

DRAFT - FOR DISCUSSION PURPOSES ONLY

The below language amends sections of the San Diego Municipal Code regarding the building, maintaining, and use of beach fires in City-provided fire rings and propane-fueled devices in beach areas. This change will provide clear and consistent regulations in the municipal code regarding permissible beach fires. Additional benefits include improved enforcement, reduction of safety risks due to hot coals from portable coal-fueled devices, and improved air quality from the elimination of portable wood-fueled devices.

§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 (15 240 mm) of a structure or combustible material unless the fire is contained in a ~~barbecue pit~~City-provided fire ring. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

Formatted: Font: Italic

Exceptions:

- (1) Fires upon beach areas shall be in accordance with San Diego Municipal Code sections 63.20.5(c) ~~and (d)~~ (e), (f), (h) and (i).
- (2) Fires are not permitted in public parks except as provided in San Diego Municipal Code section 63.0102(b)(11).

("Open Burning, Recreational Fires and Portable Outdoor Fireplaces" added 1-27-2022 by O-21409 N.S.; effective 2-26-2022.)

§63.0102 Use of Public Parks and Beaches Regulated

(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).

(Sections 1-10, no change.)

(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 City-provided fire rings or portable propane-fueled devices as

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT - FOR DISCUSSION PURPOSES ONLY

permitted in §63.20.5(c), stoves, ovens, or similar facilities provided by the Park and Recreation Department.

§63.20 Beach Areas — Authority and Control

- (a) The Park and Recreation Department of the City of San Diego shall have jurisdiction and control over all beaches owned or controlled by the City of San Diego and all waters abutting or adjacent to them within the limits of the City of San Diego, and of all lands owned or controlled by the City, adjoining the waterfront of the Pacific Ocean and the waters of Mission Bay, and it shall be responsible for the control and management of these beaches and lands, and waters abutting or adjacent to them, and of the recreational activities on them.
- (b) Throughout this Division, the term “beach area” means any beach or land and the waters abutting or adjacent thereto under the jurisdiction and control of the Park and Recreation Department, as set forth in paragraph (a) of this section.

(Retitled to “Beach Areas— Authority and Control” on 5-31-1994 by O-18073 N.S.) (Amended 4-25-2019 by O-21066 N.S.; effective 5-25-2019.)

Commented [EB1]: No changes. Included for context only.

§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 (10) feet of a fire on any public beach area that is not in a City-provided fire container or contained within a portable propane-fueled device [see §63.20.5 (e)]. Throughout this Division the term “City-provided fire containers” means a container made of ~~are~~ concrete and

Commented [EB2]: No changes. Included for context only.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

DRAFT - FOR DISCUSSION PURPOSES ONLY

pre-installed at certain beach locations where fires are allowed. ~~Fires are prohibited on beaches where there is no City provided fire container(s).~~

- (d) Fires may be built in ~~City-provided fire containers-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 and must be wholly contained within the inside edge of the fire container.

Formatted: Font: Italic

Formatted: Font: Italic

- (e) ~~It is permissible to use a portable propane fueled device on beach areas consistent with §63.20.5(c). Permissible devices are limited to Liquefied-petroleum LP (which includes propane) gas fueled devices having LP gas container. Other fuel materials are not permitted in portable devices.~~

~~Notwithstanding subsection 63.20.5(c), it is permissible to build a fire on a public beach in a portable barbecue 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.~~

- (f) It is unlawful to use a ~~City-provided fire container-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.

Formatted: Font: Italic

- (g) It is unlawful for any person to possess or use any container made of glass upon any beach or adjacent sidewalk area in the City of San Diego.

- (h) It is unlawful for any person who has built, maintained, used, or been within ten (10) feet of a fire ~~on the 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 containers-rings~~. All unused fire material must be removed from the beach and the adjacent public areas of the beach or park. All refuse or rubbish adjacent to

Formatted: Font: Italic

DRAFT - FOR DISCUSSION PURPOSES ONLY

the ~~efire~~ *City-provided fire container-ring* must be removed from the beach or placed in trash receptacles provided for such purpose, so that the beach is left in a clean, sanitary, and presentable condition.

Formatted: Font: Italic

- (i) It is unlawful for any person to use a *City-provided fire container-ring* or a portable propane fueled barbecue device on any ~~public~~ *beach area* between the hours of 12:00 a.m. and 5:00 a.m. The City Manager may issue a permit to allow a fire in a *City-provided fire container-ring* between the hours of 12:00 a.m. and 5:00 a.m.

Formatted: Font: Italic

Formatted: Font: Italic

- (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) All beaches on the Pacific Ocean and adjacent parks and perimeter sidewalks between the southern boundary of Sunset Cliffs Natural Park and the southern boundary of Torrey Pines Park; and
 - (2) All land areas of Mission Bay Park, including 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) It is unlawful for any person to block off, fence, or erect any barrier at any designated public area with any rope, cord, barrier tape, or any other material or device. Section 63.20.5(k) 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. Section 63.20.5(k) does not apply to an open sided tent or pop-up style shade device intended for outdoor use provided the said tent or device is open on at least two sides and is attended at all times. The open area of the tent or device must be equal to at least one-half (50%) of the overall size of the tent or device. Section 63.20.5(k) does not apply when an area is blocked off, fenced off, or had a barrier or marking erected for the purpose of identifying or

DRAFT - FOR DISCUSSION PURPOSES ONLY

preventing access to any hazard or construction site, or to any barrier erected by any government entity, department, or agency.

Commented [EB3]: No changes. Added for context only.

DRAFT