

ORDINANCE NO. 3497 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**AMENDING CHAPTER 22, ARTICLE 1, SECTION 22-1 OF THE MUNICIPAL CODE TO
ALLOW ALCOHOL SALES, CONSUMPTION AND POSSESSION IN APPROVED
OUTDOOR SEATING AREAS**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, the Monterey City Code currently prohibits the consumption and possession of alcoholic beverages on city sidewalks and public streets;

WHEREAS, the City is establishing outdoor eating and dining areas in the City public right-of-way to enhance the City's commercial district vibrancy;

WHEREAS, the City proposes to amend the Code to allow alcohol to be served in outdoor seating areas;

WHEREAS, businesses will have to amend their California Department of Alcoholic Beverage Control licenses to allow customers to consume alcoholic beverages outside; and,

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Chapter 22, Article 1, Section 22-1 is hereby amended by:

Sec. 22-1 Alcoholic beverages -- consumption and possession in public.

Except as permitted in certain picnic areas specifically listed in Chapter 23 of this Code and outdoor seating areas as allowed by encroachment permit, no person shall consume any alcoholic beverage or have in their possession any open container of any alcoholic beverage

upon any public street, park, greenbelt, plaza, sidewalk, alley, lane, wharf, pier, walkway, mall, or other public place in the City.

For purposes of this section, "open container" includes any can, bottle, or other receptacle that has been opened, has a seal broken, or the contents of which have been partially removed.

This section does not apply to individuals in possession of empty alcoholic beverage containers for recycling purposes.

SECTION 5: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 15th day of April, 2014, by the following vote:

AYES:	5	COUNCILMEMBERS:	Downey, Haffa, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City



City Clerk thereof

