

ORDINANCE 2008-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMOORE AMENDING TITLE 5, CHAPTER 2, ARTICLE 1 OF THE LEMOORE MUNICIPAL CODE RELATING TO DRINKING ALCOHOLIC BEVERAGES IN PUBLIC

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

SECTION 1. Section 5-2-1 of the Lemoore City Code is amended to read as follows:

“5-2-1: DRINKING ALCOHOLIC BEVERAGES IN PUBLIC:

- A. No person shall drink any beer, wine or other intoxicating beverage on or within any street, sidewalk, alley, highway or playground within the city.
- B. No person shall bring into any park or recreation area, or possess or consume in any park or recreation area, any alcoholic beverage, without a valid alcohol use permit.
 1. Alcohol use permits for public park areas may be obtained, upon request, from the Director.
 - a. Applications for permits must be submitted forty-eight (48) hours before the desired date.
 2. The possession and/or consumption of alcoholic beverages may be authorized by the Director for persons and groups within the below-mentioned park areas.
 - a. Heritage Park Pavilion.
 - b. Lions Park Pavilion on non-school days.
 - c. Areas within public parks which may be reserved, such as individual barbeque areas together with tables and benches.
 3. Said permit shall not allow the use or consumption of any alcoholic beverage after dusk, beyond twenty (20) feet of the reserved area, or in any parking area.
 - a. For special occasions the Director may extend the permissible hours of consumption after dusk.
 4. The Director may deny issuance of a permit in the event he or she makes a finding adverse to the applicant with respect to any of the following factors:
 - a. Failure to submit a complete application.
 - b. Making a false statement of fact required to be revealed in the permit application.

- c. The applicant has been convicted of a crime involving moral turpitude.
 - d. The applicant has any prior revocation of facility use privileges in the past year.
 - e. Failure to pay reservation/permit fees.
5. If a permit is denied, the Director shall give the applicant prompt written notice of such decision, including a statement of the specific reasons for denial and the right to appeal the decision under the City's administrative hearing procedures ordinance.
6. The rights granted by the permit may be revoked by any City police officer and/or Parks & Recreation administrative staff if the permittee causes a public inconvenience or annoyance.
- C. Subsection A of this section shall not be deemed to make punishable any act or acts which are prohibited by any statute of the state of California.
- D. Any person or entity violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding six (6) months or by both such fine and imprisonment.”

This Ordinance shall take effect thirty (30) days after its adoption and the City Clerk is further directed to cause this Ordinance or a summary thereof to be published by one insertion in the Lemoore Advance, a newspaper of general circulation, published in the City of Lemoore, within fifteen (15) days after its adoption. The City Clerk is directed to cause this Ordinance to be codified after its adoption.

The foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Lemoore held on the 21st day of October , 2008, and was passed and adopted at a Regular Meeting of the City Council held on the ____ day of _____, 2008, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED

John F. Murray, Mayor

ATTEST:

Nancy C.O. Lima, CMC
City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, Nanci C.O. Lima, City Clerk of the City of Lemoore, do hereby certify the foregoing Ordinance was duly introduced at a Regular Meeting of the City Council of the City of Lemoore held on the ____ day of _____, 2008, and passed and adopted at a Regular Meeting of the City Council held on the ____ day of _____, 2008.

DATED: _____, 2008

Nanci C.O. Lima, CMC
City Clerk

