

ORDINANCE NO. 1450

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA REVISING THE ARCATA MUNICIPAL CODE RELATING TO ALCOHOL CONSUMPTION IN CERTAIN AREAS OF THE CITY

TITLE IV—PUBLIC WELFARE, MORALS AND CONDUCT CHAPTER 2—OTHER VIOLATIONS ARTICLE 6—ALCOHOL CONSUMPTION IN CERTAIN AREAS OF THE CITY

The City Council of the City of Arcata does ordain as follows:

Section 1: Title IV (Public Welfare, Morals and Conduct), Chapter 2 (Other Violations), Article 6 (Alcohol Consumption In Certain Areas Of The City), Sections 4170, 4171 and 4172, of the Arcata Municipal Code are hereby amended as shown in the following strike through and double underscore.

SEC. 4170. Alcohol consumption prohibited.

It shall be unlawful for any person to consume, drink, or possess an open container of any alcoholic or intoxicating beverage in the following places listed below except at locations as designated by resolution of the City Council.

For purposes herein "open container" shall include, but is not limited to, any bottle, can, thermal jar or jug, vessel, or other receptacle which is open, has been opened, or which has a seal broken, or the contents of which have been partially removed.

(a) ~~Upon the City Plaza, any public street, sidewalk, parking lot, alley or vacant lot in the downtown plaza area or any other property owned or leased by the City, or in which the City holds a right of way easement, and which is open to members of the general public;~~

~~(b) On any public street, sidewalk, parking lot, alley or vacant lot within the Northtown area of Arcata;~~

~~(c) On any public street, sidewalk, parking lot or common area in the Uniontown Shopping area.~~

~~(db)~~ Within the Arcata Marsh and Wildlife Sanctuary, except at designated picnic locations.

~~(ec)~~ Within the Arcata Redwood Park and Community Forest.

~~(fd)~~ Within the outer perimeter and on any adjacent sidewalk of all City parks containing either playground areas or outdoor sports areas, and within all outdoor sports areas. For purposes of this ordinance, "outdoor sports areas" means outdoor sports complexes, fields,

gymnasiums, swimming pools, roller or ice rinks, skateboard parks, ball parks, basketball courts, tennis courts and other similar places where members of the general public assemble.

SEC. 4171. Restricted areas defined.

~~(a) — The Downtown Plaza is defined as that area bordered by 7th Street to the south, 11th Street to the north, J Street to the west, and Highway 101 to the east. The bordering streets and their adjacent sidewalks are considered to be within the restricted area.~~

~~(b) — The Northtown area of Arcata is defined as all lots fronting on G Street between the area bordered by 16th Street to the south, and 18th Street to the north, and, in addition, the 18th Street footbridge and pathways crossing Highway 101 from G Street to L. K. Wood Boulevard. The bordering streets and their adjacent sidewalks are considered to be within the restricted area.~~

~~(c) — The Uniontown Shopping area is defined as the area bordered by 7th Street, F Street, 5th Street and Highway 101.~~

~~(d)~~ (a) The Arcata Marsh and Wildlife Sanctuary is defined as that area bordered by Jolly Giant Creek to the north, G Street to the east, the Humboldt Bay to the south and I Street including Gearheart Marsh to the west.

~~(e)~~ (b) The Arcata Redwood Park and the Arcata Community Forest is defined as that area east of Union Street at 14th Street and north of Fickle Hill Road generally referred to as the Arcata Redwood Park and Community Forest.

SEC. 4172. Exception.

It shall not be unlawful to consume any alcoholic beverage in any prohibited area ~~defined in Section 4171 hereof~~ during such times as a permit issued by the City Council or its designated representative is in effect.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: November 19, 2014

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1450**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, held on the 19th day of November, 2014, by the following vote:

AYES: WHEETLEY, WINKLER, ORNELAS, STILLMAN

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Michael Winkler
City Clerk, City of Arcata