

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

Division 1: Use of Park Areas

(“Use of Park Areas” added 8-9-1993 by O-17951 N.S.)

§63.0101 Use of Playgrounds and Recreation Areas

The Park and Recreation Director of The City of San Diego with the approval of the City Manager, shall have authority to promote the use of City-owned playgrounds and recreation areas for the benefit of the people of The City of San Diego by organizing, carrying on, conducting and maintaining regularly scheduled and planned athletic contests and games under the supervision of such Park and Recreation Director, under rules and regulations to be adopted by said Park and Recreation Director, which, among others, shall include the following:

- (a) Organized and sponsored athletic teams may be assigned exclusive use of playgrounds or recreational areas for the carrying on and conducting of athletic contests and exhibitions, at which the public shall be admitted without charge, except that voluntary contributions may be collected under the direct supervision of such Park and Recreation Director at such contests. All of such money so received shall be immediately deposited in the Cultural and Recreational Promotional Trust Fund, as created by the provisions of Ordinance No. 3439 (New Series) of the ordinances of The City of San Diego.
- (b) All of such regularly scheduled athletic contests, games or events shall be carried on and conducted under the supervision and control of said Park and Recreation Director.
- (c) Preference in the use of such playgrounds and recreational areas and the holding of such athletic games and events shall be given to the residents of The City of San Diego, provided, however, that the Park and Recreation Director may, if he deems it to be in the best interests of the promotion of such playground and recreational activity authorize contests between organized athletic teams coming from areas outside of the territorial boundaries of The City of San Diego, and may also, if he deems it advisable, permit organized teams resident outside of The City of San Diego to compete in regularly scheduled contests with teams composed of members resident within The City of San Diego.

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The Park and Recreation Director shall not permit any team or organization of athletes to participate in any such athletic contests, games or events if any member of such competing athletic team is paid a consideration for his services in such contest. In this connection sponsors of such organized teams may provide each member of a competing athletic team with necessary uniforms and equipment for the contests, and may also provide the necessary expenses of transportation to and from the place of contest. The Park and Recreation Director shall not permit any athletic team to compete in any such games or contests whose sponsor, except for uniforms and equipment, spends in excess of \$800.00 per calendar year in the maintenance of such athletic team, and such Director may, if he so desires, require such sponsor to submit, by affidavit or otherwise, proof of the total amount of expenditures per month made by said sponsor in support of the athletic team participating in such contests so sponsored.

- (d) The Park and Recreation Director may, if it is deemed advisable, require each competing team or contestant to pay an entry fee either for a single contest or for a series of contests in league activity. All moneys collected by the Park and Recreation Director, either by way of entry fees or contributions, shall be paid as hereinabove provided into the Cultural and Recreational Promotional Trust Fund. No moneys in such fund shall be used other than for the promotion of such playground and recreational area activity. In this connection the Auditor and Comptroller of said City is authorized to honor and the Treasurer to pay claims submitted by the Park and Recreation Director for the services of attendants at such contests, and payment of umpires or referees, secretarial expenses in connection with such contests, purchase of awards and trophies, public address sound systems, and other expenses incidental to promoting and conducting the contests. Competing teams shall not receive any traveling expenses or other direct payment from the Cultural and Recreational Promotional Trust Fund for their participation in any contest.

(Renumbered from Sec. 63.01, retitled and amended 8-9-1993 by O-17951 N.S.)

§63.0102 Use of Public Parks and Beaches Regulated

- (a) It is the purpose and intent in enacting this Division to regulate and prohibit certain activities in public parks and beaches within the City of San Diego in the interests of protecting the enjoyment and safety of the public in the use of the facilities.

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- (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) Posting of Handbills. It is unlawful to litter, to throw, or deposit on the ground, to post or affix to any tree, fence, or structure situated within or on any City-owned park or plaza any handbills, circulars, pamphlets, tracts, dodgers, papers, or advertisements.
 - (2) Loose Animals. It is unlawful to bring, leave, turn loose or allow to go free any animal, fowl, or bird of any kind in or upon any City-owned park or plaza; provided, however, that Section 63.0102(b)(2) does not apply to:
 - (A) Horses being led, ridden, or driven upon any roads or paths therein;
 - (B) Dogs when fastened to and led by a chain or line not more than eight (8) feet in length of suitable strength;
 - (C) Dogs which are in special areas of parks designated and posted by the Park and Recreation Director as dog exercise and training areas and so long as the regulations of the Park and Recreation Director with respect to the use of such areas are followed.
 - (i) Implied Consent. The presence of a dog in a designated dog exercise and training area shall constitute implied consent of the person either owning or controlling the dog to the regulations imposed by the Park and Recreation Director.
 - (ii) Liability and Indemnification. The presence of a dog in a designated dog exercise and training area shall constitute a waiver of liability, on behalf of the person either owning or controlling the dog, to the City of San Diego, as well as an agreement and undertaking to protect, indemnify, defend, and hold harmless the City of San Diego for any injury or damage caused by the dog.

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- (3) Fireworks. It is unlawful to discharge any firearm, firecracker, bomb, torpedo, rocket, or other fireworks without the written consent of the City Manager; provided, however, that as to the discharging of firearms Section 63.0102(b)(3) does not apply to any authorized peace officer or employee of the San Diego Zoo while in the performance of his or her duties.
- (4) Destruction of Plants. It is unlawful to injure, destroy, cut or remove any tree, shrub, plant, wood, turf, grass, soil, or rock in or growing in any City-owned park or plaza without the written permission of the City Manager.
- (5) Defacement of Property. It is unlawful to cut, break, deface, or injure any building, monument, rock, fountain, cage, pen, fence, bench, hydrant, swing, or other structure, apparatus or property, or dig caves or other depressions within the cliff areas adjacent to the ocean shoreline without the written permission of the City Manager.
- (6) Dumping. It is unlawful to deposit or dump any garbage, refuse, dirt, ashes, broken glass, crockery, bones, tin cans, or like substances, or any carcass of any animal or fowl.
- (7) Glass Containers. It is unlawful to have, possess, or use any cup, tumbler, jar, or container made of glass and used for carrying or containing any liquid for drinking purposes, except in locations where such containers are permitted under the terms of a lease, operating agreement or permit.
- (8) Littering. It is unlawful to leave or scatter about any boxes, empty or otherwise, waste paper, remains of meals, newspaper, *tobacco, remains of any material capable of being smoked,* or rubbish of any kind, except that such material and matter may be deposited in receptacles provided for such purpose.
- (9) Park waters. It is unlawful to bathe in the waters of any lake, pond, pool, or at any hydrant; or throw into or deposit any dirt, filth or foreign matter in the waters of any lake, pond, pool, or in like manner pollute the same; provided, however, that nothing contained in Section 63.0102(b)(9) prohibits persons from swimming in any municipal pool in accordance with the rules and regulations provided therefor.

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- (10) **Mistreatment of Animals.** It is unlawful to take, kill, wound, disturb, or maltreat any bird or animal, either wild or domesticated, unless the same shall have been declared noxious by the City Manager and a permit issued for the killing of such noxious animals; provided, however, that Section 63.0102(b)(10) does not apply to any exhibits in the San Diego Zoo of Balboa Park when done by any employee in the course of his or her duties.
- (11) **Fires.** It is unlawful to kindle or allow to be kindled any fire or bonfire, or 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 section 63.0102(b)(11) prohibits persons from kindling fires in stoves, ovens, or similar facilities provided by the Park and Recreation Department.
- (12) **Overnight Camping.** It is unlawful to camp, lodge, sleep, or tarry overnight; provided, however, that nothing in Section 63.0102(b)(12) prohibits any person from being or remaining in any park while in attendance at any function for which the City Manager has previously granted permission.
- (13) **Sale of Merchandise.** 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; however, sales of articles by nonprofit organizations that are allowed by law and conform to the City Manager's regulations are not prohibited by Section 63.0102(b)(13).
- (14) **Solicitation.** It is unlawful to practice, carry on, conduct, or solicit for any trade, occupation, business or profession without the written consent of the City Manager.
- (15) **Shows.** It is unlawful to set up, maintain, or give any exhibition, show, performance, lecture, concert, place of amusement, or concert hall without the written consent of the City Manager.
- (16) **Conduct.** It is unlawful to engage in any indecent conduct or indulge in any riotous, boisterous, or threatening behavior.
- (17) **Sports.** It is unlawful to play any game of ball or engage in any sport except at such places and at such times as shall be designated for such purpose by the Park and Recreation Department.

- (18) Use of Restrooms. It is unlawful for any person to resort to any toilet or restroom set apart for members of the opposite sex, provided that Section 63.0102(b)(18) does not apply to children under ten (10) years of age accompanied by their parent or guardian.
- (19) Bicycles. It is unlawful to ride a bicycle except: (1) where posted to authorize bicycle riding; or (2) on any designated bikeway; or (3) on any road designated and established for automotive traffic; or (4) on paved and unpaved park roads used as fire or service roads by authorized motor vehicles unless otherwise posted. Motorcycles or any other motorized vehicles are prohibited except on roads designated and established for automotive traffic.
- (20) Automobile Speed. It is unlawful to drive an automobile, motorcycle, or other self-driven vehicle upon any park or plaza property at any speed in excess of the limitations established by ordinances of The City of San Diego.
- (21) Horses and Vehicles. It is unlawful to leave or hitch any horse, or leave or park any automobile, motorcycle, or other self-driven vehicle on any park or plaza property, except at such places as are provided and designated for those purposes.
- (22) Car Washing. It is unlawful to clean, wash, polish, or to make other than emergency repairs upon any automobile, motorcycle, or other self-driven vehicle.
- (23) Vehicular Traffic. Unless making deliveries or loading onto park or plaza property, it is unlawful to drive or place any dray, truck, wagon, cart, or other traffic vehicle with a manufacturer's rate of capacity of more than one ton, carrying or regularly used or employed in carrying goods, merchandise, lumber, machinery, oil, manure, dirt, sand, soil, or any article of trade or commerce or any offensive article or material whatsoever upon any road or drive in any park or plaza, except such road or drive as may be provided or designated for such use.

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- (24) Large Groups. Except as otherwise required or permitted by Chapter 2, Article 2, Division 40 of this Code, it is unlawful for any group of persons consisting of fifty or more persons to hold, conduct or participate in any celebration, parade, service, picnic, exercise, or other special event in any park, plaza, or beach without having first obtained a permit from the City Manager.
- (25) Obstructing Traffic. It is unlawful to obstruct the free travel of any vehicle or pedestrian over any of the walks, roads, or avenues of any park or plaza property.
- (26) Park Department Tools. It is unlawful for any person other than a Park and Recreation Department employee while in the performance of his or her duties, to move or remove from one location to another or destroy any equipment, tools, implements, or materials used by the Park and Recreation Department.
- (27) Bridle Trails. It is unlawful to enter upon or use any bridle trail except for the purpose of horseback riding.
- (28) Valves. It is unlawful to open or close any valves or switches pertaining to the water or electric services in any park, plaza or beach.
(Amended 8-4-2003 by O-19206 N.S.)
(Amended 7-18-2006 by O-19508 N.S.; effective 8-17-2006)
(Amended 5-14-2009 by O-19848 N.S; effective 6-13-2009.)

§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 will have discretion to consider any permit which is filed less than ten (10) days before the proposed activity is to take place;
- (b) The application shall include information as to the proposed activity, the sponsoring person or organization, the number of persons expected to attend, the proposed park area to be used, the proposed date and time of the event, the duration in time, and the proposed alternate park areas and dates, if any;

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- (c) The City Manager shall within three (3) days after the filing of such application act thereon;
- (d) The City Manager shall issue the permit if he or she finds that the activity will not conflict or interfere with any other event previously scheduled and that the activity will not unreasonably add to congestion or interfere with or impede the normal flow of vehicular or pedestrian traffic;
- (e) Each permit shall state the date, time and area of the park for which it is issued, and the name of the person or persons to whom it is issued;
- (f) Every such permit shall be subject to the provisions regarding noise contained in Chapter 5, Article 9.5, beginning with Section 59.5.0101 of this Code;
- (g) If the application for a permit is denied, the applicant may submit a new request proposing an alternate date, time, or location;
- (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 add to congestion, or interfere with or impede traffic. 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) When a permit is denied, the applicant may, within fifteen (15) days of denial, appeal the decision to the City Council by filing a petition therefor with the City Clerk. Such denial shall become final if an appeal is not filed. The City Clerk shall cause the matter to be set for hearing before the Council on a regular Council meeting docket within fourteen (14) days after such filing, and, after hearing the petition, the Council may approve or disapprove the issuance of the permit. The decision of the Council shall be final.
- (j) Any parade proposed to be conducted in or through any park shall be subject to Chapter 2, Article 2, Division 40, of this Code.
- (k) The City Manager may restrict those activities that increase congestion to certain specified areas, and may make such other regulations as may be reasonably necessary for the enforcement of Section 63.0103.

(Amended 11-18-1997 by O-18439 N.S.)

(10-2009)

§63.0104 Rules for Use of Municipal Golf Courses

No person within the limits of any municipal golf course shall do any act or acts contrary to the rules established by the Park Department for the use of such golf course; provided, however, that such rules shall be conspicuously posted in the clubhouse of such golf course.

(Renumbered from Sec. 63.02.29 on 8-9-1993 by O-17951 N.S.)

§63.0105 Exceptions to Application of Regulations

Nothing in this Division shall be construed to prevent any employee or agent of the City of San Diego Park and Recreation Department from doing anything that, in the opinion of the City Manager or the Park Director, may be thought necessary or proper for the maintenance, improvement, or betterment of any park or plaza or in the best interests of The City of San Diego.

(Renumbered from Sec. 63.02.30 and amended 8-9-1993 by O-17951 N.S.)

§63.0106 Use of Rollerskates, Coasters, Skateboards and Similar Devices Restricted in Balboa Park

- (a) It is unlawful for any person upon rollerskates, or riding on or by means of a coaster, skateboard, toy vehicle or similar device to go on any roadway or sidewalk in Balboa Park, the Cabrillo Bridge, the Park Boulevard pedestrian overpass, any walkway, plaza, mall, arcade, stairs, building, or hallway in Balboa Park, including the Spreckels Organ Pavilion, Plaza de Balboa, Spanish Village, along El Prado from the east side of Plaza de Panama to the junction of Village Place and El Prado; upon any parking lot in Balboa Park; or any other areas whatsoever connecting any and all park buildings.
- (b) Section 63.0106 does not apply to Park Boulevard, Richmond Street or Sixth Avenue, including the appurtenant sidewalks or those areas of Balboa Park located west of the Cabrillo Bridge or east of Park Boulevard.
- (c) Every person violating Section 63.0106 is guilty of an infraction and subject to a fine in an amount not to exceed \$250 on a first conviction, and, on the second conviction within one year, subject to a fine not to exceed \$500.

(Renumbered from Sec. 63.02.33 and amended 8-9-1993 by O-17951 N.S.)

(10-2009)

§63.0107 Use of Skate Park Facilities Located on Property Owned by the City of San Diego

- (a) It is unlawful for any person to use a skateboard, roller-skates, roller-blades, in-line skates, or similar device(s) at any skate park facility located on property owned by the City of San Diego, unless that person is:
 - (1) Wearing a helmet, elbow pads, and knee pads which are commercially manufactured and designed specifically for the designated activity; and
 - (2) twelve years of age or older, unless accompanied by a *Responsible adult*. “Responsible adult” has the same meaning as in Municipal Code section 58.0101.
- (b) The only devices allowed in a skate park facility are skateboards, roller-skates, roller-blades, and in-line skates. Any other devices, including but not limited to bicycles, scooters, and motorized vehicles, are unlawful to use in a skate park facility.
- (c) It is unlawful for any person to bring into a skate park facility any item, equipment, ramp or other material which can be used to perform tricks or stunts.
- (d) It is unlawful for an operator of a skate park facility located on property owned by the City of San Diego, to fail to post signs at the facility:
 - (1) Providing reasonable notice that any person using the skate park facility without wearing a helmet, elbow pads, and knee pads, is subject to citation under the provisions of this Code; and
 - (2) Providing reasonable notice that any person violating any of the provisions of Section 63.0107 is subject to citation under the provisions of this Code.

*(“Use of Safety Equipment at City Skateboard Facilities” added 11-8-1999 by O-18706 N.S.; “Park Rangers Authorized to Enforce State and Local Codes” renumbered to Sec. 63.0108 on 11-8-1999 by O-18706 N.S.)
(Amended 9-11-2009 by O-19897 N.S; effective 10-11-2009.)*

(10-2009)

§63.0108 Park Rangers Authorized to Enforce State and Local Codes

The Park Rangers of The City of San Diego are hereby authorized and empowered to enforce provisions of the San Diego Municipal Code and violations of the California State Codes which are designated as misdemeanors; to make arrests without a warrant whenever the Park Ranger has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the Park Ranger’s presence which is a violation of a statute or Code the Park Ranger has the duty to enforce; and, while engaged in the performance of his or her duties, to arrest persons and issue citations under the provisions of Sections 836.5 and 853.6 of the California Penal Code for violations which occur in the City of San Diego, beach or park areas.

(Renumbered from Sec. 63.0107 on 11-8-1999 by O-18706 N.S.)

§63.0109 Speed Limit on Boardwalk

It is unlawful for any person to exceed 8 miles per hour in the following places as shown on the map on file in the office of the City Clerk as Document No. 00–18425:

- (a) on Ocean Front Walk (Mission Beach)boardwalk from the South Mission Beach Jetty to the terminus of the Walkway on Ocean Boulevard at Law Street;
- (b) on all public park pathways, excluding roads open to the public for motorized vehicle traffic, on the north and west sides of Mission Bay Park from San Diego Place (adjacent to the South Mission Beach Jetty) through Crown Point Shores;
- (c) on all park pathways in the Bonita Cove, Ventura Cove, Bahia Point, and Sail Bay areas.

This limitation applies to all wheeled methods of transportation.
(Renumbered from Sec. 63.0108 on 11-8-1999 by O-18706 N.S.)

§63.0110 City Manager Defined

Whenever the term “City Manager” is used in this Division, it means the City Manager, the Park and Recreation Director, or any other person authorized or designated by the City Manager to carry out and enforce the provisions of this Division.

(Renumbered from Sec. 63.0108 and amended 3–20–1995 by O–18166 N.S.)

(10-2009)

§63.0120 Nighttime Curfew for Certain Downtown Public Parks and the Spruce Street Pedestrian Bridge

- (a) It is unlawful for any person to be on the grounds of the following parks from midnight until 6:00 a.m.: Children’s Park, Gaslamp Square Park, Pantoja Park, Amici Park and the Children’s Museum Park.
- (b) It is unlawful for any person to be on the Spruce Street Pedestrian Bridge from 10:00 p.m. until 6:00 a.m.

*(Retitled from "Nighttime Curfew for Certain Downtown Public Parks" to "Nighttime Curfew for Certain Downtown Public Parks and the Spruce Street Pedestrian Bridge" and amended 11-27-2000 by O-18891 N.S.)
(Amended 7-31-2009 by O-19891 N.S.; effective 8-30-2009.)*

§63.0130 Periodic Temporary Park Closures

- (a) As used in Section 63.0130, *turf area* means: an area of grass, which may also include dirt or soil, maintained for recreation or recreational activities.
- (b) Subject to Section 63.0130(c), and in accordance with policies and procedures for *turf area* closures as adopted by the City Manager and as amended from time to time, the City Manager shall close for renovation and maintenance the *turf areas* of the upper field at Allied Gardens Community Park, the Lower Lewis Middle School joint-use area, and Skunk Hollow, for at least thirty consecutive days each between May 1st and August 31st of each year, which areas are more specifically shown on the map on file with the Office of the City Clerk of the City of San Diego as Document No. 00-19175. Closure of these *turf areas* shall be determined by the City Manager and shall be staggered so that only one *turf area* is closed at a time.
- (c) Any *turf area* subject to a joint-use agreement or lease shall be closed only if the closure is in compliance with the terms of that joint-use agreement or lease, and only with the consent of any other party to the joint-use agreement or lease.

(Amended 5-6-2003 by O-19175 N.S.)