

ORDINANCE NO. 97-001

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JAN 07 1997

AN ORDINANCE AMENDING SECTION 30.05.145 OF THE SACRAMENTO CITY CODE, RELATING TO IMPOSITION OF CONDITIONS UPON ANY LICENSEE REQUESTING A LETTER OF PUBLIC CONVENIENCE OR NECESSITY, AND DECLARING THIS ORDINANCE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 30.05.145 of the Sacramento City Code is hereby amended to read as follows:

- 30.05.145 Imposition of conditions upon any licensee requesting a letter of public convenience or necessity
- (a) No letter of public convenience or necessity shall be issued by the Chief of Police nor approved by the Planning Commission on appeal or the City Council on call-up unless the proposed licensee agrees, in writing, that if the Alcoholic Beverage Control Board issues a license to sell alcoholic beverages the license will be subject to the following conditions at all times the license is in use:
- (1) Sales of beer and malt beverages shall be in quantities of not less than a six pack;
 - (2) Sales of wine shall be in containers of at least 750 ml;

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- (3) Wine coolers, whether made for wine or malt products, shall not be sold in quantities of less than factory packs of four;
 - (4) Distilled spirits shall be sold in containers of at least 200 ml.
- (b) The Chief of Police may require additional reasonable conditions to be imposed on the applicant. The decision of the Chief of Police to require imposition of additional conditions shall be discretionary, and he/she may consider the factors set forth in Section 30.05.120 and whether additional conditions will promote the public necessity or convenience. Such conditions shall be set forth in the letter of public convenience or necessity and may include, but shall not be limited to, the following:
- (1) No wine shall be sold with an alcohol content greater than fifteen percent (15%) by volume;
 - (2) There shall be no cups, glasses, or similar receptacle commonly used for the drinking of beverages sold, furnished, or given away at the licensee's premises in quantities of less than twenty-four (24) in their original multi-container package, with the exception of food and beverage containers with a corporate logo or business name embossed or stamped on the container when sold in conjunction with food and non-alcoholic beverages;
 - (3) All ice shall be sold at or about prevailing prices in the area and in quantities of not less than seven (7) pounds per sale, excluding ice sold in conjunction with fountain drinks;
 - (4) For any premises holding an on-sale license, the quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period; and
 - (5) Trash receptacles shall be of a design to prevent unauthorized removal of articles from the trash bin.
 - (6) No alcoholic beverages may be sold for off-premises consumption between the hours of 11:00 p.m. and 2:00 a.m.
- (c) Any letter of public convenience or necessity shall specifically set forth that the public convenience or necessity is served only if the conditions set forth

in the letter are imposed on the applicant by the State Department of Alcoholic Beverage Control Board.

- (d) The requirement for imposition of conditions as set forth in Section 30.05.145(a) is not appealable.

SECTION 2. Emergency

This ordinance is an emergency ordinance which is to take effect immediately upon adoption by the City Council pursuant to Section 32(g)(2) of the City Charter. The facts supporting adoption of this ordinance as an emergency are as follows:

On November 12, 1996, the City Council adopted an ordinance providing guidelines for issuance of letters of public convenience or necessity relating to the issuance of licenses by the Alcoholic Beverage Control Board. On December 13, 1996, the Sacramento Police Department will begin to accept applications for issuance of letters of public convenience or necessity. The Police Department has found in its discussions with prospective licensees that certain conditions to be imposed on the licenses are either not applicable or potential problems for all prospective licensees. The ordinance as originally adopted would make the imposition of all conditions set forth in Section 30.05.145 mandatory. This amended ordinance will make certain conditions mandatory and other conditions discretionary. If the conditions are required by the Police Department, then the Alcoholic Beverage Control Board must impose the conditions on the license. The Alcoholic Beverage Control Board will only review conditions imposed once per year; therefore, any condition imposed on a business must be adhered to for one year, even though the condition is not perceived to be necessary for a particular type of business.

It is the goal of the City of Sacramento to impose conditions upon potential licensees in a reasonable manner and when the public convenience or necessity is served by the additional conditions. It is also the desire of the City of Sacramento to have all conditions imposed to be consistent. Several letters of public convenience or necessity have been pending for many months and will be processed first. If these letters were issued before the proposed amended ordinance took effect, then there would potentially be inconsistent conditions imposed on various licensees. It is the City's desire to avoid inconsistencies between letters issued in the near future and those issued later on. Therefore, in furtherance of the goals of consistency and prompt issuance of letters of

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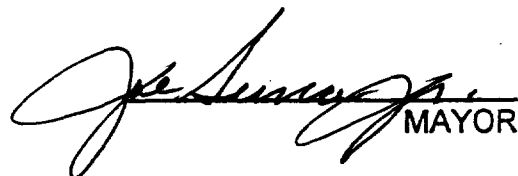
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public convenience or necessity, this ordinance shall be effective immediately upon adoption.

DATE PASSED FOR PUBLICATION: December 17, 1996

DATE ENACTED: January 7, 1997

DATE EFFECTIVE: January 7, 1997


MAYOR

ATTEST:


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