

(O-84-22)

ORDINANCE NUMBER O- **16046** (New Series)

Adopted on **SEP 26 1983**

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 6, OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION
56.56 RELATING TO POSSESSION OF ALCOHOLIC
BEVERAGE CONTAINERS ON POSTED PREMISES.

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

Section 1. That Chapter V, Article 6, of the San Diego
Municipal Code be and is hereby amended by adding Section 56.56
to read as follows:

SEC. 56.56 OPEN ALCOHOLIC BEVERAGE CONTAINERS
PROHIBITED ON POSTED PREMISES.

(a) Any person who has in his or her possession any
bottle, can or other receptacle containing any alcoholic
beverage which has been opened, or a seal broken, or the
contents of which have been partially removed, and who
enters, is on, or remains on the posted premises of, any
retail package off-sale alcoholic beverage licensee
licensed pursuant to Division 9 of the Business and
Professions Code, or on any public sidewalk immediately
adjacent to the licensed premises is guilty of an
infraction.

(b) All retail package off-sale alcoholic beverage
licensees licensed pursuant to Division 9 of the Business
and Professions Code to operate in the City of San Diego
shall post such licensed premises with notices clearly
visible to patrons of the licensee and parking lot and to

persons on the public sidewalk that the provisions of subdivision (a) are applicable. Such notices shall include language that states that possession of any opened alcoholic beverage container is prohibited by law. Any licensee who does not so post the licensed premises is guilty of an infraction.

(c) As used in this section "posted premises" means those premises which are subject to licensure under any retail off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises which are posted with notices pursuant to subdivision (b).

(d) As used in this section "parking lot immediately adjacent to the licensed premises" means any parking lot except those described in subdivision (e) which is contiguous to the licensed premises and any parking lot under the control of or operated in conjunction with the licensed premises.

(e) The provisions of this section do not apply to any private residential parking lot immediately adjacent to the posted premises.

(f) The subsections of this section are severable. The invalidity of a subsection shall not affect the validity of the remaining subsections.

Section 2. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By Stuart H. Swett
FOR Susan M. Heath
Deputy City Attorney

SMH:mem:715.6
8/22/83
Or.Dept:Council-Jones

SEP 26 1983

Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Raymond L. Portuocero*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 12 1983

SEP 26 1983

_____, and on _____.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Raymond L. Portuocero*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16046**

SEP 26 1983

Adopted

01126

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
ATTN: MAY DELL L. PONTECORVO
202 C St., 12th Floor
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16046

ORDINANCE NO. O-16046
(New Series)
AN ORDINANCE AMENDING CHAPTER V, ARTICLE 8, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 56.56 RELATING TO POSSESSION OF ALCOHOLIC BEVERAGE CONTAINERS ON POSTED PREMISES.
This ordinance adds to the San Diego Municipal Code a section prohibiting the possession of opened alcoholic beverage containers on the posted premises of retail package off-sale alcoholic beverage licensees. It further requires that such licensees post their premises with clearly visible notices of this prohibition. The Ordinance also prohibits the possession of opened alcoholic beverage containers on any public sidewalk adjacent to the posted premises.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 C Street, San Diego, CA 92101, introduced on SEPTEMBER 12, 1983.
Passed and adopted by the Council of The City of San Diego on SEPTEMBER 25, 1983.
AUTHENTICATED BY:
ROGER HEDGECOCK,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
(SEAL)
By MAYDELL L. PONTECORVO, Deputy.
Publish Oct. 10, 1983 60-1080

I, Carrie Gedeon, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-16046
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

October 10, 1983

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 10th day of Oct., 1983.

Carrie Gedeon

(Signature)

5" X 8.87 = 44.35

01127