

(O-2004-59)

ORDINANCE NUMBER O- 19290 (NEW SERIES)

ADOPTED ON JUN 21 2004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 5, ARTICLE 6, DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54 BY MAKING FORMATTING CHANGES AND ENFORCING A 24-HOUR BAN ON THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN FANUEL STREET PARK; AND BY AMENDING SECTIONS 56.55 AND 56.56 BY MAKING FORMATTING CHANGES ONLY.

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 amended by amending Section 56.54, to read as follows:

**§56.54** Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) Definitions. For purposes of sections 56.54, 56.55, and 56.56, the following terms are defined as follows:

“*Alcoholic beverage*” has the same meaning as that set forth in California Business and Professions Code section 23004.

“*Beach*” means the sand or land area bordering the water of an ocean or bay.

“*Public park*” means any property designated, dedicated or developed for park or open space use.

“*Seawall*” means any wall between the beach and the boardwalk.

“*Sidewalk cafe*” has the same meaning as that set forth in San Diego Municipal Code section 141.0621.

- (b) Unless the City Manager or designee has issued a special event permit, or unless otherwise permitted by section 56.54, it is unlawful for any

person to consume any *alcoholic beverage* at any time, upon any public property, not including *public parks* and *beaches* except as specifically listed in Appendix 56.54A, and public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, including on or against *seawalls*, and including all sidewalks along the outer perimeters of such areas.

(c) 12 Hour Ban

It is unlawful to consume alcohol in the areas listed in Appendix 56.54B between 8:00 p.m. and 8:00 a.m., unless the City Manager or designee has issued a special event permit or unless otherwise permitted by Section 56.54.

(d) 16 Hour Ban

It is unlawful to consume alcohol in the areas listed in Appendix 56.54C between 8:00 p.m. and Noon, unless the City Manager or designee has issued a special event permit or unless otherwise permitted by Section 56.54.

(e) Section 56.54 does not prohibit:

- (1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.
- (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

Section 2. That Chapter 5, Article 6, Division 5, of the San Diego Municipal Code is amended by amending section 56.55, to read as follows:

**§56.55 Urinating/Defecating in Public Prohibited**

No person shall urinate or defecate in or upon any street, sidewalk, alley, plaza, park, *beach*, public building or publicly maintained facility, or in any place open to the public or exposed to public view. This section shall not apply to urination or defecation which is done in any restroom or other facility designed for the sanitary disposal of human waste.

Section 3. That Chapter 5, Article 6, Division 5, of the San Diego Municipal Code is amended by amending Section 56.56, to read as follows:

**§56.56 Open Alcoholic Beverage Containers Prohibited on Posted Premises**

- (a) Any person who has in his or her possession any bottle, can or other receptacle containing any *alcoholic beverage* which has been opened, or a seal broken, or the contents of which have been partially removed, and who enters, is on, or remains on the posted premises of, any retail package off-sale *alcoholic beverage* licensee licensed pursuant to Division 9 of the Business and Professions Code, or on any public sidewalk immediately adjacent to the licensed premises is guilty of an infraction.
- (b) All retail package off-sale *alcoholic beverage* licensees licensed pursuant to Division 9 of the Business and Professions Code to operate in the City of San Diego shall post such licensed premises with notices clearly visible to patrons of the licensee and parking lot and to persons

on the public sidewalk that the provisions of subdivision (a) are applicable. Such notices shall include language that states that possession of any opened *alcoholic beverage* container is prohibited by law. Any licensee who does not so post the licensed premises is guilty of an infraction.

- (c) As used in this section "posted premises" means those premises which are subject to licensure under any retail off-sale *alcoholic beverage* license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises which are posted with notices pursuant to subdivision (b).

(d) through (f) [No change.]

Section 4. 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 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 Shannon M. Thomas  
Shannon M. Thomas  
Deputy City Attorney

SMT:cdk  
05/13/04  
Or.Dept:Pk.&Rec.  
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APPENDIX 56.54A

24 HOUR BAN

Adams Community Park  
Adams Elementary School/Park  
Alcott Elementary School/Park  
Allen, Dennis V., Neighborhood Park  
Azalea Community Park  
Balboa Park areas not included in Section  
56.54(c) [Appendix 56.54B]  
Bay Terraces Neighborhood Park  
Bay Terraces Junior High School/Park  
Berry Neighborhood Park  
Birdland Neighborhood Park (Fletcher  
Elementary School/Park)  
Bird Rock Elementary School/Park  
Bimey Elementary School/Park  
Black Mountain Middle School/Park  
Boone Neighborhood Park  
Cabrillo Elementary School/Park  
Cabrillo Mini-Park  
Cabrillo Recreation Center  
Cadman Community Park  
Cadman Elementary School/Park  
Cedar Ridge Mini-Park  
Central Mini-Park  
Chicano Neighborhood Park  
Children's Park & Pond  
Chollas Canyon Park  
Chollas Lake Community Park  
City Heights Community Park  
City Heights Mini-Park  
Clay Elementary School/Park  
Clay Mini-Park  
Clay Neighborhood Park  
Cliffridge Athletic Area  
Colina del Sol Community Park  
Crown Point Elementary School/Park  
Dailard Elementary School/Park  
Dana Center  
Decatur Elementary School/Park  
Doyle Elementary School/Park  
East San Diego Adult Recreation Club  
Edison Elementary School/Park

Emerald Hills Neighborhood Park  
Encanto Community Park  
Ericson Elementary School/Park  
Fanuel Street Park  
Field Elementary School/Park  
Forward Elementary School/Park  
Franklin Elementary School/Park  
Gaslamp Square Park  
Golden Hill Community Park  
Gompers Neighborhood Park  
Grant Elementary School/Park  
Grant Hill Neighborhood Park  
Hardy Elementary School/Park  
Henderson, Willie, Athletic Area  
Hollywood Neighborhood Park  
Hoover Senior High School/Park  
Horton Plaza Park  
Hourglass Community Park  
Howard Lane Neighborhood Park  
"J" Street Mini- Park  
Jerabek Elementary School/Park  
Juarez Elementary School/Park  
Keiller Neighborhood Park  
Kellogg Park, including the boardwalk,  
seawall and La Jolla Shores Beach  
Kelly Neighborhood Park  
Kernedy, John F., Elementary School/Park  
Kernedy Neighborhood Park  
Kensington Neighborhood Park  
King, Martin Luther Community Park  
King, Martin Luther, Elementary School/Park  
"L" Street Mini-Park (at 28th Street)  
La Jolla Athletic Area (Allen Field)  
La Jolla Community Park  
La Jolla Elementary School/Park  
La Jolla Senior High School/Park  
La Paz Mini- Park (undeveloped)  
Laurel Street Mini-Park  
Lewis Middle School/Park  
Linda Vista Community Park

Lindberg Neighborhood Park; Community Park  
Lomita Neighborhood Park  
Maddowell Neighborhood Park

Mann Middle School/Park  
Marian Bear Memorial Park;

Marine Street Beach, including the *beach*, bluffs, stairs, and adjacent public rights-of-way between the northern property line of 274 Coast Boulevard and the westerly extension of the northern side of Westbourne Street;

Marston Middle School/Park  
Mason Elementary School/Park  
Mata Mini- Park

Memorial Community Park  
Mid-City Athletic Area  
Mira Mesa Senior High School/Park

Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C];

Mission Heights Neighborhood Park  
Mission Trails Regional Park  
Montclair Neighborhood Park  
Montgomery-Waller Community Park  
Mount Etna Neighborhood Park  
Mountain View Community Park

Nestor Neighborhood Park  
North Clairemont Community Park  
North Mountain View Mini-Park  
North Park Community Park  
Oak Neighborhood Park  
Ocean Beach Elementary School/Park;

Ocean Beach Park, including the boardwalk and *seawall*, and excluding the *beach*; as described in Section 56.54(d) [Appendix 56.54C];

Ocean Boulevard Park (Pacific Beach Park), including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C];

Old Trolley Barn Neighborhood Park  
Pacific Beach Community Park  
Pacific Beach Middle School/Park  
Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)  
Palisades Park North (undeveloped)  
Palisades Park South (Law Street)  
Palm Ridge Neighborhood Park

Pantoja Mini-Park  
Paradise Hills Community Park  
Park de la Cruz  
Parkside Neighborhood Park  
Penn Elementary School/Park (Athletic Area)  
Plumosa Neighborhood Park  
Point Loma Community Park  
Portola Middle School/Park

Presidio Community Park  
Rolando Mini-Park  
Rose Canyon Park  
San Diego School of Creative and Performing  
Arts  
Santa Clara Point  
Santa Isabel Mini-Park  
San Ysidro Athletic Area (Larsen Field)  
San Ysidro Col. Irving Solomon Center

San Ysidro Community Park  
Serra Senior High School/Park  
Sherman Elementary School/Park  
Sherman Mini-Park  
Silverwing Neighborhood Park  
Skyline Community Park  
Skyview Neighborhood Park  
South Bay Community Park  
(South) Clairemont Community Park;

South Mission Beach Park, including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C];

Southcrest Community Park  
Spreckels Elementary School/Park  
Standley Junior High School/Park  
Sunny Slope Neighborhood Park  
Taylor Library Park  
Tecolote Canyon Natural Park  
Tierrasanta Elementary School/Park  
Union Place Circle Park  
Valencia Elementary School/Park  
Villa del Norte Mini-Park  
Vista Terrace Neighborhood Park  
Wabash Mini-Park

Wagenheim Middle School/Park  
Walker Elementary School/Park  
Washington Elementary School/Park  
Western Hills Neighborhood Park  
Widman, Marie, Memorial Neighborhood  
Park (Little Encanto Park)  
Wilson Middle School/Park  
30th Street Mini-Park  
32nd Street Mini-Park (north of Redwood)  
39th Street Mini-Park  
41st Street Mini-Park  
All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park;

The Peninsula of land known as "The Clam" including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

APPENDIX 56.54B

12 HOUR BAN – 8:00 P.M. – 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;

Cabrillo Heights Neighborhood Park  
Carmel Creek Neighborhood Park  
Carmel Del Mar Neighborhood Park  
Cleator, Bill, Neighborhood Park  
Collier Neighborhood Park  
East Clairemont Athletic Area  
Famosa Slough and Channel  
Gershwin Neighborhood Park  
Lake Murray Community Park  
Montezuma Neighborhood Park  
Mount Acadia Neighborhood Park

Murray Ridge Neighborhood Park  
Ocean Beach Community Park  
Olive Grove Community Park  
Pioneer Park (Mission Hills)  
Presidio Park  
Rancho Bernardo Community Park  
San Carlos Community Park  
Serra Mesa Community Park  
Sessions, Kate, Neighborhood Park  
Solana Highland Neighborhood Park;  
Tecolote Community Park.



APPENDIX 56.54C

**16 HOUR BAN – 8:00 P.M. – NOON**

All *beaches* on the Pacific Ocean and adjacent parks and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park that are not included in section 56.54(b) [Attachment A]; and

All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.