

## ORDINANCE NO. 1053

### AN ORDINANCE OF THE CITY OF LOS BANOS AMENDING SECTION 5-7.02 OF THE LOS BANOS MUNICIPAL CODE AND ADDING SECTION 5-7.03 AND SECTION 4-11.01 (d) (44) OF THE LOS BANOS MUNICIPAL CODE RELATING TO THE PUBLIC CONSUMPTION OF ALCOHOL

The City Council of the City of Los Banos does ordain as follows:

Section 1. The City Council of the City of Los Banos does hereby amend Section 5-7.02 of Title 5, Chapter 7, of the Los Banos Municipal Code in its entirety to read as follows:

#### **Sec. 5-7.02 Alcoholic Beverages in City Park and Public Recreation Areas.**

Except when authorized by a written permit issued by the Chief of Police, it is unlawful for any person or persons to consume any alcoholic beverage or possess any open container containing any alcoholic beverage in or upon any community park, neighborhood park, greenbelt park, parkway, green space, trailway, youth sports/recreation field and bleacher section adjacent to such youth sports/recreation field, or any other recreation area owned, operated, or maintained by the City. Applications for permits shall be submitted to the Chief of Police at least three business days before the event at which alcohol is to be consumed, and a copy of the permit must be in the possession of a responsible party at the permitted location at all times during the event at which alcohol is to be consumed or possessed in an open container. Alcoholic beverage” includes alcohol, spirits, liquor, wine, beer, and any liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit or used for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Section 2. The City Council of the City of Los Banos does hereby add the following section to Title 5, Chapter 7 of the Los Banos Municipal Code.

#### **Sec. 5-7.03 Enforcement.**

Violations of the provisions of this ordinance shall be subject to Title 4, Chapter 11 – Administrative Citations of the Los Banos Municipal Code.

Section 3. The City Council of the City of Los Banos does hereby add the following sub section to Title 4, Chapter 11 Section 4-11.01 (d) of the Los Banos Municipal Code.

(44) Section 5-7.02 of the Los Banos Municipal Code.

Section 4. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member Sousa and seconded by Council Member Villalta on the 21<sup>st</sup> day of March, 2007.

Passed on the 4<sup>th</sup> day of April, 2007, by the following vote:

AYES: Council Members Brooks, Faria, Sousa, Villalta, Mayor Jones  
NOES: None  
ABSENT: None

APPROVED:

/s/ Tommy Jones  
Tommy Jones, Mayor

ATTEST:

/s/ Lucille L. Mallonee  
Lucille L. Mallonee, City Clerk