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Filed.....

OFFICE OF THE CITY CLERK  
San Diego, California

ORDINANCE NO. ....

*Regulating Swimming,  
Boating, Building  
Fires, etc. at Beaches  
in the City of San  
Diego.*

Passed First Reading

Moved by.....

Seconded by.....

Adopted by Council

Moved by.....

Seconded by.....

Goes Into Effect

Book.....Page.....

*filed*  
MAY - 4 1948



ORDINANCE No. unlawful for any person to bathe,  
(NEW SERIES)

AN ORDINANCE REGULATING BATHING, SWIMMING, SURFBOARD RIDING, ROWING, BOATING AND BUILDING OF FIRES AND OTHER USES UPON THE BEACHES OF THE CITY OF SAN DIEGO; PROHIBITING THE DEPOSITING OF WASTE MATERIAL AND THE DRIVING OF MOTOR VEHICLES AND THE RIDING OF HORSES UPON SAID BEACHES, AND PROVIDING FOR A PENALTY FOR THE VIOLATION HEREOF, AND REPEALING ORDINANCE No. 233 (NEW SERIES), ADOPTED MAY 8, 1933; No. 1786 (NEW SERIES), ADOPTED MARCH 12, 1940; AND No. 2655 (NEW SERIES), ADOPTED MAY 11, 1943.

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

Section 1. In order to promote the public peace, health and safety, and to provide for the public welfare, the Council hereby adopts certain rules and regulations governing and controlling swimming, surfboard riding, rowing, boating and the depositing of waste materials, building of fires, driving of motor vehicles and the riding of horses, and other uses, upon the beaches and in certain portions of The City of San Diego.

Section 2. The Park and Recreation Department of The City of San Diego shall have jurisdiction, possession and control of all beach areas within the limits of The City of San Diego, including all lands heretofore and hereafter owned or controlled by the City, adjoining the waterfront of the Pacific Ocean, and shall be responsible for the control and management of said beach areas and the recreational activities thereon.

Section 3. It shall be the duty of the Park and Recreation Director to enforce the provisions of this Ordinance and in that behalf all and any employees of the Park and Recreation Department charged with the duty of maintaining peace, order and safety in said beach areas shall be and hereby are empowered to assist the police officers of the City of San Diego in the enforcement of the provisions of this ordinance including the power to make arrests for the violation hereof.



or Section 4. It shall be unlawful for any person to bathe, swim, surfboard ride, row, canoe, or operate a sailboat or power boat or other device in the surf or adjacent waters thereto of the Pacific Ocean between the following described limits: Park and Recreation Department, all fires in that area

(a) Between Asbury Court and Voltaire Street;

(b) Between the westerly extension of the north line of Pueblo Lot 1337 and the westerly extension of the northerly line of Pueblo Lot 1298; beach areas, which areas are hereby

Section 5. It shall be unlawful for any person to bathe, swim, surfboard ride, row, canoe and/or operate a sailboat or power boat or other device on or upon water where warning signals have been placed except for the purpose of making a rescue.

Section 6. It shall be unlawful for any person to refuse to follow or comply with any lawful order, signal or other lawful direction of a lifeguard, or for any person without lawful authority to deface, injure, knock down or remove any sign or warning placed for the purpose of enforcing the provisions of this ordinance, or for any person to deface, injure, knock down, break into or destroy or molest any lifeguard structure placed in said beach area by the Park and Recreation Department.

Section 7. It shall be unlawful for any person, firm or corporation to leave, discard, deposit or throw away any glass container, tin can, waste food, wood, papers or any other refuse or rubbish upon any beach area in The City of San Diego.

All waste materials shall be deposited in trash cans provided for that purpose. It shall be unlawful for any person, firm or corporation to move, molest, turn over, remove, deface or knock down any trash can or receptacle placed in any beach area by the Park and Recreation Department.

All fires are to be extinguished, the ashes shall not be covered and the unburned wood, refuse or rubbish to be removed



or placed in trash cans provided for that purpose, so that the beach is left in a clean, sanitary and presentable condition.

In those beach areas where fire circles have been provided by the Park and Recreation Department, all fires in that area must be confined to said fire circles.

Section 8. It shall be unlawful for any person, firm or corporation to build any fire or leave any waste materials in the following described beach areas, which areas are hereby designated as primarily BATHING AND SWIMMING AREAS:

- (a) Between the westerly extension of the south line of Newport Avenue and the westerly extension of the north line of Cape May Avenue;
- (b) Between the westerly extension of the south line of San Fernando Place and the westerly extension of the north line of Isthmus Court;
- (c) Between the westerly extension of the south line of Santa Clara Place and the westerly extension of the north line of Salem Court;
- (d) Between the westerly extension of the south line of Thomas Avenue and the westerly extension of the north line of Hornblend Street;
- (e) Between the westerly extension of the south line of Diamond Street and the westerly extension of the north line of Law Street;
- (f) Between the westerly extension of the south line of Palomar Street and the westerly extension of the north line of Belvedere Street;
- (g) That area known as the Casa de Manana Pool and being on the inside of the breakwater established at said point;
- (h) That area being known and designated as the La Jolla Cove;



(i) Between the westerly extension of the south line of Aveneda de la Playa and the westerly extension of the north line of Frescota Avenue;

(j) Between the westerly extension of a line 100 yards south of the lifeguard station at Torrey Pines Beach, and the westerly extension of the north line of a line 100 yards north of the said lifeguard station.

Section 9. It shall be unlawful for any person, firm or corporation to row, canoe, sailboat and/ or operate a power boat or other device in the vicinity of and within 100 feet of any bather or swimmer in the above designated beach areas known primarily as bathing and swimming areas, except for the purpose of making a rescue.

Section 10. It shall be unlawful for any person, firm or corporation to ride a surfboard or other device in or near the vicinity of the above designated beach areas known primarily as bathing and swimming areas, except that it shall be lawful to surfboard ride in that area between the westerly extension of the south line of Palomar Street and the westerly extension of the north line of Belvedere Street, as set aside and marked by the Park and Recreation Department for the use of SURFBOARD RIDING exclusively.

Section 11. It shall be unlawful for any person, firm or corporation to drive or cause to be driven any motor vehicle, including motorcycles and motor-bikes and bicycles upon any beach in the City of San Diego excepting such motor vehicles as are on official business on behalf of The City of San Diego, and further excepting such motor vehicles as are being driven upon that portion of the beach of The City of San Diego described as follows:



(a) Between the westerly extension of the south line of Aveneda de la Playa and the westerly extension of the north line of Vallecitos Street, for the purpose of either beaching or launching boats.

Section 12. It shall be unlawful for any person, firm or corporation to erect, maintain, use or occupy, upon any public beach of this City, any tent, lodge, shelter or structure unless the same shall have two sides thereof entirely open and unless there shall be an unobstructed view into such lodge, structure, or shelter from the outside on at least two sides thereof.

Section 13. It shall be unlawful for any person, firm or corporation to bring, leave, turn loose or allow to go, any horse, cow, ox, sheep, goat, ass, swine, dog or fowl of any kind in or upon any beach area in The City of San Diego, provided that this section shall not apply to dogs when fastened, or led by a chain or line not more than eight feet in length of suitable strength.

And further provided that in those beach areas designated primarily as bathing and swimming areas in section 8 hereof, no dogs shall be allowed.

Section 14. It shall be 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 Park and Recreation Department as approved by the City Manager for the use of said beach, provided, however, that said rules shall be conspicuously posted in said beach area.

Section 15. Nothing in this ordinance shall be construed to prevent any employee of the Park and Recreation Department from doing anything that in the opinion of the City Manager or of the Park and Recreation Director may be thought necessary



and proper for the maintenance, improvement or betterment of the said 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 any thing that in the opinion of the City Council may be thought necessary or proper for the best interests of The City of San Diego.

Section 16. That Ordinance No. 233 (New Series), adopted May 8, 1933; Ordinance No. 1786 (New Series) adopted March 12, 1940, and Ordinance No. 2655 (New Series) adopted May 11, 1943, be, and the same are hereby repealed.

Section 17. If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of The City of San Diego hereby declares that it would have passed the ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases thereof, be declared invalid or unconstitutional.

Section 18. Any person, firm or corporation violating any provisions of this ordinance shall be guilty of a misdemeanor and shall be punishable by fine of not more than \$500.00 or by imprisonment in the city jail for a period of not more than six months or by both such fine and imprisonment.

Section 19. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by J. H. Rhodes

APPROVED as  
to form by J. F. DuPAUL, City Attorney,

By Louis M. Karp  
Deputy City Attorney.



I HEREBY CERTIFY that the money required for the appropriation made and/or indebtedness and/or obligation incurred by reason of the provisions of the foregoing ordinance is in the Treasury, and that it is otherwise unencumbered.

Dated.....  
Auditor and Comptroller of The City of San Diego, California.  
By.....Deputy.

Passed and adopted by the Council of the City of San Diego, California, this.....day of  
....., by the following vote, to-wit:

YEAS—Councilmen: .....

NAYS—Council.....:

ABSENT—Council.....:

(ATTEST):  
.....  
Mayor of The City of San Diego, California.

(SEAL)  
.....  
City Clerk of The City of San Diego, California.  
By.....Deputy.

I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of the City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this.....day of.....

I FURTHER CERTIFY that the final reading of such ordinance was in full.

I FURTHER CERTIFY that, prior to the final reading of such ordinance, a written or printed copy thereof was furnished to each member of the Council.

(SEAL)  
.....  
City Clerk of The City of San Diego, California.  
By.....Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until it had been read on two separate calendar days of the Council, to-wit: on the.....day of....., and on the.....day of.....

I FURTHER CERTIFY that the final reading of such ordinance was in full.

I FURTHER CERTIFY that, prior to the final reading of such ordinance, a written or printed copy thereof was furnished to each member of the Council.

(SEAL)  
.....  
City Clerk of The City of San Diego, California.  
By.....Deputy.