

ORDINANCE NO. 7,149-N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 13.36.070 REGARDING
PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 13.36.070 is amended to read as follows:

13.36.070 Consumption of alcoholic beverages--In places open to public view prohibited--Exceptions.

A. It is unlawful for any person to partake of any spirituous malt, vinous, or alcoholic liquors or other alcoholic beverages in or on any park, playground, or community house, or in an automobile while said automobile is on any alley, street, or highway, or on public or private property which is open and accessible to the general public, or open to public view.

B. It is also unlawful to possess a previously opened alcoholic beverage container that still contains an alcohol beverage in any public place owned or controlled by the City, or in any recreation and park district, regional park, or open space district within the City.

C. Exceptions to this Section are as follows:

1. The consumption of wine or beer may be allowed in community houses during hours when they are normally closed to the general public subject to rules promulgated by the City Manager;

2. The consumption and/or sale of wine, champagne and beer may be allowed at events permitted pursuant to Chapters 13.44 or 6.46 of this Code; and

3. The consumption and/or sale of wine, champagne and beer may be allowed in open air restaurants and cafes which are open to public view, whether located on private or public property, if and to the extent permitted by state and local laws and ordinances, including the Berkeley Zoning Ordinance.

D. This Section shall only be enforced solely as an infraction. (Ord. 6579-NS § 3, 2000: Ord. 6301-NS § 1, 1995: Ord. 5660-NS § 1, 1985: Ord. 5267-NS § 1, 1980: Ord. 5232-NS § 1, 1980: Ord. 2795-NS § 6, 1949).

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on July 6, 2010, 2010, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: Moore.

