

ORDINANCE NO. 3546 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMENDING MONTEREY CITY CODE SECTION 23-4 TO PROHIBIT ALCOHOL ON PUBLIC BEACHES EXCEPT BY A VALID WRITTEN PERMIT AND TO ALLOW ALCOHOL AT COLTON HALL LAWN, MONTEREY BAY PARK, FRIENDLY PLAZA AND THE LOWER PRESIDIO HISTORIC PARK WITH A VALID WRITTEN PERMIT

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

SECTION 1:

WHEREAS, Monterey City Code section 23-4 currently permits alcohol on public beaches between 6 a.m. and 10 p.m., and after 10 p.m. with a permit issued by the Director;

WHEREAS, the proposed amendments will prohibit alcohol on City beaches at all times unless a permit has been issued by the Director;

WHEREAS, consumption of alcoholic beverages on the beach has presented an increase in quality of life issues including alcohol related crime, litter, etc. Prohibiting alcohol on public beaches is expected to improve public safety;

WHEREAS, alcohol is not permitted on many other local jurisdictions' beaches, such as Asilomar State Beach, Pacific Grove, Sand City, Santa Cruz city and state beaches, and Monterey Bay Area state beaches;

WHEREAS, the City accommodates requests for alcohol to be served at events of more than 150 people taking place at the Lower Presidio Historic Park, Colton Hall lawn, Friendly Plaza and Monterey Bay Park with a special event permit;

WHEREAS, the City wants to accommodate requests for alcohol to be served at events of less than 150 people taking place at the Lower Presidio Historic Park, Colton Hall lawn, Friendly Plaza and Monterey Bay Park;

WHEREAS, the ordinance amendment will allow alcohol to be served at events of less than 150 people taking place at the Lower Presidio Historic Park, Colton Hall lawn, Friendly Plaza and Monterey Bay Park with a written permit issued by the Director;

WHEREAS, the Director may condition the manner by which alcohol sales and service shall be conducted; 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. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 3: Monterey City Code, Chapter 23, Section 23-4 is hereby amended to read as follows:

“Sec. 23-4. Alcoholic Beverages Prohibited; Exceptions.

It shall be unlawful for any person to consume or have in their possession an open container of any alcoholic beverage in any park or recreation area, except as follows:

(a) Alcoholic beverages are permitted within the areas specifically designated as picnic/barbecue facilities in City park and recreation areas.

(b) Alcoholic beverages are not permitted on public beaches except by valid written permit issued by the Director. The term “public beach” is defined as any beach area used for recreational purposes which is owned, operated or controlled by the City, State, or State or local agency, or any unimproved beach area privately owned but used by the public for recreational purposes with or without permission of the property owner.

(c) Alcoholic beverages are permitted at Colton Hall lawn, Friendly Plaza, Monterey Bay Park, and the Lower Presidio Historic Park with a valid written permit issued by the Director.”

SECTION 4: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

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 6th day of September, 2016, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barrett, Downey, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City

