



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED: June 23, 2010 REPORT NO: 10-096  
ATTENTION: Public Safety and Neighborhood Services Committee  
Agenda of June 30, 2010  
SUBJECT: Revisions to the Ordinance Banning Alcohol Consumption in  
Certain Areas

REQUESTED ACTION:

Recommend that City Council Amend San Diego Municipal Code Chapter 5, Article 6, Division 0, Section 56.54: Alcoholic Beverage Consumption Prohibited in Certain Areas to extend the alcohol ban to bathers within one marine league of the shoreline.

STAFF RECOMMENDATION:

Approve the recommended action.

SUMMARY:

Over the last year, San Diego Lifeguards have observed an increasing trend in loosely organized rafting events that are promoted over social networking sites on the internet such as Facebook. These events (also known as "Floatopia" or "Floatilla") transpired in response to the ordinance prohibiting consumption of alcohol on public beaches, which went into effect January, 2009. Since the ordinance did not expressly prohibit alcohol consumption in the water, the Floatopia concept arose which provided a venue for participants to consume alcohol while floating on swim aids such as inner tubes, rafts, and other floatation devices.

Recent Floatopia related events include: "Inner2bapalooza" (Sail Bay area August 8<sup>th</sup>, 2009); "Floatopia" (Sail Bay area September 5<sup>th</sup>, 2009); "Floatopia Spring Break 2010" (Sail Bay area March 20<sup>th</sup>, 2010); and "Floatopia Save Our Rights" (Fiesta Island area May 8<sup>th</sup>, 2010). For all of these events Police, Fire, Lifeguards and Parks and Recreation coordinated a response plan in advance in order to provide public safety and sanitation services for the events. The average attendance per event, ranged from 1,500 to 6,000 people. In total, over 50 water rescues were made and several patients were transported to the hospital, all alcohol related.

The Centers for Disease Control (CDC) has determined that "swimming and the consumption of alcohol is an inherently dangerous combination and that a link exists between the consumption of alcohol and drowning." Further, the CDC reports "alcohol use is involved in up to half of the adolescent and adult deaths associated with water recreation and about one in five boating fatalities. Alcohol influences balance, coordination and judgment, and its effects are heightened

by sun exposure and heat.” The United States Lifesaving Association encourages sober swimming and considers “alcohol to be a major factor in drowning; because it can reduce body temperature and impair swimming ability and good judgment.”

**Proposed Amendment:**

San Diego Municipal Code (SDMC) Section 56.54 prohibits alcohol on beaches and specified certain areas. An amendment to this section of the code is being proposed in order to address the threats to public safety associated with alcohol consumption in the water, beyond the sand area. Proposed amendments include:

- 1) Addition of the definition of “bather” as set forth in the California Harbor and Navigation Code Section 651.1 to mean *“a person floating, swimming, wading, or bodysurfing, with or without the use of a flotation device, including, but not limited to, floating upon or with the aid of a surfboard, paddle board, surfmat, innertube, life preserver, or air mattress, except a flotation device which is designed to be propelled by sail, mechanical means, power, oars, or paddle.”*
- 2) Addition of, SDMC Section 56.54 subdivision (h) - extending the alcohol ban to bathers within the City’s area of jurisdiction (one marine league beyond the shoreline).

San Diego Police and Lifeguard have received information that a new “Floatopia” event is being planned, and anticipate others to occur over the summer. Should an ordinance amendment occur by mid-July, future Floatopia type events could be banned as early as late August, 2010.

**ENVIRONMENTAL IMPACTS:**

During the March 20, 2010 Floatopia, the park generated eight (600 lb) dumpsters of trash. On a typical weekend during that time year, the park generates approximately one half to a full dumpster. Forty-eight hundred pounds of debris or 2.4 tons of refuse was collected by City Park and Recreation staff and clean-up efforts took 6 hours. The need for additional dumpsters during an event depends on the location of the event and proximity of other dumpsters where trash can be transported.

Impacts to water quality would require stringent testing and baseline data, and has not been conducted at this time. However, anecdotal accounts of water contamination were witnessed by public safety personnel. This included large numbers of beer cans that were dumped into the water and deposited on the floor of Mission Bay. There was also destruction of the eel grass in the area of Sail Bay.

**FISCAL CONSIDERATIONS:**

Flotopia type events impact the operational budgets of both the Police and Lifeguard Departments. The Fire-Rescue Department estimates that the costs of operations for Fire, EMS and Lifeguard Division for the most recent two events were \$20,622.32.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None regarding this action.


COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None at this time

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Participants primarily consist of college students and similarly aged young adults. Participants under age 21 are subject to legal consequences associated with underage drinking. Impacts to the environment are associated with waste generation and water quality.

Residents in the neighboring community are impacted by increased traffic and noise, lack of parking, and nuisance behavior during and after the events.



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San Diego Police Department



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San Diego Lifeguard Department