

Meeting Date: April 11, 2017



Agenda Item #: 8A

CITY COUNCIL AGENDA ITEM

Contact Information:

Contact Name: Peter Thomas

Dept. Director: Peter Thomas

Contact Number: 386-775-5474

City Manager: Dale Arrington

Type of Item:

| | | | | | |
|-------------------------------------|---------------------|--------------------------|--------------------------|--------------------------|------------|
| <input type="checkbox"/> | Consent Agenda | <input type="checkbox"/> | Ordinance First Reading | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Council Approval | <input type="checkbox"/> | Ordinance Second Reading | <input type="checkbox"/> | Workshop |
| <input checked="" type="checkbox"/> | Discussion & Action | <input type="checkbox"/> | Public Hearing | | |

SUBJECT: Review of Alcoholic Beverage Ordinance

BACKGROUND:

At the September 10, 2014 City Council meeting there was a discussion and presentation regarding Orange City's current alcoholic beverage ordinance. The presentation addressed the absence of any city regulation of an open container of alcoholic beverages while on sidewalks and public rights-of-way. It also addressed the absence of any state regulation of an open container of alcoholic beverages while on public property. At this meeting the City Council decided not to amend the ordinance by adding a section addressing open containers of alcoholic beverages while on public property other than public parks.

Orange City currently has multiple sections under our codes that address the consumption and possession of an alcoholic beverage however; these chapters do not address open containers of alcoholic beverages on all sidewalks and all rights-of-ways and are vague and unregulated.

- **Chapter 10.5, Leisure Services** - prohibits the possession of an alcoholic beverage in a public park or recreation facility unless a permit is issued by the city.
- **Chapter 8, Zoning** - prohibits consuming or serving alcoholic beverages on the premises of any pain management clinic, including in the parking areas, sidewalks, or adjacent right-of-way.

- **Chapter 3, Alcoholic Beverages** – Regulates hours of sales and certain conduct of people within an establishment dealing in alcoholic beverages
- **Chapter 2.5, Adult Entertainment** – Regulates the display or the exposing of specified anatomical areas at an establishment where alcoholic beverages are sold, offered for sale or consumed.

Local regulations may regulate the consumption and possession of an alcoholic beverage in public places such as a sidewalk, rights-of-ways or parks. The City of Orange City currently does not have any regulation of an open container of alcoholic beverages while on most sidewalks and most rights-of-way. Several cities in Volusia County have open container laws such as:

“It is unlawful within the city for any person to purchase, use, offer for sale, possess, consume or carry in any cup, glass, can or other open or unsealed container any alcoholic beverage on the public streets, sidewalks, alleys or rights-of-way, or in or upon any parking area or other area outside of and adjacent to the licensed premises of a vendor of alcoholic beverages.

At this time the environment of Orange City has changed and staff believes the City Council should be updated and review Chapter 3 & Chapter 10.5, as they relate to Alcoholic Beverages.

COUNCIL DISTRICT(S):

| | | | | | | |
|------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| District: | City Wide | 1 | 2 | 3 | 4 | 5 |
| Council Member: | All | O'Connor | Allebach | Mahoney | Pupello | Robinson |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Additional Comments:

RECOMMENDATIONS:

It is recommended that Council discuss this matter and determine if they believe additional requirements are needed to govern consumption of alcoholic beverages in public settings. Because of the changing environment, Police are starting to see more people consuming alcohol on the public rights of way. Staff recommends amending chapter 3 to add a section prohibiting open containers on the sidewalks and rights of way. While doing this, it may be appropriate to consider amending chapter 10.5 to require City Council approval of alcohol sales for special events in parks (based upon anticipated crowd size).

ATTACHMENTS:

None

FINANCIAL IMPACT:

None

STRATEGIC PLAN:

Goal, Public safety – Priorities, Provide high quality public services