

Meeting Date: 12/08/2020 (05)

ORDINANCE NO. 10698 (N.S)

AN ORDINANCE AMENDING DIVISION 1 OF TITLE 2 AND TITLE 3 OF THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO LICENSES BUSINESS REGULATIONS AND BUSINESS TAXES AND PUBLIC SAFETY, MORALS AND WELFARE.

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

Section 1. Section 21.604 of Chapter 6 of Division 1 of Title 2 of the Regulatory Code is amended to read as follows:

SEC. 21.604. YARD REGULATIONS.

It shall be unlawful for any person to operate a junk yard or a motor vehicle wrecking yard in the unincorporated area of the County in violation of one or more of the following conditions:

(a) A junk yard or motor vehicle wrecking yard shall be operated entirely within an enclosed building or buildings or on property completely enclosed by a solid fence or wall at least six feet in height and constructed according to the requirements of this code. The County may grant an exception to this requirement on one or more sides of the facility pursuant to approval of the Major Use Permit for the yard if the operator can demonstrate that natural topographical features prevent access to the side of a facility for which an exception is sought, without the need for a wall or fence.

(b) The fence or wall required by paragraph (a) above shall be maintained in a neat, clean and safe condition and shall be painted, unless it is constructed of masonry or rust- proof metals.

(c) No junk yard or motor vehicle wrecking yard may have any advertising on its outside walls or fences, except that it may advertise in a space not to exceed six feet in height and 15 feet in length on each side of the outer wall of the business. The advertising, shall also comply with all other provisions of this code and any zoning regulations.

(d) The access gates for the yard shall open inwardly and the gates shall be kept closed when the yard is not open for business.

(e) All interior driving aisles must be maintained, cleared to dirt or maintained road, and 24 ft wide edge-to-edge. All interior aisles corners must be unobstructed, a minimum of 100 feet, and have a 28-degree turning radius.

(f) All yards must be maintained to be clear of all flammable vegetation.

(g) All yards must have municipal water within 150 feet of the driveway access or a minimum of 20,000 gallons of water storage with connections determined to be acceptable by the Fire Code Official.

(h) No junk wrecked or inoperative motor vehicles shall be piled or permitted to be piled in excess of the height of the enclosing fence or wall or be closer than three feet from an enclosing fence or wall. The California Fire Code or County Fire Code may further limit the height that certain items may be piled, may limit the width of

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piles or may require certain items to be further from a fence or wall than three feet. The Fire Codes may also require the operator to have aisles between items in the yard.

(i) The dealer shall be responsible to determine any Fire Code requirements and comply with them including the accumulation of tires in any condition (California Fire Code Chapter 34). The Fire Code Official may further order compliance with regulations that are stricter than those stated in the Fire Codes. The failure to comply with any Fire Code requirement or any order of the Fire Code Official is a violation of this section.

(j) Within 24 hours of acquiring a wrecked or inoperative motor vehicle or item of junk a dealer shall drain and remove all flammable or hazardous liquids and all gases from the vehicle or item of junk.

(k) The yard and all items in it shall be maintained at all times so that fire, health, law enforcement and building officials have access to and can inspect any junk, wrecked or inoperative motor vehicles in the yard.

Section 2. Section 21.706 of Chapter 7 of Division 1 of Title 2 of the Regulatory Code is amended to read as follows:

SEC. 21.706. HOLDING PERIOD AND INSPECTION FOR TANGIBLE PERSONAL PROPERTY.

A pawnbroker or secondhand dealer shall hold all tangible personal property it acquires in the course of business for 7-days from the date the pawnbroker or secondhand dealer reports acquiring the property to the Sheriff under Business and Professions Code sections 21629 and 21636.1. During the holding period any peace officer and any Sheriff's license specialist shall have the right to inspect the tangible personal property reported to the Sheriff. If the property subject to inspection is not held on the business premises during the holding period the pawnbroker or secondhand dealer shall make it available within one business day of any request to inspect.

Section 3. Section 21.806 of Chapter 8 of Division 1 of Title 2 of the Regulatory Code is amended to read as follows:

SEC. 21.806. SUPPLEMENTS TO APPLICATION.

Every application shall be accompanied by the following:

- (a) A plot plan showing:
 - (1) Each property on which the event, event parking, event staging and other incidentals uses for the event will occur.
 - (2) Each property within 700 feet from the exterior boundaries of each property where the event, event parking, event staging and other incidental uses for the event will occur.

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(3) The location of all existing structures, all structures to be erected, including booths, portable lavatories, stages, water fountains, medical and first aid stations, security command center, parking areas and trash disposal facilities, and the location of all outdoor cooking or live fires on the property shown in response to subparagraph (1) above.

(4) The pathways for pedestrian access on the property shown in response to subparagraph (1) above.

(5) The routes for vehicle and pedestrian access in the area surrounding the property shown in response to subparagraph (1) above.

(b) A written statement from the owner or person in control of each property shown in paragraph (a)(1) above, authorizing the use of the property for the outdoor assembly.

(c) Proof of insurance coverage pre-approved by the Risk Management Division of the County Human Resources Department (Risk Management).

(d) An emergency plan that includes an emergency medical procedures plan and emergency evacuation or sheltering plan.

Section 4. Section 21.816 of Chapter 8 of Division 1 of Title 2 of the Regulatory Code is amended to read as follows:

SEC. 21.816. LICENSE CONDITIONS.

The Issuing Officer may grant an outdoor assembly license subject to certain conditions as it finds necessary to accomplish the purposes of this chapter. This may include conditions, in consultation with the Fire Code Official, related to staffing for Fire Watch or Fire Standby.

Section 5. Section 21.1305 of Chapter 13 of Division 1 of Title 2 of the Regulatory Code is amended to read as follows:

SEC. 21.1305. TRADING AREA.

Swap meet activities shall only be conducted in a building, structure, or other area enclosed by a permanent fence sufficient to enable the operator to control ingress and egress of persons and merchandise. The trading area must maintain two fire department ingress/egress roads and points of entry of 24 feet wide edge-to-edge.

Section 6. Section 31.104 of Chapter 1 of Division 1 of Title 3 of the Regulatory Code is amended to read as follows:

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SEC. 31.104. DIRECTOR OF THE COUNTY OFFICE OF EMERGENCY SERVICES.

(a) The Director of the Office of Emergency Services shall manage and operate the County Emergency Operations Center. When a local or state of emergency has been proclaimed or a state of war emergency exists, the Director of the Office of Emergency Services shall report to the County Director of Emergency Services.

(b) The duties and responsibilities of the Director of County Office of Emergency Services also include, but are not limited to the following: (1) Set operational goals and objectives for Emergency Operations Center staff during activations of the Operational Area Emergency Operations Center; ensures the timely receipt and dissemination of warning information; (2) be responsible for the Joint Information Center, to include public and internal County communications; (3) establish and maintain communications with the State Office of Emergency Services; and (4) serve as liaison between the State Office of Emergency Services and the Cities, County, and Special Districts.

Section 7. Section 33.101 of Chapter 1 of Division 3 of Title 3 of the Regulatory Code is amended to read as follows:

SEC. 33.101. NO SHOOTING NEAR HABITATION -- SHOOTING RANGES.

(a) Other than in defense of person it shall be unlawful for any person to discharge any pistol, revolver, shotgun, rifle or any other firearm or device fired or discharged with explosives, at any place within the unincorporated territory of the County which is not a reasonably safe distance from all recreational areas, communities, roads or occupied dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith except on and pursuant to the safety regulations of a legally established and operated shooting range.

(b) For purposes of this section, 150 yards or less is not a reasonably safe distance from any occupied dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith unless the person discharging the firearm or device is the owner, person in possession of the premises or a person having the express permission of the owner or person in possession of the premises.

(c) This section does not apply to the discharge of firearms authorized pursuant to section 41.117(b)(4), (5) or (c) of this code.

Section 8. Section 33.101.5 of Chapter 1 of Division 3 of Title 3 of the Regulatory Code is amended to read as follows:

SEC. 33.101.5. NO SHOOTING -- PERIODS OF HIGH FIRE HAZARD.

(a) Other than in defense of person, it shall be unlawful for any person to discharge any pistol, revolver, shotgun, rifle or any other firearm or device fired or

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discharged with explosives during any period in which a "high fire hazard" has been declared by the California Department of Forestry and Fire Protection. The prohibitions of this section shall commence upon the declaration of a "high fire hazard" by the California Department of Forestry and Fire Protection and shall continue until noon of the day following the final day of the "high fire hazard" period as specified in said declaration. Information as to whether or not a "high fire hazard" has been declared shall be made available to the public from the Office of Emergency Services.

(b) This section shall not be applicable to the following:

(1) Persons discharging firearms or devices on and pursuant to the safety regulations of a legally established and operated shooting range.

(2) Persons discharging firearms or devices who are the owner, person in possession of the property upon which the firearms or devices are being discharged or a person having the express permission of the owner or person in possession of the property upon which the firearms or devices are being discharged provided that any areas in which any firearms or devices are being discharged or areas in which ammunition impacts occur are cleared in such a manner as to prevent igniting any brush or flammable materials.

(3) Persons involved in the legal pursuit of game.

(4) Persons discharging firearms or devices pursuant to a permit issued by the State of California pursuant to Fish and Game Code section 4181.

(5) Persons discharging firearms or devices in defense or for the protection of livestock, domesticated animals or property under circumstances in which Fish and Game Code section 4181 is not applicable.

Section 9. Effective Date. This ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members of this Board voting for and against it in The Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
THOMAS E. MONTGOMERY, COUNTY COUNSEL

BY: Mark Day, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 08th day of December 2020.



GREG COX
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 08th day of December 2020.

ANDREW POTTER
Clerk of the Board of Supervisors

By 

Grace Caro, Deputy



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