

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda Date: May 3, 2010

Reviewed by: BP

**SUBJECT:** “Open Container” Ordinance regulating consumption of alcohol in outdoor public areas.

**REPORT BY:** Judy Lieberman, Assistant City Administrator

---

**SOCIAL AND ECONOMIC JUSTICE COMMISSION RECOMMENDATION**

That Council ask the City Attorney to draft an “open container” ordinance to restrict drinking alcohol from open containers in public areas, with exceptions for private events in public spaces such as parks, restaurants with open air seating, and certain public events.

**BACKGROUND**

The City Council referred this item to the SEJC on February 1, 2010 and asked the SEJC to report back to the City Council in three months with:

- 1) Advantages and disadvantages of the city adopting an “open container” ordinance
- 2) Provisions the Commission would recommend be considered for inclusion or exclusion if an ordinance were to be adopted.

**DISCUSSION**

This item was discussed at the February and March meetings of the SEJC. The minutes of the March meeting are attached. (There was no quorum at the February meeting, therefore there are no minutes). The following motion was passed:

*Motion by Ruth Ganong: That the City Attorney review the language of the current ordinance (AMC8-4.6) to suggest modifications or revisions, in particular that the open container portion apply to any Albany public space, and include the following considerations: 1) fines; 2) permits be required for private events in public spaces, such as parks; 3) waivers for restaurants with open air seating. Request that the draft ordinance come back to SEJC for review as expeditiously as possible. Seconded by Kerr, vote: 5-0-1.*

With regard to advantages and disadvantages, Commissioners noted that the ordinance was a reasonable way to try and control the abuse of alcohol use in the City, and the accompanying impacts. However, the commission also noted that the passage of such an ordinance may or may not have the desired effect of eliminating noise, litter, and disruptive behavior, especially around bars, which was brought forward by members of the public.

The commissioners also specifically did not want to disallow the use of wine and beer at events such as the City sponsored "Music in the Park." Additionally, commissioners noted that those who are not home owners and have small apartments that cannot accommodate larger family events rely upon the use of parks for birthdays, events or other cultural celebrations, at which alcoholic drinks may be served. Also, those who do not speak English as their primary language and who wish to have parties or events at Albany parks but are not aware of permit requirements may be inequitably impacted.

### **STAFF ANALYSIS**

The Police Department advises that public consumption of alcoholic beverages is not currently a major problem in the city however, from time to time complaints and/or calls for service related to public alcohol consumption do occur, typically in city parks and residential neighborhoods that contain bars. When these incidents do occur, they predictably involve excessive noise, disorderly behavior, or safety concerns, all of which impact the quality of life in our neighborhoods.

Currently, police can do very little about these concerns when responding to a reported disturbance involving the public consumption of alcohol unless some other violation is being committed. Without any enforcement ability, police cannot discourage further alcohol consumption and the impact of the offending behavior continues. The proposed ordinance is viewed as another tool the police can utilize in addressing public nuisance behaviors.

In terms of exceptions, staff recommends that the ordinance be clear on the types of exceptions, and the authority for making those determinations.

### **SCHEDULE**

If Council decides to proceed with an ordinance, it could be brought to the City Council for first reading by June 7, 2010. If the ordinance is to be reviewed in advance by SEJC, the earliest date for first reading would be June 21, 2010.

### **SUSTAINABILITY IMPACT**

It is possible that the open container ordinance will reduce the amount of debris on Albany streets.

### **FINANCIAL IMPACT**

There may be some impact related to enforcement.

#### **Attachments:**

SEJC Minutes, March 10, 2010

MADD letter