

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2778**

**ORDINANCE AMENDING ARTICLE 8, SECTION  
8.02 OF THE SAN DIEGO UNIFIED PORT  
DISTRICT CODE**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I, (Port Act); and

**WHEREAS**, Section 22 of the Port Act permits the Board of Port Commissioners (BPC) to pass all necessary ordinances for the regulation of the District; and

**WHEREAS**, Section 56 of the Port Act requires the BPC to make local regulations pertaining to the use of all public services in the District, operated in connection with or for the promotion and accommodation of commerce, navigations, fisheries, navigation and recreation on District Tidelands; and

**WHEREAS**, the District manages public parks, which are regulated under Article 8, Section 8.02 of the San Diego Unified Port District (UPD) Code; and

**WHEREAS**, Article 8, Section 8.02(a) of the UPD Code identifies parks located on District Tidelands, and 8.02 (b) and (c) outline the corresponding requirements and restrictions for use of these parks, which have been adopted by the BPC for the safety and enjoyment of the public; and

**WHEREAS**, Section 8.02 was last amended on August 14, 2012, pursuant to Ordinance No. 2684. Since then, additional public spaces have or are slated to be opened, and existing public spaces have been renovated, which requires an amendment updating Article 8, Section 8.02.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District ordains as follows:

Section 1. That San Diego Unified Port District Code 8.02 is hereby amended as follows:

**SEC. 8.02 - PARK AREAS REGULATED**

(a) For purposes of this Section, a "Public Park" of the District is defined as follows, and as shown on maps on file with the Clerk of the District, which may be updated by the Executive Director without further action by the Board.

1. "Shoreline Park" on Shelter Island in the City of San Diego, the public area bayward of Shelter Island Drive to the waterline, bordered on the north by the northwestern fence line of the parking lot north of the traffic circle, on the west by the public dock, and on the east by the private leaseholds, including the fishing pier and boat launching ramp.
- 2 "Harbor Island Park" on Harbor Island in the City of San Diego, bordered on the north by Harbor Island Drive, on the south by the waterline, on the west by the entrance to the public parking lot, and on the east by the point where the grass narrows to a uniform width along the waterline.
3. "Spanish Landing Park" in the City of San Diego, bordered on the north by North Harbor Drive, on the south by the waterline, on the west by the intersection of the waterline with the Navy Estuary Bridge, and on the east by the end of the grassy area east of Cancer Survivors Park.
4. "Tuna Harbor Park" in the City of San Diego, the public area bayward of North Harbor Drive, ordered on the north by the roadway parallel to the Midway Memorial, on the south by the grassy area at the north end of Seaport Village, and on the west by the waterline, including the area north of G Street between the waterline and the northern curblineline of the parking lot, excluding G Street.
5. "Embarcadero Marina Park North," located at the southern end of Kettner Boulevard in the City of San Diego, on the peninsula south of the sidewalk at Seaport Village.
6. "Embarcadero Marina Park South," located southwest of the Convention Center in the City of San Diego, on the peninsula south of the sidewalk that crosses Marina Parkway, including the fishing pier. Attachment B to Agenda File No. 2014-218
7. "Caesar Chavez Park" in the City of San Diego, bordered by Cesar Chavez Parkway, Crosby Road, the waterline, and a wall, including the recreational pier.
8. "Pepper Park" in National City, located at the southern end of Tidelands Avenue, bordered by fence lines and the waterline, including the boat launching ramp and fishing pier.
9. "Chula Vista Bayside Park" in the City of Chula Vista, located where G Street meets the Bay, bordered by fence lines and the waterline.
10. "Chula Vista Bayfront Park" in the City of Chula Vista, on the peninsula at the end of Marina Way, including the boat launching ramp.
11. "Marina View Park" in the City of Chula Vista, bordered by Marina Way, Marina Parkway, a fence line, and the waterline.

12. "Portwood Pier Plaza" in the City of Imperial Beach, the public areas bordered by the sidewalks on Seacoast Drive and Elder Avenue, the beach, and an alley, including the fishing pier.
13. "Dunes Park" in the City of Imperial Beach, bordered by the sidewalk on Seacoast Drive, the beach, and fence lines.
14. "Grand Caribe Shoreline Park" in the City of Coronado, located at the end of the Grand Caribe Causeway, bordered by the waterline and a fence line.
15. "Coronado Tidelands Park" in the City of Coronado, bordered by the sidewalk on Glorietta Boulevard, Mullinix Drive southerly to the waterline, and a fence line.
16. "Coronado Landing Park" in the City of Coronado, at the foot of Orange Avenue along the waterline from the walkway bayward, bordered on the east by the parking lot east of the ferry landing, and on the west by the end of the sand area and eastern end of the adjoining rocks, excluding the fishing pier and ferry landing.
17. "Broadway Pier" in the City of San Diego, at the foot of Broadway, west of the sidewalk bayward of North Harbor Drive.
18. "Ruocco Park" in the City of San Diego, on the west side of Pacific Highway and bordered on the north by North Harbor Drive and the south by Seaport Village and on the west by Tuna Harbor boat docking area.
19. "Greatest Generation Walk Park" in the City of San Diego, on the west side of North Harbor Drive starting at the exit of the driveway to the USS Midway Museum and Navy Pier and extending south to G Street and the entrance to the Tuna Harbor parking lot and bordered on the west by the waterline.
20. "Broadway Landing" in the City of San Diego, located on the west side of North Harbor Drive from the north side of Navy Pier to the south side of B Street Pier and bordered by the waterline.
21. "Lane Field Park" in the City of San Diego, located along the east side of North Harbor Drive from the corner of West Broadway up to the fence line of the Navy property and across from Broadway Pier and B Street Pier.
22. "North Embarcadero Promenade" in the City of San Diego, located on the west side of North Harbor Drive starting at the south side of B Street Pier and extending northbound to Grape Street and bordered by the waterline.

23. Any other land designated as a public park.

(b) Within the limits of a Public Park of the District:

1. No person shall use any area or facility set aside, used, maintained or designated for a specific recreational or park purpose by the Board or the Executive Director, which purpose is reasonably apparent from the appearance, construction or designation of such facility or area, or as to which reasonable notice of such designation or purpose is given by signs posted thereon, for a purpose contrary to or inconsistent with such specific or designated purpose.

2. No person shall land, release, take off or fly any balloon (except childrens' toy balloons not inflated with any flammable material), helicopter, parakite, hang glider, aircraft or powered models thereof except by permit duly issued by the Executive Director.

3. No person shall engage in any voluntary parachute jump.

4. No person shall use any bow or crossbow, or throw or release any arrows.

5. No person shall remove any wood, tree, shrub, plant, turf, grass, soil, rock, sand or gravel.

6. No person shall cut, break, injure, tamper with, deface or disturb any tree, shrub, plant, rock, building, monument, fence, bench, structure, apparatus, equipment or property; or mark, paint, post or write upon any building, monument, fence, bench or other structure; or post, place or erect any bills, notice, paper or advertising device or matter of any kind.

7. No person shall enter, remain, stay or loiter in any Public Park between the hours of 10:30 p.m. and 6:00 a.m. of the following day. For any Public Park or recreational facility subject to this provision, the Executive Director may extend the 10:30 p.m. closing time for up to One (1) hour to accommodate any District approved event. The Embarcadero Marina Park South fishing pier, the Shoreline Park fishing pier on Shelter Island, including the automobile parking lot immediately adjacent thereto, the Portwood Pier Plaza fishing pier, Greatest Generation Walk Park, Broadway Landing, Lane Field Park and North Embarcadero Promenade shall not be subject to the closing time provision.

8. No person shall drive or ride any cycle or vehicle, whether powered by a motor or human power, except on paths, roads or drives designed and provided for such purposes.

9. No person shall make or kindle a fire or cook food, except on a stove or masonry or concrete hearth or fire circle provided for such purposes, or on a portable stove or hearth of an approved type and in areas specifically posted for such use.

10. No person shall throw, discard or deposit any paper, rubbish, debris, ashes, dirt, bottles, cans, trash or litter of any kind or nature whatsoever, except in receptacles specifically provided therefor.

11. No person shall discharge any firearms, firecrackers, fireworks, rockets, model rockets, torpedoes, airgun or slingshot.

12. No person shall assemble, collect or gather together in any walk, driveway, passageway or pathway in any Public Park or in other places set apart for the travel of persons or vehicles in or through any Public Park or occupy the same so that the free passage or use thereof by persons or vehicles passing along the same shall be obstructed in any manner.

13. No person shall roller skate, use or ride any skateboard.

14. No person shall erect, use or occupy any tent, lodge, camp or shelter.

15. No person shall play any game of ball or engage in any sport, athletic game or contest or any kind except at such places and at such times as designated for such purpose by action of the Board or by the Executive Director.

16. No person shall clean, wash or polish, or make other than emergency repairs to any automobile, motorcycle or self-powered vehicle.

17. No person or group of persons exceeding twenty five (25) in number shall hold, conduct or participate in any celebration, parade, service or picnic in any Public Park without first obtaining a permit from the District.

18. No person shall possess an aerosol container of paint or other liquid substance capable of and intended to be used for defacing any Public Park property.

19. No person shall launch or retrieve any vessel, boat or barge at the boat launching ramp, adjacent float, docks or piers within the Chula Vista Bayfront Park during the time period beginning One (1) hour after sunset and ending One (1) hour before sunrise the next day (local time) without the prior written permission of the Executive Director.

20. No person shall operate any vessel, boat or barge carrying passengers, merchandise, building materials, petroleum products, compressed gas or cargo to or from the boat launching ramp, float, docks or piers within the Chula Vista Bayfront Park and any point, location, vessel, boat, barge, structure or dock within San Diego Bay without the prior written permission of the Executive Director.

21. No person shall operate any vessel, boat or barge carrying passengers for hire or passengers for any other commercial endeavor or venture, merchandise, building materials, petroleum products, compressed gas or cargo to or from the ramp, float, dock or pier at the Pepper Park boat launching ramp and park complex in National City and any point, location, vessel, boat, barge, structure or dock within San Diego Bay without obtaining a properly executed permit as provided for in Section 8.02(e) of this Code.

22. Pursuant to a sunset provision, Subsection 8.02(a) 25 was repealed on October 30, 1995.

23. No person shall launch or retrieve, or attempt to launch or retrieve, any vessel at the boat launching ramp at Shoreline Park on Shelter Island unless the size of the vehicle, including any attached trailer, load or vessel thereon, does not exceed Eight and One-Half (8-1/2) feet in width or Forty Five (45) feet in length, except that subject to prior express written permission of the Executive Director, for special events the length restriction of Forty Five (45) feet may be increased to a length not to exceed Sixty Five (65) feet.

(c) Within the limits of any such Public Park containing a fishing or recreational pier:

1. No person shall operate any vehicle on a fishing or recreational pier, except as permitted by the Executive Director.

2. No person shall ride a bicycle, scooter, skate, skateboard or other wheeled device on any pier. Subdivisions 1 and 2 of this provision shall not apply to the use of wheelchairs by persons whose physical condition necessitates such use.

3. No person shall dive or jump, or cause another to fall, dive or jump from a pier, or climb or be on the outside of the railing of a pier except for the purpose of rescuing or saving lives.

4. No person shall swim, operate or otherwise use a surfboard, skindive or use self-contained underwater breathing apparatus within an area described as one hundred (100) feet of either side of the pier.

5. No person shall climb or crawl on the pier railings, pilings or under structures.

6. No person shall do any overhead casting or allow any fishing lure or hook to pass inboard of the pier railing while casting.

7. No person shall clean any fish except at locations provided for that purpose.
8. No person shall use more than Two (2) poles or drop lines at any one time.
9. No person shall fish or trap sea life for commercial purposes.
10. No person shall use any fishing spear or spear gun.

(d) Nothing contained in these provisions shall be construed to prohibit any authorized employee, agent or contractor of the District from doing any act which the Board or the Executive Director may deem necessary or proper for the maintenance, improvement or betterment of any of said Public Park; furthermore nothing herein contained shall be applicable to prohibit the performance by a peace officer in the exercise of authorized duties.

(e) Whenever the privilege of using a Public Park area for doing any of the acts hereinbefore enumerated in this section requires obtaining a permit, permission or consent from the Executive Director, the following procedure shall be followed:


1. An application for a permit shall be filed not less than Ten (10) days before the date on which the proposed activity or event is to be conducted.
2. The application shall include information as to the proposed activity, the sponsoring person or organization, the number of persons expected to attend, the proposed area to be used, the proposed date and time of the event, the duration in time, and may include proposed alternate areas and dates.
3. The Executive Director shall review the application and thereafter shall have the right to give or not to give a permit. In reaching a decision, the Executive Director may waive the Ten (10) day filing requirement of subsection 1, above, may consider whether activity will conflict or interfere with any other event previously scheduled and whether the activity will unreasonably add to congestion or interfere with or impede the normal flow of vehicular or pedestrian traffic.
4. Each permit shall state the date, time and area of the park for which it is issued, the name of the person or persons to whom it is issued and any conditions and limitations upon which the permit is given.
5. Each permit shall be subject to the requirements regarding noise and parades as contained in the Municipal Code of the particular City in which the park is located. In the City of San Diego, the applicable provisions include, but are not limited to, Municipal Code §59.5.0101 et seq.
6. If a permit is not given, the applicant may submit a new request proposing an alternate date, time or location.

7. When a permit is not given, the applicant may, within Fifteen (15) days after receiving notice thereof, request such a permit from the Board of Port Commissioners by filing a request therefor with the Clerk of the District. If a timely request is not so filed, the decision of the Executive Director shall be final. In the event a timely request is filed, the Clerk of the District shall cause the matter to be placed as an appearance item on the agenda of a regular meeting of the Board that is scheduled within the next Thirty (30) days. The item on the agenda shall not be a hearing nor shall evidence be taken. The applicant may appear, make a presentation and request a permit. The Board shall thereafter have the absolute right to either give or not to give a permit and that decision of the Board shall be final.

(f) If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provisions or application, and to this end the provisions of this section are severable.

Section 2. This ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL



By: ~~Assistant~~ Deputy



PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 16<sup>th</sup> day of September 2014, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

ABSENT: None.

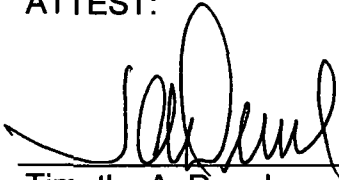
ABSTAIN: None.



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Robert E. Nelson, Chairman  
Board of Port Commissioners

ATTEST:



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Timothy A. Deuel  
District Clerk

