

(0-88-42)

ORDINANCE NUMBER O- 16952 (NEW SERIES)

ADOPTED ON OCT 12 1987

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 2,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
DIVISION 10, SECTIONS 42.1001 THROUGH 42.1005,
RELATING TO THE POSTING OF SIGNS WHERE
ALCOHOLIC BEVERAGES ARE SOLD WARNING OF THE
EFFECT OF ALCOHOL DURING PREGNANCY.

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

Section 1. That Chapter IV, Article 2, of the San Diego Municipal Code be and the same is hereby amended by adding Division 10, Sections 42.1001 through 42.1005 to read as follows:

DIVISION 10

ALCOHOLIC BEVERAGE WARNING SIGNS

SEC. 42.1001 PURPOSE

The Surgeon General of the United States has advised women who are pregnant, or considering pregnancy, not to drink alcoholic beverages. Recent research indicates that alcohol consumption during pregnancy, especially in the early months, can harm the fetus and result in birth defects including mental retardation, facial abnormalities and other defects involving heart and bone structure. In order to serve the public health, safety and welfare, the purpose of this chapter is to educate the public by requiring warning signs to be placed at all locations where alcoholic beverages are sold to the public.

SEC. 42.1002 DUTY TO POST SIGNS OR NOTICES

Any person or entity who owns, operates, manages, leases or rents premises offering wine, beer, or other alcoholic beverages for sale or dispensing for consideration to the public shall cause a sign or notice to be permanently posted or displayed on the premises as provided in this chapter.

The sign or notice shall read as follows: **PREGNANCY AND ALCOHOL DO NOT MIX - DRINKING ALCOHOLIC BEVERAGES, INCLUDING WINE AND BEER, DURING PREGNANCY CAN CAUSE BIRTH DEFECTS.**

Except as specified in Section 42.1005, or in rules and regulations adopted by the Health Department, a sign or notice as required herein shall not be smaller than 8½ inches wide by 5½ inches long, nor shall any lettering thereon be less than 3/8 inch in height.

SEC. 42.1003 PLACEMENT

A sign or notice required by Section 42.1002 shall be placed as follows:

(a) Where the sale or dispensing of wine, beer, or other alcoholic beverages to the public is primarily intended for consumption off the premises, at least one sign shall be so placed as to assure that it is conspicuously displayed so as to be readable at all points of purchase.

(b) Where the sale of wine, beer, or other alcoholic beverages to the public is primarily intended for consumption on the premises, at least one sign shall be placed to assure that it is conspicuously displayed so as to be readable in each public restroom.

SEC. 42.1004 LANGUAGE

In the event a substantial number of the public patronizing a premises offering for sale or dispensing wine, beer, or other alcoholic beverages uses a language other than English as a primary language, an additional sign or notice as is required by Section 42.1002 above shall be worded in the primary language or languages involved.

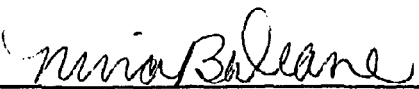
SEC. 42.1005 HEALTH DEPARTMENT AUTHORITY

(a) The Health Director shall be responsible for the enforcement of compliance with this chapter. The Health Department shall have the authority to adopt reasonable rules and regulations for the implementation of this division, including rules and regulations for alternative signs and placement of required signs.

(b) The Health Department shall make warning signs available to vendors of alcoholic beverages. Persons or entities may, however, at their own expense, prepare and post signs meeting the requirements of this chapter. In no event shall the prescribed language of the warning sign be altered.

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 
Nina B. Deane
Deputy City Attorney

NBD:lfs:502.3
08/27/87
Or.Dept:Mgr.
O-88-42
Form=o.none

0 - 16952

STRIKEOUT ORDINANCE

OLD LANGUAGE - STRIKEOUT
NEW LANGUAGE - UNDERLINED

DIVISION 10

ALCOHOLIC BEVERAGE WARNING SIGNS

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0 - 16952

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT
Ed Struiksmas	<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"/>	
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

OCT 12 1987

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.

(Seal)

By *Charles G. Abdelnour*, 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 28 1987

OCT 12 1987

....., 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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16952 Adopted OCT 12 1987

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1987 OCT 30 PM 4:41
SAN DIEGO, CALIF.

OK

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: MAYDELL L. PONTECORVO

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE

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

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This ordinance adds Division 10, sections 42.1001 through 42.1005, to Chapter IV, Article 2 of the San Diego Municipal Code to require the posting of signs where alcoholic beverages are sold warning of the effect of alcohol during pregnancy, to specify the size, wording and placement of said signs, to require additional signs in languages other than English in certain instances, and to authorize the Health Department to adopt and enforce reasonable rules and regulations for the implementation of this division.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

INTRODUCED ON SEPTEMBER 28, 1987

Passed and Adopted by the Council of The City of San Diego on OCTOBER 12, 1987

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, CA

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, CA

(SEAL)

By MAYDELL L. PONTECORVO, Deputy.

Pub. October 26

89988

ORDINANCE NUMBER O-16952 (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:

OCT. 26

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

Dated at San Diego, California this 26 day of OCT., 19 87.

Thomas D. Kelleher

(Signature)

30 Lines x .98 x 2 = \$5880

(2 3/4 x 10.78 x 2 = \$5930)