

ORDINANCE NUMBER O- 19977 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 26 2010

AN EMERGENCY ORDINANCE AMENDING CHAPTER 5,
ARTICLE 6, DIVISION 0 OF THE SAN DIEGO MUNICIPAL
CODE BY AMENDING SECTION 56.54 RELATING TO
ALCOHOLIC BEVERAGE CONSUMPTION PROHIBITED IN
CERTAIN AREAS.

WHEREAS, the citizens of the City of San Diego voted to ban the consumption of alcohol on its beaches, a measure known as Proposition D, in the November 4, 2008 election; and

WHEREAS, since that time, various people have organized and participated in events, sometimes known as "Floatopias," that involve drinking alcohol in the waters along the City's shoreline while bathing or on floatation devices; and

WHEREAS, such events have had serious negative impacts on and around the City's beach areas, including: a substantial burden on City police officers and lifeguards, diverting them from their normal duties; vast amounts of litter and debris on the beach and in the water, which both reduces the enjoyment of residents and visitors, and is potentially harmful to the environment; and a threat to beach and water safety both for participants and non-participants alike; and

WHEREAS, such events have been growing in frequency and duration in recent months, straining both City resources and the beach environment, as well as heightening the risk to public safety; and

WHEREAS, the City has jurisdiction over bodies of water within its limits, and up to one marine league into the Pacific Ocean pursuant to San Diego Charter section 3 and applicable state and federal law; and

WHEREAS, the City Council desires to alleviate the negative impacts described above by making it unlawful for any “bather,” which is defined to include individuals on floatation devices, to consume alcohol within one marine league of any beach; and

WHEREAS, the City Council has determined that alleviating the negative impacts described above is required for the immediate preservation of the public peace, property, health, or safety; and

WHEREAS, under Charter section 280(a)(3), this ordinance is not subject to veto by the Mayor because it is an emergency ordinance; NOW, THEREFORE,

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

Section 1. That Chapter 5, Article 6, Division 0 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.

“*Bather*” has the same meaning as that set forth in California Harbor and Navigation Code section 651.1.

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

“*Marine league*” means three nautical miles.

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“*Public park*” means any property designated, dedicated or developed by or on behalf of the City of San Diego 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.

“*Vessel*” has the same meaning as that set forth in California Harbor and Navigation Code section 651(aa).

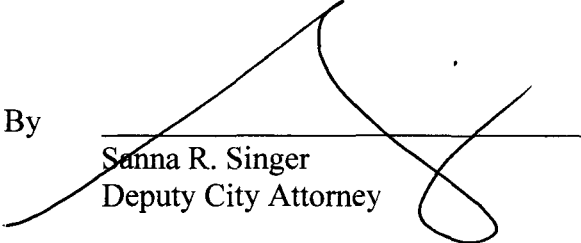
(b)-(g) [No change in text.]

(h) Notwithstanding any other provision of section 56.54 and its appendices, and except as provided in section 56.54(g), it is unlawful for any *bather* to consume any *alcoholic beverage* within one *marine league* of any *beach*. However, subsection (h) shall not be construed to regulate the consumption of *alcoholic beverages* on any *vessel*.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. This ordinance is declared to be an emergency measure required for the immediate preservation of the public peace, property, health, or safety pursuant to San Diego Charter section 295, and shall take effect immediately and continue in force from the day of adoption by the affirmative vote of at least six members of the City Council.

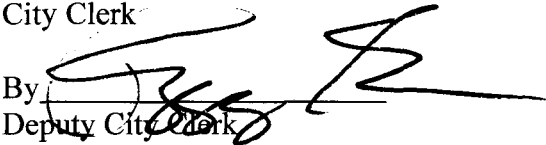
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sanna R. Singer
Deputy City Attorney

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I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 26 2010.

ELIZABETH S. MALAND
City Clerk
By 
Deputy City Clerk

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