

ORDINANCE NO. 2023-1241

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING CHAPTERS 9.04, 12.56, AND 12.33 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO ALCOHOL PERMITS AT SPECIAL EVENTS AND FACILITY RENTALS

WHEREAS, the City of Imperial Beach ("City") currently allows for special events at various City parks to obtain the permits to allow for sale of alcohol contingent upon meeting various requirements;

WHEREAS, this Ordinance seeks to clarify the various Imperial Beach Municipal Code sections related to special events and use of alcohol at such events.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AS FOLLOWS:

Section 1: The above recitals are true and correct and incorporated herein as findings as though set forth in full.

Section 2. Various sections in Chapters 9.04, 12.56, and 12.33 shall be amended to read as shown in Exhibit "A" to this Ordinance (underline indicates new language and ~~strikethrough~~ indicates deleted language).

Section 3. This Ordinance shall become effective thirty (30) days following its passage and adoption.

Section 4. The City Council of the City of Imperial Beach hereby declares that should any section, paragraph, sentence, phrase, term, or word of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, held on the 6th day of December 2023, and thereafter

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 17th day of January 2024 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

PALOMA AGUIRRE, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK

APPROVED AS TO FORM:

**JENNIFER M. LYON
CITY ATTORNEY**

Exhibit “A” to Ordinance 2023-1241

9.04.010 Consumption in public places prohibited.

It is unlawful for any person to consume any spirituous, vinous, malt or other intoxicating liquors, containing more than one-half of one percent of alcohol by volume, or possess an open container of alcoholic beverage, on any of the streets, sidewalks, alleys, municipal pier, public beach, parking lot, public parking structures, including private parking lots and parking structures held open for public use, public parks, public playgrounds, public buildings, or public lavatories within the City except restaurants or other commercial establishments where on sale consumption is permitted by license of the State, or at a special event, facility rental, or concession duly authorized by the City Manager in compliance with the requirements set forth in Chapter 12.56 and 12.33 of this code and any applicable policies and procedures, and in conjunction with a special event or facility rental for which the sponsoring organization is properly licensed by the State Department of Alcoholic Beverage Control.

12.56.020 Prohibited acts.

It is unlawful and no person shall do any of the following acts within the premises of any public park or public playground:

....

W. Sell or distribute any alcoholic beverage in or on any public park, public playground or public parking lot or public building without first having received a permit from the City Manager and having paid the fees required therefor. The issuance of a permit by the City Manager shall operate to suspend the enforcement of Section 9.04.010 of this code on such specific dates and times and at such specific locations as described upon the permit, which locations are limited to Pier Plaza, Dunes Park, Veteran’s Park, and the Senior Center;

12.33.090 Authority.

The City Manager or designated representative has the authority to:

A. Post the approved parking control signs as approved in the special event permit. Such signs shall be posted at least 24 hours in advance of such special event and when so posted may issue citations and/or tow away vehicles parked in violation of the posting;

B. Close roadways as approved in the special event permit:

1. Signs advising the date and time of the closure shall be posted on roadways at least 10 days prior to the date of the closure,
2. A list of interested parties shall be established and shall include, but is not limited to: Metropolitan Transit Development Board, San Diego Gas and Electric Company and EDCO.

The parties on the interested parties list shall be notified of the closure by mail at least 10 days prior to the event;

C. Stop a special event at any time it is determined that the public safety is in jeopardy;

D. Approve certain temporary signage for the purpose of providing public notice of approved events, as per Section 19.52.250 of this code.

E. Issue an alcohol consumption permit for a special event or facility rental at specified locations if such permit is in compliance with all applicable policies and procedures. The locations that such permits may be issued are as follows: Pier Plaza, Dunes Park, Veteran's Park, the Senior Center, and approved block parties/street closures.