

ORDINANCE NO. 1500

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO,  
CALIFORNIA, REPEALING AND REPLACING CHAPTER 9.34 OF TITLE 9  
OF THE CITY OF RIALTO MUNICIPAL CODE**

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

**Section 1:** Chapter 9.34 of the Rialto Municipal Code is hereby repealed.

**Section 2:** Chapter 9.34 of the Rialto Municipal Code is hereby added to read in its  
entirety as follows:

**Chapter 9.34**

**ALCOHOLIC BEVERAGES IN PUBLIC PLACES**

**Sections:**

**9.34.010 Definitions.**

**9.34.020 Public Consumption of Alcohol.**

**9.34.030 Offering, Giving Prohibited Where - Exception.**

**9.34.040 Exhibition, Display Prohibited Where - Exception.**

**9.34.010. Definition.**

“Alcoholic beverage” when 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 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.

**9.34.020 Alcohol in Public Places.**

A. Possession of Open Container Unlawful in Public Places. It is a misdemeanor for any person to possess an open container containing any alcoholic beverage in or upon any public park, street, alley, highway or other public place, except in or upon those public places where the drinking or consumption of alcoholic beverages is expressly permitted by law.

1           B.       Consumption of Alcoholic Beverages Unlawful in Public Places. It is a misdemeanor  
2 for any person to drink or consume or attempt to drink or consume any alcoholic beverage while such  
3 person is in or upon any public park, street, alley, highway or other public place, except in or upon  
4 those public places where the drinking or consumption of alcoholic beverages is expressly permitted  
5 by law.

6           C.       Offering or Furnishing Alcoholic Beverages for Consumption Unlawful in Public  
7 Places. It is a misdemeanor for any person while in or upon any public park, street, alley, highway or  
8 other public place, except in or upon those public places where the drinking or consuming of  
9 alcoholic beverages is expressly permitted by law, to offer or furnish or give, or cause to be offered or  
10 furnished or given, any alcoholic beverage to any other person with the intention that such other  
11 person shall drink or consume the alcoholic beverage while such other person is in or upon any public  
12 park, street, alley, highway or other public place, except in or upon those public places where the  
13 drinking or consumption of alcoholic beverages is expressly permitted by law.

14           D.       Exceptions to Public Consumption. The drinking or consumption and the possession,  
15 transportation, exhibition, display, offering, giving, or furnishing of alcoholic beverages may be  
16 expressly permitted by written authorization from the City Administrator in any building, facility,  
17 park, street or other place owned, leased, operated or under the management and control of the City  
18 for special events, meetings, conferences, or conventions, provided that such authorization shall be  
19 requested in writing and if granted, shall be subject to conditions and to all rules, regulations, and  
20 ordinances of the City and of the State of California, and further provided that such permit may be  
21 modified or summarily revoked at any time by the City Administrator or the Chief of Police without  
22 notice or hearing.

23 **9.34.030       Offering, Giving Prohibited Where - Exception.**

24           It is a misdemeanor for any person to offer, give, or furnish or cause to be offered or given or  
25 furnished any alcoholic beverage to any other person while such person is in or upon any public park,  
26 city hall, or other property devoted to a municipal use, except in accordance with Section 9.34.020.

1 **9.34.040 Exhibition, Display Prohibited Where - Exception.**

2 It is an infraction for any person to possess, transport, exhibit, or display any alcoholic  
3 beverages while such person is in or upon any public park, city hall, or other property devoted to a  
4 municipal use, except in accordance with Section 9.34.020.

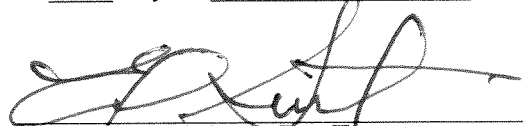
5 **Section 3: Severability.** The City Council declares that it would have adopted this  
6 Chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the  
7 fact that any one or more sections, subsections, clauses, phrases or portions thereof be declared  
8 invalid or unconstitutional. If for any reason any portion of this Chapter is declared invalid or  
9 unconstitutional, any such portion shall be deemed separate, distinct and an independent provision,  
10 such that the decision shall not affect the validity of the remaining portions thereof.

11 **Section 4:** The City Clerk is directed to publish notice of this Ordinance as required by  
12 law.

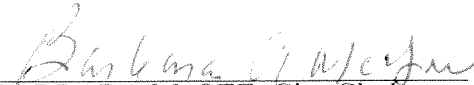
13 **Section 5:** The City Council hereby authorizes and directs the City Clerk to undertake  
14 such actions as may be reasonably necessary or convenient to the carrying out and administration of  
15 the actions authorized by this Ordinance.

16 **Section 6:** This Ordinance shall take effect and be in force thirty (30) days after its final  
17 passage.

18 PASSED, APPROVED, AND ADOPTED this 28th day of February, 2012.

19  
20   
21 ED SCOTT, Mayor Pro Tem  
22  
23  
24  
25  
26  
27  
28

1 ATTEST:

2   
3 BARBARA McGEE, City Clerk

4  
5 APPROVED AS TO FORM

6   
7  
8 JIMMY L. GUTIERREZ, City Attorney

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing  
5 Ordinance No. 1500 was duly passed and adopted at a regular meeting of the City Council of  
6 the City of Rialto held on the 28th day of February, 2012.

7 Upon motion of Councilmember Baca Jr, seconded by Councilmember  
8 Palmer, the foregoing Ordinance No. 1500 was duly passed and adopted.


9 Vote on the Motion:

10 AYES: Mayor Pro Tem Scott, Council Members: Robertson, Baca Jr., Palmer

11 NOES: None

12 ABSENT: Mayor Vargas

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
14 Rialto, this 26th day of March, 2012.

15   
16 Barbara A. McGee, City Clerk  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28