

15.16.010

Chapter 15.16

PUBLIC BEACHES AND PARKS

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15.16.010 **Selling or Soliciting.**

It is unlawful for any person to practice, carry on, conduct, or solicit for any occupation, business or profession in any City park, or on any City beach, or sell or offer for sale therein any service, merchandise, article, or anything whatsoever. This section shall not apply to any person acting pursuant to a contract with the City of Santa Barbara or except as otherwise provided in this code. (Ord. 4189, 1982; prior code §32.39)

15.16.020 **Signs and Advertising.**

- A. PROHIBITION. It is unlawful for any person upon any public beach or in any park within the City to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered a sign (as defined in Section 22.70.010 of this code) except in conformance with this section.
- B. RECREATION DIRECTOR AUTHORIZATION. The Recreation Director is authorized to issue a permit for a sign which pertains to an event which will take place on a public beach or a public park which will not exceed five days in duration and which conforms to sign standards approved by resolution of the City Council.
- C. EXCEPTIONS. A permit for a sign pertaining to an event which does not conform to the sign standards adopted by resolution of the City Council may only be issued if an exception from the standards is approved by the Sign Committee upon finding that all of the grounds set forth in Section 22.70.070 exist. The decision of the Sign Committee regarding an exception request shall be final.

- D. DEFINITIONS. “Sign” shall have the meaning set forth in Chapter 22.70 of the Santa Barbara Municipal Code. “Event” shall have the meaning set forth in Chapter 9.12 of the Santa Barbara Municipal Code. (Ord. 4382, 1986)

15.16.060 Recreational Vehicles and Camping in Public Areas - Definitions.

For the purpose of Sections 15.16.060 through 15.16.100 inclusive, the following words and terms are defined as follows:

- A. BOAT TRAILER. A vehicle used to convey a boat.
- B. CAMP. The use of camping facilities such as tents, tarpaulins or temporary shelters, the use of non-City designated cooking facilities and similar equipment, or the use of cots, beds or hammocks. “Camping” shall not include merely sleeping outside or the use of a sleeping bag, bedroll, or mat, and no more personal possessions than can reasonably be carried by an individual.
- C. PUBLIC STREET. Includes streets, roads, highways, alleys, sidewalks, parkways, bridges, culverts, drains and all other facilities and areas necessary for the construction, improvement and maintenance of streets and roads.
- D. RECREATIONAL VEHICLE. Shall have the definition set forth in Section 28.04.555 or Section 30.300.180 of this code. (Ord. 5798, 2017; Ord. 5695, 2015; Ord. 5459, 2008; Ord. 4651, 1990; Ord. 4416, 1986; Ord. 4269, 1984; Ord. 4007 §2, 1979; Ord. 3389 §1, 1969; Ord. 3165 §1, 1966; Ord. 3003 §1, 1964; Ord. 2730 §1, 1959)

15.16.070 Unlawful Areas to Camp.

It is unlawful for any person to camp in the following areas except as otherwise provided for:

- A. Any public park;
- B. Any public street;
- C. Any public parking lot or public area, improved or unimproved;
- D. Any public beach between a point representing the prolongation of the easterly City limits as they existed prior to May 31, 1957, and a point representing the prolongation of La Marina Drive. (Ord. 4189, 1982; Ord. 3165 §1, 1966; Ord. 3003 §1, 1964; Ord. 2730 §1, 1959)

15.16.080 Recreational Vehicles - Unlawful Areas to Use.

It is unlawful for any person to use any recreational vehicle for sleeping, human habitation or camping purposes in any of the following areas except as otherwise provided for:

- A. Any public park;
- B. Any public street;
- C. Any public parking lot or public area, improved or unimproved;
- D. Any public beach. (Ord. 5695, 2015; Ord. 4269, 1984; Ord. 4189, 1982; Ord. 3389 §2, 1969; Ord. 3165 §1, 1966; Ord. 3003 §1, 1964)

15.16.085 Unlawful Areas to Sleep.

It is unlawful for any person to sleep:

- A. In any public beach during the period of time from one-half hour after sunset to 6:00 a.m.;
- B. In or on any public street or sidewalk or in or on City walkways, paseos, boardwalks, or other public ways intended for pedestrian or vehicular use and owned or maintained by the City;
- C. On the grounds of City owned or maintained buildings, facilities or other improved City property. (Ord. 4652, 1990; Ord. 4421, 1986; Ord. 4416, 1986; Ord. 4189, 1982; Ord. 4007, §3, 1979)

15.16.090 Posted Areas - Lawful to Camp.

Notwithstanding Sections 15.16.060 through 15.16.100, whenever any or all of any public park or place has been so designated by the Park Commission or the Harbor Commission, within their respective jurisdictions, as a place to do that which is otherwise made unlawful by this chapter, and signs are posted giving notice of such fact, it shall be lawful to camp or sleep in the place so designated and posted, or, as the case may be, to use any recreational vehicle or temporary recreational vehicle for human habitation or camping purposes in the place so designated and posted. (Ord. 4269, 1984; Ord. 4045, §1, 1980; Ord. 3165 §1, 1966; Ord. 3003 §1, 1964)

15.16.110 Construction of Structures and Parking Areas on City-Owned Beach Property.

A. Except as hereinafter provided, no structure or parking area shall be constructed hereafter on the following described property owned by the City of Santa Barbara:

That property being bound by the southerly right-of-way line of Shoreline Drive and Cabrillo Boulevard on the north, the City limits line now existing at the west line of Santa Barbara Cemetery on the east, the present or future shoreline of the Pacific Ocean on the south and the southerly prolongation of La Marina Drive on the west.

B. This section shall not prohibit the alteration or repair of any existing structure or parking area nor shall it prohibit the construction of public restroom facilities.

C. This section shall not prohibit the construction of structures or parking areas on Stearns Wharf or in the area commonly known as the Breakwater which has as its westerly boundary the most westerly portion of an existing boat yard described as Parcel 1 in a lease between the City of Santa Barbara and Kenneth Elmes and Samuel Dabney, Jr., dated January 24, 1961, and as its easterly boundary the most easterly portion of a groin situated immediately to the east of the southerly prolongation of Bath Street. (Ord. 3228 §§1-3, 1967)

15.16.120 Findings.

The City Council for the City of Santa Barbara hereby declares and finds that, due to the geographical boundaries of the City and its urban characteristics, no beach within the boundaries of the City is an isolated beach, and every beach is used and frequented extensively by its inhabitants. Further, the exposure of the areolas of a female's breasts and male or female genitalia is offensive, and causes discomfort and affront to a substantial number of persons using and frequenting said City beaches regardless of the sexual motives of the offenders. (Ord. 3558 §1, 1972)

15.16.130 Public Nudity, Offense When.

A. It is hereby declared a public nuisance and an infraction, as to any person, other than an infant as defined in Webster's Unabridged Dictionary, for any female to expose the areolas of her breasts or for any male or female to expose their genitalia on public beaches or other public streets, parks or other municipal property within the City, to the offense, discomfort or affront of another person, whether or not complaint thereof shall be made by such other person.

B. The violation of any provision of this section shall constitute an infraction punishable by (1) a fine not exceeding \$50.00 for a first violation; (2) a fine not exceeding \$100.00 for a second violation of the same ordinance within one year; (3) a fine not exceeding \$250.00 for each additional violation of the same ordinance within one year. (Ord. 3997, 1979; Ord. 3558 §1, 1972)

15.16.150 Damaging Park Property - Prohibited.

It is unlawful for any person to intentionally, willfully or maliciously injure, destroy, damage or deface any real or personal property owned and/or maintained by the City of Santa Barbara. (Ord. 5159, 2000; Ord. 4189, 1982)

15.16.160 Guns and Dangerous Instruments Prohibited.

- A. Unless authorized by the Parks Director, no person except an authorized City employee or peace officer shall bring into a City park or possess therein any of the following articles or instruments:
- B. Any firearm or ammunition, any explosive, or incendiary device, any fireworks, air gun, pellet gun, spring gun, slingshot, crossbow, bow and arrow (except as otherwise provided in this section), any weapon or instrument by means of which any missile can be propelled, any instrument which can be loaded with blank cartridges, or any kind of trapping device.
- C. No person shall shoot any of the above-described weapons or instruments into the park limits from outside the limits of a park.
- D. Nothing herein shall prohibit the use of bows and arrows for archery conducted in areas and at times designated for such use by the Director of Parks or Recreation. (Ord. 4189, 1982)

15.16.170 Powered Models Prohibited.

No person shall operate in any park, any model airplane, boat, car or other similar device that is powered by an internal combustion engine or other similar or electric power source, except in an area and at such times as designated for such use by the Director of Parks or Recreation. (Ord. 4189, 1982)

15.16.175 Skateboard Facilities: Regulations.

It is unlawful for any person to:

- A. Use any publicly owned or publicly operated skateboard facility for any activity other than skateboarding, in-line skating or roller skating unless otherwise authorized by a permit issued by the Parks and Recreation Director;
- B. Use or be upon any publicly owned or publicly operated skateboard facility while under the influence of any alcoholic beverage or drug or under the combined influence of any alcoholic beverage or drug;
- C. Skate, run, or stand on, jump from, or otherwise employ any exterior wall or fence surface while using any publicly owned or publicly operated skateboard facility;
- D. Use or be upon any publicly owned or publicly operated skateboard facility while wearing any audio headset;
- E. Introduce, employ or use any unauthorized equipment, obstacle or apparatus within any publicly owned or publicly operated skateboard facility;
- F. Enter or remain in any publicly owned or publicly operated skateboard facility with any food or beverage; or
- G. Play amplified music in any publicly owned or publicly operated skateboard facility. (Ord. 5159, 2000)

15.16.180 Skateboard Facilities: Helmets, Elbow and Knee Pads Required.

It is unlawful for any person to enter, remain in or use any skateboard facility owned or operated by the City of Santa Barbara unless that person is wearing a helmet, elbow pads, and knee pads. Violation of this provision is an infraction punishable by (1) a fine not exceeding \$50.00 for the first violation; (2) a fine not exceeding \$100.00 for a second violation of the same ordinance within one year; (3) a fine not exceeding \$175.00 for each additional violation of the same ordinance within one year. (Ord. 5159, 2000; Ord. 5028, 1997)

15.16.200 Water Pollution Prohibited.

No person shall throw, discharge or otherwise deposit or cause or permit to be placed into the waters of any body of water in or adjacent to any City park or any tributary stream, storm sewer, sanitary sewer or drain flowing into such water, any substance, matter or thing, liquid, solid, or gas, which materially impairs the esthetics or usefulness of such water for persons or habitability and/or potability of such water for any animal. (Ord. 4189, 1982)

15.16.220 Prohibition of Certain Things.

- A. The Director of Parks and Recreation may prohibit, remove or require to be removed from any City park or beach any animal, vehicle, equipment, activity, thing or material, the use or presence of which therein is likely to:
1. Cause an unreasonable risk of harm or danger to any person or damage to any real or personal property.
 2. Cause any unreasonable burden of maintenance or cleanup.
 3. Cause any unreasonable annoyance to any person.
- B. No person shall violate any rules or regulations made or lawful directions given by the Director of Parks and Recreation in the exercise of the above authority.
- C. No person shall, nor shall any person permit a minor under his or her supervision to:
1. Play any percussion instrument in any City park without a permit issued by the Director of Parks and Recreation, which shall not be unreasonably withheld.
 2. Swim, wade, dive, wash, play, jump or remain in any Parks and Recreation pond, fountain, percolation pond, reservoir or lake unless such location and area are designated for such uses.
 3. Play baseball, softball, soccer, football rugby, golf, or any other activity in any area other than a baseball, softball, soccer, or football field, or golf course or driving range when such activity unreasonably interrupts the normal use of that facility or creates any unreasonable risk of harm or danger to any person, or will likely cause damage to any personal or public property on or in any City park or beach.
 4. Pitch metal horseshoes in any areas of any park except in a horseshoe pit designated by the Parks Department.
 5. Throw, toss or pitch lawn darts in any City parks.
 6. Throw any rock, can, bottle, or other missile in any City park when said activity causes an unreasonable burden of maintenance, or causes any unreasonable risk of harm or danger to any person, or damage to any personal or public property.
 7. Interfere with any scheduled athletic event by running or walking onto, or remaining on any field when not a member of any participating team.
 8. Launch or land any aircraft, hang glider or parachute, as those terms are defined in Title 18 of this code, in any developed City park or upon any City beach, except a person may launch and/or land a hang glider on the Douglas Family Preserve within the area posted by the Parks and Recreation Director, and a person may land a hang glider on East Beach in the area between a straight line drawn southerly from and parallel to the western end of the Cabrillo Pavilion parking lot and a straight line drawn southerly from and parallel to the eastern wall of the restroom in Chase Palm Park.
 9. Have in his or her possession on any City beach a glass beverage bottle. (Ord. 5323, 2004; Ord. 5309, 2004; Ord. 5265, 2003; Ord. 4943, 1996; Ord. 4189, 1982)

15.16.240 Disturbing the Peace - Removal From the Park.

Any person who willfully delays or obstructs any City employee in the performance of his or her duties in a City park, or who by his or her conduct, or by threatening or profane language, unreasonably annoys, willfully molests or unreasonably interferes with the use of a City park by any other person, or who has committed a public offense in a City park, shall leave the park upon request made by the Director of Parks or Recreation, any recreation leader, ranger, park attendant, guard or special officer authorized by City or the Director of Parks or Recreation, peace officer or reserve police officer, after a warning has not resulted in cessation of the conduct hereinabove prohibited. (Ord. 4189, 1982)

15.16.250 Closing.

- A. Entering or Remaining After Closing Time.
1. No person shall enter or remain in any City park or portion thereof at any time when the same is closed to the public unless such person is authorized to do so by the City Council, the Director of Parks or Recreation, or the authorized deputy of any of the above.
 2. The Director of Parks shall, by appropriate signs or other means, give notice of closing times, and he may designate certain areas which will be closed to the public at a regular closing time, regardless of whether or not any outdoor or indoor activity is being or is scheduled to be conducted elsewhere in the park.
- B. Activities After Closing Time. Any portion of a City park or any enclosed building in a City park in which an activity is being conducted or is scheduled to be conducted, with the written permission of the Director of Parks or Recreation, shall not be considered closed after the regular closing time to members of the public who are authorized participants, observers and attendees in said activity, and who are within the permitted portion of the park, the enclosed building, any paths leading thereto from any street, or any other facility, outdoor area, or off-street parking area intended for use in connection therewith, until 30 minutes after the conclusion of the permitted activity. As to other members of the public who are not participants, observers or attendees in an activity being conducted or scheduled to be conducted in any portion of a City park or in any enclosed building therein, the park and all buildings therein shall be considered closed at the regular closing time.
- C. Emergency Closing. The City Council, Director of Parks, Fire Chief, Chief of Police or an authorized representative may direct any park or designated portion thereof to be closed to protect public property or natural resources within said City park, or any private or public property or natural resources in the vicinity of the park, from imminent damage or destruction or where there is a clear and present danger of a breach of the public peace or safety in said park or portion of a park or in the vicinity thereof. When a City park or portion thereof is closed to the public by the City Council, Director of Parks, Fire Chief or Chief of Police or an authorized representative, pursuant to the above authority or any other proper authority, no person shall enter said park or closed portion thereof after notice of such closing, or fail or refuse to promptly leave same when requested to do so by any guard, watchman, custodian, special officer, police officer or other person authorized by the City Council, Director of Parks, Fire Chief, Chief of Police. (Ord. 4189, 1982)

15.16.260 Closing Times.

- A. Except as otherwise specified in this chapter, all City park properties shall be closed to public use at 10:00 p.m. and shall remain closed until sunrise the following day.
- B. The following facilities shall be closed to the public at designated times:
1. Softball fields, soccer fields, golf courses, and tennis courts - closed one half hour after sunset to sunrise the following day except when such facilities are operating under permit issued by the Recreation Department.
 2. Skateboard facilities - closed one half hour after sunset until 8:00 a.m. the following day except when such facilities are operating under permit issued by the Parks and Recreation Director.
 3. Skofield Park - closed one half hour after sunset to sunrise the following day.
 4. Franceschi Park - closed one half hour after sunset to sunrise the following day.
 5. Hilda Ray Park - closed one half hour after sunset to sunrise the following day.
 6. Moreton Bay Fig Tree Park - closed one half hour after sunset to sunrise the following day.
 7. Hidden Valley Park - closed one half hour after sunset to sunrise the following day.
 8. Honda Valley Park - closed one half hour after sunset to sunrise the following day.

9. Mission Historical Park, excluding that portion known as the Rose Garden - closed one half hour after sunset to sunrise the following day. Mission Historical Park includes park on both sides of Alameda Padre Serra, including the Indian ruins and former reservoir, and surrounding areas.
10. Parque de Los Niños - closed one half hour after sunset to sunrise the following day.
11. Douglas Family Preserve - closed one half hour after sunset to sunrise the following day. (Ord. 5323, 2004; Ord. 5159, 2000; Ord. 4930, 1995; Ord. 4669, 1991; Ord. 4421, 1986; Ord. 4416, 1986; Ord. 4365, 1985; Ord. 4323, 1985; Ord. 4189, 1982)