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July 7, 1987

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Law and Legislation Committee
City Council Chambers
Sacramento, CA 95814

**Re: An Emergency Ordinance Relating to
Possession of Open Alcoholic
Beverage Containers in Parks**

Honorable Members in Session:

SUMMARY

This report recommends an emergency amendment to City Code Section 27.60 to authorize the Police Chief to prohibit the possession of open alcoholic beverage containers in parks.

BACKGROUND

Section 27.60 of the City Code currently authorizes the Police Chief to designate areas in City parks where consumption of alcoholic beverages is prohibited.

Recently the Council reviewed measures to be undertaken by the Parks and Community Services Department and the Police Department to alleviate problems being experienced at Glenn Hall Park. One of those measures was to prohibit possession and consumption of alcoholic beverages in that park.

The City Attorney's office contacted the Parks and Community Services Department to suggest that Section 27.60 be amended to specifically authorize the Police Chief to prohibit possession of open alcoholic beverage containers in parks. Enforcement is facilitated when possession of an open container is illegal. It is then unnecessary for an enforcement officer to observe actual consumption of the alcoholic beverage.

Law and Legislation Committee
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This report has been reviewed by and is supported by the Department of Parks and Community Services and the Police Department.

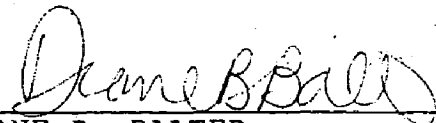
In order to make effective measures immediately available to curtail problems in parks, it is recommended that this ordinance be enacted on an emergency basis.

RECOMMENDATION

It is recommended that the Law and Legislation Committee endorse enactment of the attached ordinance by the Council as an emergency measure.

Very truly yours,

JAMES P. JACKSON
City Attorney

By 

DIANE B. BALTER
Deputy City Attorney

DBB:rmn

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING SECTION 27.60 OF THE SACRAMENTO CITY CODE RELATING TO POSSESSION OF OPEN ALCOHOLIC BEVERAGES CONTAINERS IN PARKS, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

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

SECTION 1

Section 27.60 of the Sacramento City Code is hereby amended to read as follows:

Sec. 27.60 Regulation of Consumption of Alcoholic Beverages.

In addition to the restrictions imposed by subsection (h) of Section 27.50, consumption of alcoholic beverages may be prohibited as follows:

When the Chief of Police determines that the consumption of alcoholic beverages in any park has resulted in disturbing and excessive noise, physical altercations, throwing of bottles or cans, or any other activity which jeopardizes the safety of other persons or interferes with the use and enjoyment of the park by other persons, and that such activity is likely to continue unless the possession of open alcoholic beverage containers or the consumption of alcoholic beverages, or both, is prohibited in the park or certain areas within such park, then the Chief of Police is hereby authorized to designate such an area as one in which the possession of open alcoholic beverage containers, or the consumption of alcoholic beverages, or both, is prohibited and in so acting shall post or cause to be posted such sign or signs as may be necessary to provide reasonable notice thereof. No person shall possess any open alcoholic beverage container or drink any alcoholic beverage in any park or portion thereof where such signs are in place prohibiting such act.

SECTION 2

This ordinance is hereby declared to be an emergency ordinance to take effect immediately. The ground for the urgency is the need to immediately curb anti-social behavior occurring in City parks.

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

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