



AGENCY: City Council
MEETING DATE: January 28, 2019
DEPARTMENT: City Manager/Police
PRESENTED BY: Tabatha Miller
Fabian Lizarraga
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 944-2019 Adding Section 9.40.030 to Chapter 9.40 Public Drunkenness of Title 9 (Public Peace, Safety and Morals) of the Fort Bragg Municipal Code to Prohibit Possession of Open Containers in Public Places

ISSUE:

The City of Fort Bragg's current Public Drunkenness Ordinance makes it a citable offense to partake of alcoholic beverages on public streets, sidewalks and other public facilities such as parks and community centers. The Ordinance also makes it illegal to partake of alcohol in an automobile that is on the street, alley or highway.

The way the Ordinance was written, an officer must see the individual partaking of alcohol or prove that the individual is intoxicated in public. The proposed addition to that Ordinance allows for a citation if a person is in possession of an open container in public. The proposed Ordinance also allows private property owners (with two or more units) to prohibit open containers in parking lots, so long as the prohibition is clearly noticed.

Consistent with our current Public Drunkenness Ordinance, the proposed additional clause expands on and clarifies the exception for special events on public property in which the City has granted a limited use or encroachment permit.

ANALYSIS:

The modification to Chapter 9.40, Public Drunkenness is consistent with California Business and Professions Code and provides our Police Officers an additional tool to deal with disruptions and complaints about individuals consuming alcohol in public without the necessity of witnessing the consumption of an alcoholic beverage.

The Public Safety Committee reviewed the proposed change to the Public Drunkenness Ordinance on December 19, 2018 and recommended bringing it forward to the full City Council for action.

RECOMMENDED ACTION:

Introduce by title only and waive the first reading of Ordinance No. 944-2019 adding Section 9.40.030 to Chapter 9.40 Public Drunkenness of Title 9 (Public Peace, Safety and Morals) of the Fort Bragg Municipal Code.

ALTERNATIVE ACTION(S):

1. Provide staff alternative direction of the text of the proposed change to the City Code.
2. Do not introduce Ordinance.

FISCAL IMPACT:

N/A

CONSISTENCY:

N/A

IMPLEMENTATION/TIMEFRAMES:

If the Ordinance is introduced on January 28, 2019, and adopted at the regular City Council meeting on February 11, 2019, the Ordinance will be effective March 13, 2019.

ATTACHMENTS:

1. Proposed Ordinance No. 944-2019

NOTIFICATION:

N/A