

ORDINANCE NUMBER O-17655 (NEW SERIES)

ADOPTED ON JUNE 10, 1991

AN EMERGENCY ORDINANCE AMENDING CHAPTER V,  
ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTION 56.54 BANNING OR  
RESTRICTING ALCOHOL CONSUMPTION OR POSSESSION  
OF AN OPEN CONTAINER IN CERTAIN AREAS OF  
THE CITY OF SAN DIEGO FOR A ONE-YEAR PERIOD.

WHEREAS, San Diego City Charter section 17 provides for emergency ordinances that provide for the immediate preservation of public peace, property, health and safety; and

WHEREAS, excessive noise, acts of vandalism, rowdy behavior and violence in certain parts of the City's beach areas have been occurring and are known to be related to the consumption and abuse of alcohol and are expected to increase during the summer months; and

WHEREAS, on June 10, 1991 the City Council held public hearings and heard testimony regarding excessive noise, rowdiness, reckless, violent and dangerous behavior as a result of excessive use and abuse of alcohol; and

WHEREAS, the San Diego Police Department has researched incidents of violence and alcohol-related problems in the beach areas and has provided written reports and tables of reported crime and alcohol-related arrest data for the period May 1, 1990 to April 30, 1991, which are attached as Exhibit A, and are on file in the office of the City Clerk as Document No. OO-17655-1; and

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WHEREAS, the City Council considered the testimony given and determined that, in fact, there is an emergency requiring immediate action by the Council to protect the public peace, property, health and safety by limiting and restricting the use of alcohol; and

WHEREAS, pursuant to San Diego City Charter section 17, the connection between consumption of alcohol and excessive noise, rowdiness, reckless, violent and dangerous behavior threatens the immediate preservation of the public peace, property, health and safety; and

WHEREAS, this is an amendment to an existing ordinance that was not referended; NOW, THEREFORE,

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 amending Section 56.54, to read as follows:

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

(a) - (c) No change.

(d) 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, during any 24 hour period except as noted hereafter, in the following areas of the City of San Diego:

(1) on all oceanfront beaches from the southern boundary of Sunset Cliffs Park north to the southern boundary of Torrey Pines State Beach from the hours of 8:00 p.m. to 8:00 a.m.;

(2) on the beach at La Jolla Shores;

(3) on public rights-of-way between Mission Boulevard on the east, Ocean Front Walk on the west, from the South Mission Beach Jetty on the south, and Loring Street on the north;

(4) on the oceanfront boardwalk from Ocean Beach Pier and proceeding northward along the boardwalk to the permanent lifeguard station, excluding Ocean Beach Pier; and on the oceanfront boardwalk from the South Mission Beach Jetty north to the southern boundary of Palisades Park, excluding Crystal Pier;

(5) in the following parks: Kellogg Park, Pacific Beach Park, Mission Beach Park, South Mission Beach Park, Ocean Beach Park, North Park Community Park and its inset parking area; and the public rights-of-way within or immediately adjacent to such parks.

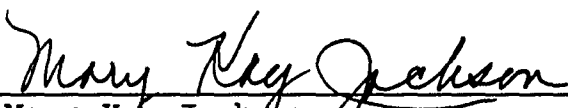
(6) The areas identified in (1) through (5) above are more particularly shown in the maps on file in the office of the City Clerk as Document No. 00-17655-2.

This section shall not apply to any business which is lawfully selling or dispensing alcoholic beverages in accordance with the requirements of local and state law.

To the extent this subsection (d) is inconsistent with any other subsection in this section, this subsection shall control.

Section 2. This ordinance shall take effect immediately upon its passage and shall be in effect for one year from this date, to June 10, 1992.

APPROVED: JOHN W. WITT, City Attorney

By   
Mary Kay Jackson  
Deputy City Attorney

MKJ:mb  
06/10/91  
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06/13/91 REV. 1  
Or. Dept: Pk. & Rec.  
O-91-182  
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CITY of SAN DIEGO  
MEMORANDUM

FILE NO: 202  
DATE: June 7, 1991  
TO: Jack McGrory, City Manager  
FROM: Norm Stamper, Assistant Chief  
SUBJECT: Alcohol Related Crime in the Beach Area

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Issue: Shall an alcohol restriction be adopted for beach and bay areas?

Discussion: The implementation of an alcohol restriction in the beach and bay areas would immediately decrease the current rising crime levels.

Within the past few weeks there have been several reported incidents of violence committed by documented gang members who have congregated in the area to drink, socialize, and commit crimes. This activity has been building each summer for the past several years; however, this summer's increase is significantly higher and the resulting violence is reaching crisis levels. Residents have expressed a rising level of concern about the alcohol related problems at Town Council meetings and other local forums.

From May 1, 1990, through April 30, 1991, 219 arrestees were booked into jail from the beach area for being Drunk in Public. This is just a small percentage of the much larger, but uncaptured, number of arrested inebriates who were cooperative and noncombative enough to be transported to the Inebriate Reception Center and released.

Police supervisors working the beach area estimate that at least eighty percent of reported incidents of criminal activity occurring after 8:00 p.m. are related to alcohol in some way, with either the suspect, victim, or both, being under the influence.

Tables of reported crime and alcohol related arrest data for the period May 1, 1990 to April 30, 1991, are attached.

E X H I B I T A

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Specific problem locations in the beach include:

1. South Mission Beach/Jetty area

Documented gang members congregate in both the beach and bay parking lots, resulting in complaints of excessive drinking, loud music, drug usage and fights. Some military personnel still frequent the location even though it has been put off limits by their commands. Criminal activity reaches its peak on Sunday afternoons and holidays.

2. Belmont Park area, 3000 - 3200 Ocean Front Walk, 700 Ventura

There is a chronic problem at this location of intoxicated transients leaning or sitting against the wall on the boardwalk and harassing tourists and other passersby. There has also been a recent influx of black gang members frequenting the area who have been observed picking fights with the transients and preying on military personnel and tourists.

3. Oceanfront Walk between Pacific Beach Drive and Diamond Street

This area also has transients littering and drinking in the grassy areas during the daytime. These transients harass passersby and challenge them to fight. A bar that fronts onto the beach attracts minors and military personnel.

4. Law Street Park and Beach

There have been numerous complaints of large unruly parties at this location. These parties frequently involve underage drinkers.

5. Foot of Marine Street

There have been numerous complaints here, also, of large unruly parties. These parties frequently involve underage drinkers and it is not uncommon for officers to impound three to five kegs of beer when they close parties down.

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6. La Jolla Shores

There are frequent complaints of underage drinking, loud parties, fights and vandalism.

7. Bonita Cove

There are frequent problems with minors drinking and fighting.

8. Ventura Cove

There are frequent problems with minors drinking and fighting, and this has become a congregating place for Hispanic gang members. There have been three recent homicides at this location involving individuals who had been drinking.

9. Ski Beach

There are frequent problems with minors drinking and fighting, and this has become a meeting place for Asian gang members. There has been one recent homicide at this location.

10. San Diego Princess (Vacation Village) and adjacent lots

This has also become a congregating place for Asian gang members. There have been many complaints of graffiti, underage drinking, vandalism, and gunshots late at night.

11. Crown Point Shores

There have been numerous complaints of underage drinking at this location and also fights between members of various gangs.

12. Mission Bay - Eastside

The parking lots attract gang members of all ethnic backgrounds and underage drinking is common. On Sundays and holidays, when the area is extremely crowded, there are frequent fights among intoxicated persons.

Emergency Measures are necessary to curb the increase in alcohol related crime. These measures should be comprehensive enough to preclude the displacement of the problems from one location to

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another as occurred this past week when the Bonita Cove and Ventura Cove parking lots were closed at night and the Management of Belmont Park immediately reported a major increase in late night drinking and gang activity in their lot.



Norm Stamper  
Assistant Chief

NS:NG:ac

**BEACH AREA CRIME STATISTICS**

0-17655

I. Mission Bay, Mission Beach  
 (Includes Mission Bay, Mission  
 Beach, Fiesta Island and  
 Sea World)

Census Tract 76

5/1/90 - 4/30/91

Homicide	3
Rape	10
Robbery	67
Agg. Assault	172
Burglary	213
Larceny	1391
Auto Theft	415
Total Crimes	2271
Drank in Public	125
DWI	420

II. Pacific Beach  
 (Pacific Beach Drive to  
 Archer, Koyes on east boundary)

Census Tracts 79 and 80

5/1/90 - 4/30/91

	2
	10
	30
	84
	279
	925
	417
	1747
	90
	227

III. La Jolla Shores

Census Tract 83.12

5/1/90 - 4/30/91

	1
	1
	6
	12
	61
	514
	183
	778
	4
	9

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0-17655

S/114

JUN 1 0 1991

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"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 *Charlie Carson*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on  
**JUN 1 0 1991**, 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.

(Seal)

By *Charlie Carson*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17655** Adopted **JUN 1 0 1991**

CERTIFICATE OF PUBLICATION

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SAN DIEGO, CALIF.

CITY CLERK'S OFFICE  
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SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN EMERGENCY ORDINANCE AMENDING CHAPTER V, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTION...

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-17655 (NEW SERIES)**  
AN EMERGENCY ORDINANCE AMENDING CHAPTER V, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.64 BANNING OR RESTRICTING ALCOHOL CONSUMPTION OR POSSESSION OF AN OPEN CONTAINER IN CERTAIN AREAS OF THE CITY OF SAN DIEGO FOR A ONE-YEAR PERIOD.  
This emergency ordinance was adopted to ban or restrict the consumption or possession of open containers of alcohol in certain areas of the City of San Diego for a one-year period.  
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, reading dispensed with and adopted by the City Council of the City of San Diego JUNE 10, 1991.  
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 Corvita Cannon, Deputy  
Pub. June 28 224815

ORDINANCE NUMBER O-17655 (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:

JUNE 28

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

Dated at San Diego, California this 28TH day of JUNE, 19 91.

  
(Signature)

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4 1/4" = 52.44