

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 9.24
OF THE PASADENA MUNICIPAL CODE RELATING TO ALCOHOLIC
BEVERAGES IN PUBLIC PLACES**

WHEREAS, the City Council of the City of Pasadena has acknowledged that pursuant to the Constitution of the State of California, the municipality is limited in its ability to currently regulate the possession of alcohol in public areas to codified exceptions such as those listed in Penal Code Section 647e; and

WHEREAS, the City Council of the City of Pasadena has determined that the presence of persons possessing opened containers of alcohol in and around establishments licensed for off-premises sales of alcohol is detrimental to the health and safety of the neighborhood; and

WHEREAS, the City Council of the City of Pasadena has determined that in enacting legislation that prohibits the possession of opened containers of alcohol in and around off-sale liquor establishments, the city is both in compliance with state law and maintaining the health and safety of its neighborhoods.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

Section 1: Section 9.24.030 of Chapter 9.24 of the Pasadena Municipal Code is repealed.

Section 2: Subsection A. of section 9.24.040 of Chapter 9.24 of the Pasadena Municipal Code is amended to read:

A. As used in this section, "posted premises" means those premises which must obtain any retail package off-sale alcoholic beverage license pursuant to Division 9, commencing with Section 23000, of the California Business and Professions Code in order to operate lawfully, ~~and~~ any parking lot immediately adjacent to such licensed premises or on any public sidewalk immediately adjacent to the licensed premises on which visible notices have been posted indicating that the provisions of this section are applicable to such premises.

Section 3: Subsection C. of section 9.24.040 of Chapter 9.24 of the Pasadena Municipal Code is amended to read:

C. No person who has in his or her possession any ~~open beverage container, including a container where the seal has been broken, containing any alcoholic beverage as defined in Section 23004 of~~

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the California Business and Professions Code 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 any the posted premises of any retail, off-sale alcoholic beverage licensee, including the posted parking lot immediately adjacent to or on any public sidewalk immediately adjacent to the licensed and posted premises. This section does not apply to a private residential parking lot which is adjacent to the posted premises.

Section 4: This ordinance shall take effect upon the expiration of thirty days from its publication.

Signed and approved this _____ day of October, 2004.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that this foregoing ordinance was adopted by the City Council of the City of Pasadena at its regular meeting held on _____, 2004, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM


Michele Beal Bagneris
City Attorney/City Prosecutor