

ORDINANCE NUMBER O- 19535 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 16 2006

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 9,  
DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 59.0502 TO PROHIBIT GLASS  
BEVERAGE CONTAINERS IN QUALCOMM STADIUM  
PARKING FACILITY.

WHEREAS, many people tailgating at Qualcomm Stadium bring glass beverage containers into the parking lot; and

WHEREAS, the presence of glass beverage containers in the Qualcomm Stadium parking lot is a safety hazard and a nuisance for the following reasons:

- 1) Vehicle tires are frequently damaged (customers and Stadium maintenance) when they drive over the glass;
- 2) People stepping on broken bottles;
- 3) Clean up of the lot is more time consuming and costly;
- 4) Urban Corp members who filter debris for recycling often encounter broken glass while performing their duties;
- 5) Bottles are often used as weapons in disturbances involving bottle throwing;
- 6) Unruly fans occasionally throw bottles at San Diego Police Officers, security officers and parking staff who are simply trying to maintain the peace;

- 7) There have been several serious head and facial injuries caused by the aggressive use of bottles in the past; and

WHEREAS, San Diego State University, as a user of the Qualcomm Stadium facility, supports this Ordinance banning glass bottles from the parking lot because it will provide a safer and cleaner environment for Aztec football games (Please see letter dated May 10, 2006 from the San Diego Aztecs attached hereto as Exhibit 1); and

WHEREAS, the San Diego Chargers have experienced incidents resulting from glass bottles, including tire damage, personal injuries and use of bottles as weapons or projectiles; and

WHEREAS, the San Diego Chargers, as a user of the Qualcomm Stadium facility, supports this Ordinance banning glass bottles from the parking lot because it will make Charger games safer for their fans (Please see letter dated April 26, 2006 from the San Diego Chargers attached hereto as Exhibit 2); and

WHEREAS, the Pacific Life Holiday Bowl and the San Diego County Credit Union Poinsettia Bowl, as users of the Qualcomm Stadium facility, support this Ordinance banning glass in order to promote the use of non-glass bottles and protect the safety of people attending the Bowl games (Please see letter dated April 24, 2006 from the Pacific Life Holiday Bowl attached hereto as Exhibit 3); and

WHEREAS, the City of San Diego Council finds that the use of glass bottles in the Qualcomm Stadium parking lot interferes with the interests of the community and the comfort or convenience of the general public and interferes with the public health, comfort and convenience, thereby creating a public nuisance; and

WHEREAS, the Council finds that the use of glass beverage bottles in the Qualcomm Stadium parking lot can and often does result in harm to public safety, health and welfare; and

WHEREAS, the Council finds that this Ordinance is a necessary exercise of its police power to prevent harm to the public and is justified by a public necessity; and

WHEREAS, the Council finds that prohibiting glass beverage containers in the area of the Qualcomm Stadium parking facility, and allowing non-glass containers, is a reasonable restriction substantially related to ending the genuine harms and dangers (affirmed by other Stadium users) presented by allowing glass bottles in the parking lot; NOW, THEREFORE,

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

Section 1. That Chapter V, Article 9, Division 5, of the San Diego Municipal Code is amended by amending Section 59.0502 to read as follows:

**SEC. 59.0502**

(a) – (e) [NO CHANGE IN TEXT]

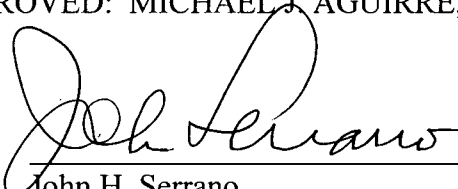
(f) No person shall have, possess, or use any container made wholly or partly of glass that is used for carrying or holding any liquid for drinking purposes, without first obtaining permission from the Stadium Management.

(g) The above subsections (a) – (f) shall not apply to any duly authorized employee, agent or officer of the Stadium or the City of San Diego while acting in the course and scope of his/her employment, nor shall it apply to any duly authorized participant, performer, official, Stadium security or service personnel specifically authorized to perform such act by the Stadium Manager or the City of San Diego while acting in the course and scope of his/her employment or participation.

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. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
John H. Serrano  
Deputy City Attorney

JS:vtc

06/13/06

~~08/10/06 COR.COPY~~

~~10/19/06 COR.COPY2~~

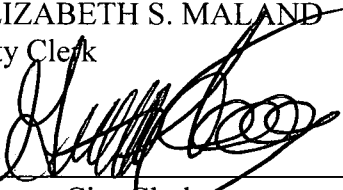
~~10-26-06 COR. COPY 3~~

Or.Dept:Police

O-2006-159

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 12 2006

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11-16-06  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

# EXHIBIT 1

**SAN DIEGO STATE AZTECS**

May 10, 2006

VIA FACSIMILE

Mr. Erik Stover  
Stadium Manager  
Qualcomm Stadium

Re: Proposed Glass Bottle Ordinance

Dear Erik:

It is our understanding that Qualcomm Stadium is proposing an ordinance that will ban all glass bottles from the parking lots at stadium events.

San Diego State is fully supportive of this proposed ordinance and would be willing to help in any way with these efforts to provide a safer and cleaner environment at Qualcomm Stadium for Aztec football games.

Please let me know if there is anything I can do to further support this proposal.

Very truly yours,

Jeffrey W. Schemmel  
Director of Athletics

JS:lf

0 - 19535

# EXHIBIT 2

0 - 19535





James H. Steeg  
Executive Vice President/  
Chief Operating Officer

April 26, 2006

Erik Stover  
Stadium Manager  
City of San Diego  
Qualcomm Stadium  
9449 Friars Road  
San Diego, CA 92108

Dear Erik:

We understand that you and the Qualcomm staff are proposing an ordinance that will ban glass bottles from the parking lots at Stadium events. We support your efforts to have this ban.

It is our goal to make Chargers games the safest environment for our fans. Since glass bottles are not allowed inside the Stadium and in other public areas in the City, such as on the beaches, we believe this is a logical extension. The extensive use of plastic bottles by beverage companies in recent years enhances the opportunity to eliminate glass bottles.

In recent years we have experienced numerous incidents where glass bottles initiated the situation. These have included tire damage, personal injury resulting from slips and falls and use as a weapon or projectile.

We believe that the banning of glass bottles will enhance public safety, comfort and welfare at Qualcomm Stadium.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Steeg".

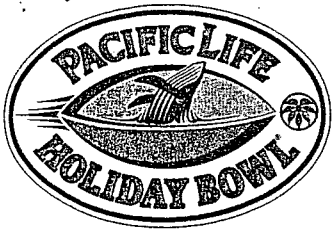
James H. Steeg

0-19535



# EXHIBIT 3

0 - 19535



Presented by  
The San Diego  
**Union-Tribune.**

Offices at Qualcomm Stadium:  
9449 Friars Road Suite L-55  
San Diego, California 92108

Mailing Address:  
Post Office Box 601400  
San Diego, California 92160-1400

phone 619-283-5808  
fax 619-281-7947  
[www.PacificLifeHolidayBowl.com](http://www.PacificLifeHolidayBowl.com)

April 24, 2006

Erik Stover  
Stadium Manager  
Qualcomm Stadium  
9449 Friars Road  
San Diego, CA 92108

Dear Erik:

The Pacific Life Holiday Bowl and the San Diego County Credit Union Poinsettia Bowl fully support any effort to enforce the City ordinance banning glass bottles in the parking lot of Qualcomm Stadium.

The safety of everyone who attends our games is a very important issue and we will do our part to educate our fans and promote the use of non-glass bottles.

Please let us know what we can do to assist you in this endeavor.

Sincerely,

Bruce Binkowski  
Executive Director

0 - 19535

May 23, 2006

Jim Waring  
Deputy Chief  
Land Use & Economic Development  
City of San Diego  
202 C Street  
San Diego, CA 92101

Dear Jim,

On Thursday, May 11 the Qualcomm Stadium Advisory Board (QSAB) voted 7-1 in favor of supporting The City of San Diego's proposed ban on glass bottles at Qualcomm Stadium. Several years ago the QSAB supported a similar proposal. Attached is the proposed ordinance as a point of reference.

If there is anything that the QSAB can do to support this effort, please do not hesitate to contact me.

Sincerely,

William Jeffery III  
Chairman  
Qualcomm Stadium Advisory Board

cc: QSAB Board Members  
Erik Stover

0 - 19535

**OLD LANGUAGE: ~~STRIKEOUT~~**  
**NEW LANGUAGE: UNDERLINE**

**STRIKEOUT ORDINANCE**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

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DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 59.0502 TO PROHIBIT GLASS  
BEVERAGE CONTAINERS IN QUALCOMM STADIUM  
PARKING FACILITY.

WHEREAS, many people tailgating at Qualcomm Stadium bring glass beverage  
containers into the parking lot; and

WHEREAS, in recent years, glass bottles seem to replace aluminum cans as the container  
of choice for beer; and

WHEREAS, the presence of glass beverage containers in the Qualcomm Stadium parking  
lot are a safety hazard and a nuisance for the following reasons:

- 1) Vehicle tires are frequently damaged (customers and Stadium  
maintenance) when they drive over the glass to exit the lot; and
- 2) People stepping on broken bottles; and
- 3) Clean up of the lot is more time consuming and costly; and
- 4) Urban Corp members who filter debris for recycling often encounter  
broken glass while performing their duties; and
- 5) Bottles are often used as weapons in disturbances involving bottle  
throwing; and

- 6) Unruly fans occasionally throw bottles at San Diego Police Officers, security officers and parking staff who are simply trying to maintain the peace; and
- 7) There have been several serious head and facial injuries caused by the aggressive use of bottles in the past; and

WHEREAS, San Diego State, as a user of the Qualcomm Stadium facility, supports this Ordinance banning glass bottles from the parking lot because it will provide a safer and cleaner environment for Aztec football games (Please see letter dated May 10, 2006 from the San Diego Aztecs attached hereto as Exhibit 1); and

WHEREAS, the San Diego Chargers have experienced incidents resulting from glass bottles including tire damage, personal injuries and use of bottles as weapons or projectiles; and

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WHEREAS, the Pacific Life Holiday Bowl and the San Diego County Credit Union Poinsettia Bowl, as users of the Qualcomm Stadium facility, support this Ordinance banning glass in order to promote the use of non-glass bottles and protect the safety of people attending the Bowl games (Please see letter dated April 24, 2006 from the Pacific Life Holiday Bowl attached hereto as Exhibit 3); and

WHEREAS, the Council of The City of San Diego finds that the use of glass bottles in the Qualcomm Stadium parking lot interferes with the interests of the community and the

comfort or convenience of the general public and interference with the public health, comfort and convenience thereby creating a public nuisance; and

WHEREAS, the Council of The City of San Diego finds that the use of beverage bottles in the Qualcomm Stadium parking lot can and often does result in harm to public safety, health and welfare;

WHEREAS, the Council of The City of San Diego finds that this Ordinance is a necessary exercise of its police powers to prevent harm to the public and is justified by a public necessity; and

WHEREAS, the Council of The City of San Diego finds that prohibiting only glass beverage containers in the limited area of the Qualcomm Stadium parking facility, and allows other types of non-bottle containers, is a reasonable restriction substantially related to ending the genuine harms and dangers (affirmed by other Stadium users) presented by allowing glass bottles in the parking lot; NOW, THEREFORE,

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

Section 1. That Chapter V, Article 9, Division 1, of the San Diego Municipal Code is amended by amending Section 59.0502 to read as follows:

**SEC. 59.0502**

(a) – (k) [NO CHANGE IN TEXT]

(l) No person shall have, possess, or use any container made wholly or partly of glass that is used for carrying or holding any liquid for drinking purposes, without first obtaining permission from the Stadium Management.

(4) (m) The above subsections (a) – ~~(k)~~ (l) shall not apply to any duly authorized employee, agent or officer of the Stadium or the City of San Diego while acting the course and scope of his/her employment, nor shall it apply to any duly authorized participant, performer, official, Stadium security or service personnel specifically authorized to perform such act by the Stadium Manager or the City of San Diego while acting in the scope of his/her employment or participation.

(m) The above subsections (a) – (l) shall not apply to any duly authorized employee, agent or officer of the Stadium or the City of San Diego while acting the course and scope of his/her employment, nor shall it apply to any duly authorized participant, performer, official, Stadium security or service personnel specifically authorized to perform such act by the Stadium Manager or the City of San Diego while acting in the scope of his/her employment or participation.

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. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

\_\_\_\_\_  
Jacqueline Lindsay  
Deputy City Attorney

JL:vtc  
06/13/06  
Or.Dept:Police  
O-2006-159



I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor