Chapter 9.05

POSSESSION OF ALCOHOLIC BEVERAGES ON POSTED PREMISES AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

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Section 9.05.010 Definitions.

"Alcoholic beverage" as used in this chapter, means and includes alcohol, spirits, liquor, wine, beer and every 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 for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Posted premises" as used in this chapter, means those premises in the City which are subject to licensure under any retail package off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises on which clearly visible notices indicate to the patrons of the licensee and parking lot and to persons on the public sidewalk that the provisions of Section 9.05.020(A) of this code are applicable.

"Public place" as used in this chapter, includes any City park; any municipally owned, leased or operated public property, building or facility; and any public street, sidewalk, alley, playground, parkway, or any place open to the patronage of the public which premises are not licensed for the consumption of such alcoholic beverage thereon. (Ord. 6433 § 1, 1998; Ord. 5792 § 1, 1990)

Section 9.05.020 Possession of open alcoholic beverage container.

A. Pursuant to California Penal Code Section 647e (a), it shall be unlawful for 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, to enter, be or remain on the posted premises of, including the posted parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises on which clearly visible notices indicate to the patrons of the licensee and parking lot and to persons on the public sidewalk that the provisions of Section 9.05.020(A) of this code are applicable.

B. Within thirty days after adoption of a resolution of the City Council so requiring, all retail package off-sale alcoholic beverage licensees 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.

C. The provisions of this Section shall not apply to a private residential parking lot which...
is immediately adjacent to the posted premises.

D. Pursuant to California Business and Professions Code Section 25620, it shall be unlawful for any person to possess 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, within any City park, or any recreation and park district, or any regional park or open-space district, or other City-owned public place.

1. Nothing in this section shall apply where the possession is within premises located in a park or other public place for which a license has been issued pursuant to California Business and Professions Code, Division 9, Section 23000 et seq.

2. This section does not apply when an individual is in possession of an alcoholic beverage container for the purpose of recycling or other related activity.

3. Any violation of this section shall be an infraction pursuant to Business and Professions Code Section 25620(a). (Ord. 6552 § 1, 2000; Ord. 6433 § 1, 1998; Ord. 5792 § 1, 1990)

Section 9.05.030 Consumption of alcoholic beverage.

A. It shall be unlawful for any person to drink or consume any alcoholic beverage in any public place within the City of Riverside. (Ord. 6433 § 1, 1998; Ord. 6226 § 1, 1995; Ord. 5792 § 1, 1990)

Section 9.05.040 Presumption regarding consumption.

For the purposes of this chapter, any person possessing an open container containing any alcoholic beverage and having an odor of alcoholic beverage on the person's breath is presumed to be consuming or attempting to consume an alcoholic beverage at the place where the person is located. (Ord. 6433 § 1, 1998; Ord. 5792 § 1, 1990)

Section 9.05.050 Exemptions.

The provisions of this chapter shall not apply to the following:

A. Any residential property or portions of residential property to which the public may ordinarily have access.

B. Those activities or events in any municipally owned, leased or operated public property, building, or facility including the Pedestrian Mall as defined by Section 13.20.010 of the code, sponsored, allowed, or permitted by the City Manager or his/her designee.

C. Any function with a permit duly issued by the City Council or by the State Department of Alcoholic Beverage Control specifying the times and locations upon which alcoholic beverages may be consumed. The City Council may by resolution establish procedures for an alcoholic beverage use permit including the imposition of a processing fee. (Ord. 7007 § 1, 2008; Ord. 6433 § 1, 1998; Ord. 5792 § 1, 1990)

Section 9.05.060 Penalty.

A violation of any provision of this chapter shall be an infraction; provided, however, for the second or any additional violation, within any one-year period, the City Attorney at his/her discretion may file as a misdemeanor, with the exception of Section 9.05.020 which may only be prosecuted as an infraction pursuant to Business and Professions Code Section 25620(a). (Ord. 6552 § 1, 2000; Ord. 6433 § 1, 1998; Ord. 5792 § 1, 1990)

Section 9.05.070 Severability.

If any part or provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, including the application, of that part
or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable. (Ord. 6433 § 1, 1998)