

ORDINANCE NUMBER O- 21243 (NEW SERIES)

DATE OF FINAL PASSAGE: OCT 19 2020

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,  
DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY  
REPEALING SECTION 56.30, RELATING TO SEDITIOUS  
LANGUAGE.

WHEREAS, San Diego Municipal Code (Municipal Code) section 56.30 makes it unlawful for any person to use “seditious language, words or epithets” or to “utter in the presence of another, any words, language or expression or seditious remarks, having a tendency to create a breach of the public peace;” and

WHEREAS, the ordinance was originally adopted in 1918 (San Diego Ordinance O-7357 O.S. (April 22, 1918)) and incorporated into the Municipal Code in 1952 (San Diego Ordinance O-5046 N.S (January 22, 1952)) and has remained in effect without substantive change; and

WHEREAS, since the ordinance’s passage, the United States Supreme Court has ruled that government cannot constitutionally prohibit speech that is offensive or merely “has a tendency to create a breach of the public peace” (*Cohen v. California*, 403 U.S. 15 (1971) and *Gooding v. Wilson* 405 U.S. 518 (1972)); and

WHEREAS, the City Attorney recommends that the City Council repeal section 56.30 to protect free speech and prevent against any constitutional challenges; NOW, THEREFORE,

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

Section 1. That Chapter 5, Article 6, Division 00 of the San Diego Municipal Code is hereby amended by repealing Section 56.30.



**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**  
**NEW LANGUAGE: Double Underline**

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DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY  
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LANGUAGE.

**Chapter 5: Public Safety, Morals and Welfare**

**Article 6: Disorderly Conduct**

**Division 00**

~~§56.30 Seditious Language Prohibited~~

~~That it shall be and hereby is declared to be unlawful for any person within the  
said City of San Diego to utter or use within the hearing of one or more persons  
any seditious language, words or epithets, or to address to another, or to utter in  
the presence of another, any words, language or expression or seditious remarks,  
having a tendency to create a breach of the public peace.~~

PEF:hm  
August 6, 2020  
Or.Dept:PSE  
Doc. No.: 2466120

Passed by the Council of The City of San Diego on OCT 13 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 19 2020.

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 *Sty Read*, 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 SEP 29 2020, and on OCT 19 2020.

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 *Sty Read*, Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 21243