

**5.12.080 Consuming, mixing or possession of alcoholic beverages in public places.**

A. It is unlawful for any person to consume any intoxicating liquor or malt beverage or to mix or blend any alcoholic beverage with any other beverage, regardless of whether the beverage is an alcoholic beverage, in any public place, other than upon the premises of a licensed on-sale retailer where the alcoholic beverage was purchased from the dealer for on-sale purposes.

B. It is unlawful for any person to possess an alcoholic beverage, in an unsealed container or in an open receptacle, in any public place other than upon the premises of a licensed on-sale retailer where the alcoholic beverage was purchased from the retailer for on-sale purposes.

C. Nothing in this section shall be construed to prohibit the sale of consumption of malt beverages on the licensed premises of a park concessionaire as long as the malt beverages are purchased from the concessionaire.

D. Notwithstanding subsections A., B., and C., the City Council may authorize consumption of blending of alcoholic beverages in a public place, but not the sale of the same, in or upon property described by the City Council, which property is publicly-owned, or owned by a nonprofit corporation. The authorization shall not exceed 24 hours and hours of consumption shall not exceed those permitted for on- sale licensees.

E. A licensee that is licensed to sell wine on-sale may permit a customer to carry out the unconsumed portion of a bottle of wine if the customer purchased the bottle of wine from the licensee and consumed a portion of it with a meal that was prepared and served by the licensee at a table on the licensed premises. The licensee shall securely reseal the bottle of wine with a cork or other similar cap and place the bottle in a sealed bag or other container. The licensee shall also attach a receipt for the meal and the wine to the bag or container. A bottle of wine that is recorked and sealed as provided in this subsection is not a violation of the provisions of subsection B. if the cork and the seal have not been disturbed.

F. A licensee that is licensed to sell wine on-sale may permit a customer to bring a sealed and unopened bottle of wine onto the licensed premises for consumption by the customer while eating a meal that was prepared by the licensee and that was served at a table on the licensed premises. The licensee may charge a corkage fee for serving wine supplied by a customer. Consumption of wine pursuant to this subsection is not a violation of subsection A. The customer may carry out the unconsumed portion of the bottle of wine if it is securely resealed by the licensee as provided in subsection E. Such resealed bottle is not a violation of subsection B. if the cork and seal have not been disturbed.

(Ord. 5880, 2012; Ord. 5399, 2008)

**5.12.090 Distribution of on-sale alcoholic beverages and vehicular fuel prohibited.**

It is unlawful for a licensee or his or her employees to offer for sale alcoholic beverages to be consumed on the licensed premises, if motor fuel is also sold to motor vehicles engaged in intrastate or interstate transportation on the same licensed premises, unless the structure or building in which the alcoholic beverages are sold and consumed is separated by at least 100 feet from the building or structure where motor vehicle fuel is sold.

(Ord. 5399, 2008)