

CITY OF SACRAMENTO



DEPARTMENT OF LAW
612 TENTH STREET SACRAMENTO, CA 95814
SUITE 201 TELEPHONE (916) 449-5346

CITY MANAGER'S OFFICE
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OCT 25 1983

JAMES P. JACKSON
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Deputy City Attorneys

October 24, 1983

City Council
Sacramento, California 95814

RE: AMENDMENT TO SACRAMENTO CITY CODE SECTION 26.24

Members in Session:

At its meeting on October 20, 1983, the Law and Legislation Committee recommended approval of the attached amendment to Sacramento City Code Section 26.24 relating to possession of open alcoholic beverage containers near liquor stores. The proposed amendment is explained in the attached letter to the committee.

Approval of the amendment is recommended by the Law and Legislation Committee and the city staff.

Very truly yours

James P. Jackson
JAMES P. JACKSON
City Attorney

JPJ:mb
Attachment

RECOMMENDATION APPROVED:

Walter J. Slize
City Manager

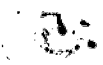
PASSED FOR
PUBLICATION
& CONTINUED
TO 11-9-83

APPROVED
BY THE CITY COUNCIL

NOV 9 1983

OFFICE OF THE
CITY CLERK

November 1, 1983
All Districts



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ORDINANCE NO. 83-137

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING SECTION 26.24 OF
THE SACRAMENTO CITY CODE, RELATING TO
CONSUMPTION OF ALCOHOLIC BEVERAGES

APPROVED
BY THE CITY COUNCIL

NOV. 9 1983

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO: OFFICE OF THE
CITY CLERK

SECTION 1.

Section 26.24 of the Sacramento City Code is hereby amended to read as follows:

Sec.26.24 Intoxicating Beverages--Consumption on public streets, etc. and on liquor store parking lots and adjacent land unlawful.

(a) It shall be unlawful for any person to consume beer, wine or any intoxicating liquor on any street, sidewalk, alley, highway or public court.

(b) It shall be unlawful for any person to consume beer, wine, or any intoxicating liquor:

(1) Upon any property used, or intended to be used as an accessory use, for the parking of motor vehicles by the patrons of any commercial establishment authorized by the State of California to sell alcoholic beverages; or

(2) Upon any unimproved property which adjoins such commercial establishment not used for the parking of motor vehicles, which is owned, operated or possessed by the owner, lessee or agent of such commercial establishment.

(c) It shall be an infraction for any person who has in his or her possession any bottle, can or other receptable containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, to enter, be, or remain on the premises of, including the parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code, or on any public sidewalk immediately adjacent to the licensed premises, if the premises and parking lot contain clearly visible notices to the patrons of the licensee and parking lot and to persons on the public sidewalk as follows:

"Unlawful to enter, be or remain on these premises,
adjacent parking lot or adjacent public sidewalk
with an open alcoholic beverage container.
CPC 647e(a); SCC 26.24(c)"

(d) Nothing in this section shall be construed to make
criminal any act or acts which are permitted or prohibited by any
law of the State of California.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING SECTION 26.24 OF
THE SACRAMENTO CITY CODE, RELATING TO
CONSUMPTION OF ALCOHOLIC BEVERAGES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

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(b) It shall be unlawful for any person to consume beer, wine, or any intoxicating liquor:

(1) Upon any property used, or intended to be used as an accessory use, for the parking of motor vehicles by the patrons of any commercial establishment authorized by the State of California to sell alcoholic beverages; or

(2) Upon any unimproved property which adjoins such commercial establishment not used for the parking of motor vehicles, which is owned, operated or possessed by the owner, lessee or agent of such commercial establishment.

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"Unlawful to enter, be or remain on these premises,
adjacent parking lot or adjacent public sidewalk
with an open alcoholic beverage container.

CPC 64/e(a); SCC 26.24(c)"

(e) (d) Nothing in this section shall be construed to make criminal any act or acts which are permitted or prohibited by any law of the State of California.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

CITY OF SACRAMENTO



DEPARTMENT OF LAW
812 TENTH STREET SACRAMENTO, CA 95814
SUITE 201 TELEPHONE (916) 449-5346

October 20, 1983

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Law and Legislation Committee
Council Chambers
Sacramento, CA 95814

RE: AMENDMENT TO SACRAMENTO CITY CODE SECTION 26.24
POSSESSION OF OPEN CONTAINERS ON LIQUOR STORE PREMISES
(AB 96 - Moore)

Honorable Members in Session:

SUMMARY

This amendment to Sacramento City Code §26.24 would implement new state legislation authorizing issuance of infraction citations to persons in possession of open alcoholic beverage containers near liquor stores.

BACKGROUND

Section 26.24 of the City Code makes it a misdemeanor to consume beer, wine or any intoxicating liquor in the parking lot of any commercial establishment selling alcoholic beverages, or on certain unimproved land adjacent to the commercial establishment.

AB 96, passed by the legislature during the 1983-1984 session, enacted Penal Code Section 647(e), authorizing local jurisdictions to enact ordinances making the possession of open alcoholic beverage containers in the immediate vicinity of liquor stores an infraction.

New subsection (c) would implement the new state legislation. The Chief of Police recommends enactment of this provision because it will enable the police to alleviate problems attendant to persons congregating at liquor stores with open containers without the necessity of observing actual consumption of the alcoholic beverage.

October 20, 1983

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RECOMMENDATION

It is recommended that the Law and Legislation Committee recommend enactment of this ordinance amending Section 26.24 to the City Council.

Very truly yours,


JAMES P. JACKSON
City Attorney

By:



DIANE B. BALTER
Deputy City Attorney

RECOMMENDATION APPROVED:



City Manager

RECOMMENDATION

It is recommended that the Law and Legislation Committee recommend enactment of this ordinance amending Section 26.24 to the City Council.

Very truly yours,

JAMES P. JACKSON
City Attorney

By: 
DIANE B. BALTER
Deputy City Attorney

RECOMMENDATION APPROVED:


City Manager