

CHAPTER 8.04GENERAL PROVISIONS8.04.010 Motor Vehicles.

A. It is unlawful for any person to drive, park or allow to stand any self-propelled vehicle on a public beach, public park, or recreational trail unless the operator has previously obtained express approval from the Lifeguard Captain, Director, Parks and Recreation or other authorized City official. (Ord. 2004-09).

B. Approval required by this section shall be given only for a temporary period subject to such conditions as are necessary to protect the public health and safety. (Ord. 2004-09).

8.04.020 Fishing Spears.

A. Within 100 feet of any person while upon any public property, it is unlawful for any person to possess a fishing spear gun or similar instrument in a cocked or armed position or to possess any unsheathed or uncovered spear, barb, prong or similar instrument.

B. A spear gun or similar instrument shall be deemed cocked or armed unless it is in a condition incapable of projecting spears, barbs or prongs.

8.04.030 Glass Containers Prohibited. While upon any City beach, park, recreational trail, or waterway or a sidewalk adjacent to such area within the City, it is unlawful for any person to possess a container whose exterior surface is in any degree made of glass. (Ord. 2004-09).

8.04.040 Fires.

A. It is unlawful for any person to ignite and/or maintain a fire on any public beach or recreational trail, or in any public park outside a designated fire ring or barbecue grill. (Ord. 2004-09).

B. It is unlawful for any person to relocate a fire ring or barbecue grill placed by the City. (Ord. 2004-09).

8.04.050 Horses. It shall be unlawful for any person to ride, bring, allow or permit a horse owned or controlled by such person upon a City beach, park, or recreational trail except in areas designated by resolution of the City Council for use by horses. (Ord. 2004-09).

8.04.060 Plants. It shall be unlawful for any person to pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn or carry away any plant or vegetation, or portion thereof including aquatic plants located in a City beach, park, recreational trail, or waterway. (Ord. 2004-09).

8.04.070 Geological Features. Within any City beach, park, recreational trail, or waterway, it shall be unlawful for any person to destroy, disturb, deface or remove earth, sand, gravel, oil, minerals, rocks or fossils, features of caves, archaeological artifacts or any parts thereof. (Ord. 2004-09).

8.04.080 Defacement. Within any City beach, park, recreational trail or waterway, it shall be unlawful for any person, in any way, to intentionally damage, deface or mutilate any tree, fence, wall, building, railing, sign, playground or playground equipment, camp or picnic structure, monument or any other object or structure placed there by the City. (Ord. 2004-09).

8.04.090 Weapons. Within any City beach, park, recreational trail or waterway, it shall be unlawful for any person to use, transport, carry, fire or discharge any firearm, airgun, paintball gun, archery device, slingshot, fireworks or explosive device of any kind. (Ord. 2004-09).

8.04.100 Fire Hazard.

A. Within any City beach, park, recreational trail or waterway, it shall be unlawful for any person to throw away any lighted tobacco product or any burning or combustible material or any other matter that could set fire to grass, shrubs, buildings or any other combustible substance. (Ord. 2004-09).

8.04.110 Barbecue Grill. Within any City beach, park or waterway, it shall be unlawful for any person to use a City barbecue grill and allow such barbecue grill to remain in an untidy or unsanitary condition; nor shall any person fail to clear away therefrom all cooking and eating utensils and waste matter after use thereof; nor shall any person using a City barbecue grill fail, when such use is completed, to cover the fire therein. (Ord. 2004-09).

8.04.120 Washing or Repairing Cars. Within any City beach, park, or recreational trail, it shall be unlawful for any person to engage in the washing, cleaning, polishing, repairing, renovating or painting of any vehicle; except that this section shall not prohibit the making of emergency repairs immediately necessary to render such vehicle safe. (Ord. 2004-09).

8.04.130 Walkways.

A. Within any City beach, park, or recreational trail, it shall be unlawful for any person to ride or drive a moped, motorcycle, automobile or any other vehicle other than on an authorized roadway. (Ord. 2004-09).

B. Within any City beach, park, or recreational trail, it shall be unlawful for any person to obstruct the free travel of pedestrians on any walk, road or avenue, or vehicles on automobile roads. (Ord. 2004-09)

8.04.140 Supervision of Children. Within any City beach, park, or recreational trail, it shall be unlawful for any person to permit a child under that person's control and who is under the age of 7 years, to be unattended. (Ord. 2004-09).

8.04.150 Hours of Operation. Within any City beach, park, or recreational trail, it shall be unlawful for any person to remain upon such property or any part thereof, or use any of the facilities or equipment therein, or permit any vehicle to remain thereon, except between the posted hours of any day when such area is open for public use. (Ord. 2004-09).

8.04.160 Unleashed Dogs on Public Property

A. Other provisions of the Municipal Code not with standing, any person owning or having custody or control of a dog may allow the dog to be on public property, unrestrained by a leash, so long as each of the following conditions are met:

1. The dog is within either Encinitas Viewpoint Park or Orpheus Park, or Sun Vista Park (East), between the hours of either 6:00 a.m. and 7:30 a.m. or 4:00 p.m. and 6:00 p.m., on a Monday, Wednesday or Friday; (Ord. 2003-16)

2. The dog is within that portion of Trail Segment 72 between Encinitas Boulevard and Mountain Vista Drive; (Ord. 2003-16)

3. The dog is licensed and under direct and effective voice control sufficient to ensure that the dog is not involved in a violation of any other provision of law; and

4. The dog is not:

a. Biting or harassing a person or other animal;

b. Interfering with another person's lawful use of public property; or

c. Urinating or defecating on public property unless the dog is curbed and any feces is immediately removed to a proper receptacle.

B. An official of the City who has authority to enforce the City's animal control regulations may order a person owning or having custody or control of the dog to physically restrain the dog by a leash while the dog is on Encinitas Viewpoint Park or Orpheus Park, or Sun Vista Park (East) and that portion of Trail Segment 72, in accordance with the following: (Ord. 2003-16).

1. The dog is unrestrained by a leash but is not in compliance with each of the conditions contained in subsection A, above.

2. The order shall be accompanied by a written notice that the order continues in effect until the City Manager revokes the order, in writing.

3. A person subject to an order issued in accordance with this provision may apply to the City Manager for revocation of the order.

4. The City Manager, or the Manager's designee, shall conduct a hearing on the application. The order shall be revoked if the applicant demonstrates that, based upon a change in circumstance, the order is no longer required to accomplish the purposes of the Code.

8.04.170 Golfing in Public Parks Prohibited. It shall be unlawful for any person to play or practice golf or swing any golf club within any public park where posted. (Ord. 97-21)