



DATE: May 14, 2008
TO: Honorable Mayor and City Councilmembers
FROM: Police Department
SUBJECT: **INTRODUCTION OF AN ORDINANCE CREATING A SAFETY
ENHANCEMENT ZONE**

SYNOPSIS

Staff recommends that the City Council introduce an ordinance amending Chapter 1 of the Oceanside City Code by the addition of Sections 1.7(i) and 1.15 relating to the procedures for establishing a safety enhancement zone and establishing enhanced penalties for violations of City Codes within the safety enhancement zones and establishing a coastal safety enhancement zone during the Fourth of July.

BACKGROUND

During the Fourth of July 2008, it is anticipated that well over 150,000 people will be crowded onto the beach and surrounding area. The vast majority will be present to enjoy the beach and other activities with family and friends. Unfortunately, history has shown that a minority of those in attendance will be present to consume excessive amounts of alcohol and engage in violent behavior. This combination is toxic and combustible and portends a significant threat to public safety with the presence of large crowds. Last year was no exception with a number of stabbings and other violent confrontations occurring as the evening progressed.

The City Council conducted a workshop on February 13, 2008, and the Council's recommendations included the creation of a public safety zone at the beachfront for the Fourth of July.

The City of Newport Beach enacted a public safety zone in 2003. Since that time they have experienced a 50 percent reduction in arrests within the zone. Newport's experience illustrates the deterrent effect of the ordinance. The Oceanside Police Department anticipates a similar benefit upon enactment of a safety zone in Oceanside.

ANALYSIS

Staff recommends the creation of a safety enhancement zone to increase public safety and welfare on July 4, 2008. The recommended zone would extend from the north and south City limits, east to the railroad track and west to the shoreline. This area is

generally filled to capacity by celebrants and beachgoers on July 4. For many, this is a time to enjoy the sand and surf with family and friends; for others it is a time to consume excessive amounts of alcohol and engage in unruly behavior; and at times violent behavior. This conduct threatens the peace, safety and welfare of the law abiding public and creates unique challenges for the Police Department.

The safety enhancement zone ordinance would authorize the tripling of fines on existing Oceanside ordinances within the safety zone, which will serve as a deterrent to illegal behavior within the zone; particularly alcohol consumption and public drunkenness. It would not add, delete or modify existing laws or ordinances, other than to authorize the tripling of fines within the safety zone. If enacted, signs would be posted at access points and throughout the zone, warning of the enhanced fines on existing ordinances.

If enacted, the safety enhancement zone ordinance would be published via the press and posted on signs throughout the zone to warn "would be" violators of the consequences of their actions.

FISCAL IMPACT

Forty two-foot-by-four-foot (2'x4') signs illustrating the safety enhancement zone prohibitions. The cost to produce and install the signs is approximately \$2,000.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

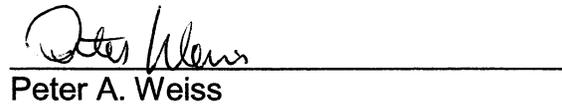
Staff recommends that the City Council introduce an ordinance amending Chapter 1 of the Oceanside City Code by the addition of Sections 1.7(i) and 1.15 relating to the procedures for establishing a safety enhancement zone and establishing enhanced penalties for violations of City Codes within the safety enhancement zones and establishing a coastal safety enhancement zone during the Fourth of July.

PREPARED BY

SUBMITTED BY



Frank S. McCoy
Police Chief



Peter A. Weiss
City Manager

Reviewed by

Michelle Skaggs-Lawrence, Deputy City Manager



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER ONE OF THE OCEANSIDE CITY CODE BY THE ADDITION OF SECTIONS 1.7(i) AND 1.15 RELATING TO THE PROCEDURES FOR ESTABLISHING A SAFETY ENHANCEMENT ZONE AND ESTABLISHING ENHANCED PENALTIES FOR VIOLATIONS OF CITY CODES WITHIN THE SAFETY ENHANCEMENT ZONES AND ESTABLISHING A COASTAL SAFETY ENHANCEMENT ZONE DURING THE FOURTH OF JULY.

WHEREAS, the Oceanside City Council desires to create a designation process to establish Safety Enhancement Zones within the City in which penalties for violations of the Oceanside City Code and Oceanside Traffic Code would be trebled in order to reduce the threats to the public, health, safety and welfare upon findings that the area is subject to unique conditions and circumstances during specified periods of time;

WHEREAS, the Oceanside City Council desires to create a Safety Enhancement Zone during the Forth of July within the area bounded by the north and south City limits, the rail road tracks to the east and shoreline to the west during the times of 12:01 a.m. on July 4th to 3:00 a.m. on July 5th for the reasons set forth herein;

WHEREAS, Oceanside City Council finds that the Fourth of July is a time when a great many people come from areas outside of the City, so that during the Fourth of July the population of Oceanside nearly doubles;

WHEREAS, the greatest concentration of people during the Forth of July are found within the area bounded by the north and south City limits, the rail road tracks to the east and the shoreline to the west during the times of 12:01 a.m. on July 4th to 3:00 a.m. on July 5th;

WHEREAS, the Fourth of July is a time when well over 150,000 people crowd onto the Strand, the beach, the surrounding streets, alleyways and adjacent public areas;

WHEREAS, this influx of this amount of people contributes to the vehicular and pedestrian congestion on the Strand, the beach, the surrounding streets, alleyways and adjacent public areas and has a dramatic impact on the resources of the Police, Fire and Public Works Departments;

WHEREAS, there are numerous residences along the Strand and in close proximity to

1 the beach, many of which host large parties on the Fourth of July involving alcohol;

2 WHEREAS, these parties add to the pedestrian and vehicular congestion of the Strand,
3 the beach, the surrounding streets, alleyways and adjacent public areas, and fuel alcohol related
4 problems in the area, such as public intoxication;

5 WHEREAS, previous Fourth of July incidents have included stabbings, gang related
6 violence, fights and public intoxication;

7 WHEREAS, previous Fourth of July festivities have involved large numbers of parolees,
8 probationers, and documented gang members from rival gangs which contributes to criminal
9 activity requiring police intervention;

10 WHEREAS, the City of Newport Beach enacted a Public Safety Zone to deal with its
11 Fourth of July crowds in 2003, and has experienced a 50% reduction of arrests within the Safety
12 Enhancement Zone;

13 WHEREAS, trebling the criminal penalties for violations of the Oceanside City Code
14 and Oceanside Traffic Code within the area bounded by the north and south City limits, the rail
15 road tracks to the east and shoreline to the west will help deter criminal activity in this area; and

16 WHEREAS, adoption of the Coastal Safety Enhancement Zone is necessary to protect
17 the health, safety, and welfare of the citizens of Oceanside during the Fourth of July.

18 NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

19 SECTION 1.

20 Section 1.7(i) is added to the Oceanside City Code to read as follows:

21 1.7(i) Safety Enhancement Zone.

22 For any violation of the Oceanside City Code or Oceanside Traffic Code that is
23 committed within an area that has been designated by the City Council as a Safety Enhancement
24 Zone pursuant to Section 1.15 and during the time that designation is effective, the fine shall be
25 treble the amount otherwise prescribed up to the maximum amounts allowable pursuant to
26 Government Code Sections 36900 and 36901.

27 Section 1.15 is added to the Oceanside City Code to read as follows:

28 1.15 Safety Enhancement Zone.

1 A. Designation Process. The City Council may by ordinance, or by resolution upon a
2 finding that there is a need to take immediate action to protect the public health, safety and
3 welfare, designate a specific geographical area as a "Safety Enhancement Zone" and specify the
4 date and or time that the designation is effective upon a finding that the geographical area is
5 subject to unique conditions and circumstances during a specific period of time that create the
6 potential for a significant threat to public health and safety and that the threat would be reduced
7 by enhanced penalties for violations of provisions of the Oceanside City Code and Oceanside
8 Traffic Code and increased responsibilities on the part of residents and occupants in the area.
9 The ordinance or resolution establishing a Safety Enhancement Zone shall contain the following
10 provisions: (a) a description of the geographical area comprising the Safety Enhancement Zone;
11 (b) the date and time during which the Safety Enhancement Zone designation is applicable to
12 the geographical area; (c) the factual basis for the designation; (d) the manner in which general
13 notice of the Safety Enhancement Zone and the penalties for violations shall be given; and (e)
14 the manner in which specific notice of additional duties, responsibilities and/or restrictions shall
15 be given to owners or occupants of property affected by the Safety Enhancement Zone
16 designation.

17 B. Coastal Safety Enhancement Zone. The City Council designates as a Safety
18 Enhancement Zone the area bounded by the north and south City limits, the rail road tracks to
19 the east and the shoreline to the west. This designation is effective from 12:01 a.m. on July 4th
20 to 3:00 a.m. on July 5th during each year that the designation is in effect. The factual basis for
21 this designation is set forth in the findings of the Oceanside City Council stated in Ordinance
22 No. _____. Notice of the Coastal Safety Enhancement Zone designation and
23 penalties for violations shall be posted on or before 6:00 p.m. on July 3rd at no less than three
24 locations along Mission Avenue, four locations along Pacific Street, four locations along The
25 Strand and two locations along Sportfisher Street, Pier View Way, Surftrider Street, Wisconsin
26 Street, Oceanside Boulevard, and Cassidy Street.

27 SECTION 2. Severability.

28 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be

1 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
2 shall not affect the validity of the remaining portions of this Ordinance. The City Council
3 hereby declares that it would have passed this ordinance and adopted this Ordinance and each
4 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,
5 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

6 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this
7 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
8 days after its passage in the North County Times, a newspaper of general circulation published
9 in the City of Oceanside.

10 SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30th) day
11 from and after its final passage.

12 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
13 California, held on the ___ day of _____, 2008, and, thereafter,

14 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
15 Oceanside California, held on the ___ day of _____, 2008, by the following vote:

16
17 AYES:

18 NAYS:

19 ABSENT:

20 ABSTAIN:

21 _____
MAYOR OF THE CITY OF OCEANSIDE

22
23 ATTEST:

APPROVED AS TO FORM:

24
25 _____
CITY CLERK

26
27 _____
CITY ATTORNEY

28 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER ONE OF THE OCEANSIDE
CITY CODE BY THE ADDITION OF SECTIONS 1.7(i) AND 1.15 RELATING TO THE PROCEDURES FOR ESTABLISHING A
SAFETY ENHANCEMENT ZONE AND ESTABLISHING ENHANCED PENALTIES FOR VIOLATIONS OF CITY CODES
WITHIN THE SAFETY ENHANCEMENT ZONES AND ESTABLISHING A COASTAL SAFETY ENHANCEMENT ZONE
DURING THE FOURTH OF JULY.