

Article 2: Police — Police Regulations — Offenses Against Government

§52.05 Furnishing False Information to Peace Officer — Prohibited

It shall be unlawful for any person, firm or corporation, either as principal, agent, servant or employee, to willfully and knowingly report to the Police Department of The City of San Diego, or any member or agency thereof or to any law enforcement agency or officer of the County of San Diego, of the State of California and/or of the United States of America, within The City of San Diego, any false event, circumstance, fact or accusation, calculated, designed or intended to furnish the basis for any investigation, arrest or prosecution.

(“Furnishing False Information to Peace Officer — Prohibited” incorp. 1-22-1952 by O-5046 N.S., contained in O-2825 N.S. adopted 5-9-1944.)

§52.05.1 Same — Prima Facie Proof

Proof under the foregoing section that any person, firm or corporation, either as principal, agent, servant or employee, did in fact report to the Police Department of The City of San Diego, or any member or agency thereof or to any law enforcement agency or officer of the County of San Diego, of the State of California and/or of the United States of America within The City of San Diego, any false event, circumstance, fact or accusation, calculated, designed or intended to furnish the basis for any investigation, arrest or prosecution, shall constitute *prima facie* proof that he did so willfully and knowingly.

(“Same — Prima Facie Proof” incorp. 1-22-1952 by O-5046 N.S., contained in O-2825 N.S. adopted 5-9-1944.)

§52.10 Signs Tending to Discriminate Because of Race or Color — Prohibited

That it shall be unlawful for any person to display in any restaurant, hotel, eating-house, place where ice cream or soft drinks are sold for consumption on the premises, barber shop, bath house, theater, skating rink, public conveyance, and all other places of public accommodation or amusement, any sign, written or printed, or notice of any kind whatsoever, which attempts to discourage patronage of members of any certain race or color and/or which tends to discriminate in the public service offered against any person because of race or color.

(“Signs Tending to Discriminate Because of Race or Color — Prohibited” incorp. 1-22-1952 by O-5046 N.S., contained in O-793 N.S. adopted 12-10-1935.)

§52.15

Shoe Shine Stands on Public Place — Prohibited

That it shall be unlawful for any person, firm, or corporation to conduct, manage, or carry on upon any public street, alley or other public place, in The City of San Diego, California, any stationary or portable Boot Black Stand or Shoe Shining Outfit.

(“*Shoe Shine Stands on Public Place — Prohibited*” incorp. 1-22-1952 by O-5046 N.S., contained in O-6832 O.S. adopted 12-2-1916.)

§52.25

Pedestrian Tunnel — Loitering in Prohibited

It shall be unlawful for any person to loiter in or about any public pedestrian tunnel or underground passageway.

(Amended 12-22-1953 by O-5893 N.S.)

§52.25.1

Pedestrian Tunnel — Facilities for Locking

The City Manager is authorized to cause any public pedestrian tunnel or underground passage way situated within three hundred (300) feet of any public school or playground to be fitted with a strong door or gate capable of being securely locked in a closed position, and which door or gate, when closed, shall completely close and bar such tunnel so that no person may enter therein.

(Amended 12-22-1953 by O-5893 N.S.)

§52.25.2

Same — Locking Tunnels

That the Police Department of The City of San Diego, or some person or persons designated for that purpose by the City Manager, shall cause each of said doors or gates to be securely closed and locked after sunset of each day, and shall cause each such door or gate to remain securely closed and locked until sunrise of the following day.

(“*Same — Locking Tunnels*” incorp. 1-22-1952 by O-5046 N.S., contained in O-2950 N.S. adopted 3-6-1945.)

§52.30 No Trespassing Signs — Posting Authorized

Any person, firm or corporation, governmental agency, department or instrumentality having possession or control, of any of the facilities, plants or utility properties enumerated in Section 52.30.1 hereof, may post, at each entrance of any structure devoted to any use so enumerated, at each entrance to any fenced or enclosed area devoted to any such use, and at intervals of not more than three hundred feet around any area devoted to such use, substantial signs not less than one square foot in area, displaying prominently in addition to such other information as may be deemed desirable, the words, "trespassing — Loitering — Forbidden by Law" in legible letters not less than two inches in height; provided, however that any public waiting room, dining room, office or other portion of any such structure or premises to which general public access is required in the normal use and operation thereof or where materials are delivered to or received by the public, shall not be posted; provided, further, anything herein to the contrary notwithstanding, that in the case of power transmission lines and main telephone lines it shall be a sufficient compliance with the posting requirements of this ordinance if the sign is placed upon each main transmission pole or tower, in which case the limits of the easement or right of way need not be posted.

The "posted boundary" of any area shall be a line running from sign to sign, and such line need not conform to the legal boundary or legal description of any lot, parcel or acreage of land.

(“No Trespassing Signs — Posting Authorized” incorp. 1-22-1952 by O-5046 N.S., contained in O-1948 N.S. adopted 10-1-1940.)

§52.30.1 Same — Posting — Where Permitted

The places which may be so posted are the following:

- (a) Every airport, and every plant, field and structure used for the manufacture, assembling, or testing of aircraft;
- (b) Every tank-farm, refinery, compressor-plant or absorption plant, marine terminal, pipe line, pumping station and reservoir, used for the bulk treatment, bulk handling or bulk storage of petroleum or petroleum products;
- (c) Every reservoir, dam, pumping station, aqueduct, main canal or pipe line, or a public water system;
- (d) Every reservoir, dam, generating plant, receiving station, distributing station and transmission line of a company or agency furnishing electrical energy;

- (e) Every gas generating plant, compressor plant, gas holder, gas tank, and gas main used for the production, storage and distribution of gas;
- (f) Every plant or vital part thereof or other principal property essential to rendering telephone or telegraph service;
- (g) Every radio broadcasting central plant or station;
- (h) Every railroad bridge or tunnel;
- (i) Every plant for the bulk storage of dynamite, giant powder, gun powder, or other explosive.

(*"Same — Posting — Where Permitted" incorp. 1-22-1952 by O-5046 N.S.*)

§52.30.2 Loitering — A Misdemeanor

It shall be unlawful for any person to loiter in the immediate vicinity or any premises posted as provided in this section and these Subsections.

(*"Loitering — A Misdemeanor" incorp. 1-22-1952 by O-5046 N.S.*)

§52.30.3 Same — Exemptions

This ordinance does not apply to any entry in the course of duty of any peace officer nor to any person traversing any established and existing public sidewalk, street or highway.

Nothing in this Section or these Subsections shall be deemed to prohibit or interfere with any lawful activities of a labor organization, or other body of citizens, in peacefully disseminating information to their own members, to the public, or to individuals, regarding the existence of a bona fide labor dispute.

(*"Same — Exemptions" incorp. 1-22-1952 by O-5046 N.S.*)

§52.30.4 Same — Damaging Signs

Every person who tears down, defaces or destroys, or causes to be torn down, defaced or destroyed, any sign placed or posted under the provisions of this Section and these Subsections, without the consent of the person, firm, corporation, governmental agency, department or instrumentality having possession or control of the premises on which such sign has been erected, is guilty of a misdemeanor.

(*"Same — Damaging Signs" incorp. 1-22-1952 by O-5046 N.S.*)

§52.35 Defacing, Removing, Altering, Etc. Notices — Prohibited

That it be and is hereby declared to be unlawful for any person to intentionally alter, change, deface, destroy, mutilate, remove, take down, or take away any notice posted or put up in The City of San Diego, California, by any department, office, or officer of The said City of San Diego, California, by authority of the Charter of said City, or of any ordinance or law of said City, or for the purpose of calling attention to the provisions of any penal law or health regulation of said City, without the consent of the department, office, or officer which issued, posted, or put up such notice.

(“*Defacing, Removing, Altering, Etc. Notices — Prohibited*” incorp. 1-22-1952 by O-5046 N.S.)

§52.45 Devices Interfering with Radio Reception — Regulated

It shall be unlawful for any person to operate in The City of San Diego, any device, appliance, equipment, and/or apparatus generating and/or causing high frequency oscillations and/or radiations which interfere with radio broadcast receiving apparatus or wireless receiving apparatus or television receiving apparatus; provided, however, that X-ray pictures, examinations, or treatments may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and are not negligently operated; provided, further, complete screening of the room in which offending X-ray apparatus is operated may be required when such screening is necessary in order to avoid said interference. And provided, further that neon signs shall be deemed to comply with the provisions of this Section when such signs are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception, wireless reception or television reception and are not negligently operated.

(“*Devices Interfering with Radio Reception — Regulated*” incorp. 1-22-1952 by O-5046 N.S.)

§52.45.1 Same — Exceptions

It is expressly understood and provided, however, that this Section shall not apply to radio stations, either broadcast, commercial or amateur, licensed by the federal government and/or which are engaged in interstate communication, or public utilities under the supervision of the State Railroad Commission.

(“*Same — Exceptions*” incorp. 1-22-1952 by O-5046 N.S.)

§52.45.2 Same — Inspection Authorized

The City Manager is hereby charged with the enforcement of this Section. He may appoint or deputize such other persons as he deems necessary, to assist him in enforcing the provisions of this Section. The enforcement officer, and/or his duly authorized deputies shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the installation of all apparatus or equipment coming within the terms of this ordinance, and it shall be unlawful for any person to interfere with said enforcement officer, or his duly authorized deputy and/ or deputies in making such inspection or to refuse to permit the said enforcement officer, or his duly authorized deputy and/ or deputies to enter the premises for such purposes.

(“*Same — Inspection Authorized*” incorp. 1-22-1952 by O-5046 N.S.)

§52.45.3 Same — Violation — Notice

When an inspection and test shall have been made by the enforcement officer or his duly authorized deputy, and/or deputies, and it is found that equipment or apparatus coming within the terms of this Section is being operated in violation of its terms, the person responsible for the operation of such equipment shall be notified in writing to discontinue its use, or to make additions, repairs or modifications thereof, in order that the same may be operated in a manner which complies with the provisions of this Section. The mailing of a registered letter addressed to the owner at the premises where the equipment or apparatus is located shall constitute a sufficient notice for the purpose of this Section. In event that the owner or operator of such equipment or apparatus does not, within ten (10) days after receipt of notice to repair or discontinue the use of such equipment or apparatus, either entirely discontinue the use of such equipment or apparatus or repair the same so that it complies with the provisions of this Section, such owner shall be deemed to be operating such machine or equipment or apparatus in violation of the provisions of this Section and such person shall be subject to the penalties hereinafter provided for such violation.

(“*Same — Violation — Notice*” incorp. 1-22-1952 by O-5046 N.S.)

§52.55 Labor of Prisoners in City Jail — Authorized

That all able-bodied persons confined in the City Jail pursuant to having been duly convicted of public offense, may be required to labor every day in every week excepting Sunday and legal holidays.

(“*Labor of Prisoners in City Jail — Authorized*” incorp. 1-22-1952 by O-5046 N.S.)

§52.55.1 Same — Supervision — Labor Applied only to City Property

That such labor shall be under the direction and supervision of the Chief of Police, providing, that the actual supervision of such labor may be delegated by the Chief of Police to some other member or members of the Police Department, and such labor shall be a part of the regular governmental discipline of said City Jail, and shall be applied only to public works, buildings, lands, enterprises and improvements belonging or appertaining to said City.

(“Same — Supervision — Labor Applied only to City Property” incorp. 1-22-1952 by O-5046 N.S.)

§52.55.2 Same — Transportation to Place Within or Without City

That the Chief of Police is authorized to select, each day, from among the persons mentioned in Section 52.55 hereof, such number of them as he shall deem expedient for the labor to be performed upon such day, and cause them to be transported, for such purposes, to any place within or without the said City.

(“Same — Transportation to Place Within or Without City” incorp. 1-22-1952 by O-5046 N.S.)

§52.55.3 Same — Detention Camps, Etc. — Authorized

That, in the event that the place to which such aforesaid persons are to be transported for the purpose of labor, is too far from said City Jail to conveniently permit them to be returned to said City Jail each day, the said Chief of Police may cause to be established and maintained temporary detention camps and other places of confinement at any place or places where such labor is required to be performed.

(“Same — Detention Camps, Etc. — Authorized” incorp. 1-22-1952 by O-5046 N.S.)

§52.66 Under the Influence of Dangerous Drugs — Prohibited

No person within The City of San Diego shall be under the influence of dangerous drugs, except when said dangerous drugs have been administered to or prescribed for such person by or under the direction of a person licensed by the State of California to prescribe and administer dangerous drugs.

The term ‘Dangerous Drugs’ as used in this section shall be defined in accordance with the definition contained in Section 4211 of the Business and Professions Code of the State of California (Added Statutes 1955, c. 550, p. 1043, Section 3).

(Amended 4-19-1960 by O-8288 N.S.)

§52.70.01 San Diego Public School Trespass Ordinance

This ordinance may be cited as the San Diego Public School Trespass Ordinance.
(“*San Diego Public School Trespass Ordinance*” added 5-1-1973 by O-11049 N.S.)

§52.70.02 Unauthorized Persons — Failure to Report Presence on School Premises

It shall be unlawful for any person who is not a student of the school or an officer or employee of the public elementary or public secondary schools of the City to fail to comply with the public school regulations requiring the person to report his presence on the school premises and the reason therefor to the principal of the school or to a person designated by the principal to receive such report within a reasonable time after being present on the school premises. This section shall apply only in the event the person is given notice of the school regulations requiring him to report his presence on school premises and the reasons therefor to the principal or to a person designated by the principal to receive such reports.

(“*Unauthorized Persons — Failure to Report Presence on School Premises*” added 5-1-1973 by O-11049 N.S.)

§52.70.03 Unauthorized Persons — Failure to Leave School Premises Upon Request

It shall be unlawful for any person who is not a student of the school or an officer or employee of the public elementary or public secondary schools of the City to fail to comply with the public school regulations requiring the person to leave a school building or school grounds promptly upon request of the principal of the school or the designee of the principal or who, after leaving a school building or school grounds pursuant to the request of the principal of the school or the designee of the principal, fails to comply with the public school regulations requiring him to remain off the school premises for forty-eight (48) hours. This section shall apply only in the event the person is given notice of the school regulations requiring him to leave school premises upon request of the school principal or the designee of the principal and requiring him to remain off the school premises for forty-eight (48) hours.

NOTE: If any provision of Sections 52.70.01 through 52.70.03 or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the sections and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

(“*Unauthorized Persons — Failure to Leave School Premises Upon Request*” added 5-1-1973 by O-11049 N.S.)

§52.80.01 Trespasses upon Privately Operated Business Premises Prohibited

- (a) No person shall have the right to use privately operated business premises which are open to the general public for any purpose which is contrary to the functions or services provided thereon without the consent of the owner, operator, or agent thereof. It shall be unlawful for any person so using such property to refuse or fail to leave such property upon being requested to leave by the owner, operator, or agent thereof.
- (b) It shall be unlawful for any person without the permission of the owner, operator, or agent of privately operated business premises which are open to the general public to enter upon such premises within forty-eight (48) hours after having been requested by the owner, operator, or agent thereof to leave pursuant to the provisions of subdivision (a).
- (c) Exceptions. The provisions of this section shall not apply in any of the following instances:
- (1) where their application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provisions of law relating to prohibited discrimination against any person;
- (2) where their application would result in an interference with or inhibition of lawful labor union activities that are permitted to be carried out on the property by state or federal law, or activities protected by the California Constitution or the United States Constitution;
- (2) where their application results in or is coupled with an act prohibited by section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers; or
- (4) where the person who is upon the privately operated business premises which are open to the general public is present under claim or color of legal right. This exception is applicable to situations wherein public officials are present in the course of their official duties and to situations involving disputes wherein the participants have available to them practical and effective civil remedies such as: marital and post-marital disputes; child custody or visitation disputes; disputes regarding title to or rights in legal property; landlord-tenant disputes; disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute; business-type disputes such as those between partners; debtor-creditor disputes; and instances wherein the person claims a right to be present pursuant to order, decree, or process of a court.

- (d) The purpose of this section is to protect the property rights of private business operators who open business premises to the public for specific business functions or services, while also recognizing and protecting the rights conferred by state and federal law. Nothing in this section should be construed to limit any right conferred by statutory or constitutional state or federal law.

*(“Trespasses upon Privately Operated Business Premises Prohibited” added
4-27-1977 by O-12059 N.S.)*

(Amended 11-24-2015 by O-20576 N.S.; effective 12-24-2015.)