

Article 2: Police — Police Regulations — Offenses Against Government

Division 70: Border Public Safety Zone

*(“Border Public Safety Zone”
added 11-24-1998 by O-18604 N.S.)*

§52.7001 Title

This Division shall be known as the “Border Public Safety Zone” ordinance.
(“Title” added 11-24-1998 by O-18604 N.S.)

§52.7002 Purpose

The purpose of the Council in enacting this Division is to provide additional law enforcement and prosecution tools to enable the San Diego Police Department to effectively maintain the public peace and promote the safety of the public in the area immediately adjacent to the San Ysidro Port of Entry.
(“Purpose” added 11-24-1998 by O-18604 N.S.)

§52.7003 Definitions

As used in this Division:

- (a) the term “Border Public Safety Zone” (the Zone) includes that territory beginning at the point where the west line of the San Diego and Arizona Eastern Railway right-of-way crosses the International Border; proceeding westerly along the border to a point where a prolongation of Virginia Avenue intersects; thence northerly along the west line of Virginia Avenue to a point where the prolongation of the west line of Virginia Avenue intersects the San Diego and Arizona Eastern Railway right-of-way, southerly along the west line of the San Diego and Arizona Eastern Railway right-of-way to the point of beginning.
- (b) the term “sell” has the same meaning as in Section 33.1406 of this Code.
- (c) the term “solicit” has the same meaning as in Section 33.1406 of this Code.
(“Definitions” added 11-24-1998 by O-18604 N.S.)

§52.7004 Soliciting Within the Zone

- (a) Section 33.1406 of this Municipal Code makes it unlawful for any person, either as principal or agent, to solicit or sell services, or to distribute any coupon, certificate, ticket or card, redeemable for services, within the Zone.
- (b) It is unlawful for any person or entity to retain, hire, employ, recruit or compensate, in any manner, another person to solicit or sell services, or to distribute any coupon, certificate, ticket or card, in violation of section 33.1406.
- (c) A first violation of this section 52.7004(b) shall be punishable by a fine of not less than \$350, plus any additional sentence the court deems warranted under the circumstances. Subsequent violations shall be punishable by a fine of not less than \$500 per violation and three days community service in the San Ysidro Community Planning Area, plus any additional sentence the court deems warranted under the circumstances.

(“Soliciting Within the Zone” added 11-24-1998 by O-18604 N.S.)

§52.7005 Interference with Peace Officer’s Duties Under Welfare and Institutions Code Section 1500

- (a) California Welfare and Institutions Code (WIC) section 1500 imposes an affirmative duty upon a peace officer to prevent a resident of California under the age of 18 years (a juvenile), who is unaccompanied by a parent or guardian or who does not have written authorization from a parent or guardian, from entering Mexico.
- (b) It is unlawful for any person to interfere with, impair or impede a peace officer’s performance of the duty mandated by WIC section 1500, by facilitating in any manner a juvenile’s crossing the border into Mexico.
- (c) A person is guilty of violating section 52.7005(b) if he or she knows or reasonably should know that the juvenile crossing the border into Mexico is under the age of 18 years, is not accompanied by a parent or guardian, and does not have written permission from a parent or guardian to enter Mexico.
- (d) A first violation of section 52.7005(b) shall be punishable by a fine of not less than \$250, plus any additional sentence the court deems warranted under the circumstances. Subsequent violations shall be punishable by a fine of not less

than \$500 per violation and three days community service in the San Ysidro Community Planning Area, plus any additional sentence the court deems warranted under the circumstances.

(“Interference with Peace Officer’s Duties Under Welfare and Institutions Code Section 1500” added 11-24-1998 by O-18604 N.S.)

§52.7006 Minimum Penalties for Violations Occurring in the Zone

- (a) Conviction of a violation of any of the laws listed in Section 52.7006(a)(1) - (6), occurring within the Zone, shall be punished by a fine of not less than \$250 for a first offense, plus any additional sentence the court deems warranted; and for any subsequent offense, a fine of not less than \$400 per violation and three days community service in the San Ysidro Community Planning Area, plus any additional sentence the court deems warranted:
 - (1) Soliciting in the Zone, in violation of Municipal Code section 33.1406;
 - (2) Aggressive solicitation, in violation of Municipal Code section 52.4001;
 - (3) Violating the curfew imposed by Municipal Code section 58.0102(a);
 - (4) Consuming alcohol in a public place, in violation of Municipal Code section 56.54(b);
 - (5) Engaging in disorderly or offensive conduct in a public place, in violation of Municipal Code section 56.27;
 - (6) Violating any provision of the Metropolitan Transit Development Board’s Paratransit Ordinance.

- (b) Conviction of a violation of any of the laws listed in section 52.7006(b)(1) - (4), occurring within the Zone shall be punished by a fine of not less than \$300 for a first offense, plus any additional sentence the court deems warranted; and for any subsequent offense, a fine of not less than \$500 per violation and three days community service in the San Ysidro Community Planning Area, plus any additional sentence the court deems warranted:
 - (1) Committing any crime involving “a pattern of criminal gang activity,” as that term is defined in California Penal Code section 186.22;

- (2) Aiding and abetting the violation of curfew, in violation of Municipal Code section 58.0102(b);
- (3) Filing a false police report, including by use of the 9-1-1 emergency line, in violation of Municipal Code section 52.05;
- (4) Loitering for drug use, in violation of Municipal Code section 52.3001.

(“Minimum Penalties for Violations Occurring in the Zone” added 11-24-1998 by O-18604 N.S.)

§52.7007 Geographical Probation for Juvenile Offenders

If, within a one-year period, a juvenile is found to have violated any law or laws, on two or more occasions within the Zone, it shall be a condition of probation, or otherwise a part of the sentence, that for a period of time not exceeding one year, the juvenile not be permitted within the Zone unless accompanied by the juvenile’s parent or guardian.

(“Geographical Probation for Juvenile Offenders” added 11-24-1998 by O-18604 N.S.)

§52.7008 Geographical Probation for Gang Related Offenses

If a person is convicted of any offense committed within the Zone, involving “a pattern of criminal gang activity” as that term is defined in the California Penal Code section 186.22, it shall be a condition of probation, or otherwise a part of the sentence, that during any term of probation, or for a period not to exceed two years after release from imprisonment, the person not be permitted within the Zone unless the court finds that the person’s family or lawful business activities require his or her presence in the Zone.

(“Geographical Probation for Gang Related Offenses” added 11-24-1998 by O-18604 N.S.)