

ORDINANCE NUMBER 0-17663 (NEW SERIES)

ADOPTED ON JUL 15 1991

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 56.29 AND AMENDING SECTION 56.54, BANNING OR RESTRICTING ALCOHOL CONSUMPTION OR POSSESSION OF OPEN CONTAINERS IN CERTAIN AREAS OF THE CITY OF SAN DIEGO.

WHEREAS, excessive noise, acts of vandalism, rowdy behavior and violence in certain parts of the beach areas have been occurring and are known to be related to the consumption and abuse of alcohol; and

WHEREAS, on June 10, 1991 the San Diego 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, which are on file in the office of the City Clerk as Document No. 00-17655-1; NOW, THEREFORE,

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

Section 1. That Chapter 5, Article 6, of the San Diego Municipal Code be and it is hereby amended by repealing Section 56.29.

Section 2. That Chapter V, Article 6, of the San Diego Municipal Code 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) **Definitions.** For purposes of this section, the following terms are defined as follows:

(1) "Alcoholic beverage" has the same meaning as that set forth in California Business and Professions Code section 23004.

(2) "Open container" means any bottle, can or other receptacle containing any alcoholic beverage, which has been opened, or on which a seal has been broken, or the contents of which have been partially removed.

(3) "Sidewalk cafe" has the same meaning as that set forth in San Diego Municipal Code section 101.0550.

(b) **Consumption of Alcoholic Beverage Prohibited.** Unless the City Manager has issued a related special event permit, it is unlawful for any person to consume any alcoholic beverage at any time, upon any public street, sidewalk, alley, plaza or any public park within the following limits of The City of San Diego, including all sidewalks along the outer perimeter of such areas:

From the intersection of Market Street and Pacific Highway and proceeding northerly on Pacific Highway to its intersection with Ash Street; easterly on Ash Street to its intersection with the easterly boundary of 11th

Avenue; southerly along the easterly boundary of 11th Avenue to the northerly boundary of Russ Boulevard; easterly along the northerly boundary of Russ Boulevard to the easterly boundary of Interstate Highway 5; southerly on the easterly boundary of Interstate Highway 5 to its intersection with Imperial Avenue; westerly on Imperial Avenue to Harbor Drive; northwesterly on Harbor Drive to Pacific Highway; and northerly along Pacific Highway to the point of beginning.

(c) **Consumption and Possession of Open Container of Alcoholic Beverage Prohibited.** Unless the City Manager has issued a related special event permit, it is unlawful for any person to consume or to possess an open container of any alcoholic beverage at any time except as noted hereafter, 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 the 600 Block of San Diego Place;
- (3) the parking areas around The Plunge and Belmont Park Roller Coaster at the 3000 to 3200 Block of Mission Boulevard and the 700 Block of Ventura Place;
- (4) the La Jolla Shores parking lot at the 8300 Block of Camino del Oro;
- (5) the 600 Block of Tourmaline Street;
- (6) the public rights-of-way located between Mission Boulevard on the east, Ocean Front Walk on the

west, the South Mission Beach Jetty on the south, and Loring Street on the north;

(7) the oceanfront boardwalk commencing at Ocean Beach Pier, and proceeding northward to the permanent Ocean Beach lifeguard station;

(8) the oceanfront boardwalk commencing at the South Mission Beach Jetty northward to the southern boundary of Palisades Park, excluding Crystal Pier;

(9) the beach at La Jolla Shores;

(10) the following parks and the public rights-of-way within or immediately adjacent to them:

(A) Kellogg Park;

(B) Pacific Beach Park;

(C) Mission Beach Park;

(D) South Mission Beach Park;

(E) Ocean Beach Park;

(F) North Park Community Park and its

inset parking area;

(11) the public parking lots and all sidewalks along the outer perimeter of the lots at the following locations:

(A) the 2400 Block of Bacon Street, including the area commonly known as Robb Field;

(B) the 5200 Block of Voltaire Street;

(C) the 5200 Block of Brighton Street;

(D) the 5000 Block of Newport Avenue, including the parking area at the foot of Newport Avenue;

(E) the 1900 Block of Abbott Street;

(F) the 1100 to 1300 Block of Sunset
Cliffs Boulevard;

(G) the 4400 Block of Ladera Street;

(H) the 2400 to 2500 Block of Sunset
Cliffs Boulevard;

(12) 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
eight o'clock (8:00) p.m. to eight o'clock (8:00) a.m.;

(13) Ocean Beach Fishing Pier, from the hours
of twelve o'clock (12:00) midnight to six o'clock (6:00)
a.m.;

(14) Fiesta Island and all public beaches and
public recreation areas within Mission Bay Park from the
hours of ten o'clock (10:00) p.m. to six o'clock (6:00)
a.m.

The areas set forth in subsections (c)(6), (7), (8),
(9), (12) and (13) are particularized in maps on file in
the office of the City Clerk as Document No. 00-17655-2.

(d) **Exceptions.** The provisions of this section
shall not apply to:

(1) persons consuming alcoholic beverages
within the defined boundaries of a sidewalk cafe located
on the public right-of-way;

(2) any business which is lawfully selling
or dispensing alcoholic beverages in accordance with the
requirements of local and state law.

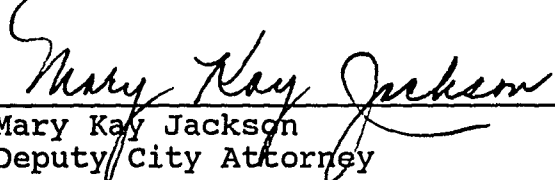
(e) This section does not make punishable any act or acts which are prohibited by any law of the State of California.

Section 3. That Ordinance No. O-17655 (New Series), adopted as an emergency ordinance on June 10, 1991, be and it is hereby repealed.

Section 4. 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


Mary Kay Jackson
Deputy City Attorney

MKJ:mb
06/10/91
06/28/91 REV.1
Or.Dept:Pk.&Rec.
O-91-183
Form=o+t

OLD LANGUAGE - STRICKEN
NEW LANGUAGE - SHADED

(O-91-183 REV. 1)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 6,
OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING
SECTION 56.29 AND AMENDING SECTION 56.54,
BANNING OR RESTRICTING ALCOHOL CONSUMPTION
OR POSSESSION OF OPEN CONTAINERS IN CERTAIN
AREAS OF THE CITY OF SAN DIEGO.

**SEC. 56.29 POSSESSION OF INTOXICATING LIQUOR
PROHIBITED ON MISSION BEACH AMUSEMENT
CENTER**

Repealed.

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

~~(a) It shall be unlawful for any person without a permit duly issued by the City Manager for a special event to consume any alcoholic beverage, as defined in California Business and Professions Code, Section 23004, upon any public street, sidewalk, alley, plaza, or in any public park within the following limits of The City of San Diego:~~

(a) Definitions. For purposes of this section, the following terms are defined as follows:

(1) "Alcoholic beverage" has the same meaning as that set forth in California Business and Professions Code section 23004.

(2) "Open container" means any bottle, can or other receptacle containing any alcoholic beverage, which has been opened, or on which a seal has been broken, or

the contents of which have been partially removed.

(3) "Sidewalk cafe" has the same meaning as that set forth in San Diego Municipal Code section 101.0550.

(b) Consumption of Alcoholic Beverage Prohibited.

Unless the City Manager has issued a related special event permit, it is unlawful for any person to consume any alcoholic beverage at any time, upon any public street, sidewalk, alley, plaza or any public park within the following limits of The City of San Diego, including all sidewalks along the outer perimeter of such areas:

~~Starting at~~ From the intersection of Market Street and Pacific Highway and proceeding northerly on Pacific Highway to its intersection with Ash Street; ~~then~~ easterly on Ash Street to its intersection with the easterly boundary of 11th Avenue; ~~then~~ southerly along the easterly boundary of 11th Avenue to the northerly boundary of Russ Boulevard; ~~then~~ easterly along the northerly boundary of Russ Boulevard to the easterly boundary of Interstate Highway 5; ~~then~~ southerly on the easterly boundary of Interstate Highway 5 to its intersection with Imperial Avenue; ~~then~~ westerly on Imperial Avenue to Harbor Drive; ~~then~~ northwesterly on Harbor Drive to Pacific Highway; and ~~then~~ northerly along Pacific Highway to the point of beginning.

~~The area described above shall include all sidewalks along the outer perimeter of such areas.~~

~~The provisions of this section shall not apply to persons consuming alcoholic beverages within the defined boundaries of a sidewalk cafe located on the public right of way. A sidewalk cafe is defined in Section 101.0550.~~

(c) Consumption and Possession of Open Container of Alcohol Prohibited. Unless the City Manager has issued a related special event permit, it shall be is 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, **at any time except as noted hereafter,** in the following areas of The City of San Diego:

~~(1) The "beach area" starting at Ratkay Point and proceeding northerly along the waterfront of the Pacific Ocean and waters of Mission Bay to the northerly boundary of the Mission Bay channel entrance between the hours from twelve o'clock midnight and six o'clock a.m., and the "beach area" starting at the northerly boundary of the Mission Bay channel entrance and proceeding northerly along the waterfront of the Pacific Ocean and waters of Mission Bay to the southerly limits of the City of Del Mar between the hours from ten o'clock p.m. and six o'clock a.m.~~

~~"Beach area" means any beach or land and the waters abutting or adjacent thereto within the limits of The City of San Diego and of all lands owned or controlled by~~

~~the City adjoining the waterfront of the Pacific Ocean and the waters of Mission Bay.~~

~~"Beach area" includes the Ocean Beach Fishing Pier, Torrey Pines State Beach and any public area, boardwalk and public right of way such as exists along Ocean Front Walk extending up to the boundaries of adjacent property owners including fences and walls maintained under Encroachment Removal Agreements.~~

~~(2) Fiesta Island and all public beaches and public recreation areas within Mission Bay Park between the hours from ten o'clock p.m. and six o'clock a.m.;~~

~~(3 1) all public parking lots within Mission Bay Park;~~

~~(4 2) the west parking lot of the Jetty at the 600 Block of San Diego Place;~~

~~(5 3) the parking areas around The Plunge and Belmont Park Roller Coaster at the 3000 to 3200 Block of Mission Boulevard and the 700 Block of Ventura Place;~~

~~(6 4) the La Jolla Shores parking lot at the 8300 of Block Camino del Oro;~~

~~(7 5) the 600 Block of Tourmaline Street;~~

~~(8) La Jolla Shores Beach and boardwalk, Kellogg Park and adjacent public parking lot from August 1, 1990 through February 1, 1991;~~

~~(6) the public rights-of-way located between Mission Boulevard on the east, Ocean Front Walk on the west, the South Mission Beach Jetty on the south, and Loring Street on the north;~~

(7) the oceanfront boardwalk commencing at Ocean Beach Pier, and proceeding northward to the permanent Ocean Beach lifeguard station;

(8) the oceanfront boardwalk commencing at the South Mission Beach Jetty northward to the southern boundary of Palisades Park, excluding Crystal Pier;

(9) the beach at La Jolla Shores;

(10) the following parks and the public rights-of-way within or immediately adjacent to them:

(A) Kellogg Park;

(B) Pacific Beach Park;

(C) Mission Beach Park;

(D) South Mission Beach Park;

(E) Ocean Beach Park;

(F) North Park Community Park and its inset parking area;

(11) the public parking lots and all sidewalks along the outer perimeter of the lots at the following locations:

(10 A) the 2400 Block of Bacon Street, including the area commonly known as Robb Field;

(11 B) the 5200 Block of Voltaire Street;

(12 C) the 5200 Block of Brighton Street;

(13 D) the 5000 Block of Newport Avenue, including the parking area at the foot of Newport Avenue;

(14 E) the 1900 Block of Abbott Street;

(15 F) the 1100 to 1300 Block of Sunset Cliffs Boulevard;

(16 G) the 4400 Block of Ladera Street;
(17 H) the 2400 to 2500 Block of Sunset
Cliffs Boulevard.

~~The area above shall include all sidewalks along the
outer perimeter of such areas.~~

(12) 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
eight o'clock (8:00) p.m. to eight o'clock (8:00) a.m.;

(13) Ocean Beach Fishing Pier, from the hours
of twelve o'clock (12:00) midnight to six o'clock (6:00)
a.m.;

(14) Fiesta Island and all public beaches and
public recreation areas within Mission Bay Park between
from the hours from of ten o'clock (10:00) p.m. and to
six (6:00) a.m.

The areas set forth in subsections (c) (6), (7), (8),
(9), (12) and (13) are particularized in maps on file in
the office of the City Clerk as Document No. 00-17655-2.

(d) Exceptions. The provisions of this section
shall not apply to:

(1) persons consuming alcoholic beverages
within the defined boundaries of a sidewalk cafe located
on the public right-of-way;

(2) any business which is lawfully selling or
dispensing alcoholic beverages in accordance with the
requirements of local and state law.

(e e) This section does not make punishable any act or acts which are prohibited by any law of the State of California.

50

JUL 15 1991

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 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"/>
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 *Connie Connor*, 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

JUL 1 1991

JUL 15 1991

~~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 *Connie Connor*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	0-17663
Adopted	JUL 15 1991

Passed and adopted by the Council of The City of San Diego, on JUL 15 1991
 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 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"/>
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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Carie Connor, 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

JUL 1 1991

JUL 15 1991

~~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 Carie Connor, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17663**

JUL 15 1991
 Adopted.....

91-771 AM 8:47

SEARCHED
SERIALIZED

NOV 1 1981

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NOV 1 1981

CERTIFICATE OF PUBLICATION

CITY CLERK'S OFFICE
CITY ADMN. BLDG.
202 C ST.
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER V. ARTICLE
6, OF THE

ORDINANCE NUMBER O-17663 (NEW SERIES)

**AN ORDINANCE AMENDING CHAPTER V, ARTICLE 6, OF THE
SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION
56.53 AND AMENDING SECTION 56.54 BANNING OF
RESTRICTING ALCOHOL CONSUMPTION OR POSSESSION
OF OPEN CONTAINERS IN CERTAIN AREAS OF THE CITY OF
SAN DIEGO.**

This ordinance amends the San Diego Municipal Code by repealing an
obsolete alcohol prohibition section and amending the current alcohol
restriction section by prohibiting consumption or possession of open con-
tainers of alcohol from 8:00 p.m. to 8:00 a.m. along most oceanfront
beaches, and instituting the same restrictions at all times at La Jolla Shores
beach and certain other City parks and beach areas.

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 July 1, 1991
Passed and adopted by the Council of The City of San Diego on July 16,
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 CONNIE CANNON, Deputy

Pub. July 29

225929

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-17663
(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:

JULY 29

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

Dated at San Diego, California this 29 day of JULY, 1991.

SAN DIEGO, CALIF.
CITY CLERK'S OFFICE
RECEIVED
JUL 29 1991
(Signature)

Page 1 of 1

4 7/8 = ~~60.50~~ 61.50