

#56
03/25/2025

(O-2025-92)

ORDINANCE NUMBER O- 21939 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 25 2025

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY
REPEALING SECTION 56.27, RELATING TO DISORDERLY
CONDUCT.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

- A. San Diego Municipal Code section 56.27 (Ordinance) prohibits offensive or disorderly conduct in public places and prohibits any person from making “any loud noise, or disturbance, or use any loud, noisy, boisterous, vulgar, or indecent language on any of the streets, alleys, sidewalks, square, park, or in any store or other public place” in the City of San Diego.
- B. The Ordinance was enacted in 1905, amended in 1934, and has remained in effect without substantive change since then.
- C. The Ordinance has been rarely used or enforced by the City in recent years.
- D. Other tools available, including state law and various Municipal Code sections, enable the City to safeguard the peace and effectively discharge their duties within the City of San Diego.
- E. The Ordinance is the subject of a current legal challenge in *Dorsett v. City of San Diego*, 24-cv-1172-BTM-SBC.
- F. The court issued a preliminary injunction prohibiting citywide enforcement of the Ordinance.
- G. Accordingly, the Council of the City of San Diego wishes to repeal the Ordinance.

H. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. Chapter 5, Article 6, Division 00 of the San Diego Municipal Code is amended by repealing section 56.27.

Section 2. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 3. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By Catherine Morrison
Catherine C. Morrison
Deputy City Attorney

CCM:jvg:jn2:jvg
February 6, 2024
Or.Dept: Parks and Recreation
Doc. No. 3969213

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on
MAR 25 2025

DIANA J.S. FUENTES
City Clerk

By *Cornie Peterson*
Deputy City Clerk

Approved: 3/25/25
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, 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 6,
DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY
REPEALING SECTION 56.27, RELATING TO DISORDERLY
CONDUCT.

~~§56.27~~ Disorderly or Offensive Conduct in Public Places — Prohibited

~~That is shall be and is hereby declared to be unlawful for any person to be guilty
of any offensive or disorderly conduct in or upon any of the streets, alleys,
sidewalks, squares, parks, or in any store, or other public place in said City, and it
shall be unlawful for any person to make any loud noise, or disturbance, or use
any loud, noisy, boisterous, vulgar, or indecent language on any of the streets,
alleys, sidewalks, square, park, or in any store or other public place in said City.~~

CCM:jvg
February 6, 2025
Or.Dept: Parks and Recreation
Doc. No. 3969211

Passed by the Council of The City of San Diego on MAR 25 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 25 2025.

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Green, 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

MAR 11 2025, and on MAR 25 2025.

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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Green, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21939