



1 them to dry inside or near the facilities, and to wash one’s hair, often lingering for long periods  
2 of time;

3 WHEREAS, the allowance of loitering inside or near public restrooms encourages other  
4 illegitimate activities and uses of the facilities, including unpermitted camping, smoking,  
5 storage of belongings and littering, engaging in drug related activities, graffiti, and consumption  
6 of alcohol, all of which represent a danger to the health, safety, and welfare of the citizens and  
7 guests of the City of Oceanside.

8 WHEREAS, the aforementioned illegitimate activities and uses cause the public  
9 facilities to be rendered inaccessible and/or unsafe for legitimate use, which interferes with and  
10 devalues the intended public service for which the restrooms are provided;

11 WHEREAS, the City finds loitering or lingering in areas open to the public for any of the  
12 aforementioned purposes, to include engaging in unlawful drug activity, jeopardizes the  
13 public’s safety and welfare, and increases fear among the community, and such loitering  
14 activity is a factor which not only depreciates the value of property upon which it occurs, but  
15 also depreciates the value and use of adjacent and surrounding properties, adversely affects the  
16 security and well-being of residents, the City’s image, business climate, and potential  
17 development;

18 WHEREAS, the purpose and intent of these amendments is to provide the City with  
19 measures to address the misuse of public property and the dangers to the community posed by  
20 the aforementioned conduct where that conduct is not otherwise regulated by state or federal  
21 law.

22 **NOW, THEREFORE**, the City Council of the City of Oceanside does ordain as  
23 follows:

24 SECTION 1. Section 20.11 of the Oceanside City Code is amended to read as follows:

25 **Sec. 20.11. – Definitions.**

26 As used in this Chapter, the following terms have the following meanings:

27 (a) “Activity related to illegal drugs” includes, but is not limited to, selling,  
28 purchasing, transporting, manufacturing, distributing, or using of any drug declared illegal

1 under state or federal law or any drug paraphernalia, or the soliciting or advertising for sale,  
2 purchase, transportation, manufacture, distribution or use of any drug declared illegal under  
3 state or federal law or any drug paraphernalia.

4 (b) “Intentionally” or “with intent.” All offenses defined in this Chapter in which  
5 the mental culpability requirement is expressed as "intentionally" or "with intent" are declared  
6 to be specific intent offenses. A person acts "intentionally" or "with intent" when a person's  
7 conscious objective is to cause the specific result proscribed by the ordinance, regardless of  
8 whether or not the result actually occurred. Intent must be determined based on an evaluation  
9 of the particular circumstances of each case, and no specific circumstance or combination of  
10 specific circumstances are necessary in determining whether a person has the requisite intent.

11 (c) “Loiter” means to delay, linger, sit, lie, or stand without a lawful purpose for  
12 remaining on the property and

13 1) with the intent of committing a crime as opportunity may be discovered or

14 2) with the intent to use public property in a manner for which it is not intended.

15 (d) “Public restroom” means any restroom owned or maintained by the City of  
16 Oceanside for use by the general public. The intended use for a public restroom is a place for  
17 individuals to use the toilet facilities, change in or out of beach or sports attire, or wash one’s  
18 hands.

19 (e) “Public place” means an area open to the public or exposed to public view,  
20 including but not limited to highways, streets, sidewalks, bridges, alleys, plazas, parks, trails,  
21 paths, driveways, parking lots, and public buildings, including the grounds enclosing those  
22 buildings.

23 SECTION 2. Section 20.12 of the Oceanside City Code is amended as follows:

24 **Sec. 20.12 – Loitering Prohibitions**

25 (a). It is unlawful for any person to loiter in or upon any public highway, street, alley,  
26 sidewalk, trail, path, crosswalk, bikepath, or other public way open for bicycle or pedestrian  
27 travel or otherwise occupy any portion thereof in such a manner as to unreasonably annoy or  
28

1 molest any pedestrian thereon or as to obstruct or unreasonably interfere with the free passage  
2 of bicyclists or pedestrians.

3 (b) It is unlawful for any person to loiter in any public place with the intent to commit  
4 any activity related to illegal drugs or any offense specified in Chapter 6 (commencing with  
5 Section 11350) and Chapter 6.5 (commencing with Section 11400) of the California Health and  
6 Safety Code.

7 (c). It is unlawful for any person to intentionally 1.) loiter inside or within fifteen (15)  
8 feet of a public restroom or 2.) block the ingress or egress of anyone attempting to use a public  
9 restroom; It shall further be unlawful to return to the same public restroom within twenty-four  
10 (24) hours after having been asked to leave by a peace officer for violating this section or within  
11 seventy-two (72) hours after having been cited under this section.

12 (d). Each and every day and any portion of any day during which a violation of this  
13 section is committed, continued or permitted shall constitute a separate offense.

14 SECTION 3. Any provision of the Oceanside City Code or appendices thereto  
15 inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no  
16 further, is hereby repealed or modified to the extent necessary to effect the provisions of this  
17 Ordinance.

18 SECTION 4. Severability. If any section, sentence, clause or phrase of this Ordinance is  
19 for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such  
20 decision shall not affect the validity of the remaining portions of this Ordinance. The City  
21 Council hereby declares that it would have passed and adopted this Ordinance and each section,  
22 sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,  
23 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

24 SECTION 5. The City Clerk of the City of Oceanside is hereby directed to publish this  
25 ordinance once within fifteen (15) days after its passage in the San Diego Union Tribune, a  
26 newspaper of general circulation published in the City of Oceanside.

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

1 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
2 California, held on the 7th of June, 2017 and, thereafter,

3 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
4 Oceanside California, held on the 21<sup>st</sup> day of June, 2017, by the following vote:

5 AYES: FELLER, KERN, LOWERY, SANCHEZ

6 NAYS: NONE

7 ABSENT: WOOD

8 ABSTAIN: NONE

9 /S/ Chuck Lowery, Deputy Mayor  
10 MAYOR OF THE CITY OF OCEANSIDE

11 ATTEST:

APPROVED AS TO FORM:

12 /S/ Joseph Arambarri  
13 ASSISTANT CITY CLERK

/S/ Annie Perrigo  
14 SENIOR DEPUTY CITY ATTORNEY

15 [AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING CHAPTER  
16 20, SECTIONS 20.11 AND 20.12 OF THE OCEANSIDE CITY CODE  
17 RELATING TO LOITERING ON PUBLIC WAYS, LOITERING FOR DRUG  
18 ACTIVITIES AND LOITERING INSIDE OR WITHIN FIFTEEN FEET OF  
19 PUBLIC RESTROOMS]

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