

(O-2002-41)

ORDINANCE NUMBER O- ~~19007~~ (NEW SERIES)

ADOPTED ON NOV 5 2001

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE SPECIAL MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON MARCH 5, 2002, ONE PROPOSITION RELATING TO A REFERENDUM PETITION TO APPROVE OR REJECT AN ORDINANCE AMENDING SECTION 56.54 OF THE SAN DIEGO MUNICIPAL CODE PERTAINING TO ALCOHOL CONSUMPTION IN BEACH AREAS.

WHEREAS, the Council of the City of San Diego, on April 30, 2001, adopted Ordinance No. O-18938 (New Series) titled, "AN ORDINANCE AMENDING SECTION 56.54 OF THE SAN DIEGO MUNICIPAL CODE PERTAINING TO ALCOHOL CONSUMPTION IN BEACH AREAS;" and

WHEREAS, on May 30, 2001, a referendary petition requesting the City Council to repeal or rescind Ordinance No. O-18938 (New Series) or submit the ordinance to the registered voters of the City for their approval or rejection was filed in the office of the City Clerk as Document No. RR-295196; and

WHEREAS, the City Clerk found and certified that the referendary petition contained the requisite number of valid signatures and was in proper form; and

WHEREAS, the City Clerk presented the petition with certification attached to the City Council on July 23, 2001; and

WHEREAS, pursuant to San Diego Municipal Code sections 27.1131 and 27.1132, on July 23, 2001, by Resolution No. R-295196 the City Council rejected the petition, adopted a resolution of intention to submit the matter to the people at a special election, and directed the City Attorney to prepare an ordinance calling a special election to be held on the matter in conjunction with the Municipal Primary Election, which will be held on March 5, 2002; and

WHEREAS, by Ordinance No. O- 19007, adopted on NOV 5 2001, the Council of the City of San Diego is calling a Special Municipal Election [Special Election] to be consolidated with the Statewide Primary Election on March 5, 2002, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, pursuant to Resolution No. R-295196, the City Council desires to submit Ordinance No. O-18938 (New Series) to the registered voters of the City for their approval or rejection; NOW, THEREFORE,

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

Section 1. One proposition amending the San Diego Municipal Code by amending section 56.54 pertaining to alcohol consumption in beach areas is hereby submitted to the

qualified voters of the City at the Special Election to be held on March 5, 2002, the proposition to read as follows:

PROPOSITION

(O-2001-134 REV.1)
(COR. COPY)

ORDINANCE NUMBER O-18938 (NEW SERIES)

ADOPTED ON Apr 30, 2001

AN ORDINANCE AMENDING SECTION 56.54 OF THE SAN
DIEGO MUNICIPAL CODE PERTAINING TO ALCOHOL
CONSUMPTION IN BEACH AREAS

WHEREAS, the San Diego Municipal Code currently prohibits consuming alcohol in the beach areas of the City between the hours of 8:00 p.m. and Noon; and

WHEREAS, police statistics regularly cite alcohol as a contributing factor in assaults and disturbances in the beach areas of the City; and

WHEREAS, public testimony has established that many of the alcohol-related problems in the beach areas can be traced to irresponsible drinking that may take place on the beach as well as at other locations in the beach area; and

WHEREAS, the alcohol-related problems pose a threat to public safety in the beach areas, and negatively impact the business of the beach-area merchants; and

WHEREAS, the City Council desires to determine whether curtailing alcohol consumption on the beach will reduce the incidence of alcohol-related problems in the area; NOW THEREFORE,

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

Section 1. That Chapter 5, Article 6, Division 5 of the San Diego Municipal Code is hereby amended by amending Section 56.54 to read as follows:

(a) [No change in text].

(b) [No change in text]

(c) [No change in text]

(d) [No change in text]

(e) [No change in text]

(f) Notwithstanding the foregoing provisions, for the period beginning June 1, 2001 and ending December 31, 2002, inclusive, the twenty-four hour prohibition on the consumption of alcoholic beverages set forth in section 56.54(b) shall also apply to the beaches facing both the ocean and Mission Bay: (i) in Mission Beach, on the ocean side, from the south jetty, north to Pacific Beach Drive, (ii) in Mission Beach, on the bay side, from the south jetty, north to Zanzibar Court, and (iii) in Pacific Beach, from Pacific Beach Drive, north to Felspar Street. The City Manager may grant permits for the consumption of alcohol in this area in the same manner and to the same extent recognized in section 56.54(b).

Section 2. During the period set forth in new section 56.54(f), the Police Department shall compile the most accurate information possible on arrests and citations on the beaches described in section 56.54(f).

Section 3. Upon the termination of the period set forth in section 56.54(f), the City Manager shall report to the Public Safety and Neighborhood Services Committee on the statistics during the period, for alcohol-related violations of law and other problems in the beach areas covered by the provisions for section 56.54.

Section 4. A full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By s/
Theresa C. McAteer
Deputy City Attorney

TCM:lb
04/09/01
04/13/01 (COR. COPY)
04/26/01 (REV. 1)
Or.Dept:PS&NS
O-2001-134

END OF PROPOSITION

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Special Election, in addition to any other matters required by law, there shall be printed substantially the following:

PROPOSITION __. AMENDS THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54 PERTAINING TO ALCOHOL CONSUMPTION IN BEACH AREAS.	YES	
Shall the San Diego Municipal Code be amended to prohibit alcohol consumption twenty-four hours per day in substantially all of Mission Beach and specified beach areas of Pacific Beach from June 1, 2001, through December 31, 2002?	NO	

Section 4. An appropriate mark placed in the voting square after the word "yes" shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word "No" shall be counted against the adoption of the proposition.

Section 5. Passage of this proposition requires the affirmative vote of a majority of those qualified electors voting on the matter at the Special Election.

Section 6. The City Clerk shall cause a digest of this ordinance to be published once in the official newspaper on the Friday following adoption by the City Council. No other notice of the election on this proposition need be given.

Section 7. Pursuant to San Diego Municipal Code [SDMC] Section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being

submitted for printing in the sample ballot, and the Clerk shall post a public notice of the specific dates that the examination period will run.


Section 8. Pursuant to SDMC § 27.0403(a), the public examination period will end on the 75th calendar day prior to the date set for the election.

Section 9. Pursuant to SDMC § 27.0404, during the public examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted.

Section 10. A full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 11. Pursuant to Section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on NOV 5 2001, 2001, which is the day of its introduction and passage.

APPROVED: CASEY GWINN, City Attorney

By: 
Cristie C. McGuire
Deputy City Attorney

CCM:vl
10/19/01
Or.Dept:Clerk
Aud.Cert: 2200472
O-2002-41