

Article 8: Minors

Division 5: Restricting the Advertising of Alcoholic Beverages to Youth

*(“Restricting the Advertising of Alcoholic Beverages to Youth”
added 11-14-2000 by O-18879 N.S.)*

§58.0501 Definitions

All terms defined in this Division appear in italics.

For purposes of this Division:

Advertising means printed matter that calls the public's attention to things for sale.

Alcoholic beverages means any substance containing one-half of one percent or more alcohol by volume and which is fit for consumption as a beverage either alone or when combined with other substances.

Billboard means any sign space that is permanently placed on or affixed to the ground, the sidewalk, a pole or post, or a building, and is not appurtenant to the use of the property, a product sold, or the sale or lease of the property on which displayed and which does not identify the place of business as purveyor of the merchandise or services advertised upon the sign. *Billboard* also means any sign space that is permanently placed on a vehicle that is used primarily for the purpose of displaying outdoor advertising.

Child care center means a public or licensed private child care that has a continuous enrollment of no fewer than twenty-five (25) children and is clearly identified on the outside of the facility as a childcare center;

City has the same meaning as in Municipal Code section 11.0210.

Director has the same meaning as in Municipal Code section 11.0210.

Library means any public library operated by the *City* and clearly identified on the outside of the facility as a library.

Person has the same meaning as in Municipal Code section 11.0210.

Playground means any outdoor premises or grounds owned or operated by the *City* that contains any play or athletic equipment used or intended to be used by minors.

Recreation center or facility means any recreation center or facility owned or operated by the *City*, and clearly identified on the outside of the facility as a *City* recreation center or facility.

School means any public or licensed private elementary or secondary school, that is clearly identified on the outside of the facility as a school, attendance at which satisfies the compulsory education laws of the State of California.

(“Definitions” amended 5-6-2003 by O-19173 N.S.)

§58.0502 Measure of Distance

The distance between any *billboard* and any *school, playground, recreation center or facility, child care center, or library* shall be measured in a straight line, without regard to intervening structures, from the *billboard* to the closest property line of the *school, playground, recreation center or facility, child care center, or library*.
(Amended 5-6-2003 by O-19173 N.S.)

§58.0503 Advertising Restrictions

It is unlawful for any *person, business, or retailer* to place or maintain, or cause to be placed or maintained, any *advertising of alcoholic beverages* on a *billboard* that is within 500 feet of a *school, playground, recreation center or facility, child care center, or library* or that is more than 500 feet and the billboard face and its advertisement are clearly visible from a *school, playground, recreation center or facility, child care center, or library*. This section does not apply to any noncommercial message.
(Amended 5-6-2003 by O-19173 N.S.)

§58.0504 Enforcement

Violations of this Division shall be prosecuted as infractions for the first offense, and may be prosecuted as misdemeanors for subsequent offenses, subject to the fines and custody provided in Municipal Code Section 12.0201. Any *Director* may also seek injunctive relief and civil penalties pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy as provided in Chapter 1 of this Code.
(Amended 5-6-2003 by O-19173 N.S.)