

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, AND SECTION 56.71,
RELATING TO ALCOHOL CONSUMPTION IN CERTAIN
AREAS

WHEREAS, there has been an increase in alcohol-related criminal activities, noise, violence, and dangerous, aggressive and/or offensive conduct related to the excessive use and abuse of alcohol at beach areas throughout the City of San Diego; and

WHEREAS, on Labor Day 2007, an alcohol-induced melee occurred in Pacific Beach which necessitated San Diego police in riot gear to arrest sixteen people in order to restore the public peace; and

WHEREAS, many citizens of the City of San Diego fear to take their families to the beach areas because of drunk and disorderly conduct; and

WHEREAS, it has been the experience of other coastal communities that prohibition of alcohol at their beaches results in a decrease in violence and undesirable behavior; and

WHEREAS, it is the intent of this ordinance to prohibit the consumption of alcoholic beverages at all public beaches, bays, and coastal access, view point, and bluff rights-of-way, and all coastal parks in Council District Two (all coastal parks south of Tourmaline Surfing Park), in addition to prohibiting and limiting alcohol consumption at certain public parks; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code [SDMC] is amended by amending section 56.54 to read as follows:

§ 56.54 Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) [No change in text.]
- (b) Unless the City Manager or designee has issued a special event permit, unless otherwise provided under the terms of a lease agreement with the City of San Diego, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon 1) any public property, including all public *beaches*, but not including *public parks* except as specifically listed in Appendices 56.54A, 56.54B, and 56.54C, and not including Mission Bay Golf Course; and 2) public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, jetties, including on or against *seawalls*, including all sidewalks along the outer perimeters of such areas and including any sidewalks, boardwalks and other public rights-of-way at any *beach* or coastal bluff.
- (c) [No change in text.]
- (d) [No change in text.]
- (e) Section 56.54 does not prohibit:
 - (1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.
 - (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

APPENDIX 56.54A
24 HOUR BAN

Adams Community Park

Adams Elementary School/Park

Alcott Elementary School/Park

Allen, Dennis V., Neighborhood Park

Azalea Community Park

Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]

Bay Terraces Neighborhood Park

Bay Terraces Junior High School/Park

Berry Neighborhood Park

Birdland Neighborhood Park (Fletcher Elementary School/Park)

Bird Rock Elementary School/Park

Birney Elementary School/Park

Black Mountain Middle School/Park

Boone Neighborhood Park

Cabrillo Elementary School/Park

Cabrillo Mini-Park

Cabrillo Recreation Center

Cadman Community Park

Cadman Elementary School/Park

Cedar Ridge Mini-Park

Central Mini-Park

Chicano Neighborhood Park
Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park
City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park
Dailard Elementary School/Park
Dana Center
Doyle Community Park
East San Diego Adult Recreation Club
Edison Elementary School/Park
Emerald Hills Neighborhood Park
Encanto Community Park
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park
Gaslamp Square Park
Golden Hill Community Park

Gompers Neighborhood Park
Grant Elementary School/Park
Grant Hill Neighborhood Park
Hardy Elementary School/Park
Henderson, Willie, Athletic Area
Hollywood Neighborhood Park
Hoover Senior High School/Park
Horton Plaza Park
Hourglass Community Park
Howard Lane Neighborhood Park
“J” Street Mini- Park
Jerabek Neighborhood Park
Juarez Elementary School/Park
Keiller Neighborhood Park
Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach
Kelly Neighborhood Park
Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park
Kensington Neighborhood Park
King, Martin Luther Community Park
King, Martin Luther, Elementary School/Park “L” Street Mini-Park (at 28th Street)
La Jolla Athletic Area (Allen Field)
La Jolla Community Park
La Jolla Elementary School/Park

La Jolla Senior High School/Park

La Paz Mini- Park (undeveloped)

Laurel Street Mini-Park

Lewis Middle School/Park

Linda Vista Community Park

Lindberg Neighborhood Park; Community Park

Lomita Neighborhood Park

Macdowell Neighborhood Park

Marian Bear Memorial Park

Mata Mini- Park

Memorial Community Park

Mesa Verde Neighborhood Park

Mesa Viking Neighborhood Park

Mid-City Athletic Area

Mira Mesa Senior High School/Park

Mission Bay Park: All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough and Channel, and Fanuel Street Park

Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk, *seawall*, and the *beach*

Mission Heights Neighborhood Park

Mission Trails Regional Park

Montclair Neighborhood Park

Montgomery-Waller Community Park

Mount Etna Neighborhood Park

Mountain View Community Park

Nestor Neighborhood Park

North Clairemont Community Park

North Mountain View Mini-Park

North Park Community Park

Oak Neighborhood Park

Ocean Beach Elementary School/Park

Ocean Beach Park, including the boardwalk *seawall*, jetty, and the *beach*;

Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, *seawall*, and the *beach*

Old Trolley Barn Neighborhood Park

Pacific Beach Community Park

Pacific Beach Middle School/Park

Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)

Palisades Park North (undeveloped)

Palisades Park South (Law Street)

Palm Ridge Neighborhood Park

Pantoja Mini-Park

Paradise Hills Community Park

Park de la Cruz

Parkside Neighborhood Park

Penn Elementary School/Park (Athletic Area)

Plumosa Neighborhood Park

Point Loma Community Park

Portola Middle School/Park

Presidio Community Park

Rolando Mini-Park

Rose Canyon Park

San Diego School of Creative and Performing Arts

Santa Clara Point

Santa Isabel Mini-Park

San Ysidro Athletic Area (Larsen Field)

San Ysidro Col. Irving Solomon Center

San Ysidro Community Park

Serra Senior High School/Park

Sherman Elementary School/Park

Sherman Mini-Park

Silverwing Neighborhood Park

Skyline Community Park

Skyview Neighborhood Park

South Bay Community Park

(South) Clairemont Community Park

South Mission Beach Park, including the boardwalk, *seawall*, and the *beach*;

Southcrest Community Park

Spreckels Elementary School/Park

Standley Junior High School/Park

Sunny Slope Neighborhood Park

Sunset Cliffs Natural Park

Taylor Library Park

Tecolote Canyon Natural Park

Tierrasanta Elementary School/Park

Tourmaline Surfing Park

Union Place Circle Park

Valencia Elementary School/Park

Villa del Norte Mini-Park

Vista Terrace Neighborhood Park

Wabash Mini-Park

Walker Neighborhood Park

Washington Elementary School/Park

Western Hills Neighborhood Park

Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)

Wilson Middle School/Park

30th Street Mini-Park

32nd Street Mini-Park (north of Redwood)

39th Street Mini-Park

41st Street Mini-Park

All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park

The Peninsula of land known as “The Clam” including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

All coastal access, view point and bluff rights-of-way.

Crystal Pier and Ocean Beach Pier.

APPENDIX 56.54B
12 HOUR BAN – 8:00 P.M. – 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;

Cabrillo Heights Neighborhood Park

Carmel Creek Neighborhood Park

Carmel Del Mar Neighborhood Park

Cleator, Bill, Neighborhood Park

Collier Neighborhood Park

East Clairemont Athletic Area

Gershwin Neighborhood Park

Lake Murray Community Park

Montezuma Neighborhood Park

Mount Acadia Neighborhood Park

Murray Ridge Neighborhood Park

Ocean Beach Community Park

Olive Grove Community Park

Pioneer Park (Mission Hills)

Presidio Park

Rancho Bernardo Community Park

San Carlos Community Park

Serra Mesa Community Park

Sessions, Kate, Neighborhood Park

Solana Highland Neighborhood Park

Tecolote Community Park

APPENDIX 56.54C
16 HOUR BAN - 8:00 P.M. – NOON

All coastal parks north of Tourmaline Surfing Park, including:

Calumet Park
Charlotte Park
Hermosa Park
Hermosa Terrace Park
La Strand Park
Nicholson's Point Park
Scripps Park
Windansea Park

Section 2. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code

[SDMC] is amended by amending section 56.71 to read as follows:

§56.71 Kegs at Designated Areas Prohibited

- (a) It is unlawful for any person to possess any keg containing any *alcoholic beverage* that has been opened, or a seal broken, or the contents of which have been partially removed at any designated public area on the Fourth of July.

- (b) For the purposes of Section 56.71(a), a designated public area includes the following areas: All coastal parks north of the northern boundary of Tourmaline Surfing Park.
- (c) A violation of Section 56.71(a) shall be punishable as an infraction.
- (d) Each keg possessed shall constitute a separate and punishable violation of Section 56.71(a).
- (e) Section 56.71(a) does not apply to a special event or commercial special event for which a special event permit has been issued pursuant to Section 22.4004.

Section 3. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt under State CEQA guidelines section 15305 as a minor alteration to a land use limitation, and under State CEQA guidelines section 15061(b)(3) as an amendment to an ordinance that will not affect environmental resources.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public prior to the day of its passage.

Section 5. That the amendments to sections 56.54 and 56.71 made by this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, and shall remain in effect for one year (until _____), unless extended by the City Council. If the amendments to sections 56.54 and 56.71 are not extended by the City Council, the amendments to sections 56.54 and 56.71 shall be automatically repealed and removed from the San Diego

Municipal Code and the provisions of sections 56.54 and 56.71 that were in effect prior to final passage of this ordinance shall return to full force and effect.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Kimberly Ann Davies
Deputy City Attorney

KAD:ca
11/1/2007
11/5/2007REV
11/16/2007COR.COPY
Dept: City Attorney
O-2008-65-D

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor