

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 Fourth 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 5<sup>th</sup> 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 Fourth 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 5<sup>th</sup>;

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, the City of Newport Beach enacted a Public Safety Zone to deal with  
6 problems created by Fourth of July crowds in 2003, and has experienced a 50% reduction of  
7 arrests within the Safety Enhancement Zone since that time;

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

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

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

14 SECTION 1.

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

16 1.7(i) Safety Enhancement Zone.

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

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

23 1.15 Safety Enhancement Zone.

24 A. Designation Process. The City Council may by ordinance, or by resolution upon a  
25 finding that there is a need to take immediate action to protect the public health, safety and  
26 welfare, designate a specific geographical area as a "Safety Enhancement Zone" and specify the  
27 date and or time that the designation is effective upon a finding that the geographical area is  
28 subject to unique conditions and circumstances during a specific period of time that create the

1 potential for a significant threat to public health and safety and that the threat would be reduced  
2 by enhanced penalties for violations of provisions of the Oceanside City Code and Oceanside  
3 Traffic Code and increased responsibilities on the part of residents and occupants in the area.  
4 The ordinance or resolution establishing a Safety Enhancement Zone shall contain the following  
5 provisions: (a) a description of the geographical area comprising the Safety Enhancement Zone;  
6 (b) the date and time during which the Safety Enhancement Zone designation is applicable to  
7 the geographical area; (c) the factual basis for the designation; (d) the manner in which general  
8 notice of the Safety Enhancement Zone and the penalties for violations shall be given; and (e)  
9 the manner in which specific notice of additional duties, responsibilities and/or restrictions shall  
10 be given to owners or occupants of property affected by the Safety Enhancement Zone  
11 designation.

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

22 SECTION 2. Severability.

23 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be  
24 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
25 shall not affect the validity of the remaining portions of this Ordinance. The City Council  
26 hereby declares that it would have passed this ordinance and adopted this Ordinance and each  
27 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,  
28 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

5 SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
6 from and after its final passage.

7 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
8 California, held on the \_\_\_ day of \_\_\_\_\_, 2008, and, thereafter,

9 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
10 Oceanside, California, held on the \_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

11  
12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

16  
17 MAYOR OF THE CITY OF OCEANSIDE

18 ATTEST:

19 APPROVED AS TO FORM:

20 \_\_\_\_\_  
CITY CLERK

21   
22 \_\_\_\_\_  
CITY ATTORNEY

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