REPORT TO THE COMMITTEE ON PUBLIC SERVICES AND SAFETY
A PLAN TO FIGHT AGAINST DRUGS AND RELATED ACTIVITIES

The Public Services and Safety Committee requested the City Attorney to review four (4) issues presented to the Committee by Marla B. Marshall. The issues and comments thereon are as follows:

1) Should the City adopt an ordinance that will permit the City Council to abate properties that are frequently raided for illegal drug activity?

The Police Department and the Code Enforcement Unit of the City Attorney's Office are currently evaluating procedures to assist in the abatement of substandard dwellings used in the trafficking of controlled substances. The Police Department advised that when its review is completed recommendations will be provided to the Public Services and Safety Committee. This office is prepared to draft an ordinance if requested.

2) Should the City Council amend Chapter III, article 3, of the San Diego Municipal Code to request that the operation of drug paraphernalia establishments be regulated as police regulated businesses in order to protect the health and safety of minors and to preserve the peace of the community?

The enactment of the proposed amendment of the Municipal Code to regulate drug paraphernalia establishments as police regulated businesses would conflict with provisions in existing state law. The state legislature's modification of its general statutory scheme in 1982 through the addition of California Health and Safety Code sections 11014.5 and 11364.7 showed its intent to establish a total ban on the manufacture and distribution of drug paraphernalia in California, so as to occupy the entire regulatory field to the exclusion of local legislation.
A & B Cattle Company Novuara, Inc., v. City of Escondido, 87 Daily Journal D.A.R., June 17, 1987.

By way of historical background on this issue, The City of San Diego in 1981 adopted Municipal Code sections 33.3800 et seq., which established a regulatory scheme for drug paraphernalia establishments in The City of San Diego. The drug paraphernalia ordinance was repealed on June 18, 1984.

3) Should the City adopt a resolution supporting a request to the Attorney General to augment his local staff, to work in conjunction with the San Diego Police Department in its efforts to reduce drug activity?

The San Diego Police Department has advised that effective

July 1, 1987, the State Department of Justice's Bureau of Narcotics Enforcement will be activating a team of narcotics investigators in the City and County of San Diego. By January 1, 1988, another BNE team will also be in place in San Diego. If a request for additional staff is indicated, this office is prepared to draft such a resolution if requested.

4) Should the City adopt a resolution supporting the County Board of Supervisors' lawsuit against the State of California, which challenges this region's per capita funding for drug and other social service programs?

Briefly stated, the County of San Diego filed a complaint for declaratory and injunctive relief against the State of California on July 10, 1986. The complaint under a variety of legal theories seeks to redress alleged unfair and unequal allocations of mental health, alcohol and drug program funds to the County by the State.

This office is prepared to draft a resolution in support of this issue if requested.

Respectfully submitted,
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City Attorney

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