

ORDINANCE NO. 11-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK, ARIZONA, AMENDING THE CITY CODE, CHAPTER 3, ARTICLE 3-4 GENERAL OFFENSES, ADDING SECTION 3-4-10, INTOXICATING BEVERAGES AND ARTICLE 3-7, CITY PARKS, BY AMENDING SECTION 3-4-3 INTOXICATING BEVERAGES; PERMIT REQUIRED, ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEAL AND SEVERABILITY.

WHEREAS, the City of Holbrook desires to revise Holbrook City Code for Intoxicating beverages on City streets, sidewalks, alleyways, public rights of ways, playgrounds, ball fields or parks within the City limits of the City of Holbrook; and

WHEREAS, Staff has reviewed the Public Health and Safety Code and is recommending the following changes; and

WHEREAS, said amendment is authorized by A.R.S. § 9-462.01.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK, ARIZONA:

Section 1. AMENDMENT

Chapter 3 of the City of Holbrook City Code, Article 3-7, City Parks, Section 3-7-3, Intoxicating beverages; permit required is hereby amended to read as follows, with deletions shown as strikethroughs, and with added language shown in CAPS and underlined:

ARTICLE 3-4 GENERAL OFFENSES

3-4-10 INTOXICATING BEVERAGES

NO PERSON SHALL HAVE IN THEIR POSSESSION SPIRITUOUS LIQUOR OF ANY KIND ON CITY OWNED FACILITIES, ALLEYWAYS, CULVERTS OR DRAINAGE DITCHES.

Article 3-7 City Parks

3-7-3 Intoxicating Beverages; Permit Required

No person shall ~~consume~~ **HAVE IN THEIR POSSESSION** spirituous liquor of any kind on the City playgrounds, ball fields or parks.

Section 2 That any and all other prior ordinances or parts of ordinances in conflict herewith are hereby repealed to that extent.

Section 3 That any person found guilty of violating any provisions of this ordinance may be punished by a fine of up to \$2,500.00, or by imprisonment for up to six (6) months in jail, or by both such fine and imprisonment. Each day a violation continues shall constitute a separate offense punishable as hereinabove provided.

Section 4 If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments of any court of competent jurisdiction, such decision adopted herein is for any reason held to be invalid or unconstitutional by the decision shall not affect the validity of the remaining portions thereof.

Section 5 That the City Clerk is hereby authorized and directed to publish and post this Ordinance in accordance with State law.

Section 6 The effective date of this Ordinance shall be thirty (30) days following adoption.

PASSED AND ADOPTED, by the Mayor and Council of the City of Holbrook, Arizona, this 1st day of March 2011.



Jeff Hill, Mayor

ATTEST:



Cher Reyes, CMC, CPM, City Clerk

APPROVED AS TO FORM:



Marlene Pontrelli, City Attorney