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(O-94-41 COR.COPY)

ORDINANCE NUMBER O- 18011 (NEW SERIES)

ADOPTED ON NOV 29 1993

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW DIVISION 30 ENTITLED "LOITERING FOR DRUG ACTIVITIES" AND NEW SECTIONS 52.3001, 52.3002 AND 52.3003, TO PROHIBIT DRUG-RELATED LOITERING ACTIVITY

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

Section 1. That Chapter V, Article 2, of the San Diego Municipal Code be and the same is hereby amended by adding Division 30, Sections 52.3001, 52.3002 AND 52.3003, to read as follows:

DIVISION 30

Loitering For Drug Activities

SEC. 52.3001 Acts Prohibited

It is unlawful for any person to loiter in, on or near any thoroughfare or place open to the public or near any public or private place in a manner and under circumstances manifesting the purpose of engaging in drug-related activity defined as offenses in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code.

SEC. 52.3002 Circumstances Manifesting Drug-related Activity

Among circumstances that may be considered in determining whether such purpose is manifested are that the person:

(a) is a known unlawful drug user, possessor, or seller. For purpose of this division, a "known unlawful drug user, possessor, or seller" is:

(1) a person who, within the knowledge of the arresting officer, has been convicted in any court within California of any violation involving the use, possession or sale of any of the substances referred to in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code; or

(2) a person who has been convicted of any violation of Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code or substantially similar laws of any political subdivision of California or of any other state; or

(3) a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or

(4) a person who possesses drug paraphernalia as defined in California Health and Safety Code section 11014.5; or

(b) is currently subject to an order prohibiting his or her presence in a high drug activity geographic area; or

(c) behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including, for example, acting as a "lookout"; or

(d) is physically identified by an officer as a member of a "gang" or association which has as its purpose illegal drug activity; or

(e) transfers small objects or packages for currency in a furtive fashion; or

(f) takes flight upon the appearance of a police officer; or

(g) tries to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity; or

(h) is in an area that is known for unlawful drug use and trafficking; or

(i) is on or in premises that have been reported to law enforcement as a place suspected of unlawful drug activity; or

(j) is in or within six (6) feet of any vehicle registered to a known unlawful drug user, possessor, seller, or person for whom there is an outstanding warrant for a crime involving drug-related activity.

SEC. 52.3003 Definitions

As used in this Division, the following definitions apply:

(a) "in a manner and under circumstances manifesting" means that, while loitering a person must perform objectively, ascertainable, overt conduct that is commonly associated with illegal drug-related activity.

(b) "purpose of engaging in drug-related activity" means the specific intent to engage in drug-related activity.

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 Joseph M. Battaglino
Joseph M. Battaglino
Deputy City Attorney

JMB:jp
07/29/93
11/05/93 COR. COPY
Or. Dept: Mayor
O-94-41
Form=o+t

NOV 29 1993

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<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"/>
Valerie Stallings	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.
By *Linda J. [Signature]*, 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

NOV 08 1993, and on NOV 29 1993

~~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.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.
By *Linda J. [Signature]*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 18011 Adopted NOV 29 1993

CERTIFICATE OF PUBLICATION

RECEIVED
MAYOR'S OFFICE
93 DEC 15 AM 9:34
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
2ND FLOOR
CITY ADMINISTRATION BUILDING
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2,...

I, Corey Donahue, 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 0-18011 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER V, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW DIVISION 30 ENTITLED "LOITERING FOR DRUG ACTIVITIES" AND NEW SECTIONS 52.3001, 52.3002 AND 52.3003, TO PROHIBIT DRUG-RELATED LOITERING ACTIVITY.
This ordinance amends Chapter V, Article 2, of the San Diego Municipal Code by adding a new Division 30 and new sections 52.3001, 52.3002 and 52.3003, prohibiting drug-related loitering activity.
A complete copy of this ordinance is on file in the office of the City Clerk, City Administration Building, 202 C Street, 2nd floor, San Diego, CA 92101.
INTRODUCED ON NOV 08 1993 Passed and adopted by the Council of the City of San Diego on NOV 29 1993.
AUTHENTICATED BY:
SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By Linda Lugano, Deputy
(SEAL)
Pub. Dec. 13 285780

ORDINANCE NUMBER 0-18011 (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:

DEC. 13

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

Dated at San Diego, California this 13th day of DEC., 19 93.

Corey Donahue

(Signature)

2" x 2 = \$ 53.76