

ORDINANCE NO. 2019-__

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING SECTION 13.03.025.A
OF THE CULVER CITY MUNICIPAL CODE
RELATING TO THE CONSUMPTION OF
ALCOHOLIC BEVERAGES ON STREETS AND
PUBLIC PARKS.

WHEREAS, Culver City Municipal Code (CCMC) Section 13.03.025.A, currently provides that the consumption of alcoholic beverages is prohibited while on any street, sidewalk, alley, highway, public playground or public park, except that the City Council may issue a permit for a beer and wine garden in Veterans' Memorial Park during the City's Fiesta La Ballona event; and

WHEREAS, in order to provide an opportunity for other City-produced and City-sponsored events to include beer and/or wine service, the City Council desires to amend CCMC Section 13.03.025.A to authorize the City Council to issue permits for those events located in Veterans' Memorial Park or on public rights-of-way that have been closed for such events, when to do so would not be detrimental to the public health, safety or general welfare.

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES HEREBY ORDAIN as follows:

SECTION 1. Section 13.03.025.A is hereby amended as follows (~~strikethrough~~ text indicates deletions; underline text indicates additions):

§13.03.025 Consumption of Alcoholic Beverages on Street and Public Parks.

A. No person shall consume any beer, wine or alcoholic beverage while on any street, sidewalk, alley, highway, public playground or public park. Possession of any bottle, can or other receptacle, containing any beer, wine or alcoholic beverage which has been opened or a seal broken, or the contents of which have been partially removed, while on any street, sidewalk, alley, highway, public playground or public park creates a rebuttal presumption that the person possessing the same is consuming its contents. For purposes of this Section, the

1 interior of the Veterans' Memorial Building or the Ivy Substation shall not be considered to be
2 within a public playground or park, and the consumption of alcohol within a duly licensed
3 outdoor dining area shall not be considered to be on a sidewalk. Notwithstanding the provisions
4 of this Subsection, the City Council shall have the authority to grant by resolution a an alcohol
5 use permit for the service and consumption of ~~to conduct a beer and/or wine garden~~ in a
6 controlled space at a City-produced or City-sponsored event, located in Veterans' Memorial
7 Park, or on any street, sidewalk, alley, or highway that has been closed for a City-produced or
8 City-sponsored event, upon a finding that the issuance of such permit will not be detrimental to
9 the public health, safety or general welfare. ~~during the City's Fiesta La Ballona event.~~

10 B. This Section shall not be deemed to make punishable any act or acts which
11 are prohibited by any law of the State.

12 C. Any person who violates or fails to comply with the provisions of this Section
13 shall be guilty of an infraction which shall be punishable pursuant to § 1.01.045 of this Code;
14 except when a person has been convicted of three (3) or more violations of this Section within
15 the twelve (12) months immediately preceding the violation, and then it shall be punishable as a
16 misdemeanor pursuant to § 1.01.040 of this Code. For the purposes of this division, each prior
17 violation which is either admitted by the defendant or alleged in an accusatory pleading, or
18 where defendant forfeited bail, shall be deemed a conviction. For this purpose, a bail forfeiture
19 shall be deemed to be a conviction of the offense charged.

20 **SECTION 2:** The City Council hereby declares that, if any provision, section,
21 subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared
22 invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason or
23 any preemptive legislation, then the City Council would have independently adopted the
24 remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this
25 Ordinance, and as such they shall remain in full force and effect.

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APPROVED and ADOPTED this _____ day of _____ 2019.

ATTEST:

JEREMY GREEN
City Clerk

A19-00109

CAROL A. SCHWAB
City Attorney