

Chapter 9.05**CONSUMPTION OF ALCOHOL IN PUBLIC PLACES****Sections:****9.05.010 Alcoholic Beverages - Public Consumption and Possession of Open Container.****9.05.020 Possession of Alcohol Adjacent to a Licensed Retail Establishment.****9.05.010 Alcoholic Beverages - Public Consumption and Possession of Open Container.**

- A. No person shall consume an alcoholic beverage, or have in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or which has a seal broken, or the contents of which have been partially removed, upon any public street, alley, sidewalk, parking lot, park, recreation facility or beach, in or immediately adjacent to a public restroom, or other public place within the City except:
1. Within those public parks, beaches or recreational facilities designated by resolution of the City Council as permitting the consumption of alcoholic beverages; or
 2. In or on the property of an establishment, business place, or other location properly licensed for the sale and consumption of alcoholic beverages under the Alcoholic Beverage Control Act of the State of California; or
 3. During a community special event, provided the Parks and Recreation Director, after consultation with the Chief of Police, has permitted the consumption of alcoholic beverages in connection with the special event use of any park, recreational facility or beach (or any portion thereof) and the event has been issued a Special Event Permit pursuant to Chapter 9.12 of the municipal code. The consumption of alcoholic beverages shall only be permitted within those areas of the park, recreation facility or beach so designated by the Director and subject to any additional constraints imposed by the Director and the Chief of Police in connection with the issuance of the Special Events Permit. Nothing in this section shall be deemed to relieve any applicant or event organizer from full compliance with all alcohol beverage control laws and regulations of the State of California.
 4. In or on a park or other recreational facility owned by the City but operated by a private operator or non profit agency pursuant to an agreement with the City, provided that the operator may establish and enforce its own rules or regulations regarding the consumption or possession of alcoholic beverages.
- B. Warning Signs. The City Parks and Recreation Department shall post appropriate signs advising the public that the consumption of alcohol or the possession of open containers of alcohol is not permitted in certain parks, recreation facilities and beaches. (Ord. 5131, 1999; Ord. 4284, 1984; Ord. 4224, 1983)

9.05.020 Possession of Alcohol Adjacent to a Licensed Retail Establishment.

- A. No person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the posted premises, of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the California Business and Professions Code.
- B. As used in subsection A above, "posted premises" means those premises which are subject to licensure under any retail package off-sale alcoholic beverage license and the parking lot immediately adjacent to the licensed premises.
- C. Every retail establishment licensed pursuant to Division 9 (commencing with Section 23000) of the California Business and Professions Code shall post its premises within 90 days of the effective date of this chapter with clearly visible notices, in a form and manner approved by the City, indicating to the patrons of the licensee and parking lot that the provisions of this section are applicable. (Ord. 4224, 1983)