

family residence, duplex, and condominium in the city, the land and building appurtenant thereto, including common areas, garage facilities, alleyways, stairwells, and elevators. This term shall also include mobile homes, whether rent is paid for the mobile home and the land upon which the mobile home is located, or rent is paid for the land alone. Further it shall include recreational vehicles, as defined in California Civil Code Section 799.24, if located in a mobile home park, whether rent is paid for recreational vehicle and the land upon which it is located, or rent is paid for the land alone.

- (7) *Tenant* means a tenant, subtenant, lessee, sublessee, any person entitled to use or occupancy of a rental unit, or any other person who is using or occupying a rental unit.

(g) *Severability*. If any section, clause, phrase, part, or portion of this chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. It is declared that this chapter and each section, subsection, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sentences, clauses, phrases, parts, or portions be declared invalid or unconstitutional.

(Ord. No. 93-19, § 7, 10-13-93)

Sec. 20.33. Unlawful creation of public nuisance on property of another.

It is unlawful and a misdemeanor for any person to do any act or thing upon the property of another that is declared to be a public nuisance under any provision of this Code, or to do anything or act upon the property of another that results in the declaration of a public nuisance, without the express consent of the owner of the property.

(Ord. No. 93-19, § 8, 10-13-93)

Sec. 20.34—20.39. Reserved.

ARTICLE IV. ALCOHOLIC BEVERAGES*

Sec. 20.40. Possession of alcohol and drinking in public prohibited.

(a) Except as provided in subsection (c), no person shall possess any beer, wine or other alcoholic beverage in any of the following areas:

- (1) Municipal Pier as defined in Chapter 18 except for the restaurant and lounge located at the pier's western end.
- (2) Oceanside Beach as defined in Chapter 19.
- (3) The Strand and those walkways and sidewalks immediately thereto.
- (4) Pier Plaza Area hereby defined and declared to be that portion of the City of Oceanside bounded to the west by the Oceanside Beach, bounded to the east by the westerly curb line of Pacific Street, bounded to the south by the northerly curb line of First Street, and bounded to the north by a line extended east and west from the northern edge of the Beach Community Center Parking Lot.
- (5) Parking lot at The Strand and Wisconsin Avenue.
- (6) Harbor Parking Lot #10 as shown on Miscellaneous Map No. 448, recorded September 19, 1963, in the official records of San Diego County.
- (7) Tyson Street Park located immediately east of The Strand and west of Pacific Street at the Tyson Street intersection.
- (8) Strand Beach Park located at the southeast corner of The Strand and First Street.

(b) No person shall consume or possess on their person an open container of any beer, wine, or other alcoholic beverage in any of the following areas:

- (1) Rotary Park located at Third Street and Myers Street in the City of Oceanside.
- (2) Santa Fe Park located at Third Street and Cleveland Street in the City of Oceanside.

*Note—See the editor's note at Ch. 20.

- (3) Buddy Todd Park located on Mission Drive between Barnwell and Todd Streets in the City of Oceanside.
- (4) Libby Lake Park located at Calle Montecito and Calle Las Positas Drive in the City of Oceanside.
- (5) Any outdoor area within Balderrama Park located at San Diego Street and Bush Street in the City of Oceanside.
- (6) Any sidewalk, alley, street or highway within the City of Oceanside, except as located within areas expressly regulated in subsection (a).
- (7) Any lot designated for public parking within the City of Oceanside except as expressly regulated in subsection (a).
- (8) Any property owned by the Oceanside Community Development Commission unless the commission has formally consented to the consumption of alcoholic beverages on the property.
- (9) Buccaneer Park located at 1506 South Pacific Street in the City of Oceanside.
- (10) John Landes Park located at 2855 Cedar Road in the City of Oceanside.
- (11) Cesar Chavez Park located at 1200 Division Street in the City of Oceanside.
- (12) Fireside Park located at Fireside Street and Parkside Drive in the City of Oceanside.

(c) Notwithstanding the prohibition contained in subsection (a), alcoholic beverages may be possessed by persons when going to or from the Beach Community Center or the site of any special event in connection with a duly scheduled and approved event, activity, or gathering in which the consumption of such beverages is not prohibited.

(d) Alcoholic beverages as used in this section includes alcohol, spirits, wine or beer and which contains one-half of one (0.5) percent or more of alcohol by volume, and which is fit for beverage purposes, either alone or when distilled, mixed or combined with other substance.

(e) Any of the prohibitions set forth in this section may be waived by the city's special events committee or city council as provided in Chapter 30A.

(Ord. No. 76-19, § 1, 4-21-76; Ord. No. 76-26, § 1, 6-9-76; Ord. No. 79-20, § 1, 6-13-79; Ord. No. 80-39, § 1, 10-8-80; Ord. No. 82-30, § 1, 7-14-82; Ord. No. 82-39, § 1, 8-25-82; Ord. No. 85-01, § 1, 1-23-85; Ord. No. 85-31, § 1, 11-13-85; Ord. No. 88-32, § 1, 9-28-88; Ord. No. 90-13, §§ 1, 2, 3-28-90; Ord. No. 93-19, § 3, 10-13-93; Ord. No. 93-19, § 10, 10-13-93; Ord. No. 99-11, § 1, 5-5-99; Ord. No. 03-OR643-1, § 1, 10-15-03; Ord. No. 04-OR535-1, § 1, 8-4-04)

Sec. 20.41. Alcoholic beverages—Persons under twenty-one not to offer to purchase.

Any person under the age of twenty-one (21) years who, in the city, offers to purchase in the city any alcoholic beverage is guilty of a misdemeanor.

(Ord. Code, § 4152; Ord. No. 93-19, § 3, 10-13-93)

Sec. 20.42. Same—Persons under twenty-one not to attempt to gain possession of.

Any person under the age of twenty-one (21) years who, in the city, attempts in any manner whatsoever to obtain possession of any alcoholic beverage in the city is guilty of a misdemeanor.

(Ord. Code, § 4153; Ord. No. 93-19, § 3, 10-13-93)

Sec. 20.43. Reserved.

Sec. 20.44. Open alcoholic beverage containers prohibited on posted premises.

(a) Any person who has in his or her possession any 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, and who enters, in on, or remains on the posted premises of, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 of the Business and