

**AMENDED AND RESTATED
ORDINANCE NO. 1993-2
(ALCOHOL ORDINANCE)
(As amended November 8, 2012)**

**AN ORDINANCE OF THE ISLA VISTA RECREATION & PARK DISTRICT PROHIBITING
ALCOHOLIC BEVERAGES, EXCEPT BY DISTRICT PERMIT, AT ALL DISTRICT PARKS**

The Board of Directors of the Isla Vista Recreation and Park District (called the "Park District" herein) ordains as follows:

1. Ordinance No. 1993-2 is amended and restated in its entirety as hereafter set forth.
2. Alcoholic beverages may be possessed or consumed in Park District parks only under a Park District event alcohol permit. Without a permit, no person shall, in or upon any Park District park, consume any alcoholic beverage, or be in possession of any bottle, can, or other receptacle containing any alcoholic beverage which is open or has a broken seal or the contents of which have been partially removed.
3. The District will cause at least one sign to be posted in each Park District park stating that alcohol is not allowed.
4. The District may refuse to issue a permit to any person who:
 - a. is under the age of 21, or is intoxicated at the time of application; or
 - b. at a previous event held under an event alcohol permit:
 - i. was intoxicated, or
 - ii. engaged in acts or threats of violence against another person, or
 - iii. committed acts of vandalism or caused damage to property, or
 - iv. harassed other park users, including, but not limited to, excessive noise, or
 - v. violated any California law, rule or regulation, or any ordinance, rule or regulation of the Park District or Santa Barbara County.
5. The Park District or a peace officer may immediately revoke an event alcohol permit if there is any act or threat of violence by a person present in a Park District park under that event alcohol permit.
6. The General Manager of the Park District shall issue rules, procedures and forms for administration of and application for event alcohol permits and for administrative hearings in the case of denied permits. The General Manager will appoint one or more other Park District employees to administer the event alcohol permits program.
7. Any person who is denied a permit or has a permit revoked may, within ten (10) days of the denial, make a written request for an appeal hearing by the General Manager. The hearing will be consistent with the requirements of the Due Process Clause of the California and United States constitutions. If the General Manager participates in any investigation or decision to deny or revoke a permit, a neutral hearing officer will be appointed to hear the appeal. The appellant will

be given at least five (5) days written notice of the date, time, and place for the hearing. The hearing will be informal. Rules of evidence will not apply, however, the decision of the hearing officer will be based on competent evidence produced at the hearing. The appellant will have the right to counsel at appellant's expense, the right to cross-examine adverse witnesses and the right to produce evidence. The hearing officer will issue a decision within two (2) business days from the date of the hearing.

8. Violation of this Ordinance is an infraction with a fine of one hundred dollars (\$100.00) or the maximum allowed by law at the time of the violation. The District park ranger, any peace officer, including but not limited to, members of the Isla Vista Foot Patrol, Santa Barbara County Sheriff's Department, California Highway Patrol and University of California Campus Police, shall have the authority to enforce this Ordinance. Furthermore, at the direction of the General Manager, District staff shall have the authority to deny use of District parks, facilities and programs to individuals and groups who violate this ordinance.
9. Removal of Violators: When it reasonably appears that a person has violated this ordinance, the General Manager of the Isla Vista Recreation and Park District, or any other person authorized to enforce this ordinance, may direct said person to leave the park and to remain out of all District parks for a period of 48 hours. A second violation of this ordinance may result in said person being directed to remain out of all District parks for a period of up to one year. Refusal to leave, or returning to District parks within the time prescribed is a violation of this ordinance and the violator may be subject to arrest. This section is not intended to replace or supersede Section 148 of the California Penal Code.
10. This ordinance will be effective thirty (30) days from the date of adoption or publication, whichever date occurs last.

The foregoing Amended and Restated Ordinance was adopted at a regular meeting of the Board of Directors of the Isla Vista Recreation and Park District held on November 8, 2012 by the following vote:

AYES: DREIZLER, WARFIELD, LAGERQUIST, MURDOCK

NOES:

ABESTENTIONS:

ABSENT: NEUSHUL

ATTEST

Rodney Gould, Secretary of the Board

Leif Dreizler, Acting Chairperson