

ORDINANCE NO. 625

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES ADDING SECTION 12.16.160 (POSSESSION AND CONSUMPTION OF ALCOHOL PROHIBITED) TO CHAPTER 12.16 (STREETS, PARKS AND RECREATIONAL FACILITIES) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE MUNICIPAL CODE, TO PROHIBIT OPEN CONTAINERS AND CONSUMPTION OF ALCOHOL IN ALL CITY FACILITIES

WHEREAS, the City of Rancho Palos Verdes ("City"), pursuant to its police powers under Article XI, section 7 of the California Constitution, has the authority to make and enforce ordinances to regulate the use of the City's streets, parks and public places, to the extent such regulations are not in conflict with the general laws of the State of California.

WHEREAS, the California Constitution provides that the State of California shall have the exclusive right to regulate the possession of alcohol, but does not restrict the ability of local government to regulate the consumption of alcohol.

WHEREAS, Section 25620 of the Business and Professions Code provides authority for local governments to regulate the possession of open containers of alcohol in public places through the enactment of ordinances.

WHEREAS, the City has enacted laws within Municipal Code Chapter 12.16 (Streets, Parks and Recreational Facilities) regarding permissible and impermissible activities in City streets, parks and recreational facilities.

WHEREAS, on March 7, 2017, the City Council directed staff to research current City regulations regarding the possession and consumption of alcohol in City facilities including parks, beaches, and open space areas.

WHEREAS, on May 1, 2018, City staff made a presentation to the City Council, which noted that there is currently no City ordinance restricting or prohibiting the possession of open containers of alcohol in City parks, beaches, and open space areas and the City Council directed staff to return with an ordinance addressing possession and consumption of alcohol in public areas.

WHEREAS, the possession or consumption of alcohol in City facilities, including parks, beaches or open space areas, without a permit, is not compatible with typical usage at those locations.

WHEREAS, the consumption of alcohol upon any public street, sidewalk, alley, or other public place, without a permit, is not compatible with typical usage at those locations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The facts set forth in the Recitals in this Ordinance are true and correct, and incorporated by reference.

Section 2. Section 12.16.160 (Possession and Consumption of Alcohol Prohibited) of Chapter 12.16 (Streets, Parks and Recreational Facilities) of Title 12 (Streets, Sidewalks and Public Places) is hereby added as follows:

“Section 12.16.160 – Possession and Consumption of Alcohol Prohibited.

- A. No person shall consume any alcoholic beverage at any time in any City facility. This section shall not apply where the consumption is within the premises for which a permit has been issued by the City Manager.
- B. No person shall consume any alcoholic beverage upon any public street, sidewalk, alley, or in any public place, place open to the public, public building, public restroom, or public parking structure or lot, except where permitted by license from the State or pursuant to a temporary permit issued by the City. The provisions of this section shall apply to any person whether on foot, in a vehicle, or otherwise.
- C. No person shall possess 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, at any time in any City facility. This section shall not apply where the possession is within the premises for which a permit has been issued by the City Manager.
- D. Violations of this section shall be punishable pursuant to Chapters 1.08 and 1.16 of this Code. Violations of Subsection (C) may only be charged as infractions.
- E. For the purposes of this section, the following definitions apply:

“Alcoholic beverage” means and includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half (1/2) of one percent (1%) or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

“City facility” shall mean any structure, lot or parcel that is owned, leased or operated by the City of Rancho Palos Verdes, including, without limitation, any park, trail, beach, recreation or open space area.”

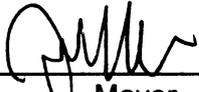
Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4. Certification and Posting. The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall

further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

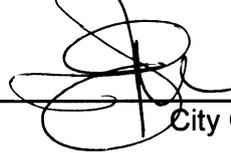
Section 5. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED, APPROVED and ADOPTED this 6th day of August 2019.



Folk Mayor

ATTEST:



City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF RANCHO PALOS VERDES)

I, Emily Colborn, City Clerk of the City of Rancho Palos Verdes, hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 625 passed first reading on July, 16 2019, was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on August 6, 2019, and that the same was passed and adopted by the following roll call vote:

AYES: Brooks, Cruikshank and Dyda
NOES: None
ABSENT: Alegria and Mayor Duhovic
ABSTAIN: None



City Clerk

CITY OF  RANCHO PALOS VERDES

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF RANCHO PALOS VERDES)

AFFIDAVIT OF POSTING

The undersigned, being first duly sworn, deposes and says:

That at all times herein mentioned, she was and now is the City Clerk of the City of Rancho Palos Verdes;

That on August 7, 2019, she caused to be posted the following document entitled: **ORDINANCE NO. 625, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES ADDING SECTION 12.16.160 (POSSESSION AND CONSUMPTION OF ALCOHOL PROHIBITED) TO CHAPTER 12.16 (STREETS, PARKS AND RECREATIONAL FACILITIES) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE MUNICIPAL CODE, TO PROHIBIT OPEN CONTAINERS AND CONSUMPTION OF ALCOHOL IN ALL CITY FACILITIES**, copy of which is attached hereto, in the following locations:

City Hall
30940 Hawthorne Blvd.
Rancho Palos Verdes

Ladera Linda Community Center
32201 Forrestal Drive
Rancho Palos Verdes

Hesse Park
29301 Hawthorne Blvd.
Rancho Palos Verdes

I certify under penalty of perjury that the foregoing is a true and correct affidavit of posting.



City Clerk