

ORDINANCE NO. 2213

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS 1.20.010, 9.15.010 AND ADDING SECTION 1.20.020 TO THE CHULA VISTA MUNICIPAL CODE RELATING TO INFRACTIONS

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: Section 1.20.010 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 1.20.010 Designated-Applicability.

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be guilty of an infraction. An infraction is punishable by:
  - 1. A fine not exceeding one hundred dollars for a first violation;
  - 2. A fine not exceeding two hundred dollars for a second violation of the same ordinance within one year;
  - 3. A fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.
- B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he shall be punished accordingly.
- C. Except as provided in Section 1.20.020, this section shall supersede all other penalty sections in the Chula Vista Municipal Code and any other city ordinances.
- D. Payment of a fine shall not excuse payment of any fee required by the Municipal Code.

SECTION II: Section 1.20.020 is added to the Chula Vista Municipal Code to read as follows:

Sec. 1.20.020 Specified Misdemeanors.

- A. Notwithstanding Section 1.20.010, the following offenses are misdemeanors and punishable as such: Sections 9.09.010 and 9.15.010. However, violation of said sections shall be infraction when:

1. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor or;
2. The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on a infraction complaint.

SECTION III: Section 9.15.010 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 9.15.010 Open alcoholic beverage containers prohibited on posted premises.

- A. Any person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, and who enters, in on, or remains on the posted premises of, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 of the Business and Professions Code, or on any public sidewalk immediately adjacent to the licensed premises is guilty of an ~~infraction~~ misdemeanor.
- B. All retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 of the Business and Professions Code to operate in the City of Chula Vista shall post such licensed premises with notices clearly visible to patrons of the licensee and parking lot and to person on the public sidewalk that the provisions of Subsection A of this section are applicable. Such notices shall include language that states that possession of any opened alcoholic beverage container is prohibited by law. Any licensee who does not so post the licensed premises is guilty of an infraction.
- C. As used in this section "posted premises" means those premises which are subject to licensure under any retail off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises which are posted with notices pursuant to subsection B.
- D. As used in this section, "parking lot immediately adjacent to the licensed premises" means any parking lot under the control of or operated in conjunction with the licensed premises, except a private residential parking lot immediately adjacent to the

posted premises, unless such private residential parking lot also constitutes a "semi-public parking lot" as defined in Subsection E.

- E. Any person who consumes alcoholic beverages, or has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, and enters upon any public street, sidewalk, parkway, public parking lot, or semi-public parking lot, is guilty of a ~~infraction~~ misdemeanor. The term "semi-public parking lot" means any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise, commercial establishment, office building, or apartment building.
- F. The subsections of this section are severable. The invalidity of a subsection shall not affect the validity of the remaining subsections.

SECTION IV: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented and Approved as to form by

 5/24/17

Richard Rudolf, Assistant City  
Attorney

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FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CHULA VISTA, CALIFORNIA, HELD June 9, 1987, AND  
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD June 16,  
1987, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Cox, Moore, Nader, Malcolm, McCandliss  
NAYES: Councilmen : None  
ABSTAIN: Councilmen : None  
ABSENT: Councilmen : None

*Gregory R. Cox*  
Mayor of the City of Chula Vista

ATTEST *Jennie M. Fulasz*  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,  
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of  
ORDINANCE NO. 2213, and that the same has not been amended or repealed.

DATED \_\_\_\_\_



CITY OF  
**CHULA VISTA**

\_\_\_\_\_  
City Clerk