

ORDINANCE NO. 10823 (N.S)  
MEETING DATE: DECEMBER 14, 2022 (02)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING  
TO THE SAN DIEGO COUNTY DEPARTMENT OF PARKS AND RECREATION.

The Board of Supervisors of the County of San Diego ordains as follows:

Section 4. Section 41 of the San Diego County Administrative Code is hereby amended to read as follows:

**SEC. 41.101. PURPOSE.**

The County owns, leases and manages a diverse collection of properties that include areas for active and passive recreational use, community and recreation centers, open space areas, ecological reserves, historical sites, monument sites, and landmark sites. The County Department of Parks and Recreation (Parks Department) manages and/or supervises the management of these properties and as necessary, maintains and protects the properties for the public benefit. The purpose of this chapter is to provide regulations for the safe and orderly use of properties for which the Parks Department is responsible to maximize the public benefit while safeguarding valuable resources for future generations.

(Added by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

**SEC. 41.102. DEFINITIONS.**

The following definitions shall apply to this chapter:

- (a) "Animal" means any living thing that is a member of the animal kingdom, other than a human being.
- (b) "County park" means any park, trail, easement, community center, recreation facility, sports complex, open space preserve, ecological reserve, landmark site or monument site owned, leased or managed by the County.
- (c) "Department" means the County of San Diego Department of Parks and Recreation.
- (d) "Designated sports facility" means a baseball field, soccer field, basketball court, tennis court, hockey rink, volleyball court, bocce ball court or other park sports facility that the Department has posted as requiring a reservation when used by certain groups.
- (e) "Director" means the Director of the Department of Parks and Recreation or the Director's designee.
- (f) "Ecological reserve" means land or water areas the State establishes and the County manages, that are to be preserved in a natural condition for the benefit of the public to observe native flora and fauna and for scientific study or research.
- (g) "Game of chance" means a game whose outcome is determined by use of a device such as dice, cards or some other random selector.
- (h) "Historical site" means an object, building or structure that has historical or cultural significance.
- (i) "Landmark site" means a building, site, district or object recognized by the County of San Diego Historic Site Board, State Register of Historic Resources or National Register of Historic Places.
- (j) "Minor" means a person under the age of 18 years.
- (k) "Monument site" means a place where something has been erected in memory of a person, group, or event.
- (l) "Open space preserve" means land that contains sensitive natural biological and cultural resources and may allow limited passive recreational activities depending on the sensitivity of the resources involved.
- (m) "Park ranger" means a person employed or appointed by the County to manage County parks and to enforce park rules and regulations.
- (n) "Pet" means a dog, cat, bird, domesticated pygmy goat or pot-bellied pig owned by a park visitor.
- (o) "Service animal" means a "guide dog," "signal dog" or "service dog," as those terms are defined in Penal Code section 365.5. The service dog must be individually trained to work or perform tasks for people with disabilities. A "service animal" also includes a "guide dog," "signal dog" or "service dog" in training accompanied by a trainer or an individual with a disability, who is training the dog.

(p) "Vehicle" has the same meaning as the term "vehicle" in California Vehicle Code section 670.

(q) "Water body" means any natural or manmade lake, river, stream, creek, pond, pool, recreational water feature, or reservoir located in a County park.

(r) "Youth group" means an organization that serves youth 18 years of age or younger, including but not limited to, the Boy Scouts, the Girls Scouts, YMCA, YWCA, Boys' and Girls' Clubs or any other similar organization.

(Amended by Ord. No. 3965 (N.S.), effective 10-19-72; amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 9925 (N.S.), effective 4-11-08; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

**Cross reference(s)**--Definitions, § 12.101 et seq.

### **SEC. 41.103. COUNTY DEPARTMENT TO OPERATE PARKS.**

The Department shall be responsible to operate and supervise the operation of all County parks and perform functions as listed in Article XXIV Sec. 430.4, to maintain and protect County park resources from misuse. If a County park is leased to a person as provided under the Government Code or is leased from a person, the Department's responsibility to maintain the park shall be governed by the terms of the lease.

(Amended by Ord. No. 3965 (N.S.), effective 10-19-72; amended by Ord. No. 4195 (N.S.), effective 12-13-73; amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 7309 (N.S.), effective 7-2-87; amended by Ord. No. 9494 (N.S.), effective 9-13-02; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

### **SEC. 41.104. ENFORCEMENT RESPONSIBILITIES OF DEPARTMENT OF ANIMAL SERVICES.**

An employee of the Department of Animal Services authorized to enforce animal control laws in the unincorporated area of the County and in cities under contract with the County shall have the authority to enforce sections 62.601 et seq. of this code in any County park located in the unincorporated area of the County and in any city in which the County is under contract to perform animal control services.

(Added by Ord. No. 4183 (N.S.), effective 11-15-73; amended by Ord. 7182 (N.S.), effective 9-11-86; amended by Ord. No. 9528 (N.S.), effective 2-27-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

**Cross reference(s)**--Animals and poultry, § 62.101 et seq.; animal control, § 62.601 et seq.; disposal of dead animals, § 62.801 et seq.; pollution of water by animals prohibited, § 67.201.

### **SEC. 41.105. FEES, RULES AND REGULATIONS.**

(a) The Director shall establish park user fees. The fees shall become effective when they are approved by the Board of Supervisors.

(b) The Director shall adopt and implement rules and regulations for the uses allowed and the hours of operation for each park. As necessary, the Director shall also adopt and implement rules and regulations for the safe operation of County parks. The Department shall make the rules and regulations available to any interested person during normal business hours.

(Amended by Ord. No. 9494 (N.S.), effective 9-13-02; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

### **SEC. 41.106. COMPLIANCE WITH INSTRUCTIONS AND SIGNS.**

(a) No person shall refuse or fail to comply with any lawful order, rule or regulation adopted by the Director, warning or other instruction given by a park ranger in a County park, when the park ranger determines that a person is violating a provision of this chapter or engaging in conduct that presents an immediate threat to the safety of any person or property.

(b) No person shall disregard, deface, alter or tamper with any warning or instructional sign located in a

County park.

(c) A park ranger, any other Department employee or any law enforcement officer may order a person to leave a County park if the person violates subsection (a) or (b) above or if the person violates any other provision of this chapter.

(d) It shall be unlawful for any person to refuse to leave a County park after being ordered to leave pursuant to subsection (c) above. A person may not refuse to leave a park on the grounds that the person believes the order to leave is unjustified.

(Added by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.107. VIOLATIONS.**

(a) Violations of the following sections shall be infractions: section 41.116(a), section 41.123(a)-(c), (f) and (h), section 41.124, section 41.127, section 41.128, section 41.129, section 41.130(b) and (c), section 41.131 and section 41.142. All other violations of this chapter shall be misdemeanors.

(b) In addition to initiating a criminal prosecution under paragraph (a) above, the County may also recover civil penalties of up to \$2,500 a day

against a person for each day the person violates any of the following sections: section 41.111, section 41.112, section 41.113 and section 41.122.

(Added by Ord. No. 9890 (N.S.), effective 10-26-07)

#### **SEC. 41.111. PLANTS AND TREES.**

It shall be unlawful for any person, without written authorization from the Department to:

(a) Remove, burn, move, cut, trim, deface, disfigure, affix an object to, destroy or damage in any manner, any shrub, tree, plant, aquatic plant or any other type of vegetation in a County park.

(b) Add any shrub, tree, plant, aquatic plant or any other type of vegetation in a County park.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.112. PROTECTION OF PARK ANIMALS.**

It shall be unlawful for any person without written authorization from the Department to:

(a) Hunt, catch, chase, trap, kill, poison, wound, injure, mistreat or attempt to hunt, catch, chase, trap, kill, wound, injure or mistreat any wild or domesticated animal in a County park.

(b) Allow any animal that the person brings into a County park to hunt, catch, chase, trap, kill, wound, harass, or injure any wild or domesticated animal in a County park.

(Amended by Ord. No. 3965 (N.S.), effective 10-19-72; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.113. GEOLOGICAL FEATURES.**

It shall be unlawful for any person, without written authorization from the Department to engage in or retain any person to engage in any of the following activities in a County park:

(a) Dig or excavate.

(b) Remove earth, sand, gravel, rock, oil, natural gas, gold, silver, salt or any other mineral, fossil, remnant of a fossil, artifact or remnant of an artifact.

(c) Disturb, deface, disfigure, mark on or destroy any cave, rock formation or any other naturally occurring feature.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.114. GROUNDS FOR WRITTEN AUTHORIZATION.**

The Department may grant a person written authorization to engage in any activity that would otherwise be

prohibited under sections 41.111-41.113 if the Department determines that granting the authorization will be in the County's best interest.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.115. DAMAGE TO FACILITIES PROHIBITED.**

It shall be unlawful for a person to destroy, deface or damage any road, path, walkway, door, fence, wall, room, building, railing, sign, playground equipment, bench, table, monument or any other manmade object or structure or portion of any manmade object or structure in a County park.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

#### **SEC. 41.116. WASTE DISPOSAL.**

It shall be unlawful for a person to engage in the following conduct in a County park:

(a) Litter, deposit or abandon any garbage, sewage, refuse, trash or other solid waste material other than in an appropriate receptacle or container provided for disposal of solid waste material.

(b) Dispose of or release liquid waste other than in an area, receptacle or vessel specifically designated for liquid waste disposal. As used in this section, liquid waste includes, but is not limited to sewage, dishwater or any liquid containing soap or any chemical.

(c) Deposit any solid waste or dispose of or release any liquid waste in a water body located in a County park.

(d) Deposit, dispose of, release or abandon any liquid waste, garbage, sewage, refuse, trash, or other waste material generated outside of a County Park into a receptacle or vessel owned, managed, or provided by the Department.

(Added by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.117. WEAPONS AND FIREWORKS.**

(a) It shall be unlawful for a person to possess any of the following in a County park: "explosives," as defined in Health and Safety Code section 12000, "fireworks," as defined in Health and Safety Code section 12511, a "firearm" as defined in Penal Code section 12001, an air gun, bow or crossbow, slingshot, paintball gun, blowgun or throwing knife.

(b) The Department may, however, grant written authorization:

(1) To a group to practice archery in a designated area of a County park.

(2) To allow bows and arrows to be carried during an historical reenactment.

(3) To allow "antique firearms," as defined in 18 U.S.C. section 921(a)(16), to be carried and discharged using blank ammunition, during an historical reenactment, upon satisfactory proof that all State and federal firearms regulations have been and will be complied with.

(4) To allow a mentored, juniors-only turkey hunt for up to 20 juniors and their mentors, using shotguns or bows and arrows, at Santa Ysabel East Preserve for a maximum of two days per year during a State-established juniors-only turkey hunting season, subject to all applicable State and federal laws and regulations.

(5) To allow the possession and use of a firearm or any other weapon listed in subsection (a) above to control any invasive, non-native animal in a County park that the Director determines is causing significant damage to the environment including, but not limited to, native plants and/or animals, provided the authorization complies with all applicable federal and state law. The authorization may include conditions to ensure the safety of the public, including, but not limited to a limit on the time when and/or the area where the person may possess and use the firearm, and specification of the type of firearm or weapon that may be used. Before granting an authorization, the department shall consider the environmental resources in the area where the animal is likely to be found. The authorization shall include conditions to protect any significant



environmental resources, including sensitive plants or animals, in that area.

(c) The prohibition on the possession and use of a firearm in subdivision (a) above does not apply to the following persons when acting in the course and scope of their employment: any peace officer as defined by state law, any federal law enforcement officer including, but not limited to, an employee of U.S. Customs and Border Patrol, or any other governmental employee or his or her agent who is authorized to carry a firearm.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9494 (N.S.), effective 9-13-02; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10122 (N.S.), effective 3-10-11; amended by Ord. No. 10197 (N.S.), effective 2-24-12; amended by Ord. No. 10351 (N.S.), effective 9-5-14; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

**Cross reference(s)**--Fireworks, § 32.101 et seq.

### **SEC. 41.118. FIRE HAZARDS.**

It shall be unlawful for any person in a County park to:

(a) Ignite a fire, except in a designated campfire ring or barbecue provided by the County when campfires or cooking are allowed by park rules or as specifically authorized by a park ranger.

(b) Ignite a fire when the County has given the person notice that the geographic area in which the park is located is subject to a red flag warning issued by the National Weather Service or the Director of Parks and Recreation has determined that it is not safe to start a fire.

(c) Discard any lighted tobacco product or any burning or combustible material or other thing that could set fire to grass, shrubs, buildings or any other combustible substance.

(Amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9817 (N.S.), effective 1-12-07; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 9925 (N.S.), effective 4-11-08; amended by Ord. No. 10047 (N.S.), effective 5-14-10; amended by Ord. No. 10339 (N.S.), effective 6-19-14)

**Cross reference(s)**--County fire code, § 96.1.001 et seq.

**Note**—Ord. No. 9970 (N.S.), effective 3-12-09, repealed § 32.801 et seq. of this code.

### **SEC. 41.118.5. SMOKING.**

It shall be unlawful for any person in a County park to carry a lighted pipe, cigar, or cigarette; to use an electronic smoking device or other smoking device, containing tobacco or any other substance; or to light, smoke, activate, or in any way use a pipe, cigar, cigarette, or electronic smoking device or other smoking device, containing tobacco or any other substance.

(Added by Ord. No. 10339 (N.S.), effective 6-19-14)

### **SEC. 41.119. MISUSE OF BARBEQUES AND FIRE RINGS.**

It shall be unlawful for a person to use a barbecue or fire ring in a County park in a manner that threatens the safety of another person, County property or another person's property.

(Amended by Ord. No. 9494 (N.S.), effective 9-13-02; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

### **SEC. 41.120. RESTROOM FACILITIES.**

It shall be unlawful for any person in a County park to:

(a) Loiter in or around any restroom facilities.

(b) Use restroom facilities designated for a person of the opposite sex.

(Amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

### **SEC. 41.121. MISUSE OF A HYDRANT.**

It shall be unlawful for any person to use a hydrant in a County park other than for fire suppression.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

#### **SEC. 41.122. ERECTION OF STRUCTURES.**

It shall be unlawful for a person to erect, construct or place a building or other structure in a County park without written authorization from the Department. The Department may without notice, remove a building or other structure erected, constructed or placed in violation of this section and recover its costs from any person who committed the violation.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.123. PETS AND OTHER ANIMALS.**

The following regulations shall govern pets and other animals in County parks:

(a) No person shall bring an animal other than a pet into a County park, except a person may bring a horse, mule or donkey to an area specifically designated for riding, or a pack animal on a trail if allowed under a park's rules and regulations.

(b) No person shall bring a pet into a County park or allow a pet to enter or remain in a County park unless the pet has all inoculations required by State Law and any current license required by law. A person with a pet in a County park, when requested by a park ranger, shall provide evidence that the pet has received all inoculations required by State Law and has a current license.

(c) Unless authorized by the Department, a person with a pet in a County park shall keep the pet physically restrained at all times, either by an adequate leash no more than six feet in length, and in control of a person competent to restrain the animal or by confining the animal in a vehicle, tent, trailer, enclosure, or other structure allowed by park rules and in accordance with applicable state law.

(d) No person shall bring an animal into or allow an animal to enter or remain in a County park structure, other than a service animal.

(e) No person shall bring a dangerous dog, as defined in section 62.602 of this code, or an attack dog, guard dog or sentry dog, as defined in Health and Safety Code sections 121875 et seq. into a County park, or allow any of these types of dogs to remain in a County park. Nothing in this section shall prohibit law enforcement personnel from being accompanied by a trained police dog.

(f) No person shall allow an animal to enter or remain in a water body in a County park.

(g) No person shall abandon a pet or other animal in a County park. A pet or other animal allowed in a County park under subsection (a) above shall be considered abandoned if a person fails to provide food or water for the pet or other animal for more than six hours. An animal that is not allowed in a County park shall be considered abandoned if a person leaves the animal unattended in a County park.

(h) A person who brings a pet or other animal into a County park shall be responsible for any injury to a person or damage to property, including park property, caused by the animal. A person bringing an animal into a County park shall have a duty to report to any park ranger, any injury suffered by any person or any damage to property caused by the animal, as soon as practicable following the incident. If no park ranger is available at a County park to receive a report of the incident, the person shall report the incident to the Department no later than one o'clock p.m. on the next business day.

(i) The Department may create or establish designated and enclosed dog parks within a County park, including specified days and periods of time, in which dogs are allowed to be leash-free. The Department may withdraw or restrict, either permanently or temporarily, any leash-free designation within a County park.

(j) The Department shall promulgate and post, at each designated off leash area, regulations for the use of such dog parks, and may modify such regulations at any time in order to promote the general use and enjoyment of a County park. Such posting shall include a notice that failure to obey a posted regulation is grounds for removal from the dog park and the County park, as well as citation.

(k) The Department may issue additional rules and regulations that limit or exclude pets from any County park or any section of a County park where the department determines that the presence of pets substantially conflicts with the general use and enjoyment of a park. This subsection does not apply to a service animal that accompanies a person with a disability.

(l) All persons shall remove and properly dispose of animal waste at a County park.

(m) No person who brings a pet or any other animal into a County park shall refuse the instructions from

a park ranger to remove the animal from the park when the park ranger determines that the animal is in the park in violation of this chapter, contrary to any written Department rule or regulation or when the animal presents a threat to the safety of any person or property.

(Amended by Ord. No. 3759 (N.S.), effective 10-21-71; amended by Ord. No. 4195 (N.S.), effective 12-13-73; amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.124. USE OF DESIGNATED SPORTS FACILITIES BY CERTAIN GROUPS.**

In order to provide a shared use of some highly desirable park sports facilities, between members of the community and groups that need a regulation field for league play or other organized sports activity, no person, as a member of a club, association, organization, company, league or organized team, shall use a designated sports facility in a County park for practice or games without written authorization from the Department.

(Added by Ord. No. 9925 (N.S.), effective 4-11-08; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.125. CLOSING HOURS.**

After closing hours at any County park, it shall be unlawful for a person, without a camping permit or other written authorization from the Department:

- (a) To enter or remain in a County park.
- (b) To park, leave or store a vehicle in a County park.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.126. WASHING OR REPAIRING VEHICLES.**

No person shall wash, clean, polish, repair, restore or paint a vehicle in a County park, except that a park ranger may authorize a person to make emergency repairs to a vehicle.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

#### **SEC. 41.127. VEHICLES.**

The following regulations shall govern the operation of vehicles in County parks:

- (a) No person shall operate a vehicle in a County park without a valid driver's license.
- (b) No person shall operate a vehicle in a County park unless the vehicle has a current vehicle registration.
- (c) A person operating a vehicle in a County park shall, at the request of a park ranger, provide proof of a valid driver's license and current registration.
- (d) No person shall operate a vehicle in a County park other than in a reasonable and prudent manner and with due regard for traffic and road conditions.
- (e) The operator of a vehicle in a County park shall not operate the vehicle at a speed which endangers the safety of persons, property or wildlife and shall not exceed the posted speed limits.
- (f) No person shall operate a vehicle in a County park other than on a park roadway designated for vehicle traffic or in a parking area designated for vehicle use without written authorization issued by the Department.
- (g) Other than a person camping in a park pursuant to a valid overnight camping permit, or other written authorization issued by the Department, no person shall operate a vehicle in a County park between 10:00 p.m. and 7:00 a.m., except in case of emergency.
- (h) No person shall operate a commercial vehicle in a County park without written authorization from the Department.
- (i) No person shall abandon a vehicle in a County park.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.128. PARKING.**

(a) No person shall park a vehicle in a County park other than in an area designated for vehicle parking. No person shall park a vehicle in a County park except in connection with the person's legal use of the park and during the person's visit to the park. No person shall park a vehicle in a manner that creates a hazard or disrupts public, private, or emergency access or interferes with the lawful use of a fire hydrant.

(b) The Department may remove any vehicle that is parked, stored, left or abandoned in violation of this chapter or any rule or regulation adopted by the Department. The vehicle owner shall be responsible for all expenses incurred by the Department in removing the vehicle.

(i)

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.129. AIRCRAFT.**

No person shall bring, assemble, take off, land or use any aircraft or any other device capable of carrying a person in the air, including a hot air balloon, hang glider, kite or motorized craft in any County park without written authorization from the Department.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.130. WALKWAYS, BICYCLES, WHEELED AND MOTORIZED DEVICES.**

No person shall engage in any of the following conduct in a County park:

(a) Obstruct the free travel of pedestrians on any trail, walkway or roadway.

(b) Ride or use a bicycle, E-bike, non-motorized scooter, skateboard, inline skates or other similar wheeled device except in areas designated for its use.

(i) E-bikes allowed pursuant to State law.

(c) No person under 18 years of age shall operate a bicycle, scooter, in-line skates or roller skates or a skateboard or ride upon a bicycle, scooter, in-line skates or roller skates as a passenger upon a street, trail or pathway inside a County Park without a helmet pursuant to California Vehicle Code 21212

(d) Use or operate any motorized model plane, model boat, model vehicle, drone, or unmanned aircraft system except in an area specifically designated by the Department for that use and with written authorization from the Department subject to all applicable State and Federal laws and regulations.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 8358 (N.S.), effective 3-17-94; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.131. CHILDREN.**

No parent or guardian, or any person having custody of any child, shall allow any child under the age of ten years in a County park to play in any playground area or to fish, swim or play in or near any water body or drainage ditch, unattended by an adult. Except as necessary, the Director may adopt and implement rules and regulations for different age restrictions at individual County parks.

(Amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.132. REGULATIONS FOR WATER BODIES.**

No person shall engage in any of the following conduct in any water body in a County park:

(a) Swim, use a surfboard, operate a boat or engage in any other water activity contrary to any park rule or regulation or contrary to any notice issued or posted by the Department.

(b) Pretend to be drowning or give or transmit a false signal that the person or some other person is drowning.



(c) Enter or remain in a water body after a notice has been issued or posted by the Department or by any federal, State or local agency, that forbids bathing, swimming, boating or any other water activity, unless making a rescue.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.133. FISHING/BOATING FEES AND PERMITS.**

(a) The Department shall designate County parks in which fishing and/or boating are allowed, and designate whether or not a permit is required for fishing and/or boating in County parks and adopt rules for the hours and days when these activities are allowed. No person shall fish in a County park or operate a boat in a County park without a permit when required from the Department. The permit fee is not refundable once the permit is issued. Whether or not a County permit is required, a State fishing license is required at all times and shall be presented at the request of a park ranger.

(Added by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.134. BOAT REGULATIONS.**

The Department shall adopt as necessary, rules and regulations for the safe use of boats on water bodies in County parks, to supplement any State or federal regulations. A person operating a boat in a County park shall operate the boat safely and prudently. No person shall continue to operate a boat on a water body in a County park after being directed by a park ranger to remove the boat from the water body when the park ranger determines that a person is operating a boat in violation of this section or at a time or a location when boating is not allowed.

(Added by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.135. WARNING SIGNALS.**

If an unsafe or dangerous condition exists in a County park the Department may warn the public by placing warning signs or flags, posting a notice or by any other reasonable means intended to give notice. A park ranger may also warn of an unsafe or dangerous condition. It shall be unlawful for any person to knowingly disregard a warning given under this section.

(Added by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.136. SOLICITING, SELLING AND ADVERTISING.**

(a) No person shall engage in any of the following conduct in a County park:

(1) Distribute, circulate or post any handbill, pamphlet or other advertisement regarding the sale of goods, merchandise or services.

(2) Attach or affix any written notice of any kind to any tree, shrub, post, fence or any other structure.

(b) No person shall engage in any of the following conduct in a County park without written authorization from the Department:

(1) Sell, hawk or otherwise peddle any goods, merchandise or services.

(2) Station or place any stand, cart or vehicle for display of goods, merchandise or services.

(3) Conduct any commercial filming or photography or activity related to commercial filming or photography.

(4) Perform any other activity of a commercial nature.

(c) Notwithstanding subsections (a) and (b) above, the Department may post notices on a structure in a County park, distribute notices to park patrons and authorize a person to distribute a notice about an event the Parks Department co-sponsors or supports.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

**SEC. 41.137. ENTERTAINMENT.**

No person shall set up or maintain any exhibition, show, performance, concert, place of amusement, ride, lecture, oration, act, play, review, pantomime, scene, song, dance act, song and dance act, disc jockey show or other announcer accompanying pre-recorded music, poetry recitation, fashion show, style show or any other performance of any kind without written authorization from the Department.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

**SEC. 41.138. DISORDERLY CONDUCT.**

No person shall disturb the peace and quiet of a County park by willfully and maliciously:

- (a) Making any unduly loud or unreasonable noise.
- (b) Tooting, blowing or sounding any siren, horn, signal or other noise-making device.
- (c) Engaging in any lewd, violent or disorderly conduct.
- (d) Using any vulgar or profane language in the presence of another person in a threatening manner or under circumstances likely to provoke a violent reaction from another person.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

**SEC. 41.139. ALCOHOLIC BEVERAGES.**

It shall be unlawful for any person in a County park to possess an alcoholic beverage with an alcohol content in excess of 20 percent by volume unless the Department has issued written authorization for a special event that authorizes serving alcoholic beverages with an alcohol content in excess of 20 percent by volume. The Department may also restrict, by rule or regulation, the possession of alcoholic beverages in a County park by completely barring alcoholic beverages or by limiting the times and/or the days when alcoholic beverages will be allowed in a park. It shall be unlawful for any person to possess an alcoholic beverage contrary to any written rule or regulation established by the Department.

(Amended by Ord. No. 4995 (N.S.), effective 11-17-77; amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

**SEC. 41.140. GAMBLING AND FORTUNE TELLING.**

The following activities are prohibited in a County park:

- (a) Playing, carrying on or engaging in a game of chance for money or anything of value.
- (b) Possessing any gaming or gambling table, contrivance, instrument, equipment or device.
- (c) Fortune telling, palm reading, character analysis, hypnosis, mind-reading, or other similar display, demonstration or exhibit for a charge, fee or donation of money or other valuable consideration.
- (d) Notwithstanding subsections (a) and (b) above, the Department may authorize a nonprofit organization to use a reservable area to operate a bingo game, raffles, silent auctions, and opportunity drawings if the organization has obtained a permit from the Sheriff's Department pursuant to this code.

(Amended by Ord. No. 5372 (N.S.), effective 3-8-79; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

**SEC. 41.141. GLASS BEVERAGE CONTAINERS.**

The Department may exclude glass beverage containers from a County park or any portion of a County Park, to promote public safety.

(Added by Ord. No. 7137 (N.S.), effective 6-19-86; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

**SEC. 41.142. USE OF SAFETY EQUIPMENT AT SKATEBOARD AND BIKE PARK FACILITIES.**

- (a) No person shall ride or use a skateboard or other wheeled recreational devices including non-motorized bicycles, scooters, in-line skates, roller skates, or wheelchairs at a recreational skateboard

facility located in a County park unless that person is wearing a helmet, elbow pads, and knee pads.

(b) No person shall ride or use a bike at a bike park facility located in a County park unless that person is wearing a helmet.

(c) The Department shall post signs at all skateboard and bike park facilities in County parks, which are not supervised on a regular basis, advising any person who uses a skateboard or bike park facility of the requirements to use the safety equipment required by subsection (a) or (b) above. The signs shall also state that failure to wear the required equipment is a violation of law and shall subject the violator to prosecution. (Added by Ord. No. 9494 (N.S.), effective 9-13-02; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.143. OTHER LANDS MANAGED BY THE DEPARTMENT.**

It shall be unlawful for any person to enter or remain on any land the Department manages or controls, that is not designated as a County park, without written authorization from the Department.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.150. OVERNIGHT CAMPING PERMITS.**

The Parks Department shall designate by regulation those County parks in which overnight camping is allowed, the duration of the camping and the fees to be paid. No person shall camp in a County park without a valid overnight camping permit issued by the Department. The Department shall adopt rules for refunding fees.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9817 (N.S.), effective 1-12-07; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.151. YOUTH CAMPING.**

An overnight camping permit shall not be issued to a minor. If a minor accompanies an adult to whom an overnight camping permit has been issued, the adult must be the minor's parent, legal guardian or some other person legally authorized to approve medical treatment for the minor or shall have written authorization from a person authorized to approve medical treatment. No minor shall remain in a park after park closing hours unaccompanied by an adult authorized to approve medical treatment for the minor. A violation of this section is grounds for revoking the camping permit.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

#### **SEC. 41.152. CAMPING SPACE.**

No person shall trespass upon or infringe upon a camping space assigned to another person or use a facility other than a facility designated in the camping permit issued by the Department.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.153. INCAPACITATED PERSONS.**

No person shall apply for a camping permit unless the person is able to care for him or herself or will be accompanied at all times by an attendant who is able to care for the person.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.154. REMOVAL AND ABANDONMENT OF TRAILERS, ETC.**

A park ranger may move any trailer, vehicle, tent or other personal property left at a campsite after a camping permit expires. The owner of the property shall pay the Department for its costs incurred in moving

and storing the property. Any property not claimed by the owner within 30 days after the camping permit expires may be deemed abandoned and may be disposed of according to law or may be retained by the County.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.155. CAMPING AREA MANAGEMENT.**

A park ranger may prohibit or limit the use of any trailer, vehicle or other property in a camping area if the park ranger determines that the use poses a threat to the safety of any person or property or conflicts with any rule or regulation adopted by the Department.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10412 (N.S.), effective 2-26-16)

#### **SEC. 41.156. PEACE AND QUIET.**

No person shall disturb the peace and quiet of a County park by willfully or maliciously:

(a) Operating outside electronic equipment including electrical speakers, radios, television, or other machinery, at a volume which emits unduly loud or unreasonable noise beyond the immediate individual camping space or picnic site without written authorization from the Department.

(b) Disturbing others in a campground facility between the hours of 10:00 pm and 8:00 am daily.

(c) Operating an engine driven electric generator between the hours of 10:00 pm and 8:00 am without written authorization from the Department.

(Added by Ord. No. 10412 (N.S.), effective 2-26-16)

## **DIVISION 2. RESTRICTED AREAS CHAPTER 1. RIVERS**

Section 4 Section 42 of the San Diego County Administrative Code is hereby amended to read as follows:

#### **SEC. 42.101. SWIMMING IN THE SAN DIEGO RIVER PROHIBITED.**

It shall be unlawful for any person to swim, wade or bathe in the waters of the San Diego River in the unincorporated area of the County.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

## **CHAPTER 2. LIVESTOCK WATERING HOLES**

#### **SEC. 42.201. TRESPASSING NEAR LIVESTOCK WATERING HOLES PROHIBITED.**

It shall be unlawful for any person in the unincorporated area of the County, without written permission from the owner or a person in lawful possession of the property, to enter on property belonging to another person within a radius of 1500 feet of any established livestock watering hole or place, whether unenclosed or enclosed by fence, where signs forbidding trespass are displayed approximately 2400 feet apart, at a distance of approximately 1500 feet from the watering hole or place.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

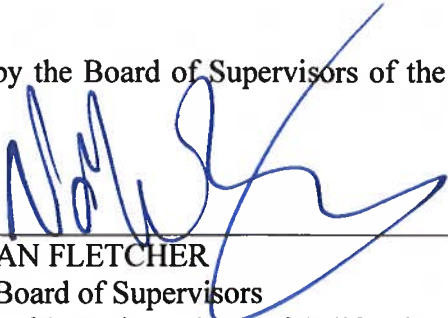
This Ordinance shall take effect (30) days after its adoption. Within fifteen days after the date of adoption of this ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.



APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL  
BY

Justin Crumley, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 14<sup>th</sup> day of December 2022.


  
\_\_\_\_\_  
NATHAN FLETCHER  
Chair, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher  
ABSENT: Desmond

ATTEST my hand and the seal of the Board of Supervisors this 14<sup>th</sup> day of December 2022.

ANDREW POTTER  
Clerk of the Board of Supervisors

By   
\_\_\_\_\_  
Teresa Zurita, Deputy



Ordinance No.: 10823 (N.S.)  
Meeting Date: 12/14/2022 (02)