

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING SECTION 20.40 OF THE OCEANSIDE CITY CODE TO PROHIBIT CONSUMPTION OF ALCOHOL IN SPECIFIED AREAS.

WHEREAS, The City Council of the City of Oceanside desires to prohibit the consumption of alcohol in specified areas within the City of Oceanside; and

WHEREAS, The City Council of the City of Oceanside desires to amend Section 20.40 of the Oceanside City Code to reflect those areas within the City where consumption of alcohol is prohibited.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Section 20.40 of the Oceanside City Code is amended to read as follows:  
Sec. 20.40. Consumption of alcohol in public prohibited.

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

- (1) Any sidewalk, alley, street or highway within the City of Oceanside
- (2) Any lot designated for public parking within the City of Oceanside.
- (3) The Municipal Pier as defined in Chapter 18 except for the restaurant and lounge located at the pier's western end.
- (4) Oceanside Beach as defined in Chapter 19.
- (5) The Strand and those walkways and sidewalks immediately adjacent thereto.
- (6) 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 Seagaze Drive, and bounded to the north by a line extended east and west from the northern edge of the Beach Community Center Parking Lot.
- (7) Tyson Street Park located immediately east of The Strand and west of Pacific Street at the Tyson Street intersection.

- 1 (8) Strand Beach Park located at the southeast corner of The Strand and  
2 Seagaze Drive.
- 3 (9) Rotary Park located at Pierview Way and Myers Street in the City of  
4 Oceanside.
- 5 (10) Santa Fe Park located at Pierview Way and Cleveland Street in the City of  
6 Oceanside.
- 7 (11) Buddy Todd Park located on Mesa Drive between Barnwell and Todd  
8 Streets in the City of Oceanside.
- 9 (12) Libby Lake Park located at Calle Montecito and Calle Las Positas Drive in  
10 the City of Oceanside.
- 11 (13) Any outdoor area within Balderrama Park located at San Diego Street and  
12 Bush Street in the City of Oceanside.
- 13 (14) Buccaneer Park located at 1506 South Pacific Street in the City of  
14 Oceanside.
- 15 (15) John Landes Park located at 2855 Cedar Road in the City of Oceanside.
- 16 (16) Cesar Chavez Park located at 1200 Division Street in the City of  
17 Oceanside.
- 18 (17) Fireside Park located at Fireside Street and Parkside Drive in the City of  
19 Oceanside.
- 20 (18) Any property owned by the Oceanside Community Development  
21 Commission unless the commission has formally consented to the consumption of alcoholic  
22 beverages on the property.
- 23 (b) Alcoholic beverages as used in this section includes alcohol, spirits, wine or beer  
24 and which contains one-half of one (0.5) percent or more of alcohol by volume, and which is fit  
25 for beverage purposes, either alone or when distilled, mixed or combined with other substance.
- 26 (c) Any of the prohibitions set forth in this section may be waived by the city's  
27 special events committee or city council as provided in Chapter 30A.
- 28 ///

1 SECTION 2. Severability.

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

8 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this  
9 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)  
10 days after its passage in the North County Times, a newspaper of general circulation published  
11 in the City of Oceanside.

12 SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
13 from and after its final passage.

14 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
15 California, held on the \_\_\_ day of \_\_\_\_\_, 2008, and, thereafter,

16 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,  
17 this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

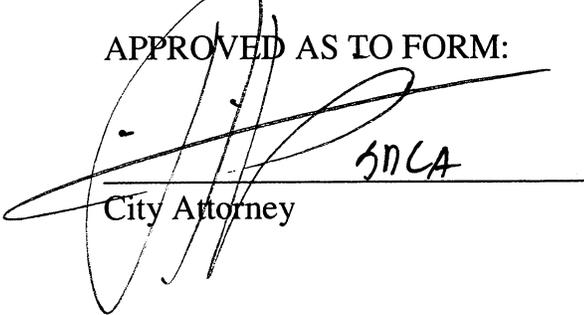
- 18
- 19 AYES:
- 20 NAYS:
- 21 ABSENT:
- 22 ABSTAIN:
- 23

24  
25 ATTEST:

26  
27  
28 \_\_\_\_\_  
City Clerk

MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney