

ORDINANCE NO. 817

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AMENDING SECTION 9.08.030 OF CHAPTER 9.08 OF TITLE 9 OF THE GRASS VALLEY MUNICIPAL CODE REGARDING OFFENSES AGAINST PUBLIC PEACE AND DECENCY

WHEREAS, Section 9.08.030 of the Grass Valley Municipal Code generally prohibits possessing an open container of an alcoholic beverage or consuming an alcoholic beverage in most public spaces, and makes violation of that rule a misdemeanor; and

WHEREAS, state law categorizes the same violation as an infraction (Bus. & Prof. Code, § 25620); and

WHEREAS, the City Council wishes to align the Municipal Code with state law on this subject.

NOW THEREFORE, THE COUNCIL OF THE CITY OF GRASS VALLEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. CODE AMENDMENT. Subsection E of Section 9.08.030 of Chapter 9.08 of Title 9 of the Grass Valley Municipal Code is amended to read as follows:

E. Violation of this section constitutes an infraction.

SECTION 2. CEQA FINDINGS. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. This Ordinance is also exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The City Council of the City of Grass Valley declares that it would have adopted this Ordinance and each section, subsection,

sentence, clause, phrase, or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect 30 days after its adoption.

SECTION 5. PUBLICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

INTRODUCED and first read at a regular meeting of the City Council on the ____ day of _____ 2022.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting held on the ____ day of _____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Ben Aguilar, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael G. Colantuono, City Attorney

Andy Heath, Acting City Clerk