ORDINANCE NUMBER O-_________19690 (NEW SERIES)

DATE OF FINAL PASSAGE __FEB 11 2008____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6, DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54, AND SECTION 56.71, RELATING TO ALCOHOL CONSUMPTION IN CERTAIN AREAS.

WHEREAS, there has been an increase in alcohol-related criminal activities, noise, violence, and dangerous, aggressive and/or offensive conduct related to the excessive use and abuse of alcohol at beach areas throughout the City of San Diego; and

WHEREAS, on Labor Day 2007, an alcohol-induced melee occurred in Pacific Beach which necessitated San Diego police in riot gear to arrest sixteen people in order to restore the public peace; and

WHEREAS, many citizens of the City of San Diego fear to take their families to the beach areas because of drunk and disorderly conduct; and

WHEREAS, it has been the experience of other coastal communities that prohibition of alcohol at their beaches results in a decrease in violence and undesirable behavior; and

WHEREAS, it is the intent of this ordinance to prohibit the consumption of alcoholic beverages at all public beaches, bays, and coastal access, viewpoint, and bluff rights-of-way, and all coastal parks in Council District Two (all coastal parks south of Tourmaline Surfing Park), in addition to prohibiting and limiting alcohol consumption at certain public parks; NOW, THEREFORE,
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code [SDMC] is amended by amending section 56.54 to read as follows:

§ 56.54 Alcoholic Beverage Consumption Prohibited in Certain Areas

(a) [No change in text.]

(b) Unless the City Manager or designee has issued a special event permit, unless otherwise provided under the terms of a lease agreement with the City of San Diego, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any alcoholic beverage at any time, upon 1) any public property, including all public beaches, but not including public parks except as specifically listed in Appendices 56.54A, 56.54B, and 56.54C, and not including Mission Bay Golf Course; and 2) public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, jetties, including on or against seawalls, including all sidewalks along the outer perimeters of such areas and including any sidewalks, boardwalks and other public rights-of-way at any beach or coastal bluff.

(c) [No change in text.]

(d) [No change in text.]

(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.
any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

**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 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
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
Macdowell Neighborhood Park
Marian Bear Memorial Park
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 Bay Park: 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

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 *seawall*, *jetty*, and the *beach*;
Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, *seawall*, and the *beach*
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, seawall, and the beach;
Southcrest Community Park
Spreckels Elementary School/Park
Standley Junior High School/Park
Sunny Slope Neighborhood Park
Sunset Cliffs Natural Park
Taylor Library Park
Tecolote Canyon Natural Park
Tierrasanta Elementary School/Park
Tourmaline Surfing 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.

All coastal access, view point and bluff rights-of-way.

Crystal Pier and Ocean Beach Pier.

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
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

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

All coastal parks north of Tourmaline Surfing Park, including:

Calumet Park
Charlotte Park
Hermosa Park
Hermosa Terrace Park
La Strand Park
Nicholson’s Point Park
Scripps Park
Windansea Park

Section 2. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code [SDMC] is amended by amending section 56.71 to read as follows:

§56.71 Keigs 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: All coastal parks north of the northern boundary of Tourmaline Surfing Park.

(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.

Section 3. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt under State CEQA guidelines section 15305 as a minor alteration to a land use limitation, and under State CEQA guidelines section 15061(b)(3) as an amendment to an ordinance that will not affect environmental resources.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public prior to the day of its passage.

Section 5. That the amendments to sections 56.54 and 56.71 made by this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, and shall remain in effect for one year (until January 14, 2009), unless extended by the City Council. If the amendments to sections 56.54 and 56.71 are not extended by the City Council, the amendments to sections 56.54 and 56.71 shall be automatically repealed and removed from the San Diego
Municipal Code and the provisions of sections 56.54 and 56.71 that were in effect prior to final passage of this ordinance shall return to full force and effect.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

Kimberly Ann Davies
Deputy City Attorney

KAD:ca:mm
11/1/2007
11/5/2007REV
11/16/2007COR.COPY
1/25/2008COR.COPY2
Dept: City Attorney
O-2008-65-D

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 20 2007.

ELIZABETH S. MALAND
City Clerk

By

Deputy City Clerk

Approved: 2.11.08
(date)

JERRY SANDERS, Mayor

Vetoed:
(date)

JERRY SANDERS, Mayor