

ORDINANCE NO. 9578 (N.S.)

**AN ORDINANCE AMENDING AND ADDING
SECTIONS TO CHAPTER 1 AND
REPEALING CHAPTER 3 OF DIVISION 1
OF TITLE 4 OF THE SAN DIEGO COUNTY CODE
OF REGULATORY ORDINANCES RELATING
TO RULES AND REGULATIONS
PERTAINING TO COUNTY PARKS**

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

Section 1. The Board of Supervisors finds and determines that because the County no longer operates any beaches and because there are no private beaches in the unincorporated area, the ordinances regulating these facilities should be repealed. The Board also finds that certain provisions that apply to non-beach water bodies should be amended and that other provisions regulating the use of County parks should be clarified.

Section 2. The titles for Division 1 and Chapter 1 are hereby amended to read as follows:

DIVISION 1. PARKS AND RECREATION

CHAPTER 1. COUNTY PARKS AND RECREATION

Section 3. Section 41.101 is hereby amended to read as follows:

SEC. 41.101. DEFINITIONS.

For the purposes of this chapter the following definitions shall apply:

- (a) "DIRECTOR" means the Director of Parks and Recreation or a representative designated by him/her;
- (b) "COUNTY PARK" means any park, community center, lands, or recreation facility, owned by, leased by, or under the control of the County;
- (c) "PARK RANGER" means any person employed or appointed by the County as a Park Ranger or the caretaker of any County park;
- (d) "PET" means any dog, cat, goat, sheep, or other domesticated animal;
- (e) "WATER BODY" means any lake, river, stream, creek, pond, pool, or reservoir located in a County park.

Section 4. Section 41.112 is hereby amended to read as follows:

SEC. 41.112. ANIMALS.

No person shall hunt, pursue, trap, kill, wound, maltreat or attempt to hunt, pursue, trap, kill, wound, or maltreat any wild or domesticated bird or animal, and no person shall permit any pet to pursue, trap, kill, or wound any wild or domesticated bird or animal in a County park.

Section 5. Section 41.116 is hereby amended to read as follows:

SEC. 41.116. LITTER.

No person shall break any glass or leave, deposit or scatter any rubbish on any County park property. Every person shall deposit his/her litter in a trash receptacle.

Section 6. Section 41.118 is hereby amended to read as follows:

SEC. 41.118. FIRE HAZARDS.

No person shall ignite or permit to be ignited, a fire in any location in a County park except in a designated campfire ring or barbeque provided by the County or as specifically authorized by the Park Ranger. No person shall throw away any lighted tobacco product, or any burning or combustible material or other matter that could set fire to grass, shrubs, buildings or any other combustible substance.

Section 7. Section 41.119 is hereby amended to read as follows:

SEC. 41.119. BARBEQUES AND FIRE RINGS.

No person using a park barbeque or fire ring shall permit such barbeque, or fire ring to remain in any untidy or unsanitary condition, nor shall any such person fail to clear away all cooking and eating utensils and waste matter after use thereof. Any person who uses a barbeque or fire ring shall, when such use is completed, completely extinguish the fire or coals therein.

Section 8. Section 41.121 is hereby amended to read as follows:

SEC. 41.121. WATER POLLUTION.

No person shall place any garbage or other waste, or any soiled eating or cooking utensils or anything similar, in any water body or at any hydrant for the purpose of cleaning the same, nor shall any person use any water body or hydrant for washing or bathing, or for disposal of refuse, or for any activity which would tend to cause the pollution thereof.

Section 9. Section 41.123 is hereby amended to read as follows:

SEC. 41.123. PETS.

(a) Subject to the restrictions set out herein, pets are permitted in County parks during the hours that such parks are open to the public.

(b) No person shall bring a pet into, permit a pet to enter into or remain in, or possess a pet in any County park without first having obtained any required inoculation or valid license for such pet. Evidence of such inoculation or valid license shall be presented by the person responsible for such pet when requested by a Park Ranger.

(c) All pets in County parks shall be closely attended and physically restrained at all times, either by being attached to a substantial leash no more than six feet in length, or

by being confined in a vehicle, tent, trailer or other approved structure unless otherwise authorized by the Director.

(d) No person shall bring a pet to, permit a pet to enter or remain on, or possess a pet on any trail extending beyond the limits of a campground or picnic area in a County park. This prohibition does not apply to a service animal that is individually trained and accompanies a person with a disability.

(e) No person shall bring a pet into or permit a pet to enter and/or remain within, or possess a pet within any structure in a County park.

(f) No person shall keep or permit to remain within a County park, a noisy, vicious or dangerous pet, or a pet that disturbs other persons within the boundaries of a County park after he/she has been directed by a Park Ranger to remove such pet.

(g) No person shall permit a pet to enter or remain in any water body.

(h) Any person bringing a pet into a County park is solely responsible for the actions of such pet. Such person shall immediately identify himself/herself to a Park Ranger and report any injury inflicted by such pet upon any person or any damage caused by such pet to any real or personal property.

(i) The Director may further regulate pets in, or may further exclude pets from, any County park or any section of a County park where he/she finds that the presence of pets substantially conflicts with the general use and enjoyment of such park. This subsection does not apply to a service animal that is individually trained and accompanies a person with a disability.

Section 10. Section 41.125 is hereby amended to read as follows:

SEC. 41.125. CLOSING HOURS.

No person shall remain upon the grounds of a County park or occupy the grounds of such parks, or any park thereof, or use any of the facilities or equipment therein, or permit any vehicle to remain therein, except between the posted hours of any day, unless authorized to camp pursuant to Article 3 of this chapter, or unless authorized by the Director.

Section 11. Section 41.130 is hereby amended to read as follows:

SEC. 41.130. WALKWAYS.

No person shall ride or drive a moped, motorcycle, automobile or any other vehicle other than on an automobile road. No person shall obstruct the free travel of pedestrians on any walk, road or avenue, or of vehicles on automobile roads. No person shall ride or use a skateboard, roller blades, or other similar wheeled device except in areas designated for their use by the Director.

Section 12. Section 41.131 is hereby amended to read as follows:

SEC. 41.131. CHILDREN.

No person shall permit any child under the age of seven years to play in any playground area, or fish, swim or play in or near any water body, or drainage ditch,

except in areas which are fenced and set aside for infants, unless such child is attended by an adult.

Section 13. Section 41.132 is hereby amended to read as follows:

SEC. 41.132. ACTS PROHIBITED IN WATER BODIES IN COUNTY PARKS.

No person shall:

- (a) swim in any water body unless authorized by the Director;
- (b) give or transmit a signal of false drowning alarm in any manner or mode;
- (c) bathe, swim, ride surfboards, or operate boats in or upon a water body where warning signals have been given except when making a rescue;
- (d) have in his/her possession a cocked or armed fishing spear gun or similar instrument, or an unsheathed or uncovered spear, bar, prong or similar instrument, within 100 feet of another person. A spear gun or similar instrument shall be deemed cocked or armed unless it is unloaded and uncocked;
- (e) paddle or ride a surfboard into, or otherwise permit a surfboard in his/her possession to enter any area designated as a swimming area by the Director; or
- (f) launch any boat, other than an emergency boat, upon any water body unless the Director has authorized the use of boats upon the water body.

Section 14. Section 41.132.1 is hereby added to read as follows:

SEC. 41.132.1. FISHING/BOATING FEES AND PERMITS.

(a) The Director shall designate by regulation those County parks in which fishing and/or boating is permitted, the duration of such activity, and the fees to be paid. No person or persons shall fish or launch any boat in County parks without having first paid the established fee and obtained a permit.

(b) All fees shall be payable in advance and no refunds will be made. The applicant for a fishing and/or boating permit shall furnish such information as the Director may prescribe in the Permit Application Form.

Section 15. Section 41.132.2 is hereby added to read as follows:

SEC. 41.132.2. BOAT REGULATIONS.

The Director shall promulgate rules and regulations for use of boats on water bodies. At all times, boats shall be operated in a safe and prudent manner and shall contain sufficient numbers of floatation devices for the number of boat occupants. No person shall continue to operate a boat on a water body after being directed by a Park Ranger to remove the boat.

Section 16. Section 41.132.3 is hereby added to read as follows:

SEC. 41.132.3. WARNING SIGNALS.

Any Park Ranger may give warning of the unsafe or dangerous condition of waters. Such warning may be given verbally, by placing warning signs or flags, or by any other appropriate means of advising the public.

Section 17. Section 41.136 is hereby amended to read as follows:

SEC. 41.136. ALCOHOLIC BEVERAGES.

No person shall transport into a County park, or consume upon the premises of a County park, any intoxicating liquors having an alcoholic content in excess of 20 percent by volume; provided, however, that the above prohibition shall not be applicable to persons transporting or consuming such intoxicating liquors in County parks in accordance with leases, concessions or managerial contracts approved by the Board of Supervisors. The Director may further regulate the consumption of alcoholic beverages by establishing time periods for consumption or excluding alcoholic beverages from any County park or section of a County park where he/she finds that consumption of alcoholic beverages substantially conflicts with the general use and enjoyment of such parks.

Section 18. Section 41.138 is hereby amended to read as follows:

SEC. 41.138. DISOBEYING ORDERS AND TAMPERING WITH SIGNS.

No person shall refuse or fail to comply with any lawful order, signal or other direction of a Park Ranger. No person shall, without lawful authority, deface, damage, or remove any warning sign, equipment, lifesaving equipment, life buoy, rope, or other material placed on or near a park or water body pursuant to the provisions of this chapter.

Section 19. Section 41.139 is hereby amended to read as follows:

SEC. 41.139. GLASS BEVERAGE CONTAINERS IN SAN DIEGO COUNTY PARKS AND WATER BODIES.

The Director may exclude glass beverage containers from County parks, water bodies, or adjacent parking and sidewalk areas where he/she finds that the use of glass beverage containers substantially conflicts with the general use and enjoyment of such parks. All persons shall comply with any such order of the Director.

Section 20. Section 41.139.1 is hereby amended to read as follows:

SEC. 41.139.1. HANG GLIDING.

No person shall transport, assemble or use any aircraft including hot air balloons, hang glider, kite or motorized craft designed to export a person or persons in air flight or fly, launch or land over or upon any County park or water body without written authorization from the Director.

Section 21. Section 41.149 is hereby amended to read as follows:

SEC. 41.149. SANITATION.

The Park Ranger shall control the size, type and arrangement of trailers and other private camping equipment and facilities permitted in the area in order to maintain the sanitation and orderly appearance of County park camping areas. Disposal of waste-water shall be at locations designated for the dumping of waste-water. Waste-water shall include, but is not limited to any dishwater, sewage, or any liquid containing chemicals.

Section 22. Sections 41.301, 41.302, 41.303, 41.304, 41.305, 41.306, 41.307, 41.308, 41.309, 41.310, 41.311, 41.312, 41.313, 41.314 and 41.315 are hereby repealed.

Section 23. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary thereof shall be published once with the names of the members of this Board voting for and against it in a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED this 9th day of July, 2003.