

#51
01/28/2025

(O-2025-68)

ORDINANCE NUMBER O- **21915** (NEW SERIES)

DATE OF FINAL PASSAGE JAN 30 2025

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3, DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 63.20.20, RELATING TO THE SALE OR RENTAL OF VESSELS IN BEACH AREAS, INCLUDING MISSION BAY PARK.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. San Diego Municipal Code (Municipal Code) Chapter 6, Article 3, Division 00, section 63.20.20 currently makes it unlawful for any person 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 specifically permitted to do so by the City of San Diego (City).

B. Since 2020, the San Diego Police Department's (SDPD) Harbor Unit and San Diego Fire Rescue Department's Lifeguard Division Boating Safety Unit (BSU) have increased law enforcement and public safety efforts by issuing citations for illegal vessel rentals, executing vessel impounds, and engaging in public outreach and education in the beach area.

C. Despite SDPD's and BSU's efforts, illegal rental of vessels continues.

D. Violations of Municipal Code section 63.20.20 may be prosecuted as misdemeanors under Municipal Code section 12.0201.

E. Municipal Code section 63.20.20 currently penalizes violators with a tiered fine structure.

F. In its ongoing efforts to decrease violations and mitigate serious injury risks in the beach area, the City desires to amend Municipal Code section 63.20.20 to clarify its purpose and

intent, to provide law enforcement and the public with a clear description of the types of prohibited activities related to the rental or sale of vessels in the beach area, to require persons who are permitted by the City to engage in the rental or sale of any vessel to indemnify the City against any claims by third parties, and to increase the penalties for violations of Municipal Code section 63.20.20.

G. The Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate.

ACTION ITEMS

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

Section 1. That Chapter 6, Article 3, Division 00 of the San Diego Municipal Code is amended by amending section 63.20.20, to read as follows:

§63.20.20 Sale or Rental of Vessels in Beach Areas

- (a) It is unlawful for any *person* to solicit the rental or sale of any vessel, attempt to engage in the rental or sale of any vessel, or to engage in the rental or sale of any vessel, in any *beach area*, as defined in Municipal Code section 63.20, including Mission Bay Park, unless specifically authorized to do so by the City Manager.
- (b) Commercial fishers are permitted to use *beach areas* provided that their activity does not interfere with recreational activities in the *beach area*.
- (c) 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 evidence that the actions of the *person* responsible for introducing the advertising within the *beach area* violate this section.

(d) *Persons* who operate under a contract or permit with the City or other specific authorization from the City Manager are exempt from this section.

(1) *Persons* who engage in the rental or sale of any vessel under a contract or permit with the City or other specific authorization from the City Manager, in any *beach area*, shall indemnify, defend, and hold the City harmless from claims and damages arising out of or related to the *person's* business activities under the contract or permit.

(e) Violations of this section may be prosecuted under Municipal Code section 12.0201. The following minimum fines shall apply:

First Offense: \$250

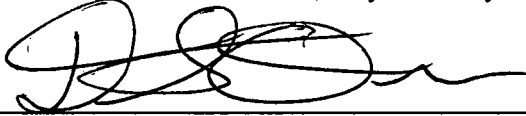
Second or subsequent offense: \$500

(f) The purpose and intent of this section is to prohibit the rental or sale of vessels in the *beach area* except when *persons* are operating under a contract or permit with the City or other specific authorization from the City Manager.

Section 2. 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 3. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By 
Daniel Orloff
Deputy City Attorney

DO1:jdf
12/18/2024
Or.Dept: Fire Rescue
Doc. No. 3677419

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 28 2025.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 1/29/25
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is January 30, 2025, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3, DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 63.20.20, RELATING TO THE SALE OR RENTAL OF VESSELS IN BEACH AREAS, INCLUDING MISSION BAY PARK.

§63.20.20 Sale or Rental of Vessels in Beach Areas

- (a) It is unlawful for any ~~person~~ person to ~~beach or moor~~ solicit the rental or sale of any vessel, attempt to engage in the rental or sale of any vessel, or to engage in the rental or sale of 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 specifically ~~permitted~~ authorized to do so by the ~~Director~~ the City Manager.
- (b) Commercial fishers are permitted to use *beach areas* provided that their activity does not interfere with recreational activities in the beach area.
- (c) 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* 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

(d) *Persons who operate under a contract or permit with the City or other specific authorization from the City Manager are exempt from this section.*

(1) *Persons who engage in the rental or sale of any vessel under a contract or permit with the City or other specific authorization from the City Manager, in any beach area, shall indemnify, defend, and hold the City harmless from claims and damages arising out of or related to the person's business activities under the contract or permit.*

(e) *Violations of this section may be prosecuted under Municipal Code section 12.0201. The following minimum fines shall apply:*

First Offense: \$250

Second or subsequent offense: \$500

(f) *The purpose and intent of this section is to prohibit the rental or sale of vessels in the beach area except when persons are operating under a contract or permit with the City or other specific authorization from the City Manager.*

DSO;jdf
12/19/2024
Or.Dept: Fire Rescue
Doc. No. 3710734

Passed by the Council of The City of San Diego on JAN 28 2025, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<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 30 2025.

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By *Dinda Irwin*, 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

JAN 14 2025, and on JAN 30 2025.

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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By *Dinda Irwin*, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California

Ordinance Number O- 21915