

ORDINANCE NO. 374

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING CHAPTER 9.20, ALCOHOLIC BEVERAGES, OF TITLE 9 PUBLIC PEACE, MORALS AND WELFARE, OF THE MOORPARK MUNICIPAL CODE, INCLUDING TO MAKE IT UNLAWFUL FOR PERSONS TO CONSUME OR POSSESS OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN A PUBLIC PLACE

WHEREAS, Section 9.20.010 of the Moorpark Municipal Code, entitled, "Public Consumption - Prohibition" presently establishes that it is unlawful for persons to consume alcoholic beverages on public property; and

WHEREAS, amending section 9.20.010 of the Moorpark Municipal Code, changing the language to include persons who hold or exercise dominion and control over open containers of an alcoholic beverage, and to include places open to the public including private property without the consent of the property owner, will allow the City to maintain a higher quality of life, free from the problems associated with public drinking and intoxication; and

WHEREAS, amendments to Sections 9.20.020 and 9.20.030 are also required for internal Moorpark Municipal Code consistency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 9.20.010, 9.20.020, and 9.20.030 of Chapter 9.20 of the Moorpark Municipal Code are amended in their entirety to read as follows:

"9.20.010 Public consumption--Prohibition

It shall be unlawful for any person to drink any malt, spiritous, or vinous liquor containing more than one-half (1/2) of one percent of alcohol by volume or to hold or to exercise dominion and control over any open container containing such beverage:

A. Upon any public street, sidewalk, highway, or alley or while occupying any vehicle or conveyance thereon;

B. Upon any public school ground or any building, bleacher, or stadium thereon;

C. In any public place, place of public assembly, or in any place open to the public;

D. In or upon any building or premises, or portion thereof, owned or occupied by the City, County, State, a park district, school district,

sanitation district, flood control district, Water Works District, or by any other governmental agency;

E. Upon any private street, building, or other private property within the City without the consent of the person or entity in possession or control thereof.

9.20.020 Public consumption—Exceptions.

The provisions of Section 9.20.010 of this chapter shall not prohibit the drinking of such alcoholic beverages in or upon any City owned property, if permitted by Title 12 of the Municipal Code, and when authorized by license or permit.

9.20.030 Disposal of containers.

No person shall deposit on any public street, sidewalk, highway, alley or other public way any receptacles or containers for alcoholic beverages.”

SECTION 2. If any section, subsection, subdivision, sentence, clause, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the adoption of this ordinance and shall cause a certified copy to be filed in the book of original ordinances.

PASSED AND ADOPTED this 4th day of February, 2009.

Janice S. Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk