowed to go unleashed in Fiesta Island in Mission Bay Park or to the *beach area* at the west end of San Diego River Floodway, also known as the Ocean Beach Flood Control Channel, which areas are more specifically shown outlined in red on that map on file with the Office of the City Clerk of the City of San Diego as Document No. 740061.

(e) [No change in text.]

**§63.20.13 Rules to be Followed; Posting**

It is unlawful for any person, firm or corporation within the limits of any *beach areas* of the City of San Diego to do any act or acts contrary to the rules established by the Director for the use of the *beach area*, provided, however, that the rules shall be conspicuously posted in the *beach area*.

**§63.20.14 Employee Exceptions**

Nothing in these Sections shall be construed to prevent any employee of the Parks and Recreation Department from doing anything that in the opinion of the City Manager or of the Parks and Recreation Director may be thought necessary and proper for the maintenance, improvement, or betterment of any *beach area*, and further that nothing herein contained shall be construed to prevent any employee or agent of the City of San Diego from doing anything that in the opinion of the City Council may be thought necessary or proper for the best interests of the City of San Diego.

**§63.20.20 Sale or Rental of Merchandise, Goods, Property, Etc. Prohibited; Exceptions**

It is unlawful for any person, firm, or corporation to attempt to carry on or to carry on any commercial operation, to rent or sell merchandise of any kind, or to beach or moor any vessel for the purpose of displaying it for rental or sale, in any *beach area*, as defined in Municipal Code section 63.20, including Mission Bay Park, unless licensed or otherwise specifically permitted to do so by the Director.

This is specifically intended to include a commercial operation which involves delivering merchandise, a rental item, or a service to a *beach area* whether or not a financial transaction takes place within the *beach area*. Lessees and others who carry on a commercial operation under the terms of a formal agreement with the City are exempt from this section. Commercial fishers are permitted to use *beach areas* provided that their activity does not interfere with recreation.

If advertising of any kind, other than incidental advertising permanently affixed to the side of a vehicle, is displayed in the *beach area*, it shall constitute prima facie evidence that the actions of the person, firm, or corporation responsible for introducing the advertising within the *beach area* violate this section.

Persons convicted of this offense shall be punished by the following minimum fines:

First Offense— \$50.00

Second Offense— \$300.00

Third and future offenses— \$700.00

**§63.20.22 Abandoning Boats and Other Property Prohibited, Mooring and Anchorage Regulated**

- (a) Except as otherwise permitted by this Code and except as may be permitted by the Director, it is unlawful:
- (1) To allow vessels, boats, vehicles, or trailers to remain unattended in any *beach area*, including the adjacent waters and Mission Bay Park.
  - (2) [No change in text.]
  - (3) To moor or anchor any vessel, or for the owner of a vessel to allow that vessel to be moored or anchored, and leave that vessel unoccupied for more than two hours in Zuniga Jetty Shoals. For purposes of section 63.20.22, Zuniga Jetty Shoals means the area within the following Global Positioning System coordinates:  
  
32°41'00" N/ 117°13'25' W  
  
32°41'09" N/ 117°11'38' W  
  
32°40'00" N/ 117°11'38' W  
  
32°40'00" N/ 117°13'25' W
- (b) through (c) [No change in text.]
- (d) Any sunken or abandoned vessels, rafts, wharves, buildings, or other obstructions found upon any *beach area* within the City of San Diego, including the adjacent waters and Mission Bay Park, may be removed, destroyed, sold, or otherwise disposed of by the Director at the expense of the owner and without any liability to the City for any damage to any property of the owner.

(e) [No change in text.]

Section 3. That Chapter 6, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 63.0102, 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 (10) [No change in text.]

(11) Fires. It is unlawful to kindle or allow to be kindled any fire, bonfire, Tiki Torch, or any device set on fire for entertainment purposes, or to throw upon the ground a lighted match, lighted cigar or cigarette, or anything that would be liable to set fire to any grass, tree, shrub, building, or other property; provided, however, that nothing in Municipal Code section 63.0102(b)(11) prohibits persons from kindling fires in *City-provided fire rings* or portable propane-fueled devices as permitted in Municipal Code section 63.20.5(c).

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

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

Section 4. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from  
and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Catherine C. Morrison  
Catherine C. Morrison  
Deputy City Attorney

CCM:jvg  
October 17, 2022  
December 8, 2022 COR. COPY  
Or.Dept: Council District 1  
Doc. No.: 3156675

I hereby certify that the foregoing Ordinance was passed by the Council of the City of  
San Diego, at this meeting of JAN 10 2023.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 1/13/23  
(date)

[Signature]  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

## STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 11, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 511.0307; AMENDING CHAPTER 6, ARTICLE 3, DIVISION 00 BY AMENDING SECTIONS 63.20, 63.20.1, 63.20.2, 63.20.3, 63.20.5, 63.20.6, 63.20.7, 63.20.8, 63.20.9, 63.20.12, 63.20.13, 63.20.14, 63.20.20, AND 63.20.22, AND BY AMENDING CHAPTER 6, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 63.0102 RELATING TO BEACH FIRES.

### Article 11: Fire Protection and Prevention

#### Division 3: General Precautions Against Fire

#### §511.0307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces

- (a) ~~Local Amendment~~ Local Amendment. Section 307.4.1, Bonfires, is amended to read as follows:

A bonfire shall not be conducted within 50 feet (~~15-240 mm~~) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (~~15-240 mm~~) of a structure shall be eliminated prior to ignition.

Exceptions:

- (1) Fires ~~upon~~ in *beach areas* shall be in accordance with San Diego Municipal Code sections 63.20.5(c), ~~and (d), (e), (f), (h), and (i).~~

*Beach area* has the same meaning as in San Diego Municipal Code section 63.20(b).

(2) [No change in text.]

**Article 3: Public Parks, Playgrounds, Beaches, Tidelands and Other Property**

**Division 00:**

**§63.20 Beach Areas — Authority and Control**

(a) [No change in text.]

(b) ~~Throughout this Division, the term “beach area”~~ For purposes of section 63.20 through section 63.20.28 and section 63.0102, the term *beach area* means any beach or land and the (with waters immediately abutting or adjacent thereto) under the jurisdiction and control of the Parks and Recreation Department, as set forth in paragraph (a) of this section. For example, the *beach area* includes the area between the boardwalk or private property to the water, but not areas controlled by private entities through ownership or agreement. The *beach area* does not include parks, which are separately regulated in Chapter 6, Article 3, Division 00 and 1 of this Code.

(c) [No change in text.]

(d) Throughout this Article, the term *City-provided fire ring* means a container made of concrete and pre-installed in certain *beach areas*.

**§63.20.1 Authority to Enforce Provisions**

It is the duty of the Parks and Recreation Director, as the City Manager's designee, to enforce the provisions of these sections, ~~and a~~ All Designated employees of the Parks and Recreation Department are charged with the duty of maintaining peace, order, and safety in ~~beach areas~~ *beach areas* and are



empowered to assist the police officers of ~~The~~ City of San Diego in the enforcement of the provisions of these sections, including the power to make arrests for the violation ~~hereof~~ of these provisions.

Whenever a power is granted to, or a duty is imposed upon, the Director, the power may be exercised, or the duty may be performed by the Parks and Recreation Director, or any person the Director may designate for the enforcement of these regulations.

**§63.20.2 Water Activity Zones Established**

- (a) It is the intent and purpose of the Council ~~of The City~~ in enacting this Section, 63.20.2, to regulate recreational water activities such as swimming, board surfing, and boat launching in and upon the waters and lands of all ~~beach areas~~ beach areas.
- (b) There are ~~hereby~~ established, in and upon the waters and beaches under the jurisdiction and control of the Parks and Recreation Department, six ~~(6)~~ activity zones. Unless otherwise defined and with the exception of Closed Zones, all activity zones shall extend ~~one thousand (1,000)~~ feet seaward from the mean high tide line. Boat Launch Zones shall also include the adjacent ~~beach area~~ beach area. The six activity zones are as follows:

SWIMMING ZONE

BOARD SURFING ZONE

CONTROL ZONE

NO BOARD SURFING ZONE

CLOSED ZONE

BOAT LAUNCH ZONE

The boundaries of each zone are designated from time to time by resolution of the Council of the City of San Diego. These boundaries notwithstanding, City of San Diego lifeguards may, due to weather, crowd conditions, special events, or other factors, alter the boundaries on any given day; and persons shall be notified of any change by signs, signals, verbal warnings, or other means. A checkered flag may be posted on the boundary line between two activity zones and when so posted shall constitute due notification of ~~said~~ the boundary whether it is the regular boundary fixed by resolution of the Council or a temporary change in the boundary made by lifeguards. Nothing in this Section, 63.20.2, empowers lifeguards to permanently change existing boundaries.

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

**§63.20.3 Warning Signals**

(a) It is unlawful for any person to bathe, swim, surfboard ride, row, canoe, or operate a sailboat or power boat or similar device in, on, or upon water when warning signals have been placed on or upon that water or the adjacent ~~beach area~~ beach area except for the purpose of making a rescue.

(b) [No change in text.]

**§63.20.5 Waste, Refuse, Fires**

(a) It is unlawful for any person to leave, discard, deposit, or throw away any glass container, tin can, waste food, papers, or any refuse or rubbish upon

any ~~beach area~~ beach area in the City of San Diego. All waste materials shall be deposited in trash cans or receptacles provided for that purpose.

- (b) It is unlawful for any person to move, rummage through, turn over, remove, deface, or knock down any trash can or receptacle placed in any ~~beach area~~ beach area by the City.
- (c) It is unlawful for any person to build, maintain, use, or be within ten (10) feet of a fire ~~on~~ in any public beach beach area 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)~~ City-provided fire ring or contained within a portable propane-fueled device, unless approved in writing by the City Manager.
- (d) Fires may be built in ~~City-provided fire containers~~ City-provided fire rings ~~only~~ using fire materials limited to charcoal, clean wood, or paper products, none of which contains 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~~ City-provided fire ring and must be wholly contained within the inside edge of the ~~fire container~~ City-provided fire ring.

- (e) ~~Notwithstanding subsection 63.20.5(c), it is permissible to build a fire on a public beach in use~~ a portable ~~barbecue propane-fueled~~ device using fuel material authorized in subsection 63.20.5(d). Coals from any portable barbecue or similar 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 in beach areas consistent with Municipal Code section 63.20.5(c). Permissible devices are limited to liquefied-petroleum LP (including propane) gas fueled devices having LP gas containers. Other fuel materials are not permitted in portable devices.
- (f) It is unlawful to use a City provided fire container City-provided fire ring for purposes of disposal or for any purpose other than the building of fires for cooking, or warmth, or for the deposit of coals.
- (g) [No change in text.]
- (h) It is unlawful for any person who has built, maintained, used, or been within ten (10) feet of a fire ~~on in the a beach~~ beach area 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~~ City-provided fire rings. All unused fire material must be removed from the beach beach area and the adjacent public areas of the beach or park. All refuse or rubbish adjacent to the ~~fire container~~ City-provided fire ring must be removed from the beach beach area 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~~ City-provided fire ring or a portable ~~barbeque-propane-fueled~~ device ~~on~~ in any ~~public beach~~ beach area between the hours of 12:00 a.m. and 5:00 a.m. However, ~~The~~ City Manager may issue a permit to allow a fire in a ~~City-provided fire container~~ City-provided fire ring between the hours of 12:00 a.m. and 5:00 a.m.

- (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) [No change in text.]
- (2) All land areas of Mission Bay Park, including Fiesta Island, 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) [No change in text.]

**§63.20.6 Certain Lifeguards Designated Harbor Police**

(a) [No change in text.]

(b) Those lifeguards designated as Boating Safety Unit members, who enforce laws of ~~T~~the State of California and ~~T~~the City of San Diego which pertain to boating, are designated as Harbor Police; are declared to be regularly employed and paid as such; and are authorized and empowered to act as Harbor Police while on duty in the ~~beach area~~ beach area.

(c) [No change in text.]

**§63.20.7 Driving Vehicles On Beach Prohibited; Exceptions; Speed Limit On Beach**

(a) Except as permitted by the Director and except as specifically permitted on Fiesta Island in Mission Bay, no person may drive or cause to be driven any motor vehicle as defined in the California Vehicle Code on any beach, or any adjacent sidewalk or turf adjacent thereto; provided, however, that motor vehicles which are being actively used for the launching or beaching of a boat may be operated across a ~~beach area~~ beach area designated as a boat launch zone.

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

**§63.20.8 Lifeguards Authorized to Enforce State and Local Codes — Arrests and Citations**

(a) [No change in text.]

- (b) ~~That all~~ lifeguards of the City of San Diego, ~~be, and they are hereby~~ authorized, empowered, and given the duty to enforce provisions of the San Diego Municipal Code and misdemeanors designated in the State Codes; to make arrests without a warrant whenever any such lifeguard has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the lifeguard's presence; and while engaged in the performance of their duties, to arrest persons and issue citations for violations of ~~said all~~ Codes under the provisions of Municipal Code Sections 836.5 and 853.6 of the Penal Code of the State of California when violations occur in City of San Diego ~~beach areas~~ beach areas.

**§63.20.9 Boat Beaching Areas and Boat Launching Zones, Beaching Prohibited Elsewhere**

The Director may designate any ~~beach area~~ beach area or portion thereof as an area which may be used for the purpose of beaching or launching boats, and may establish and collect fees for the use of such boat beaching or launching areas, subject to the approval of the City Council. Such provisions shall be effective when signs are posted in such areas giving notice of such designation and fees. No boat or vessel, excepting inflatable boats which are not propelled by machinery, may be launched or retrieved from any ~~beach area~~ beach area in the City except in a designated boat beaching area or boat launching zone. Boats or vessels in distress are exempted from the foregoing provided there is a verifiable emergency immediately threatening persons or property and provided the boat or vessel can reach the shore without further threatening the safety of other persons

or property. The burden of proof that an emergency exists or existed rests with the owner and pilot or person in command of the boat or vessel.

**§63.20.12 Dogs Prohibited**

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

(d) Legally licensed dogs shall be allowed to go unleashed in Fiesta Island in Mission Bay Park or to the ~~beach area~~ beach area at the west end of San Diego River Floodway, also known as the Ocean Beach Flood Control Channel, which areas are more specifically shown outlined in red on that map on file with the Office of the City Clerk of ~~T~~he City of San Diego as Document No. 740061.

(e) [No change in text.]

**§63.20.13 Rules to be Followed; Posting**

It is unlawful for any person, firm or corporation within the limits of any ~~beach areas~~ beach areas of ~~T~~he City of San Diego to do any act or acts contrary to the rules established by the Director for the use of the ~~beach area~~ beach area, provided, however, that the rules shall be conspicuously posted in the ~~beach area~~ beach area.

**§63.20.14 Employee Exceptions**

Nothing in these Sections shall be construed to prevent any employee of the Parks and Recreation Department from doing anything that in the opinion of the City Manager or of the Parks and Recreation Director may be thought necessary and proper for the maintenance, improvement, or betterment of ~~said any beach area~~ beach area, and further that nothing herein contained shall be construed to



prevent any employee or agent of ~~The~~ City of San Diego from doing anything that in the opinion of ~~The~~ City Council may be thought necessary or proper for the best interests of ~~The~~ City of San Diego.

**§63.20.20 Sale or Rental of Merchandise, Goods, Property, Etc. Prohibited; Exceptions**

It is unlawful for any person, firm, or corporation to attempt to carry on or to carry on any commercial operation, to rent or sell merchandise of any kind, or to beach or moor any vessel for the purpose of displaying it for rental or sale, in any ~~beach area~~ beach area, as defined in Municipal Code Section 63.20, including Mission Bay Park, unless licensed or otherwise specifically permitted to do so by the Director. This is specifically intended to include a commercial operation which involves delivering merchandise, a rental item, or a service to a ~~beach area~~ beach area whether or not a financial transaction takes place within the ~~beach area~~ beach area. Lessees and others who carry on a commercial operation under the terms of a formal agreement with the City are exempt from this section.

Commercial fishers are permitted to use ~~beach areas~~ beach areas provided that their activity does not interfere with recreation.

If advertising of any kind, other than incidental advertising permanently affixed to the side of a vehicle, is displayed in the ~~beach area~~ beach area, it shall constitute prima facie evidence that the actions of the person ~~or persons~~, firm, or corporation responsible for introducing ~~said the~~ advertising within the ~~beach area~~ beach area violate this section.

Persons convicted of this offense shall be punished by the following minimum fines:

First Offense— \$50.00

Second Offense— \$300.00

Third and future offenses— \$700.00

**§63.20.22     Abandoning Boats and Other Property Prohibited, Mooring and Anchorage Regulated**

- (a) Except as otherwise permitted by this Code and except as may be permitted by the Director, it is unlawful:
- (1) To allow vessels, boats, vehicles, or trailers to remain unattended in any ~~beach area~~ beach area, including the adjacent waters thereof and Mission Bay Park.
  - (2) [No change in text.]
  - (3) To moor or anchor any vessel, or for the owner of a vessel to allow that vessel to be moored or anchored, and leave that vessel unoccupied for more than two hours in Zuniga Jetty Shoals. For purposes of section 63.20.22, Zuniga Jetty Shoals means the area within the following Global Positioning System coordinates:  

32°41'00" N/ 117°13'25' W

32°41'09" N/ 117°11'38' W

32°40'00" N/ 117°11'38' W

32°40'00" N/ 117°13'25' W
- (b) through (c) [No change in text.]
- (d) Any sunken or abandoned vessels, rafts, wharves, buildings, or other obstructions found upon any ~~beach area~~ beach area within the City of San Diego, including the adjacent waters thereof and Mission Bay Park,

may be removed, destroyed, sold, or otherwise disposed of by the Director at the expense of the owner and without any liability to the City for any damage to any property of the owner.

- (e) [No change in text.]

**Article 3: Public Parks, Playgrounds, Beaches, Tidelands and other Property**

**Division 1: Use of Park Areas**

**§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~~ beach areas within the City of San Diego to do any of the acts enumerated in Section 63.0102(b).

- (1) through (10) [No change in text.]

- (11) Fires. It is unlawful to kindle or allow to be kindled any fire, or bonfire, Tiki Torch, or any device set on fire for entertainment purposes, or to throw upon the ground a lighted match, lighted cigar or cigarette, or anything that would be liable to set fire to any grass, tree, shrub, building, or other property; provided, however, that nothing in Municipal Code section 63.0102(b)(11) prohibits persons from kindling fires in ~~stoves, ovens, or similar facilities provided by the Park and Recreation Department~~ City-provided fire rings or portable propane-fueled devices as permitted in Municipal Code section 63.20.5(c).

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

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

CCM:jvg  
September 7, 2022  
December 8, 2022 COR. COPY  
Or.Dept: Council District 1  
Doc. No.: 3156676

Passed by the Council of The City of San Diego on JAN 10 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 13 2023.

AUTHENTICATED BY:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 13 2022

and on

JAN 13 2023

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21606