

ORDINANCE NUMBER O- 20554 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 07 2015

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 8, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 58.0301, REPEALING SECTION 58.0302 AND AMENDING AND RENUMBERING 58.0305 TO 58.0302, REPEALING SECTION 58.0303 AND ADDING A NEW SECTION 58.0303, REPEALING SECTION 58.0304, RENUMBERING SECTIONS 58.0306 TO 58.0304, 58.0307 TO 58.0305, 58.0308 TO 58.0306, 58.0309 TO 58.0307, 58.0310 TO 58.0308, 58.0311 TO 58.0309, AND 58.0312 TO 58.0310, ALL RELATING TO RESTRICTING THE SALE, ADVERTISING, AND PROMOTION OF TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES TO MINORS.

WHEREAS, the City of San Diego currently regulates the sale of tobacco products, electronic cigarettes, electronic cigarette paraphernalia, and vaping juice by requiring a police permit for tobacco retailers and electronic cigarette retailers; and

WHEREAS, the City also prohibits the sale of tobacco products, electronic cigarettes, electronic cigarette paraphernalia, and vaping juice from vending machines; and

WHEREAS, federal regulations govern the advertising and promotion of tobacco products; and

WHEREAS, under the Family Smoking Prevention and Tobacco Control Act, states and local jurisdictions may restrict the time, place, and manner of tobacco advertising, but not the content; and

WHEREAS, the City currently restricts the sales, advertising, and promotion of tobacco products to minors; and

WHEREAS, the tobacco industry promotes the use of electronic cigarettes through advertising, in the same way that tobacco products have been advertised and promoted; and

WHEREAS, the use of electronic cigarettes among youth is on the rise as marketing for electronic cigarettes has become more prevalent; and

WHEREAS, to protect public health and safety, particularly of minors, it is prudent to restrict the sales, advertising, and promotion of electronic cigarettes, electronic cigarette paraphernalia, and vaping juice in the same manner that sales, advertising, and promotion of tobacco products are restricted; and

WHEREAS, the City Council finds that the City has a substantial interest in protecting children and these regulations are not preempted by federal regulations and are narrowly tailored to protect First Amendment commercial speech; NOW, THEREFORE,

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

Section 1. That Chapter 5, Article 8, Division 3 of the San Diego Municipal Code (Municipal Code) is amended by amending section 58.0301, repealing section 58.0302 and renumbering section 58.0305 to 58.0302, repealing section 58.0303 and adding a new section 58.0303, repealing section 58.0304, renumbering sections 58.0306 to 58.0304, 58.0307 to 58.0305, 58.0308 to 58.0306, 58.0309 to 58.0307, 58.0310 to 58.0308, 58.0311 to 58.0309, and 58.0312 to 58.0310, to read as follows:

§58.0301 Definitions

For purposes of this Division:

Advertising [No change in text.]

Advertising display sign [No change in text.]

City [No change in text.]

Director [No change in text.]

Electronic cigarette has the same meaning as in Municipal Code section 43.1001.

Electronic cigarette paraphernalia has the same meaning as in Municipal Code section 33.4502.

Electronic cigarette retailer has the same meaning as in Municipal Code section 33.4502.

Person [No change in text.]

Self-service display means an open display of *tobacco products* or *electronic cigarettes* that the public has access to without the intervention of an employee.

Tobacco product [No change in text.]

Tobacco retailer has the same meaning as in Municipal Code section 33.4502.

Vendor-assisted means that only a store employee has access to the *tobacco product* and assists a customer by supplying the product, and the customer does not take possession of the product until it is purchased.

Vaping juice has the same meaning as in Municipal Code section 33.4502.

§58.0302 Location of Tobacco Products and Advertising Inside Retail Establishments

- (a) It is unlawful for any *person*, business, *tobacco retailer*, or *electronic cigarette retailer* to place or maintain, or cause to be placed or maintained, any displays containing *tobacco products* within two feet of candy, snack, or non-alcoholic beverage displays inside stores or businesses that sell *tobacco products*, *electronic cigarettes*, *electronic cigarette paraphernalia*, or *vaping juice*.
- (b) It is unlawful for any *person*, business, *tobacco retailer*, or *electronic cigarette retailer* to place or maintain, or cause to be placed or maintained, any *advertising display sign* for *tobacco products* within two feet of

candy, snack, or non-alcoholic beverage displays inside stores or businesses that sell *tobacco products, electronic cigarettes, electronic cigarette paraphernalia, or vaping juice.*

§58.0303 Location of Electronic Cigarettes and Advertising Inside Retail Establishments

- (a) It is unlawful for any *person, business, tobacco retailer, or electronic cigarette retailer* to place or maintain, or cause to be placed or maintained, any displays containing *electronic cigarettes, electronic cigarette paraphernalia, or vaping juice* within two feet of candy, snack, or non-alcoholic beverage displays inside stores or businesses that sell *tobacco products, electronic cigarettes, electronic cigarette paraphernalia, or vaping juice.*
- (b) It is unlawful for any *person, business, tobacco retailer, or electronic cigarette retailer* to place or maintain, or cause to be placed or maintained, any *advertising display sign* for *electronic cigarettes, electronic cigarette paraphernalia, or vaping juice* within two feet of candy, snack, or non-alcoholic beverage displays inside stores or businesses that sell *tobacco products, electronic cigarettes, electronic cigarette paraphernalia, or vaping juice.*

§58.0304 Exceptions to Location of Tobacco Products, Electronic Cigarettes, and Advertising Inside Retail Establishments

- (a) Sections 58.0302 and 58.0303 do not apply to commercial establishments where access to the premises by *persons* under 18 years of age is prohibited by law.

- (b) Sections 58.0302(a) and 58.0303(a) do not apply to displays in any establishment that are located behind a counter and not accessible to patrons.

§58.0305 Identification Required for Purchase of Tobacco Products and Electronic Cigarettes

It is unlawful for any *person*, business, *tobacco retailer*, or *electronic cigarette retailer* to sell any *tobacco product*, *electronic cigarette*, *electronic cigarette paraphernalia*, or *vaping juice* to an individual who appears to be less than 27 years of age, without first verifying by means of photographic identification containing the bearer's date of birth, that the purchaser is not younger than 18 years of age, unless the seller has some other reliable basis for determining the purchaser's age.

§58.0306 Sale and Distribution of Tobacco Products and Electronic Cigarettes

- (a) It is unlawful for any *person*, business, *tobacco retailer*, or *electronic cigarette retailer* to sell, permit to be sold, offer for sale, or display for purposes of sale, by means of *self-service displays* or by any means other than *vendor-assisted sales*, any *tobacco products*.
- (b) It is unlawful for any *person*, business, *tobacco retailer*, or *electronic cigarette retailer* to sell, permit to be sold, offer for sale, or display for purposes of sale, by means of *self-service displays* or by any means other than *vendor-assisted sales*, any *electronic cigarette*, *electronic cigarette paraphernalia*, or *vaping juice*.

§58.0307 Distribution of Tobacco or Electronic Cigarette Samples or Promotional Items

- (a) It is unlawful for any *person*, business, *tobacco retailer*, or *electronic cigarette retailer* to distribute free *tobacco products* or promotional items, except in enclosed areas where minors are not permitted.
- (b) It is unlawful for any *person*, business, *tobacco retailer*, or *electronic cigarette retailer* to distribute free *electronic cigarettes*, *electronic cigarette paraphernalia*, *vaping juice*, or promotional items, except in enclosed areas where minors are not permitted.

§58.0308 Posting of Signs Regarding Sales to Minors

- (a) Every *person* who sells or deals in *tobacco products* shall post conspicuously in their place of business at each point of purchase a notice stating that the sale of *tobacco products* to *persons* under 18 years of age is prohibited by law and subject to penalties. The notice shall also state that photo identification is required to purchase *tobacco products*. The letters of the sign shall be at least one-half inch in height.
- (b) Any sign meeting the content requirements of California Business and Professions Code section 22952(b) and regulations promulgated thereunder, and the posting requirements of California Penal Code section 308(c), satisfies section 58.0308(a).
- (c) It is unlawful for any *person* who sells or deals in *tobacco products* to fail to post a sign in accordance with section 58.0308(a) or (b).
- (d) Every *person* who sells or deals in *electronic cigarettes*, *electronic cigarette paraphernalia*, or *vaping juice* shall post conspicuously in their

place of business at each point of purchase a notice stating that the sale of *electronic cigarettes, electronic cigarette paraphernalia, and vaping juice* to *persons* under 18 years of age is prohibited by law and subject to penalties. The notice shall also state that photo identification is required to purchase *electronic cigarettes, electronic cigarette paraphernalia, and vaping juice*. The letters of the sign shall be at least one-half inch in height.

- (e) It is unlawful for any *person* who sells or deals in *electronic cigarettes, electronic cigarette paraphernalia, or vaping juice* to fail to post a sign in accordance with section 58.0308(d).

§58.0309 Extensions for Compliance

- (a) Any business that needs to make modifications to its business premises in order to comply with sections 58.0302 or 58.0306 of this Division, must comply within 60 calendar days after SEP 06 2015.
- (b) Any business owner may apply to the City for an additional sixty-day extension of time within which to comply with sections 58.0302 or 58.0306 of this Division, provided that the application for extension is submitted on or before the last day of the 60-day compliance period authorized by section 58.0309(a).
- (c) [No change in text.]

§58.0310 Enforcement

- (a) Violations of this Division shall be prosecuted as infractions for the first

offense, and may be prosecuted as misdemeanors for subsequent offenses, subject to the fines and custody provided in Municipal Code section 12.0201. Any *Director* may also seek injunctive relief and civil penalties pursuant to Municipal Code section 12.0202 or pursue any administrative remedy as provided in Chapter 1 of this Code.

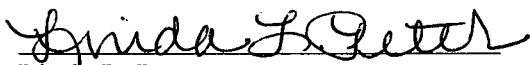
- (b) Any *person* who commits or proposes to commit an act in violation of this Division is subject to the jurisdiction of a court of competent jurisdiction. An action for injunction may be brought by any aggrieved *person*, or any *person* or entity which will fairly and adequately represent the interests of the protected class.
- (c) [No change in text.]
- (d) The remedies provided by this section are in addition to any other legal or equitable remedies the aggrieved *person* may have and are not intended to be exclusive.

Section 2. The City Clerk is hereby instructed to insert the effective date, once known, in the blank space provided in Municipal Code section 58.0309(a).

Section 3. That a full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Linda L. Peter
Deputy City Attorney

LLP:amt
June 19, 2015
Or.Dept:Council Dist.5
Doc. No. 837806_4

I certify that this Ordinance was passed by the Council of the City of San Diego, at this meeting of AUG 04 2015 .

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 8/6/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 8, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 58.0301, REPEALING SECTION 58.0302 AND AMENDING AND RENUMBERING 58.0305 TO 58.0302, REPEALING SECTION 58.0303 AND ADDING A NEW SECTION 58.0303, REPEALING SECTION 58.0304, RENUMBERING SECTIONS 58.0306 TO 58.0304, 58.0307 TO 58.0305, 58.0308 TO 58.0306, 58.0309 TO 58.0307, 58.0310 TO 58.0308, 58.0311 TO 58.0309, AND 58.0312 TO 58.0310, ALL RELATING TO RESTRICTING THE SALE, ADVERTISING, AND PROMOTION OF TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES TO MINORS.

§58.0301 Definitions

For purposes of this Division:

~~“Advertising”~~Advertising² [No change in text.]

~~“Advertising display sign”~~Advertising display sign² [No change in text.]

~~“Arcade” has the same meaning as in Municipal Code section 33.1635.~~

~~“Child care center” has the same meaning as in Municipal Code section 101.0101.0102 or its successor.~~

~~“City”~~City² [No change in text.]

~~“Director”~~Director² [No change in text.]

~~“Library” means any public library operated by the City of San Diego.~~

Electronic cigarette has the same meaning as in Municipal Code section 43.1001.

Electronic cigarette paraphernalia has the same meaning as in Municipal Code section 33.4502.

Electronic cigarette retailer has the same meaning as in Municipal Code section 33.4502.

~~“Person~~Person” [No change in text.]

~~“Playground” means any outdoor premises or grounds owned or operated by the City, a public or private school, child care center, youth or recreational center, that contains any play or athletic equipment used or intended to be used by minors.~~

~~“Promotion” includes a display of any logo, brand name, character, graphics, colors, scenes, or designs that are trademarks of a particular brand of tobacco product, on any door, sign, poster, banner, pamphlet or other paper, clock, display, display rack, ashtray, trash can, t-shirt or other clothing, lighter or other device.~~

~~“Publicly visible location” means any location that is open to or visible to the public from any street, sidewalk, or other public thoroughfare, and includes the placement of outdoor signs such as billboards, signs attached to poles, posts or other fixtures, signs attached to the outside of buildings, signs placed in the windows or doors of buildings that are visible to passers-by, and freestanding signs on the sidewalk.~~

~~“Recreation center or facility” means any recreation center or facility under the control, direction or management of the City.~~

“School” means any public or private elementary or secondary school, attendance at which satisfies the compulsory education laws of the State of California.

“Self-service display~~Self-service display~~” means an open display of tobacco products~~tobacco products or electronic cigarettes~~ that the public has access to without the intervention of an employee.

“Tobacco product~~Tobacco product~~” [No change in text.]

Tobacco retailer has the same meaning as in Municipal Code section 33.4502.

“Vendor-assisted~~Vendor-assisted~~” means that only a store employee has access to the tobacco product~~tobacco product~~ and assists a customer by supplying the product, and the customer does not take possession of the product until it is purchased.

Vaping juice has the same meaning as in Municipal Code section 33.4502.

§58.0302 Measure of Distance

~~The distance between any advertising display sign or any store or business that sells tobacco products and any school, playground, recreation center or facility, child care center, arcade, library, or non-commercial or non-industrial zone shall be measured in a straight line, without regard to intervening structures, from the advertising display sign or store or business to the closest property line of the school, playground, recreation center or facility, child care center, arcade, or library, or to the closest boundary of the zone.~~

§58.0303 Advertising Restrictions

- (a) ~~Except as expressly set forth in Section 58.0304, it is unlawful for any person, business, or tobacco retailer to place or maintain, or cause to be placed or maintained, any advertising or promotion of tobacco products on an advertising display sign in a publicly visible location.~~
- (b) ~~Except as provided in Section 58.0305, this section does not apply to advertising or promotions for tobacco products located inside commercial establishments.~~

§58.0304 Exceptions to Advertising Restrictions

- (a) ~~Section 58.0303(a) does not apply to any advertising display sign located:~~
 - (1) ~~in an industrial zone (SR, M-IP, M-LI, M-SI, M-1, M-1A, M-1B, M-2, M-2A) or in a commercial zone designated CBD, CA-RR, C, C(PCOZ), C-1, or C-1(PCOZ); and~~
 - (2) ~~more than 1000 feet from the premises of any school, playground, recreation center or facility, child care center, arcade, or library; and~~
 - (3) ~~more than 1000 feet from the boundary of any zone that is not a designated commercial or industrial zone.~~
- (b) ~~Section 58.0303(a) does not apply to commercial vehicles used for the primary purpose of transporting tobacco products.~~
- (c) ~~Section 58.0303(a) does not apply to any public service message sponsored by a federal, state, or local government entity, or by a non-~~

~~profit entity, designed to communicate the hazards of smoking or to encourage minors to refrain from smoking or buying tobacco products.~~

~~(d) Section 58.0303(a) does not apply to signs that contain a generic description of tobacco products in black and white without logos or graphics.~~

~~(e) Section 58.0303(a) does apply to signs at public facilities within the City's jurisdiction unless an existing contract, entered into by the City for a private party's use and occupancy of the facility, gives the private party control over the advertising rights on the facility premises.~~

§58.03052 Location of Tobacco Products and Advertising Inside Retail Establishments

(a) It is unlawful for any ~~person~~person, business, or ~~tobacco retailer~~tobacco retailer, or electronic cigarette retailer to place or maintain, or cause to be placed or maintained, any displays containing ~~tobacco products~~tobacco products; within two feet of candy, snack, or non-alcoholic beverage displays inside stores or businesses that sell ~~tobacco products~~tobacco products, electronic cigarettes, electronic cigarette paraphernalia, or vaping juice and are located within 1000 feet of the premises of any school, playground, recreation center or facility, child care center, arcade, or library.

(b) It is unlawful for any ~~person~~person, business, or ~~tobacco retailer~~tobacco retailer, or electronic cigarette retailer to place or maintain, or cause to be placed or maintained, any advertising display sign advertising display sign for ~~tobacco products~~tobacco products in any of the locations listed in

~~Section 58.0305(b)(1)-(3) within two feet of candy, snack, or non-alcoholic beverage displays inside stores or businesses that sell tobacco products, tobacco products, electronic cigarettes, electronic cigarette paraphernalia, or vaping juice and are located within 1000 feet of the premises of any school, playground, recreation center or facility, child care center, arcade, or library:~~

- ~~(1) — Below four feet from the floor; or~~
- ~~(2) — Within two feet of candy, snack, or non-alcoholic beverage displays; or~~
- ~~(3) — Posted on the inside or outside of the windows or doors of the business such that the advertising or promotion is visible to the public from outside the establishment.~~

§58.0303

Location of Electronic Cigarettes and Advertising Inside Retail Establishments

- (a) It is unlawful for any person, business, tobacco retailer, or electronic cigarette retailer to place or maintain, or cause to be placed or maintained, any displays containing electronic cigarettes, electronic cigarette paraphernalia, or vaping juice within two feet of candy, snack, or non-alcoholic beverage displays inside stores or businesses that sell tobacco products, electronic cigarettes, electronic cigarette paraphernalia, or vaping juice.
- (b) It is unlawful for any person, business, tobacco retailer, or electronic cigarette retailer to place or maintain, or cause to be placed or maintained, any advertising display sign for electronic cigarettes, electronic cigarette

paraphernalia, or vaping juice within two feet of candy, snack, or non-alcoholic beverage displays inside stores or businesses that sell tobacco products, electronic cigarettes, electronic cigarette paraphernalia, or vaping juice.

§58.03064 Exceptions to Location of Tobacco Products, Electronic Cigarettes, and Advertising Inside Retail Establishments

- (a) Sections 58.0305(a)02 and ~~Section 58.0305(b)(1) and (2)03~~ do not apply to commercial establishments where access to the premises by ~~persons~~persons under ~~eighteen~~ 18 years of age is prohibited by law;
- (b) Sections 58.0305(a)02(a) and 58.0303(a) does not apply to displays in any establishment that are located behind a counter and not accessible to patrons.
- (c) ~~Section 58.0305(b) does not apply to any public service message sponsored by a federal, state, or local government entity, or by a non-profit entity, designed to communicate the hazards of smoking or to encourage minors to refrain from smoking or buying tobacco products.~~

§58.03075 Identification Required for Purchase of Tobacco Products and Electronic Cigarettes

It is unlawful for any ~~person~~person, business, or ~~tobacco retailer~~tobacco retailer, or electronic cigarette retailer to sell any ~~tobacco product~~tobacco product, electronic cigarette, electronic cigarette paraphernalia, or vaping juice to an individual who appears to be less than ~~twenty-seven~~ 27 years of age, without first verifying by means of photographic identification containing the bearer's date of

birth, that the purchaser is not younger than ~~eighteen~~ 18 years of age, unless the seller has some other reliable basis for determining the purchaser's age.

§58.03086 Sale and Distribution of Tobacco Products and Electronic Cigarettes

- (a) It is unlawful for any ~~person~~ person, business, or ~~tobacco retailer~~ tobacco retailer, or electronic cigarette retailer to sell, permit to be sold, offer for sale, or display for purposes of sale, by means of ~~self-service displays~~ self-service displays or by any means other than ~~vendor-assisted~~ vendor-assisted sales, any ~~tobacco products~~ tobacco products.
- (b) It is unlawful for any person, business, tobacco retailer, or electronic cigarette retailer to sell, permit to be sold, offer for sale, or display for purposes of sale, by means of self-service displays or by any means other than vendor-assisted sales, any electronic cigarette, electronic cigarette paraphernalia, or vaping juice.

§58.03097 Distribution of Tobacco or Electronic Cigarette Samples or Promotional Items

- (a) It is unlawful for any ~~person~~ person, business, or ~~tobacco retailer~~ tobacco retailer, or electronic cigarette retailer to distribute free ~~tobacco products~~ tobacco products or promotional items, except in enclosed areas where minors are not permitted.
- (b) It is unlawful for any person, business, tobacco retailer, or electronic cigarette retailer to distribute free electronic cigarettes, electronic cigarette paraphernalia, vaping juice, or promotional items, except in enclosed areas where minors are not permitted.

§58.031008 Posting of Signs Regarding Sales to Minors

- (a) Every ~~person~~person who sells or deals in ~~tobacco products~~tobacco products shall post conspicuously in their place of business at each point of purchase a notice stating that the sale of ~~tobacco products~~tobacco products to ~~persons~~persons under ~~eighteen~~18 years of age is prohibited by law and subject to penalties. The notice shall also state that photo identification is required to purchase ~~tobacco products~~tobacco products. The letters of the sign shall be at least one-half inch in height.
- (b) Any sign meeting the content requirements of California Business and Professions Code section 22952(b) and regulations promulgated thereunder, and the posting requirements of California Penal Code section 308(c), satisfies ~~S~~section 58.031008(a).
- (c) It is unlawful for any ~~person~~person who sells or deals in ~~tobacco products~~tobacco products to fail to post a sign in accordance with ~~S~~section 58.031008(a) or (b).
- (d) Every person who sells or deals in electronic cigarettes, electronic cigarette paraphernalia, or vaping juice shall post conspicuously in their place of business at each point of purchase a notice stating that the sale of electronic cigarettes, electronic cigarette paraphernalia, and vaping juice to persons under 18 years of age is prohibited by law and subject to penalties. The notice shall also state that photo identification is required to purchase electronic cigarettes, electronic cigarette paraphernalia, and

vaping juice. The letters of the sign shall be at least one-half inch in height.

- (e) It is unlawful for any person who sells or deals in electronic cigarettes, electronic cigarette paraphernalia, or vaping juice to fail to post a sign in accordance with section 58.0308(d).

§58.031109 Extensions for Compliance

- (a) Any business that needs to make modifications to its business premises in order to comply with ~~Sections 58.0303, 58.030502~~ or ~~58.030806~~ of this Division, must comply within ~~sixty-60~~ calendar days after ~~November 19, 1998~~ _____.
- (b) Any business owner may apply to the City for ~~an reasonable~~additional ~~sixty-day~~ extension of time within which to comply with ~~Sections 58.0303, 58.030502, or 58.030806~~ of this Division, provided that the application for extension is submitted on or before the last day of the ~~sixty~~ 60-day compliance period authorized by section 58.0309(a).
- (c) [No change in text.]

§58.031210 Enforcement

- (a) Violations of this Division shall be prosecuted as infractions for the first offense, and may be prosecuted as misdemeanors for subsequent offenses, subject to the fines and custody provided in Municipal Code ~~Section 12.0201~~. Any ~~Director~~Director may also seek injunctive relief and civil penalties pursuant to Municipal Code ~~Section 12.0202~~ or pursue any administrative remedy as provided in Chapter 1 of this Code.

- (b) Any ~~person~~person who commits or proposes to commit an act in violation of this ~~d~~Division ~~may be enjoined therefrom by~~ is subject to the jurisdiction of a court of competent jurisdiction. An action for injunction may be brought by any aggrieved ~~person~~person, or any ~~person~~person or entity which will fairly and adequately represent the interests of the protected class.
- (c) [No change in text.]
- (d) The remedies provided by this section are in addition to any other legal or equitable remedies the aggrieved ~~person~~person may have and are not intended to be exclusive.

LLP:amt
July 17, 2015
Or.Dept:Council Dist.5
Doc. No.: 872162_5

Passed by the Council of The City of San Diego on AUG 04 2015, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|-----------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Sherri Lightner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lorie Zapf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Todd Gloria | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Myrtle Cole | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mark Kersey | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Chris Cate | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage AUG 07 2015

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Hernandez*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 21 2015, and on AUG 07 2015

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Hernandez*, Deputy

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|--|
| <p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>20554</u></p> |
|--|