

Meeting Date: May 9, 2017



Agenda Item #: 8B

# CITY COUNCIL AGENDA ITEM

### Contact Information:

<b>Contact Name:</b>	Peter Thomas	<b>Dept. Director:</b>	Peter Thomas
<b>Contact Number:</b>	386-775-5474	<b>City Manager:</b>	Dale Arrington

*[Handwritten signatures: Peter Thomas and 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 April 11, 2017 City Council meeting staff completed a presentation regarding an ordinance addressing open containers of an alcoholic beverage on public property. The presentation addressed the absence of any city regulation of an open container of alcoholic beverages while on sidewalks and public rights-of-way and the need to regulate such activity. At this meeting the City Council directed staff to return and present a list of exemptions to choose from to include in a potential open container ordinance.

Below is a sample open container ordinance and sample exceptions that could be placed under Chapter 3, of the Orange City Code of Ordinances, "Alcoholic beverages", which currently regulates hours of sales and certain conduct of people within an establishment dealing in alcoholic beverages. The addition of the approved exemptions by the City Council would be added to the ordinance.

*"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."*

Exceptions

- *Can collectors*
- *Delivery/sales people*
- *Persons transporting form one location to another*
- *Paid drivers*
- *Parades*
- *City events*
- *Private events on public property*
- *Property contiguous with residences*

More detailed information on each exception will be discussed during staff’s Power Point presentation.

**COUNCIL DISTRICT(s):**

<b>District:</b>	City Wide	1	2	3	4	5
<b>Council Member:</b>	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 further and determine which exemptions are needed to efficiently govern the consumption of alcoholic beverages in public settings. Staff recommends amending chapter 3 to add a section prohibiting open containers on the sidewalks and rights-of-way with approved exemptions.

**ATTACHMENTS:**

None

**FINANCIAL IMPACT:**

None

**STRATEGIC PLAN:**

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