

Article 6: Disorderly Conduct, Places and Publications — Gambling

Division 0

§56.03 Gambling Implements in Barricaded Premises — Prohibited

That it be, and it is hereby declared to be unlawful for any person within the limits of The City of San Diego, California, to exhibit or expose to view in any barred or barricaded house or room or in any place built or protected in a manner to make it difficult of access or ingress to police officers, when three or more persons are present, any cards, dice, dominoes, fan tan table or layout, or any part of such layout, or any gambling implements whatsoever; or for any person to visit or resort to any such barred or barricaded house or room or other place in the said City of San Diego, built or protected in a manner to make it difficult of access or ingress of police officers, where any cards, dice, dominoes, fan tan table or layout or any part of such layout, or any gambling implements whatsoever are exhibited or exposed to view when three or more persons are present.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.04 Visiting Gambling Premises — Prohibited

No person shall knowingly become a visitor at any place where illegal gambling is in progress.

(Amended 5-17-1966 by O-9427 N.S.)

§56.05 Betting at Games with Money, Credit, Representative of Money — Prohibited — Exceptions

That it be, and it is hereby declared to be unlawful for any person to play or bet at or against any game, not mentioned in Section 330 of the Penal Code of the State of California, which is played, conducted, dealt or carried on with dice, dominoes or checkers for money, checks, chips, credit or any other representative of money or any other valuable consideration, including, but not limited to, liquor, cigars, cigarettes, and/or tobacco.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.06 Solicitation for the Purpose of Gambling — Prohibited

That it be, and it is hereby declared to be unlawful for any person, through invitation or device, to solicit another person to visit any place for the purpose of gambling.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.07 Coin Operated Contrivance, Gambling Devices, Etc., Delivering Money or Tokens, Etc., Exchangeable for Money — Prohibited

That it shall be unlawful for any person to have in his possession, or under his control, either as owner, lessee, agent, employee, mortgage, or otherwise, or to permit to be placed, maintained or kept in any room, space, enclosure or building owned, leased or occupied by him or under his management or control, any clock, joker, tape, card or slot machine, appliance, contrivance or mechanical device which is operated or played by placing or depositing therein any coins, checks, slugs, balls, or other articles of device, or in any other manner, and by means whereof, or as a result of the operation of which, any merchandise, money, representative or articles of value, checks, or tokens, redeemable in or exchangeable for money, or any other thing of value, is won or lost or taken from or obtained from such machine.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.07.1 Same — Confiscation and Destruction

That every clock, joker, appliance, tape, card or slot machine, or other machine or device, whether or not the same shall indicate the reward to be paid thereby before each subsequent play, action, or operation thereof, for the reception of money, checks, slugs, balls, or other articles of device, or upon the action or operation of which money, merchandise, representative, or articles of value, checks or tokens redeemable in or exchangeable for money or any other thing of value, is paid, won or lost, or obtained, is hereby declared to be a gambling device, and shall be subject to seizure, confiscation and destruction by the Police Department of The City of San Diego.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.07.2 Same — Scope of Section — Exceptions

This Section is designed and intended to cover the operation of machines in The City of San Diego which do not give each and every time played the same value in goods, fares or merchandise, token, slug, ticket, or anything exchangeable directly or indirectly for any thing of value, and is designed and shall be construed to prohibit all devices as well as slot machines, howsoever operated, or howsoever played, which do not give the same value in goods, wares or merchandise, or token of value exchangeable for goods, wares or merchandise or money, each time said device is operated, and is intended to include boards or other devices equipped with pegs and slots guiding or directing the fall or deposit of coins or slugs or balls, where such fall or deposit govern the amount received by the depositor in merchandise or other articles of value or exchange, and the amount or article or merchandise or token received is not always the same; PROVIDED, however, that nothing herein contained shall be construed to prohibit the maintenance and operation of mechanical devices which deliver to the operator exactly the same result each time played in goods, wares or merchandise.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.07.3 Same — Possession or Control Prohibited

That it shall be unlawful for any person to have in his possession, or under his control, as owner, lessee, agent, employee, mortgagee or otherwise, or to permit to be placed, maintained or kept in any room, space, enclosure or building owned, leased or occupied by him, or under his management or control, any gambling device.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.08 Punchboard, Similar Gambling Device — Prohibited

That it shall be unlawful for any person, firm or corporation to keep, lease, exhibit, rent, possess or offer for display any punchboard or similar gambling device in The City of San Diego.

It is the object and purpose of this Section to declare unlawful any punchboard, whether the design and purpose thereof contemplates its use singly or in connection with or as part of another game, art or skill or combination of games, arts and skills, when such punchboard is designed, used or understood or intended to be used as a lottery or gambling device.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.09 Lottery Ticket — Prohibited

No person shall have in his possession any lottery ticket or have, keep or store upon any premises in his possession or under his control any lottery ticket.
(Incorp. 1-22-1952 by O-5046 N.S.)

§56.10 Lottery Device — Prohibited

No person shall have in his possession any lottery device.
(Incorp. 1-22-1952 by O-5046 N.S.)

§56.11 Possession of Records of Lottery, Etc., Prohibited

No person shall have in his possession any book, tablet, ledger, account, bill, paper, memorandum, list or record used or understood or intended to be used or to represent any record whatsoever of any lottery, lottery company, lottery ticket, device or drawing had or to be had.
(Incorp. 1-22-1952 by O-5046 N.S.)

§56.12 Manufacturing, Writing, Etc. of Lottery Ticket Prohibited

No person shall make, manufacture, print, engrave, stamp, paint or write, either in whole or in part, any lottery ticket.
(Incorp. 1-22-1952 by O-5046 N.S.)

§56.13 Disseminating Information Regarding Lottery — Prohibited

No person shall give, publish, disseminate or impart any knowledge or information regarding the alleged result or outcome of any lottery or lottery drawing.
(Incorp. 1-22-1952 by O-5046 N.S.)

§56.14 Lottery — Proof Required for Violation of Sections

Upon a trial for the violations of any of the provisions of Section 56.09 to 56.13 inclusive, it shall not be necessary to prove the existence of any lottery or lottery company in, for, or by which any lottery ticket is intended to be issued or used or purported to be or to have been issued or used; nor to prove the existence of any lottery or lottery company, actual or pretended, in, for or by which any book, tablet, ledger, account, bill, paper, memorandum, list, record, device or other object is or has been made, kept, issued, printed, written, marked, stamped, set up or drawn; but in all such cases proof that such articles enumerated herein are used or intended to be used or where or have been used or are purported or understood to belong to or be a part of or relate to any lottery, lottery company, lottery ticket or lottery drawing, is sufficient; provided, that no provision in the foregoing Sections shall be construed to apply to any peace officer in the course of his official duties or to any other person employed by the said City of San Diego in the course of the duties of his employment.
(Incorp. 1-22-1952 by O-5046 N.S.)

§56.15 Gambling Devices, Etc. — Declared Nuisance

Any machine, contrivance, appliance, device, game, ticket, chance, share, interest, instrument, punchboard or article operated, used, kept, possessed, placed or maintained in violation of the provisions of:

- (a) Section 330a of the Penal Code of the State of California;
- (b) Any Section enumerated in Part 1, Title 9, Chapter IX of the Penal Code of the State of California;
- (c) Sections 56.09 to 56.13, inclusive, is hereby declared to be a nuisance and shall be subject to abatement as hereinafter provided.

When any person has been convicted or pleaded guilty to any violation of any law of this City or of any law of this state which offense involves the operation, use, maintenance or possession of any article declared by this Section to be a nuisance, then such article shall be destroyed by the Chief of Police after the plea or after the judgment of conviction has become final.

If any article subject to destruction, as hereinabove provided, is in the custody of any court within this City, the Chief of Police shall cause an application to be made to the judge of said court for an order releasing such article to him in order that he may comply with this Section.
(Incorp. 1-22-1952 by O-5046 N.S.)

§56.16 Visiting at Premises where Lottery Contrived, Conducted, Etc. — Prohibited

It is hereby declared to be unlawful for any person in The City of San Diego to visit or become a visitor at any office, house, room, tenement or other place where any lottery is conducted, contrived, prepared, set up or drawn, or to visit or become a visitor at any office, house, room, tenement or other place where the sale or transfer of lottery tickets is conducted or carried on or to visit or to become a visitor at any place where the sale or transfer of any share, chance or interest in or depending upon the event of any lottery or any paper, certificate or instrument purporting or understood to be or to represent any ticket, chance, share or interest in or depending upon the event of any lottery is conducted or carried on.
(Incorp. 1-22-1952 by O-5046 N.S.)

§56.17 Tipsters — Business Prohibited

It shall be unlawful for any person to engage in the business of disseminating predictions of the result of any sporting event by means of the mail in response to telephone solicitations, telephone and telegraph.

For the purpose of assisting in the interpretation and enforcement of the language of this section only, the following words are defined:

ENGAGED IN BUSINESS is defined as owning, conducting, operating, managing, or carrying on a business, the primary purpose of which is to sell subscriptions to the public for information as to the probable results of future sporting events, whether such information is referred to as news, selections or tips on sporting events of any kind.

SPORTING EVENT shall specifically include but not be limited to contests or exhibitions of baseball, football, basketball, boxing, wrestling, Jai Alai, horse racing, and dog racing.

(“Tipsters — Business Prohibited” added 7-15-1954 by O-6199 N.S.)

§56.20 Certain Types of Coin Games and Similar Contrivances — Definitions

For the purposes of this Section, the following terms are defined as hereinafter set forth:

- (a) “Pin Ball Game.” Any table, cabinet or mechanism equipped for the playing of any game whereby any marble, ball, pellet or other moving object is propelled, released, rolled or shot along, over or above a surface set with pins, pegs or other obstructions or irregularities which deflect or impede the course of the moving object or which may divert or direct it beyond the control of the player.
- (b) “Marble Game.” Any table, cabinet or stand equipped for the playing of a game whereby marbles or balls are, with the aid of a mechanical plunger or other affixed device, propelled, released, shot or rolled so as to drop or come to rest in holes, slots, cups or traps, resulting in a score or tally being electrically or otherwise registered or shown, which score or tally depends upon the course followed or point reached by the marble or ball or upon the contact points touched by it along its course, or upon any combination of such factors.
- (c) The phrase “any game similar to a marble game” shall mean: “Balley–Alley” and other miniature mechanical bowling game device, by whatever name called: any table, cabinet or mechanical device equipped for the playing of any game whereby any marble, ball, pellet or any moving object is propelled, rolled, shot or released toward a goal, pin, set of pins, or other objective by means of any plunger, ejector, mechanical bat, mechanical hand or by means of any other striking or releasing mechanism which is affixed or attached to the table or cabinet or which is an integral part of the mechanical device of which is mechanically manipulated, controlled or guided, and which game is so contrived that, at the conclusion of the operation or play thereof the score or result of play thereof is visible or otherwise discernible so as to permit or make practicable the paying off or awarding of a price or reward upon the operation or play of the game.
- d) “Claw,” “Hook” or “Grab” Machine. Any amusement machine or device so designed that articles placed or heaped therein for the purpose of the game may be grabbed, hooked, or otherwise displayed, recovered or removed by the operation of any contrivance simulating in miniature a power–shovel, clamshell, dragline, or similar excavating tool or machine; it being the intent hereby to include machines or devices which do not deliver, disgorge or eject any article contained therein, or permit the operator to obtain possession of any such article or duplicate thereof.

- (e) “Horse Racing Machine.” Any mechanically operated amusement machine or device contrived to simulate in miniature the running of a horse race or any other race run by beasts, humans or machines, or which is contrived to put in motion any number of objects or symbols which then do, or appear to, run or move against each other in the manner of a miniature race, or which is designed to represent, by symbols, the running of any race and the order of the finish thereof.
(Incorp. 1-22-1952 by O-5046 N.S., contained in O-2429 N.S. adopted 4-28-1942.)

§56.20.1 Slot Machines, Marble Machines, Pin Ball Machines, Etc. — Use Prohibited

It shall be unlawful for any person to own or have in his possession or under his custody or control, either as owner, lessee, agent, employee, mortgagee or otherwise, any slot machine, pin ball machine, marble machine or any similar device or contrivance, upon the result of the action of which money, amusement or other valuable thing is or may be staked or hazarded, and which is or may be operated or played by placing or depositing therein any coins, checks or slugs, or as a result of the operation of which any money, amusement, value, or representative of value is or may be won or lost, when the result of the action or operation of said slot machine, pin ball machine, marble machine, or similar device or contrivance is dependent, in whole or in part, upon hazard or chance.
(Incorp. 1-22-1952 by O-5046 N.S., contained in O-2359 N.S. adopted 1-27-1942.)

§56.20.2 Same — Possession Prohibited

It shall be unlawful for any person to keep, maintain or possess in any place of business, or in any place of public resort:

- (a) Any pin ball game, any marble game, or any game similar to a marble game, or any claw, hook or grab machine, or any horse racing machine, the operation of which game or machine is controlled, permitted or made available by placing therein a coin, plug, disk, key or token, or which is let for use, operation or play upon the payment or delivery of anything of value therefor, or upon the making of any purchase.
- (b) Any mechanical device or mechanically operated contrivance for the playing of any game of chance, the use or operation of which is controlled, permitted or made available by placing therein any coin, plug, disk, key or token, or which is let for use, operation or play upon the payment or delivery of anything of value therefor, or upon the making of any purchase.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-2429 N.S. adopted 4-28-1942.)

§56.20.3 Same — Exceptions

The provisions of this section shall not apply to the keeping, possessing or exhibiting any such mechanical contrivance or device at or in any mercantile store in which such mechanical contrivance or devices are kept solely for sale and which mechanical contrivances or devices members of the public are not permitted or allowed to operate, manipulate or play except as incident to a demonstration for the purpose of sale.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-2429 N.S. adopted 4-28-1942.)

§56.20.4 Same — Adapted to Gambling

The classes and types of devices hereinabove described are regarded as peculiarly adapted to gambling, or to incite the gambling tendency, and are not bonafide amusement machines.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-2429 N.S. adopted 4-28-1942.)

§56.20.5 Same — Unlawful Possession — Declared to Be a Nuisance

Any machine, contrivance, appliance, device, game, ticket, chance, share, interest, instrument or article operated, used, kept, possessed, placed or maintained in violation of the provisions of:

- (a) Section 330a of the Penal Code of the State of California; or
- (b) Any section enumerated in Part 1, Title 9, Chapter IX of the Penal Code of the State of California; or
- (c) Any of the provisions of this Section and these Subsections, is hereby declared to be a nuisance and shall be subject to abatement as hereinafter provided.

When any person has been convicted of or pleaded guilty to any violation of any law of this City or of any law of this state, which offense involved the operation, use, maintenance or possession of any article declared by this Subsection to be a nuisance, then such article shall be destroyed by the Chief of Police after the plea or after the judgment of conviction has become final.

If any article subject to destruction as hereinabove provided is in the custody of any court within the City, the Chief of Police shall cause an application to be made to the judge of said court for an order releasing such article to him in order that he may comply with this section.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-2429 N.S. adopted 4-28-1942.)

§56.24.1 Definition of Model Glue

As used in this Article, the term “model glue” shall mean any glue or cement of the type commonly used in the building of model airplanes, boats, and automobiles, or any other substance containing toluene, acetone, or other solvent or chemical having the property of releasing toxic vapors.

(“Definition of Model Glue” added 7-18-1967 by O-9670 N.S.)

§56.24.2 Inhalation of Fumes Prohibited

No person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system, intentionally smell or inhale the fumes from any model glue: Provided, however, that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

(“Inhalation of Fumes Prohibited” added 7-18-1967 by O-9670 N.S.)

§56.27 Disorderly or Offensive Conduct in Public Places — Prohibited

That it 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.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-567 N.S. adopted 12-12-1934.)

§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.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-7357 O.S. adopted 4-22-1918.)

§56.40 Mar, Deface Windows — Prohibited

That it shall be unlawful for any person or persons to mark, mar or daub windows with paraffin, soap, beeswax or other substance, in The City of San Diego.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.50 Loud Noises or Disturbances as Threats — Prohibited

That it shall be unlawful for any person or persons in or upon any public street, sidewalk, alley, or other public place in The City of San Diego, to make any loud or unusual noise, or to speak in a loud or unusual tone, or to cry out and proclaim, or to use any threatening, profane or vulgar language for the purpose of inducing or influencing any person:

- (a) To refrain from or discontinue entering or leaving any works, factory, shop, store, hotel, restaurant, public conveyance, or any other place where business is transacted, conducted or carried on, or where any person is employed, or,
- (b) To refrain from or discontinue using any goods, wares, or merchandise, or patronizing the business of any person, firm, or corporation, or,
- (c) To refrain from or discontinue the services of employment of any person, firm or corporation, whether such services be personal, professional, or otherwise, or,
- (d) To refrain from or discontinue performing any service, employment, or labor in any works, factory, shop, store, hotel, restaurant, public conveyance, or any other place where business is transacted, conducted or carried on or where any person is employed; or, for the purpose of intimidating, threatening, or coercing any person who is performing or seeking employment or labor in any works, factory, shop, store, hotel, restaurant, public conveyance, or any other place where business is transacted, conducted or carried on, or where any person is employed.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.51 Picketing for Purpose of Intimidation — Prohibited

That it shall be unlawful for any person or persons in or upon any public street, sidewalk, alley, or other public place in The City of San Diego, to picket, act as a picket, or assist or engage in any act of picketing for the purpose of intimidating, threatening and coercing any person, or in such manner, or in such numbers, as to intimidate, threaten or coerce any person; or to place, carry, show or display any banner, badge, sign or other signal in front of or in the vicinity of, any works, factory, shop, store, hotel, restaurant, public conveyance, or any other place where business is transacted, conducted or carried on, for the purpose of intimidating, threatening and coercing any person, or in such a manner, or in such numbers as to intimidate, threaten and coerce any person;

- (a) To refrain from entering or leaving such place, or,

- (b) To refrain from or discontinue purchasing or using any goods, wares, or merchandise, or other articles manufactured, prepared, sold or kept for sale in such place, or,
- (c) To refrain from or discontinue visiting, entering or leaving any place where professional or other services are to be had or engaged, or,
- (d) To refrain from or discontinue performing any service, work, or labor in any such place;
- (e) To refrain from performing, engaging to perform, or seeking service, work or labor in such place.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.52 Causing Breach of Peace by Picketing — Prohibited

That it shall be unlawful for any person or persons in or upon any public street, sidewalk, alley, or other public place in The City of San Diego to picket, act as a picket, or assist or engage in any act of picketing, or to place, carry, show or display any banner, badge, sign or other signal in front of or in the vicinity of any works, factory, shop, store, hotel, restaurant, public conveyance, or any other place where business is transacted, conducted or carried on, in a manner calculated or intended to cause or incite a public disturbance, or a breach of the peace, or in a manner the natural and reasonable tendency of which may cause or incite public disturbance or a breach of the peace.

(Incorp. 1-22-1952 by O-5046 N.S.)

§56.53 Nudity on Public Lands

- (a) Purpose And Intent. The presence of persons who are nude and exposed to public view in or on public rights of way, public parks, public beaches or any other public land, or in or on any private property open to public view from any public right of way, public beach, public park, or other public land, is offensive to members of the general public unwillingly exposed to such persons. The provisions of this section are enacted for the purpose of securing and promoting the public health, morals and general welfare of all persons in the City of San Diego.

- (b) Definitions. Whenever in this section the word “nude” is used, it shall mean devoid of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person, or any portion of the breast at or below the areola thereof of any female person.

Whenever in this section the term “public right of way” is used, it shall mean any place of any nature which is dedicated to use by the public for pedestrian and vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, square, and any other similar public way.

- (c) Nudity Prohibited. No person over the age of ten years shall be nude and exposed to public view in or on any public right of way, public park, public beach or waters adjacent thereto, or other public land, or in or on any private property open to public view from any public right of way, public beach, public park, or other public land.
- (d) The provisions of this section shall not apply to live theatrical performances performed in a theater, concert hall, or other similar establishment located on public land. As used in this section, theater, concert hall or similar establishment means a building, playhouse, room, hall or other enclosed place not open to public view from any public right of way but having a stage upon which movable scenery is located and theatrical, vaudeville or similar performances are given and seats so arranged that a body of spectators can have an unobstructed view of the stage and whose primary function is to give such performances.

(Amended 11-19-1979 by O-15083 N.S.)

§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.

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

“*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.

- (b) Unless the City Manager or designee has issued a special event permit, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon any public property, not including *public parks* and *beaches* except as specifically listed in Appendix 56.54A, and public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, including on or against *seawalls*, and including all sidewalks along the outer perimeters of such areas.
- (c) **12 Hour Ban**
It is unlawful to consume alcohol in the areas listed in Appendix 56.54B between 8:00 p.m. and 8:00 a.m., unless the City Manager or designee has issued a special event permit or unless otherwise permitted by Section 56.54.
- (d) **16 Hour Ban**
It is unlawful to consume alcohol in the areas listed in Appendix 56.54C between 8:00 p.m. and Noon, unless the City Manager or designee has issued a special event permit or unless otherwise permitted by Section 56.54.
- (e) Section 56.54 does not prohibit:
 - (1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.
 - (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.
- (f) 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 person to consume any *alcoholic beverage* at any time, upon all public *beaches*, including any sidewalks, boardwalks, alleys, plazas, piers, jetties, on or against *seawalls*, upon public rights-of-way at any *beach* or coastal bluff, and all coastal access, view point and bluff rights-of-way, and including the adjacent coastal *public parks* and areas listed below:
 - Calumet Park
 - Charlotte Park
 - Hermosa Park
 - Hermosa Terrace Park

Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach

La Strand Park

Marine Street Beach, including the beach, bluffs, stairs, and adjacent public rights of way between the northern property line of 274 Coast Boulevard and the westerly extension of the northern side of Westbourne Street

Mission Bay Park, including all land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough and Channel, and Fanuel Street Park

Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk, *seawall*, and the *beach*

Nicholson's Point Park

Ocean Beach Park, including the boardwalk, *seawall*, jetty, and the *beach*

Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, *seawall*, and the *beach*

Palisades Park North (undeveloped)

Palisades Park South (Law Street)

Scripps Park

South Mission Beach Park, including the boardwalk, *seawall*, and the *beach*

Sunset Cliffs Natural Park

Torrey Pines City Park

Tourmaline Surfing Park

Windansea Park

All parking lots in Mission Bay Park

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park

The Peninsula of land known as "The Clam," including all public areas accessible to pedestrians west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard

Crystal Pier and Ocean Beach Pier

- (g) Section 56.54(f) shall not apply:
- (1) to Mission Bay Golf Course and Torrey Pines Golf Course;
 - (2) to locations for which the City Manager or designee has issued a special event permit;
 - (3) if otherwise permitted under the terms of a lease agreement with the City of San Diego; and
 - (4) if otherwise permitted by section 56.54(e).

(Amended 9-8-1998 by O-18582 N.S.)

(Amended 6-21-2004 by O-19290.N.S.)

(Amended 11-8-2004 by O-19323 N.S.)

(Amended 12-5-2007 by O-19690 N.S.; effective 1-14-2008)

(Amended 7-15-2008 by O-19779 N.S.; effective 1-15-2009)

APPENDIX 56.54A
24 HOUR BAN

Adams Community Park
Adams Elementary School/Park
Alcott Elementary School/Park
Allen, Dennis V., Neighborhood Park
Azalea Community Park

Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]
Bay Terraces Neighborhood Park
Bay Terraces Junior High School/Park
Berry Neighborhood Park

Birdland Neighborhood Park (Fletcher Elementary School/Park)
Bird Rock Elementary School/Park
Birney Elementary School/Park
Black Mountain Middle School/Park
Boone Neighborhood Park

Cabrillo Elementary School/Park
Cabrillo Mini-Park
Cabrillo Recreation Center
Cadman Community Park
Cadman Elementary School/Park

Cedar Ridge Mini-Park
Central Mini-Park
Chicano Neighborhood Park
Children's Museum Park
Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park

City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park

Dailard Elementary School/Park
Dana Center
Doyle Community Park

East San Diego Adult Recreation Club
Edison Elementary School/Park
Emerald Hills Neighborhood Park
Encanto Community Park

Fanuel Street Park
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park

Gaslamp Square Park
Golden Hill Community Park
Gompers Neighborhood Park
Grant Elementary School/Park
Grant Hill Neighborhood Park

Hardy Elementary School/Park
Henderson, Willie, Athletic Area
Hollywood Neighborhood Park
Hoover Senior High School/Park
Horton Plaza Park
Hourglass Community Park
Howard Lane Neighborhood Park

“J” Street Mini- Park
Jerabek Neighborhood Park
Juarez Elementary School/Park

Keiller Neighborhood Park
Kellogg Park, including the boardwalk, seawall and La Jolla Shores Beach
Kelly Neighborhood Park
Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park
Kensington Neighborhood Park
King, Martin Luther Community Park
King, Martin Luther, Elementary School/Park “L” Street Mini-Park (at 28th Street)

La Jolla Athletic Area (Allen Field)
La Jolla Community Park
La Jolla Elementary School/Park
La Jolla Senior High School/Park
La Paz Mini- Park (undeveloped)

Laurel Street Mini-Park
Lewis Middle School/Park
Linda Vista Community Park
Lindberg Neighborhood Park; Community Park
Lomita Neighborhood Park

Maddowell Neighborhood Park
Marian Bear Memorial Park

Marine Street Beach, including the *beach*, bluffs, stairs, and adjacent public rights-of-way between the northern property line of 274 Coast Boulevard and the westerly extension of the northern side of Westbourne Street;

Mata Mini- Park
Memorial Community Park
Mesa Verde Neighborhood Park
Mesa Viking Neighborhood Park
Mid-City Athletic Area
Mira Mesa Senior High School/Park

Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C]

Mission Heights Neighborhood Park
Mission Trails Regional Park
Montclair Neighborhood Park
Montgomery-Waller Community Park
Mount Etna Neighborhood Park
Mountain View Community Park

Nestor Neighborhood Park
North Clairemont Community Park
North Mountain View Mini-Park
North Park Community Park

Oak Neighborhood Park
Ocean Beach Elementary School/Park

Ocean Beach Park, including the boardwalk and *seawall*, and excluding the *beach*; as described in Section 56.54(d) [Appendix 56.54C];

Ocean Boulevard Park (Pacific Beach Park), including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C]

Old Trolley Barn Neighborhood Park

Pacific Beach Community Park
Pacific Beach Middle School/Park
Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)

Palisades Park North (undeveloped)
Palisades Park South (Law Street)
Palm Ridge Neighborhood Park
Pantoja Mini-Park
Paradise Hills Community Park

Park de la Cruz
Parkside Neighborhood Park
Penn Elementary School/Park (Athletic Area) Plumosa Neighborhood Park
Point Loma Community Park
Portola Middle School/Park
Presidio Community Park

Rolando Mini-Park
Rose Canyon Park

San Diego School of Creative and Performing Arts
Santa Clara Point
Santa Isabel Mini-Park
San Ysidro Athletic Area (Larsen Field)
San Ysidro Col. Irving Solomon Center
San Ysidro Community Park

Serra Senior High School/Park
Sherman Elementary School/Park
Sherman Mini-Park
Silverwing Neighborhood Park
Skyline Community Park
Skyview Neighborhood Park

South Bay Community Park
(South) Clairemont Community Park
South Mission Beach Park, including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C]
Southcrest Community Park

Spreckels Elementary School/Park
Standley Junior High School/Park
Sunny Slope Neighborhood Park

Taylor Library Park
Tecolote Canyon Natural Park
Tierrasanta Elementary School/Park

Union Place Circle Park

Valencia Elementary School/Park
Villa del Norte Mini-Park
Vista Terrace Neighborhood Park

Wabash Mini-Park
Walker Neighborhood Park
Washington Elementary School/Park
Western Hills Neighborhood Park
Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)
Wilson Middle School/Park

30th Street Mini-Park
32nd Street Mini-Park (north of Redwood) 39th Street Mini-Park
41st Street Mini-Park

All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park;

The Peninsula of land known as “The Clam” including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

(Amended 12-5-2007 by O-19690 N.S.; effective 1-14-2008)
(Amended 7-31-2009 by O-19892 N.S; effective 8-30-2009.)

APPENDIX 56.54B
12 HOUR BAN – 8:00 P.M. – 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;

Cabrillo Heights Neighborhood Park
Carmel Creek Neighborhood Park
Carmel Del Mar Neighborhood Park
Cleator, Bill, Neighborhood Park
Collier Neighborhood Park

East Clairemont Athletic Area
Famosa Slough and Channel

Gershwin Neighborhood Park

Lake Murray Community Park

Montezuma Neighborhood Park
Mount Acadia Neighborhood Park
Murray Ridge Neighborhood Park

Ocean Beach Community Park
Olive Grove Community Park

Pioneer Park (Mission Hills)
Presidio Park

Rancho Bernardo Community Park

San Carlos Community Park
Serra Mesa Community Park
Sessions, Kate, Neighborhood Park
Solana Highland Neighborhood Park; Tecolote Community Park

(Amended 12-5-2007 by O-19690 N.S.; effective 1-14-2008)

APPENDIX 56.54C
16 HOUR BAN – 8:00 P.M. – NOON

All *beaches* on the Pacific Ocean and adjacent parks and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park that are not included in section 56.54(b) [Appendix 56.54A]; and

All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.

All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.

(Amended 12-5-2007 by O-19690 N.S.; effective 1-14-2008)

§56.55 Urinating/Defecating in Public Prohibited

No person shall urinate or defecate in or upon any street, sidewalk, alley, plaza, park, *beach*, public building or publicly maintained facility, or in any place open to the public or exposed to public view. This section shall not apply to urination or defecation which is done in any restroom or other facility designed for the sanitary disposal of human waste.

(Incorp. 1-22-1952 by O-5046 N.S.)

(Amended 6-21-2004 by O-19290.N.S.)

§56.56 Open Alcoholic Beverage Containers Prohibited on Posted Premises

- (a) Any person who has in his or her possession any bottle, can or other receptacle containing any *alcoholic beverage* which has been opened, or a seal broken, or the contents of which have been partially removed, and who enters, is on, or remains on the posted premises of, any retail package off-sale *alcoholic beverage* licensee licensed pursuant to Division 9 of the Business and Professions Code, or on any public sidewalk immediately adjacent to the licensed premises is guilty of an infraction.
- (b) All retail package off-sale *alcoholic beverage* licensees licensed pursuant to Division 9 of the Business and Professions Code to operate in the City of San Diego shall post such licensed premises with notices clearly visible to patrons of the licensee and parking lot and to persons on the public sidewalk that the provisions of subdivision (a) are applicable. Such notices shall include language that states that possession of any opened *alcoholic beverage* container is prohibited by law. Any licensee who does not so post the licensed premises is guilty of an infraction.
- (c) As used in this section “posted premises” means those premises which are subject to licensure under any retail off-sale *alcoholic beverage* license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises which are posted with notices pursuant to subdivision (b).
- (d) As used in this section “parking lot immediately adjacent to the licensed premises” means any parking lot except those described in subdivision (e) which is contiguous to the licensed premises and any parking lot under the control of or operated in conjunction with the licensed premises.
- (e) The provisions of this section do not apply to any private residential parking lot immediately adjacent to the posted premises.

(f) The subsections of this section are severable. The invalidity of a subsection shall not affect the validity of the remaining subsections.

*(“Open Alcoholic Beverage Containers Prohibited on Posted Premises” added 9–26–1983 by O–16046 N.S.)
(Amended 6-21-2004 by O-19290 N.S.)*

§56.60 Definitions

Each word or phrase that is defined in Sections 56.60, 56.61, 56.62, 56.63, and 56.64 appears in the text of these Sections in italicized letters. For purposes of Sections 56.61 through 56.64, the following definitions shall apply:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Gathering is a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

Legal Guardian means (1) a person who, by court order, is the guardian of the person of a *minor*; or (2) a public or private agency with whom a *minor* has been placed by the court.

Minor means any person under twenty-one years of age.

Parent means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

Premises means any residence or other private property, place, or premises, including any commercial or business premises.

Response costs are the costs associated with responses by law enforcement, fire, and other emergency response providers to a *gathering*, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a *gathering*, and the administrative costs attributable to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a *gathering*;

(3) the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a *gathering*; and (4) any other allowable costs related to the enforcement of Sections 56.61 and 56.62.

(“Definitions” added 5-6-2003 by O-19172 N.S.)
(Amended 4-26-2006 by O-19482 N.S.; effective 5-26-2006).

§56.61 Consumption of Alcohol by Minor Prohibited in Public Place, Place Open to Public, or Place Not Open to Public

Except as permitted by state law, it is unlawful for any *minor* to:

- (a) consume at any *public place* or any place open to the public any *alcoholic beverage*; or
- (b) consume at any place not open to the public any *alcoholic beverage*, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her *parent* or *legal guardian*.

(“Consumption of Alcohol by Minor Prohibited in Public Place, Place Open to Public, or Place Not Open to Public” added 5-6-2003 by O-19172 N.S.)

§56.62 Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited

- (a)(1) It is the duty of any person having control of any *premises*, who knowingly hosts, permits, or allows a *gathering* at said *premises* to take all reasonable steps to prevent the consumption of *alcoholic beverages* by any *minor* at the *gathering*. Reasonable steps are controlling access to *alcoholic beverages* at the *gathering*; controlling the quantity of *alcoholic beverages* present at the *gathering*; verifying the age of persons attending the *gathering* by inspecting drivers licenses or other government-issued identification cards to ensure that *minors* do not consume *alcoholic beverages* while at the *gathering*; and supervising the activities of *minors* at the *gathering*.
- (2) It is unlawful for any person having control of any *premises* to knowingly host, permit, or allow a *gathering* to take place at said *premises* where at least one *minor* consumes an *alcoholic beverage*, whenever the person having control of the *premises* either knows a *minor* has consumed an *alcoholic beverage* or reasonably should have known that a *minor* consumed an *alcoholic beverage* had the person taken all reasonable steps to prevent the consumption of an *alcoholic beverage* by a *minor* as set forth in subsection (a)(1) of this Section.
- (b) This Section shall not apply to conduct involving the use of *alcoholic beverages* that occurs exclusively between a *minor* and his or her *parent* or *legal guardian*, as permitted by Article I, Section 4, of the California Constitution.

(c) This Section shall not apply to any California Department of Alcoholic Beverage Control licensee at any *premises* regulated by the Department of Alcoholic Beverage Control.

*(“Hosting, Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited” added 5-6-2003 by O-19172 N.S.)
(Amended 4-26-2006 by O-19482 N.S.; effective 5-26-2006)*

§56.63 Mandatory Minimum Fines

Criminal violations of Sections 56.61 and 56.62 shall be punishable, on a first offense, by a mandatory minimum fine of \$100.00, plus statutory penalty assessments, with neither fine nor assessments stayed or suspended, and, on second and subsequent offenses, by a fine of \$200.00, plus statutory penalty assessments, with neither fine nor assessments stayed or suspended.

*(“Reservation of Legal Options” added 5-6-2003 by O-19172 N.S.)
Amended 4-26-2006 by O-19482 N.S.; effective 5-26-2006)*

§56.64 Reservation of Legal Options

Violations of Sections 56.61 and 56.62 may be prosecuted by the City of San Diego, in the name of the People of the State of California, criminally, civilly, and/or administratively as provided by the Municipal Code. The City of San Diego may seek administrative fees and *response costs* associated with enforcement of Sections 56.61 and 56.62, through all remedies or procedures provided by statute, ordinance, or law. Sections 56.61 and 56.62 shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by Sections 56.61 and 56.62, nor shall they limit the City of San Diego’s or the People of the State of California’s ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of Sections 56.61 and 56.62.

(Added 4-26-2006 by O-19482 N.S.; effective 5-26-2006)

§56.65 Local Authority

Sections 56.60, 56.61, 56.62, 56.63, and 56.64 shall not apply where prohibited or preempted by state or federal law.

(Added 4-26-2006 by O-19482 N.S.; effective 5-26-2006)

§56.70 Definitions

Defined words appear in italics in Sections 56.70, 56.71, 56.72. The words and phrases used in Sections 56.70, 56.71, 56.72 have the meanings set forth in Section 56.70.

“*Alcoholic beverage*” has the same meaning as used in Section 56.54.

“*Commercial special event*” has the same meaning as used in Section 22.4003.

“*Enforcement Services*” means the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged City equipment or property; and, the cost arising from the use of any damaged City equipment in responding to or remaining at the party, gathering, or event.

“*Fourth of July*” means the 24-hour period encompassing the Fourth of July beginning at 12:00 am and ending at 11:59 pm.

“*Keg*” means any container made of any material, including but not limited to metal, plastic, or wood, capable of holding three gallons or more of an alcoholic beverage.

“*Special event*” has the same meaning as used in Section 22.4003.

“*Special event permit*” has the same meaning as used in Section 22.4003.

“*Weekend*” means a three day period consisting of Friday, Saturday, and Sunday. (“*Definitions*” added 6-3-2003 by O-19182 N.S.)

§56.71 Kegs at Designated Areas Prohibited

- (a) It is unlawful for any person to possess any *keg* containing any *alcoholic beverage* that has been opened, or a seal broken, or the contents of which have been partially removed at any *designated public area* on the *Fourth of July*.
- (b) For the purposes of Section 56.71(a), a *designated public area* includes the following areas:
 - (1) All beaches on the Pacific Ocean and adjacent parts and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the Southern Boundary of Torrey Pines Park; and
 - (2) All land areas of Mission Bay Park, including Fanuel Street Park, Sail Bay, Crown Point, Bayside Walk, Ocean Beach Athletic Area (Robb Field), Dusty Rhodes Park, including parking lots, Santa Clara Point, and Bob McEvoy Youth Fields (Mission Bay Youth Fields).
- (c) A violation of Section 56.71(a) shall be punishable as an infraction.
- (d) Each *keg* possessed shall constitute a separate and punishable violation of Section 56.71(a).
- (e) Section 56.71(a) does not apply to a *special event* or *commercial special event* for which a *special event permit* has been issued pursuant to Section 22.4004.

(“Kegs at Designated Areas Prohibited” added 6-3-2003 by O-19182 N.S.)
(Amended 12-5-2007 by O-19690 N.S.; effective 1-14-2008)

§ 56.72 Reservation of Legal Options

The City of San Diego does not waive its right to seek reimbursement for actual costs of *enforcement services* associated with the enforcement of Sections 56.70, 56.71, 56.72 through other legal remedies or procedures. The procedure provided for in Sections 56.70, 56.71 and 56.72 is in addition to any other statute, ordinance, or law. Sections 56.70, 56.71 and 56.72 in no way limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by Sections 56.70, 56.71, and 56.72, nor do they limit in any way the prosecution’s ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of Sections 56.70, 56.71, 56.72.

(“Reservation of Legal Options” added 6-3-2003 by O-19182 N.S.)