

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

Agenda Date: June 21, 2010

Reviewed by: BP

SUBJECT: Alcoholic Beverage “Open Container” Ordinance

REPORT BY: Mike McQuiston, Chief of Police

STAFF RECOMMENDATION

Approve Ordinance No. 2010- 04 of the Albany City Council adding Albany Municipal Code Chapter 8-7 prohibiting the consumption of alcoholic beverages in public places.

BACKGROUND

At the January 19, 2010 City Council meeting a member of the public requested Council place on a future agenda the issue of an Open Alcohol Beverage Container Ordinance. Mayor Wile subsequently placed the item on the agenda for the City Council meeting of February 1, 2010. The matter was then referred by Council to the Social & Economic Justice Commission (SEJC) to report back to the City Council with advantages and disadvantages of the City adopting such an ordinance, and provisions the Commission would recommend be considered for inclusion or exclusion if an ordinance were to be adopted. The matter was discussed at the March and April meetings of the SEJC and recommendations came before the City Council on their May 3, 2010 agenda.

After public comment and discussion among members of council, the matter was referred to staff with direction to prepare 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, and directed the City Attorney to investigate the ordinance implications and enforceability on private property that has public parking.

DISCUSSION

Public consumption of alcoholic beverages is not currently a major problem in the City; however, occasionally complaints and/or calls for service related to public alcohol consumption do occur. 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. The proposed ordinance is viewed as another tool the police can utilize in addressing periodic public nuisance behaviors.

Council directed staff to prepare an open container ordinance, with allowances made for properly licensed businesses, certain City sponsored events, and other permitted uses authorized by the City.

ANALYSIS

The City Attorney has performed research and provided ordinance language that contains clearly defined exceptions. The proposed ordinance would allow public consumption of alcohol at City sponsored or authorized events wherein authorization for alcohol consumption has been preapproved. Furthermore, the ordinance would not interfere with properly licensed business activity involving the consumption of alcohol. Public consumption of alcohol would be prohibited in public parks and recreation areas, unless associated with a City sponsored event or other public event where alcohol consumption is approved in advance by the City.

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.

SUSTAINABILITY IMPACT

This ordinance may reduce littering associated with the public consumption of alcohol.

FINANCIAL IMPACT

None.

Attachments:

Draft Ordinance No. 2010-04