

AN ORDINANCE OF THE CITY OF STAR, ADA AND CANYON COUNTIES, IDAHO, AMENDING TITLE 4 OF THE STAR CITY CODE, ALLOWING FOR REPEAL; ALLOWING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Star, in Canyon & Ada Counties, in the State of Idaho, as follows:

SECTION 1: “TITLE 4 PUBLIC SAFETY” (Amended)

Hereby amended as follows:

CHAPTER 9

OPEN CONTAINERS IN PUBLIC

SECTION 4-9-1: Definitions.

PUBLIC STREET: Entire width between the boundary lines of every way or place open to the public for motorized or nonmotorized vehicular travel, including any sidewalk or way intended for pedestrian travel. Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

~~4-9-2: UNLAWFUL TO HAVE POSSESSION OF AN OPEN CONTAINER:~~

~~Except as otherwise permitted by statute or ordinance, it shall be unlawful for any person to have in his or her possession any open container of any alcoholic beverage in any of the following areas:~~

- ~~—A. On any street;~~
- ~~—B. In any public or private parking lot if open to the public;~~
- ~~—C. In or upon any public or private motor vehicle;~~
- ~~—D. Upon any public or private property if open to the public; and~~
- ~~—E. Within the city park system, it shall only be unlawful to possess or consume any alcoholic beverage upon any street, parking lot, or restroom.~~

~~4-9-3: UNLAWFUL TO CONSUME ALCOHOLIC BEVERAGES:~~

~~Except as otherwise permitted by statute or ordinance, it shall be unlawful for any person to consume any alcoholic beverage in any of the following areas open to the public:~~

- ~~—A. On any street;~~
- ~~—B. In any public or private parking lot;~~
- ~~—C. In or upon any public or private motor vehicle;~~
- ~~—D. Upon any public or private property if open to the public; and~~
- ~~—E. Within the city park system, it shall only be unlawful to possess or consume any alcoholic beverage upon any street, parking lot, restroom, within 75 feet of a skate park or playground, or within 200 feet of a sanctioned youth league sporting event.~~

SECTION 4-9-2: UNLAWFUL CONSUMPTION OF OR POSSESSION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACE:

A. Definitions: As used in this section, the following words and phrases shall have the meanings given herein when not inconsistent with the context. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ALCOHOLIC BEVERAGE: Any beverage containing alcohol that is a product of distillation of any fermented liquor, or synthetic ethyl alcohol, including liquor, spirits, beer, wine or any liquid containing liquor, spirits, beer or wine.

BEER: Any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt or other ingredients in drinkable water.

PUBLIC PLACE: An area to which the general public has an unrestricted right of access and that is generally open or used by the public, regardless of whether it is publicly or privately owned. Examples of public places include, without limitation, streets, highways or public rights-of-way, sidewalks, bridges, alleys, plazas, parks, public driveways, parking lots, transit stations, trains, buses, moving or stationary motor vehicles, shelters, tunnels and buildings, including, without limitation, stores and restaurants.

B. Specified: Except as otherwise provided by license, permit or law, it shall be unlawful for any person:

1. To consume any alcoholic beverage in a public place within the City; or
2. To possess, in a public place within the City, any alcoholic beverage in any bottle, can or other receptacle which has been opened, or has a seal broken, or where the contents of which have been partially removed.

C. Exceptions: The provisions of this section shall not apply to the possession or consumption of any alcoholic beverage by a person who is at least twenty one (21) years of age when such possession or consumption occurs:

1. Within any private residence or upon the yard thereabout, or within any apartment, duplex, condominium, boarding house or other structure lawfully used as a permanent residence, or within any common area or area designated exclusively for and appurtenant to such residential occupancy;

2. Within an establishment, business place or other location properly licensed and permitted by the State, the County and the City for the consumption of any alcoholic beverage;

3. Pursuant to a valid City special event permit issued by the City; provided, that the alcoholic beverage is held in an opaque plastic container that is not labeled or branded by an alcohol manufacturer or distributor and that such possession or consumption does not occur on or in the Boise River. (Ord. 30-15, 7-7-2015; amd. Ord. 19-18, 6-5-2018; 2019 Code; Ord. 53-20, 1-12-2021)

SECTION 4-9-3: ALCOHOLIC BEVERAGES WITHIN THE CITY PARK SYSTEM:

- A. Possession of consumption of an alcoholic beverage shall be allowed within the city park system except within or upon any of the following locations that are associated with the city park system: Any street;
- B. Parking lot;
- C. Restroom;
- D. Within seventy-five (75) feet of the skate park;
- E. Within seventy-five (75') feet of a playground; or
- F. Within two hundred (200) feet of any organized eighteen (18) or younger event.

SECTION 2: REPEALER CLAUSE All ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from date of passage, publication, and signature of the Mayor according to law.

PASSED AND APPROVED BY THE CITY OF STAR MAYOR AND CITY COUNCIL ON _____.

	Aye	Nay	Absent	Abstain
Kevan Wheelock				
David Hershey				
Jennifer Salmonsén				
Kevin Nielsen				

Trevor A Chadwick, Mayor

ATTEST: _____
Jacob M Qualls, City Clerk / Treasurer

DRAFT