

(O-87-48)

ORDINANCE NUMBER O- 16711 (NEW SERIES)

ADOPTED ON SEP 9 1986

AN EMERGENCY ORDINANCE PURSUANT TO SECTION 17 OF THE CHARTER OF THE CITY OF SAN DIEGO AMENDING CHAPTER V, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54 PROHIBITING ALCOHOLIC BEVERAGE CONSUMPTION AND POSSESSION IN CERTAIN AREAS OF THE CITY OF SAN DIEGO.

WHEREAS, The City of San Diego, under the police power delegated to it by the Constitution of the State of California, has the authority to react when the potential exists for jeopardy to the public health, safety and general welfare of its citizens; and

WHEREAS, certain of The City of San Diego's beach area parking lots are experiencing substantial and increasing problems of aggressive and violent behavior, vandalism, reckless and drunk driving and littering; and

WHEREAS, police made 687 arrests in five of these beach area parking lots during just a six week period from June 1, 1986 to July 14, 1986; and

WHEREAS, it was determined that 49 percent of those arrests were alcohol-related; and

WHEREAS, there has been an increase in alcohol-related criminal activities and aggressive and/or offensive conduct by persons frequenting the below-listed areas; and

WHEREAS, City Manager's Report No. 86-419 dated September 5, 1986, a copy of which is on file with the Office of the City

Clerk as Document No. 00-15711, reflects the clear and convincing need for immediate action to relieve and reduce this problem; and

WHEREAS, many citizens of The City of San Diego fear to take their families to said areas for fear of harassment and/or violence; and

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

WHEREAS, the situation herein described constitutes an emergency and the City Council finds that it is necessary for the immediate preservation of the public peace, property, health and safety to prohibit the consumption of alcoholic beverages or to possess an open container of any alcoholic beverage in certain public parking lots in the beach area and Mission Bay Park; NOW, THEREFORE,

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

Section 1. That Chapter V, Article 6, Section 56.54 of the San Diego Municipal Code be, and the same is hereby amended to read as follows:

**SEC. 56.54 ALCOHOLIC BEVERAGE CONSUMPTION AND POSSESSION PROHIBITED IN CERTAIN AREAS**

[(a) No change.]

(b) It shall be unlawful for any person without a permit duly issued by the City Manager for a special event to consume or to possess an open container of any alcoholic

beverage, as defined in Business and Professions Code section 23004, in the following areas of The City of San Diego:

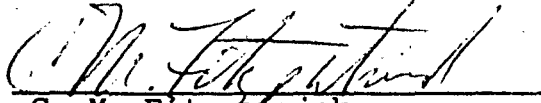
- (1) All public parking lots within Mission Bay Park;
- (2) the West parking lot of the Jetty at 600 Block San Diego Place;
- (3) the parking areas around The Plunge and Belmont Park Roller Coaster at 3000 to 3200 Block Ocean Front Walk, 3000 to 3200 Block Mission Boulevard and 700 Block Ventura Place;
- (4) the La Jolla Shores parking lot at 8100 to 8300 Block Camino del Oro;
- (5) the 600 Block Tourmaline Street;
- (6) the 2200 to 2300 Block Bacon Street;
- (7) the 5000 Block Voltaire Street;
- (8) the 5000 Block Brighton Street;
- (9) the 5000 Block Newport Street;
- (10) the 1900 Block Abbott Street;
- (11) the 1100 to 1300 Block Sunset Cliffs Boulevard;
- (12) the 4500 Block Ladera Street.

Section 2. This ordinance is declared to be an emergency measure required for the immediate preservation of the public safety, health and welfare pursuant to Section 17 of the Charter of The City of San Diego and shall take effect immediately and

continue in force from the day of adoption thereof by two-thirds  
of the members of the City Council until October 30, 1986.

APPROVED: John W. Witt, City Attorney

By,

  
C. M. Fitzpatrick  
Assistant City Attorney

CMF:js  
09/09/86  
Or.Dept:Police  
O-87-32  
Form=o.none

01056

0-16711

*upheld*

SEP 9 1986

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *June A. Blackwell*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on **SEP 9 1986**, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that the final reading of said ordinance was in full.

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.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
1986 SEP 25 AM 10:43  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
202 C STREET  
12TH FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN EMERGENCY ORDINANCE PURSUANT TO SECTION 17

**ORDINANCE NUMBER O-16711 (NEW SERIES)**

**AN EMERGENCY ORDINANCE PURSUANT TO SECTION 17 OF THE CHARTER OF THE CITY OF SAN DIEGO AMENDING CHAPTER V, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54 PROHIBITING ALCOHOLIC BEVERAGE CONSUMPTION AND POSSESSION IN CERTAIN AREAS OF THE CITY OF SAN DIEGO.**

WHEREAS, The City of San Diego, under the police power delegated to it by the Constitution of the State of California, has the authority to react when the potential exists for jeopardy to the public health, safety and general welfare of its citizens; and

WHEREAS, certain of The City of San Diego's beach area parking lots are experiencing substantial and increasing problems of aggressive and violent behavior, vandalism, reckless and drunk driving and littering; and

WHEREAS, police made 667 arrests in five of these beach area parking lots during just a six week period from June 1, 1986 to July 14, 1986; and

WHEREAS, it was determined that 49 percent of those arrests were alcohol-related; and

WHEREAS, there has been an increase in alcohol-related criminal activities and aggressive and/or offensive conduct by persons frequenting the below-listed areas; and

WHEREAS, City Manager's Report No. 86-419 dated September 5, 1986, a copy of which is on file with the Office of the City Clerk as Document No. OO-16711, reflects the clear and convincing need for immediate action to relieve and reduce this problem; and

WHEREAS, many citizens of The City of San Diego fear to take their families to said areas for fear of harassment and/or violence; and

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

WHEREAS, the situation herein described constitutes an emergency and the City Council finds that it is necessary for the immediate preservation of the public peace, property, health and safety to prohibit the consumption of alcoholic beverages or to possess an open container of any alcoholic beverage in certain public parking lots in the beach area and Mission Bay Park; NOW, THEREFORE,

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

Section 1. That Chapter V, Article 6, Section 56.54 of the San Diego Municipal Code be, and the same is hereby amended to read as follows:

I, THOMAS D. KELLEHER, 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 NUMBER O-16711

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:

SEPTEMBER 22, 1986.

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

Dated at San Diego, California this 22 day of Sept., 19 86.

Thomas D. Kelleher  
(Signature)

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9" x 2 x \$10.24 = \$184.32

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**SEC. 56.54 ALCOHOLIC BEVERAGE CONSUMPTION AND  
POSSESSION PROHIBITED IN CERTAIN AREAS**

(b) No change.

(b) It shall be unlawful for any person without a permit duly issued by the City Manager for a special event to consume or to possess an open container of any alcoholic beverage, as defined in Business and Professions Code section 23004, in the following areas of The City of San Diego:

- (1) All public parking lots within Mission Bay Park;
- (2) the West parking lot of the Jetty at 600 Block San Diego Place;
- (3) the parking areas around The Plunge and Belmont Park Roller Coaster at 3000 to 3200 Block Ocean Front Walk, 3000 to 3200 Block Mission Boulevard and 700 Block Ventura Place;
- (4) the La Jolla Shores parking lot at 8100 to 8300 block Camino del Oro;
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- (9) the 5000 Block Newport Street;
- (10) the 1900 Block Abbott Street;
- (11) the 1100 to 1300 Block Sunset Cliffs Boulevard;
- (12) the 4500 Block Ladera Street.

Section 2. This ordinance is declared to be an emergency measure required for the immediate preservation of the public safety, health and welfare pursuant to Section 17 of the Charter of The City of San Diego and shall take effect immediately and continue in force from the day of adoption thereof by two-thirds of the members of the City Council until October 30, 1986.

Passed and adopted by the Council of The City of San Diego on SEP 9 1986, by the following vote:

YEAS: Wolfshelmer, Cleator, McCall, Jones, Struiksma, Gotch, McCarty.

NAYS: None.

NOT PRESENT: Martinez, O'Connor.

AUTHENTICATED BY: MAUREEN O'CONNOR,

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By JUNE A. BLACKNELL, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on SEP 9 1986, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that the final reading of said ordinance was in full.

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.

By JUNE A. BLACKNELL, Deputy.

Pub. September 22

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