

ORDINANCE NO. 2026-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS ADDING CHAPTER 12.20 TO TITLE 12 OF THE WINTERS MUNICIPAL CODE AND ESTABLISHING AN ENTERTAINMENT ZONE

WHEREAS, Senate Bill 969 (2024) authorizes the City of Winters ("City") to establish an entertainment zone, by ordinance, which allows for consumption of one or more types of alcoholic beverages on public streets, sidewalks, or public rights-of-way, subject to certain requirements, including providing specific information relating to the entertainment zone to the California Department of Alcoholic Beverage Control ("ABC"); and

WHEREAS, the City notified the City of Winters Police Department ("Winters Police Department") and request feedback on both of the following: (1) potential health and safety impacts that might be generated by the entertainment zone and strategies to mitigate those impacts; and (2) the entertainment zone's proposed boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved nonglass and nonmetal containers; and

WHEREAS, the City must also establish a process or procedure by which persons in possession of alcoholic beverages in the entertainment zone may be readily identifiable as being 21 years of age or older; and

WHEREAS, upon establishing or modifying an entertainment zone, the City must also provide all of the following to ABC: (1) a copy of the ordinance establishing or modifying the entertainment zone; (2) information as may be necessary to identify the boundaries of the entertainment zone; (3) the days and hours of operation of the entertainment zone; (4) the types of alcoholic beverages permitted within the entertainment zone; and (5) the approved nonglass and nonmetal containers in which alcoholic beverages may be authorized; and

WHEREAS, the City shall review the operation of the entertainment zone every two (2) years following the adoption of the entertainment zone to ensure that the entertainment zone is being maintained in a manner that protects the health and safety of the general public; and

WHEREAS, the City must conduct this review in consultation with the Winters Police Department, and any reports produced during this review shall be made available to ABC upon request.

NOW, THEREFORE, the City Council of the City of Winters does ordain as follows:

SECTION 1. Recitals. The above recitals are hereby declared to be true and correct findings of the City Council of the City of Winters.

SECTION 2. Addition. Chapter 12.20 is hereby added to Title 12 of the Winters Municipal Code, as provided in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 3. Severability. The provisions of this Ordinance are severable, and the invalidity, unenforceability, or unconstitutionality of any section, portion, or part of this Ordinance shall not affect the validity of the remainder of the Ordinance.

SECTION 4. CEQA. The City Council hereby finds and determines that the Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3)("common sense exemption") of the CEQA Guidelines because there no possibility that the general policymaking and/or administrative activity in the Ordinance will have a significant effect on the environment.

SECTION 5. Publication. The City Clerk shall certify to the adoption of this Ordinance and the City Clerk shall cause this Ordinance or a summary thereof to be published as required by law.

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after adoption.

PASSED AND ADOPTED by the City Council of the City of Winters on this 5th day of 2026, 2026, by the following vote:

AYES: Council Members Casavecchia, Loren, Scianna, Mayor Pro Tem Biasi, Mayor Vallecillo

NOES: None

ABSTAIN: None

ABSENT: None

CITY OF WINTERS



Albert Vallecillo, Mayor

ATTEST:



Jeremy Craig, City Clerk

EXHIBIT A
CHAPTER 12.20:
ENTERTAINMENT ZONE

- 12.20.010 Purpose
- 12.20.020 Definitions.
- 12.20.030. Entertainment Zone Controls.
- 12.20.040 Implementation.
- 12.20.050. Entertainment Zone Location.
- 12.20.060. Entertainment Zone Event Hours
- 12.20.070 Entertainment Zone Insurance and Indemnity Requirements
- 12.20.080 Biennial Review

12.20.010 Purpose.

The purpose of this chapter is to implement Senate Bill 969 (2024) through the establishment and regulation of entertainment zones to allow the purchase of open container alcoholic beverages from local wineries, breweries and on-sale licensees (such as bars, restaurants, etc.) for consumption outside in common spaces such as public streets, sidewalks, , or public rights-of-way during certain hours .

12.20.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- (a) "ABC" means the California Department of Alcoholic Beverage Control.
- (b) "Alcoholic beverage" has the same meaning as set forth in Section 23004 of the California Business and Professions Code.
- (c) "City Council" means the City Council of the City of Winters.
- (d) "City Manager" means the City Manager or his or her designee.
- (e) "Entertainment Zone" has the same meaning as set forth in Section 23039.5 of the California Business and Professions Code, as may be amended from time to time, with the location described under Section 12.20.050.
- (f) "Entertainment Zone Event" means an event during which the consumption of one or more types of alcoholic beverages is authorized on public streets, sidewalks, or public rights-

of-way that occurs within the boundaries of an Entertainment Zone established in accordance with this Chapter and within the hours permitted as described under Section 12.20.060, in compliance with ABC requirements, and if applicable, the requirements of a special event permit.

(g) "Management Plan" means a plan approved by the City Council for the management and regulation of the Entertainment Zone and Entertainment Zone Events.

(h) "Open container" means any bottle, can, jug, box, or other receptacle that is open or has been opened and contains any alcoholic beverage. The open container shall not be glass or metal.

12.20.030 Entertainment Zone Controls.

(a) All commercial entities and organizations sponsoring any Entertainment Zone Event or selling alcoholic beverages at an Entertainment Zone Event shall comply with all applicable state and local laws and regulations, including but not limited to the following:

- (1) All applicable ABC license and permitting requirements;
- (2) Sections 23357, 23358, and 23396 of the California Business and Professions Code, as may be amended from time to time, regulating licensed beer manufacturers, licensed winegrowers, and on-sale licensees, respectively;
- (3) All other laws governing the sale and consumption of alcoholic beverages and any and all permits and licenses issued pursuant thereto;
- (4) Any applicable Management Plan(s) issued by the City Council under this Chapter;
- (5) All permit conditions and requirements for special events, including street closures imposed under Section 12.04.020.

(b) Open alcoholic beverages may be consumed only within an Entertainment Zone during an Entertainment Zone Event, subject to any other restrictions imposed by state or local law.

(c) All open alcoholic beverages consumed during an Entertainment Zone Event shall be purchased only from a licensed premises located within the Entertainment Zone that is authorized under California Business and Professions Code Section 23357, 23358, or 23396, as may be amended from time to time, to permit consumers to leave the premises with open containers of alcoholic beverages for consumption off the premises, or a commercial entity or organization that is authorized by an ABC special event permit or license to make such sales within the Entertainment Zone.

(d) Smoking shall be banned in the Entertainment Zone, except in alleys.

12.20.040 Implementation.

(a) The City Manager has the authority to issue administrative policies and rules for the implementation of this Chapter.

(b) Within 30 days of the effective date of this Chapter, the City Manager shall issue rules for the implementation of this Chapter. The City may revise these rules from time to time as it deems appropriate.

(c) Within 30 days of the establishment or modification of an Entertainment Zone, the City Manager shall do the following:

(1) in consultation with the Winters Police Department, provide all of the following information to ABC pursuant to Section 25690 of the California Business and Professions Code:

(A) A copy of the ordinance establishing or modifying the Entertainment Zone;

(B) Information as may be necessary to identify the boundaries of the Entertainment Zone;

(C) The days and hours of operation of the Entertainment Zone and Entertainment Zone Events;

(D) The types of alcoholic beverages permitted within the Entertainment Zone; and

(E) The approved nonglass and nonmetal containers in which alcoholic beverages may be authorized; and

(2) issue a Management Plan for the Entertainment Zone, as follows:

(A) The Management Plan shall establish a process or procedure to readily identify individuals purchasing, consuming, or possessing alcoholic beverages within the Entertainment Zone as being 21 years of age or older;

(B) The Management Plan shall require that any person, commercial entity or organization seeking a City permit for an Entertainment Zone Event shall comply with all insurance requirements applicable to that permit, and all rules and regulations authorized by the City; and

(C) The Management Plan may include requirements not otherwise imposed by state or local law, including but not limited to additional requirements for permissible beverage containers, additional restrictions on the hours of operation for Entertainment Zone Events, and any other time, place, and manner restrictions; and

(D) Upon issuance or revision of a Management Plan, the City Manager shall transmit a copy of that Management Plan to ABC.

(c) Any holder of an ABC license or permit that wishes to allow customers to leave the premises with open containers of alcoholic beverages for consumption off the premises within an Entertainment Zone during an Entertainment Zone Event shall provide to the City a copy of the notice required under Sections 23357, 23358, or 23396 of the California Business and Professions Code, as applicable, at the same time such notice is provided to ABC.

12.20.050 Purpose. Entertainment Zone Location.

(a) Pursuant to California Business and Professions Code Sections 23039.5 and 25690, the City Council hereby designates and establishes the following boundaries as the Winters Downtown Entertainment Zone.

Winters Downtown Entertainment Zone - All public streets, public rights-of-way, and sidewalks in front of storefronts and establishments holding permits or licenses from ABC located within the zone created by the following perimeter:

- a. Beginning at the intersection of First Street and Russell Street, running north to Abbey Street (including 400 Railroad Street (APN003-155-005), then east to Elliott Street, then south to East Main Street, then west to Railroad Avenue, then south to Russell Street, and then west to First Street.

12.20.060 Entertainment Zone Event Hours.

(a) Outdoor consumption of alcoholic beverages within the Winters Downtown Entertainment Zone is authorized only during City downtown street closure dates during Friday through Sunday, March 1 through October 31 of each year from 12:00 p.m. to 11:59 p.m., inclusive. During the months of June, July and August, the Winters Downtown Entertainment Zone will expand its hours to include Thursday evenings from 12:00 p.m. to 11:59 p.m., inclusive, subject to any additional limitations imposed by any one or more of the following:

- a. Any ABC permit or license; or
- b. The management plan approved for the Entertainment Zone; or

12.20.070 Entertainment Zone Insurance and Indemnity Requirements.

(a) The Entertainment Zone does not affect, alter, or change the City's general permit process for special events downtown, even if within the Entertainment Zone. The Entertainment Zone does not in any way permit activities that are not expressly authorized herein. All applicants must abide by the City's special event permitting process prior to any special event.

(b) Prior to issuance of a City permit for a special event in the Winters Downtown Entertainment Zone during an Entertainment Zone Event, the permit applicant shall submit evidence of general liability insurance coverage, which at a minimum must comply with the requirements set forth by the City's special event policy governing insurance requirements for City permits.

(c) No person shall conduct a special event in the Winters Downtown Entertainment Zone during an Entertainment Zone Event without the insurance required by this section being in full force and effect.

(d) The permit holder shall defend, indemnify and hold harmless the City, its officers, employees, and agents from and against all actions, losses, damages, liability, costs, and expenses of every type and description, including attorney's fees, arising directly or indirectly, in whole or in part, from the acts or omissions of the permit holder or its officers, employees, or agents.

12.20.080 Biennial Review.

Every year, the City Council shall review the operation of the Entertainment Zone to ensure that the zone is being maintained in a manner that protects the health and safety of the general public. This review shall be conducted in consultation with the Winters Police Department and the City Manager. Any findings or reports produced during this review shall be made available to ABC upon request. The review shall include a discussion of the general operational results and a survey of businesses within the Entertainment Zone which shall include criteria deemed relevant by the City.