

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:

§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 interior of the Veterans' Memorial Building or the Ivy Substation shall not be considered to be

1 within a public playground or park, and the consumption of alcohol within a duly licensed
2 outdoor dining area shall not be considered to be on a sidewalk. Notwithstanding the provisions
3 of this Subsection, the City Council shall have the authority to grant by resolution an alcohol use
4 permit for the service and consumption of beer and/or wine (as "beer" and "wine" are defined in
5 California Business and Professions Code Sections 23006 and 23007, as amended) 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.

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

16 **SECTION 3:** Pursuant to Section 619 of the City Charter, this Ordinance shall
17 take effect thirty days after its adoption. Pursuant to Section 616 and 621 of the City Charter,
18 prior to the expiration of fifteen days after the adoption, the City Clerk shall cause this
19 Ordinance, or a summary thereof, to be published in the Culver City News and shall post this
20 Ordinance or a summary thereof in at least three places within the City.

21
22 APPROVED and ADOPTED this _____ day of _____ 2019.

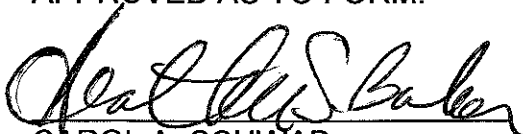
23
24 THOMAS AUJERO SMALL, Mayor
25 City of Culver City, California

26 ATTEST:

27 APPROVED AS TO FORM:

28

JEREMY GREEN
City Clerk
A19-00109


CAROL A. SCHWAB
for City Attorney