

ORDINANCE NO. 1013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING TITLE 5 OF THE LANCASTER MUNICIPAL CODE BY ADDING A NEW SECTION 5.04.055 TO CHAPTER 5.04, RELATING TO BUSINESS LICENSES AND THE ESTABLISHMENT OF OPERATIONAL REQUIREMENTS FOR CERTAIN TYPES OF BUSINESSES

WHEREAS, the City Council of the City of Lancaster finds and declares that the purchase of alcoholic beverages intended for off-site consumption, when such beverages are purchased in smaller single servings, contributes to conditions and activities that constitute a public nuisance, including but not limited to loitering, drinking in public, littering and panhandling; and

WHEREAS, the City Council further finds and declares that smaller single-serving purchases occur both at alcoholic beverage establishments that operate as a “deemed approved” establishment as well as those that operate under a Conditional Use Permit issued by the City; and

WHEREAS, the City Council further finds and declares that it is necessary to establish minimum single sizes of alcoholic beverage containers which may be purchased for off-site consumption from “deemed approved” establishments as well as from those that operate under a Conditional Use Permit, in order to protect public health, safety and welfare by deterring, preventing and/or mitigating certain public nuisance conditions and activities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 5.04 of the Lancaster Municipal Code is hereby amended by adding a new Section 5.04.055 as follows:

5.04.055 Operational Requirements for Certain Types of Businesses.

A. Alcoholic Beverage Establishments.

It is prohibited for any alcoholic beverage establishment, whether operating as an existing deemed approved business as defined in Chapter 17.42 of this Code, or under a conditional use permit duly issued by the City, to allow, permit or facilitate the purchase of alcoholic beverages by any person for off-site consumption as follows:

1. (a) Individual container cans or bottles of beer, except that the business operator may establish a system in which no less than six (6) individual containers, not less than twelve (12) ounces in size, may be combined for a single purchase;

(b) Malt beverage products, regardless of container size, in quantities of less than six (6) per purchase, except in manufacturer's pre-packaged four-packs;

(c) Wine in containers less than 750 milliliters, and wine coolers except in manufacturer's pre-packaged multi-unit quantities;

(d) Distilled spirits in containers less than 350 milliliters.

2. The prohibitions set forth in this subsection do not apply to the purchases at the following alcoholic beverage establishments:

a. An establishment containing public space of 10,000 square feet or larger. For purposes of this subsection, public space includes all portions of the structure regularly utilized for display of wares including aisle areas, customer transactions, and customer access and passage through the establishment; warehousing or storage space does not constitute public space.

b. An establishment holding any of the following licenses issued by the California Department of Alcoholic Beverage Control:

i. Type 01: Beer Manufacturer (large brewery)

ii. Type 02: Winegrower (winery)

iii. Type 23: Small Beer Manufacturer (brew pub or micro-brewery)

SECTION 2. The City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Britt Avrit, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 24th day of May, 2016, and placed upon its second reading and adoption at a regular meeting of the City Council on the _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }ss
CITY OF LANCASTER }

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 1013, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
