

ORDINANCE NUMBER O- 19182 (NEW SERIES)

ADOPTED ON JUN 03 2003

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 56.70, 56.71, 56.72 RELATING TO POSSESSION OF OPENED KEGS CONTAINING ALCOHOLIC BEVERAGES DURING THE FOURTH OF JULY AT DESIGNATED PUBLIC PLACES.

Whereas Business and Professions Code section 25620 permits the City of San Diego to regulate possession of alcoholic beverages at public places within limits set forth in the section; and

Whereas possession and consumption of alcoholic beverages served from kegs harms the community because such possession and use causes an increase in littering, vandalism, public intoxication, illegal consumption and possession by minors, and violence; and

Whereas the problems associated with possession and consumption of alcoholic beverages from kegs increases during the Fourth of July; and

Whereas police and other public resources are diverted to handle calls related to problems caused by the possession and consumption of alcoholic beverages served from kegs during the Fourth of July; and

Whereas, the City Council of the City of San Diego finds and declares that the purpose of the ordinance is:

- (1) To protect the public, health, safety, and general welfare; and

- (2) To reduce the amount of police and public resources devoted to combating crimes associated with parties wherein alcoholic beverages are provided in kegs;

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 is hereby amended by adding Sections 56.70, 56.71, 56.72, to read as follows:

§ 56.70 Definitions

Defined words appear in italics in Sections 56.70, 56.71, 56.72. The words and phrases used in Sections 56.70, 56.71, 56.72 have the meanings set forth in Section 56.70.

“Alcoholic beverage” has the same meaning as used in Section 56.54.

“Commercial special event” has the same meaning as used in Section 22.4003.

“Enforcement Services” means the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged City equipment or property; and, the cost arising from the use of any damaged City equipment in responding to or remaining at the party, gathering, or event.

“Fourth of July” means the 24-hour period encompassing the Fourth of July beginning at 12:00 am and ending at 11:59 pm.

“*Keg*” means any container made of any material, including but not limited to metal, plastic, or wood, capable of holding three gallons or more of an alcoholic beverage.

“*Special event*” has the same meaning as used in Section 22.4003.

“*Special event permit*” has the same meaning as used in Section 22.4003.

“*Weekend*” means a three day period consisting of Friday, Saturday, and Sunday.

§56.71 Kegs at Designated Areas Prohibited

- (a) It is unlawful for any person to possess any *keg* containing any *alcoholic beverage* that has been opened, or a seal broken, or the contents of which have been partially removed at any *designated public area* on the *Fourth of July*.
- (b) For the purposes of Section 56.71(a), a *designated public area* includes the following areas:
 - (1) All beaches on the Pacific Ocean and adjacent parts and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the Southern Boundary of Torrey Pines Park; and
 - (2) All land areas of Mission Bay Park, including Fanuel Street Park, Sail Bay, Crown Point, Bayside Walk, Ocean Beach Athletic Area (Robb Field), Dusty Rhodes Park, including parking lots, Santa Clara Point, and Bob McEvoy Youth Fields (Mission Bay Youth Fields).
- (c) A violation of Section 56.71(a) shall be punishable as an infraction.
- (d) Each *keg* possessed shall constitute a separate and punishable violation of Section 56.71(a).
- (e) Section 56.71(a) does not apply to a *special event* or *commercial*

special event for which a *special event permit* has been issued pursuant to Section 22.4004.

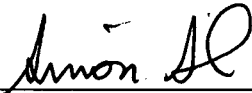
§ 56.72 Reservation of Legal Options

The City of San Diego does not waive its right to seek reimbursement for actual costs of *enforcement services* associated with the enforcement of Sections 56.70, 56.71, 56.72 through other legal remedies or procedures. The procedure provided for in Sections 56.70, 56.71 and 56.72 is in addition to any other statute, ordinance, or law. Sections 56.70, 56.71 and 56.72 in no way limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by Sections 56.70, 56.71, and 56.72, nor do they limit in any way the prosecution's ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of Sections 56.70, 56.71, 56.72.

Section 2. That 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 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Simon Silva
Deputy City Attorney

SS:jp
05/05/03
Or.Dept:Council Dist.2/City Attorney
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