

**Sec. 16-185. - Possession of open container of alcoholic beverage or consumption of alcoholic beverage in certain public places.**

- (a) It shall be unlawful for any person to possess any alcoholic beverage on any street, sidewalk or city parking facility unless such alcoholic beverage is in the original container and the seal is unbroken.
- (b) It shall be unlawful for any person to consume any alcoholic beverage on any street, sidewalk or city parking facility.
- (c) The definition of "alcoholic beverages" contained in Chapter 4 shall apply to this section.
- (d) This section shall not apply to possession or consumption of any alcoholic beverage in a licensed motor vehicle.
- (e) This section shall not apply to the possession or consumption of alcoholic beverages served by an establishment licensed under section 4-48 of this Code provided that the restrictions of that section are observed.
- (f) The city council may temporarily exclude any street from the provisions of this section in connection with the temporary closing of the street for a special event.
- (g) A violation of this section is a class B misdemeanor.
- (h) In prosecutions under this section, there is a rebuttable presumption that a container marked or labeled as containing an alcoholic beverage actually contains the described alcoholic beverage. This rebuttable presumption applies only in cases where a sample of the contents of the container has been preserved and is available to the defendant for testing.

(Ord. No. 14048, § 1, 5-2-94; Ord. No. 17600, § 2, 2-17-03; Ord. No. 18460, § 2, 3-21-05; Ord. No. 23698, § 3, 11-5-18, eff. until 12-31-19)

**Editor's note—** Ordinance No. 23698 shall be in full force and effect from and after its passage until December 31, 2019. Per city's request, provisions pertaining to pedal trolleys have been updated due to the expiration of sunset clause.