

ORDINANCE NO. 10497 (N.S.)

**URGENCY ORDINANCE TO ADD CHAPTER 15 TO TITLE 3, DIVISION 2, OF THE
SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO
TEMPORARY AREA RESTRICTIONS NECESSARY TO PRESERVE PUBLIC
SAFETY, HEALTH AND WELFARE TO TAKE EFFECT IMMEDIATELY**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Pursuant to Government Code section 25123, this ordinance is declared to be an urgency measure necessary for the immediate preservation of the public peace, health, safety and welfare in order to ensure the County can quickly respond to anticipated civil disturbances. The following facts support the adoption of this urgency measure:

(a) Recent civil disturbances in multiple counties and cities across the country have involved conflicts between persons armed and equipped with items intended for use as weapons and other implements of riot, including but not limited to knives and daggers; shields; poles, sticks, dowels and baseball bats; pepper spray; axes and axe handles; Tasers; torches; clubs; bricks and rocks; firearms and others.

(b) The danger to public safety, health and welfare posed by the presence of such items has been demonstrated from Charlottesville, Virginia to Berkeley, California.

(c) The effectiveness of administrative orders narrowly-tailored to prohibit such items has recently been demonstrated in Berkeley, California, where the City Manager imposed temporary restrictions on such items based on authority given to him by the City Council's adoption of an ordinance similar to this ordinance.

(d) Construction of prototype border wall segments in the unincorporated area of San Diego is imminent. Extensive media coverage, ranging from local to international coverage, makes it a near certainty that persons opposed to and supporting the construction of the border wall will arrive in San Diego County and converge on certain locations in the unincorporated area to express their views. Based on the aforementioned recent events, it is reasonable to expect the arrival of persons intending to engage in conflict and non-peaceful conduct.

(e) This ordinance will enable the County to preemptively implement narrowly-tailored, temporary area restrictions, consistent with the U.S. Constitution, the Constitution of the State of California and California laws, which will reduce the likelihood of violence and injury.

(f) Ordinances, other than urgency ordinances, must be introduced and adopted at separate regular meetings of the Board of Supervisors. (Government Code section 25131.) Unless enacted as an urgency measure, this new Chapter 15, Section 32.1501 would not be effective for 30 days after the second meeting.

Section 2. The Board of Supervisors hereby finds that the immediate enactment --and effective date-- of this ordinance is necessary for the preservation of the public peace, health, safety and welfare.

Section 3. Title 3, Division 2, of the San Diego County Code of Regulatory Ordinances is amended to add Chapter 15, Section 32.1501 as follows:

CHAPTER 15. TEMPORARY AREA RESTRICTIONS

SEC. 32.1501. CHIEF ADMINISTRATIVE OFFICER AUTHORITY TO ISSUE TEMPORARY AREA RESTRICTIONS

(a) The Chief Administrative Officer or the Chief Administrative Officer's designee, after consulting with the Sheriff or the Sheriff's designees, is authorized to issue Temporary Area Restrictions in the unincorporated areas of the County as are necessary to preserve public health, public safety and property on County streets, sidewalks and other public property during events planned, proposed or anticipated to be held in the unincorporated areas of the County.

(b) Temporary Area Restrictions issued pursuant to this section shall be narrowly-tailored and consistent with the First Amendment to the United States Constitution, the California Constitution and State law.

(c) Temporary Area Restrictions shall be limited to establishing perimeters and/or separations for such events and prohibiting or otherwise limiting items that have been known to be used as weapons or implements of riot.

(d) Temporary Area Restrictions issued by the Chief Administrative Officer pursuant to this section shall be conspicuously posted in the areas subject to the order and on the County's public website at least 24 hours prior to implementation and enforcement.

(e) Any person who fails to obey any Temporary Area Restriction issued pursuant to this section shall be subject to the criminal penalties set forth in section 11.116 of this Code.

Meeting Date: 09/26/17 (16)

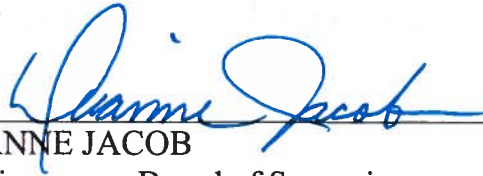
Section 4. By virtue of the urgency findings set forth herein, which constitute an emergency for the immediate preservation of the public peace, health and safety pursuant to Government Code Section 25123, this Ordinance shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND LEGALITY

THOMAS E. MONTGOMERY, COUNTY COUNSEL

By: William L. Pettingill, Chief Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 26th day of September, 2017.



DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Horn

ABSENT: Roberts

ATTEST my hand and the seal of the Board of Supervisors this 26th day of September, 2017.

DAVID HALL
Clerk of the Board of Supervisors

By 
Diana Lopez, Deputy



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