(O-2021-26)

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.

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

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

APPROVED: MARA W. ELLIOTT, City Attorne	y
By /s/Paige E. Folkman Paige E. Folkman Deputy City Attorney	
PEF:hm August 6, 2020 Or.Dept:PSE Doc. No.: 2466118	
I hereby certify that the foregoing Ordinance was San Diego, at this meeting of 10/13/2020	passed by the Council of the City of
	ELIZABETH S. MALAND City Clerk
·	By /s/ Stacy D. Ready Deputy City Clerk
Approved: 10/14/20 (date)	MEXICONER, Mayor
Vetoed:(date)	KEVIN L. FAULCONER, Mayor

(The date of final passage is October 19, 2020, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

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 6, DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 56.30, RELATING TO SEDITIOUS 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 1 3 2020	, by the following vote:
Councilmembers	Yeas	Nays	Not Present	: Recused
Barbara Bry		ń	Π	П
Jennifer Campbell	Ī	П	П	Ī
Chris Ward	7	. П	·	П
Monica Montgomery	7	П	П	П
Mark Kersey	7	П		П
Chris Cate	\vec{a}	П	П	П
Scott Sherman	7	ñ		П
Vivian Moreno	7	П	П	П
Georgette Gómez	d	П		Π
.				
Date of final passage	OCT 19 20	<u>020 </u>		
			KEVIN L. F	AULCONER
AUTHENTICATED BY:		N		San Diego, California.
			51 174 DETN	
(Seal)		Cit		I S. MALAND of San Diego, California.
,4.			CIL A	9
		Ву	DTX (1) LCL	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 2 9 2020)	, and on	OCT 1	9 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.				
				I S. MALAND
(Seal)		Cit	y Clerk of The City	of San Diego, California.
By A Read Deputy				
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		Office ==	Ftho City Clark Car	Diago California
		. Office of	f the City Clerk, Sar	i Diego, California
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		Ordinance	Number O-	21243