

*For: Monday, September 23, 2013, City Council Meeting*

## **Advance Packet Information**

Dated: 9/13/13

Included in this packet is documentation to support the following Agenda items:

### **PUBLIC HEARINGS/ORDINANCES**

1. Ordinance 13-O-716, amending Brookings Municipal Code Chapter 12.40, Alcohol Prohibited on Public Premises, in its entirety. [City Manager, pg. 2]
  - a. Chapter 12.40 revisions [pg. 3]
  - b. Ordinance 13-O-715 [pg. 5]

\*Obtain Public Comment Forms and view the agenda and packet information on-line at [www.brookings.or.us](http://www.brookings.or.us), or at City Hall. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

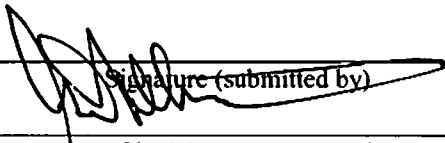
All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: September 23, 2013

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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**Subject:** Ordinance Amending Alcohol Regulations in Brookings Municipal Code Chapter 12.40.

**Recommended Motion:**

Adopt Ordinance 13-O-716, amending Brookings Municipal Code Chapter 12.40, Alcohol Prohibited on Public Premises, of Title 12, Streets, Sidewalks and Public Places, in its entirety.

**Financial Impact:** Some costs associated with signing.

**Background/Discussion:**

The possession, consumption or sale of alcoholic beverages is currently prohibited on all “public premises.” The City Council discussed amending the Brookings Municipal Code to provide for limited possession, consumption or sale of alcoholic beverages at City parks at its September 3, 2013, workshop. This matter was initiated by Councilor Hamilton, whose expressed interest in allowing organized groups to serve alcoholic beverages in connection with events held at City parks.

The proposed Ordinance would:

1. Make a technical change to the definition from “public premises” to “city premises” as “public premises” could be interpreted to also include public properties not owned by the City.
2. Provide that beer (malt beverages), wine and cider may be possessed, sold or consumed on city premises only through the issuance of a City Park Use Permit, Event Use Permit or Capella Use Permit.
3. Require additionally that an Oregon Liquor Control Commission Temporary Sales License be obtained for all alcoholic beverage sales on city premises.
4. Provide that all alcoholic use be confined to an area within a well defined boundary.
5. Provide for Police Chief approval of all permits.
6. Authorize police officers to revoke permits under certain circumstances that threaten public safety.
7. Specifically prohibit alcoholic beverages at athletic fields and associated spectator areas, and within 100 feet of Kidtown.

Under this ordinance, alcoholic beverages could only be used in connection with a permitted event. Such events could be as large as a concert event at the band shell to a small family picnic. However, “walk-on” use of alcoholic beverages would continue to be prohibited.

**Attachment(s):**

- a. Chapter 12.40 revisions
- b. Ordinance 13-O-716

**Chapter 12.40**  
**ALCOHOL ~~PROHIBITED ON PUBLIC~~ REGULATIONS FOR CITY PREMISES**

Sections:

- 12.40.010 Alcohol prohibited on public premises.
- 12.40.020 Alcoholic beverages defined.
- 12.40.030 ~~Public-City~~ premises defined.
- 12.40.040 Permitted uses.
- 12.40.050 Authority to revoke permit.
- 12.40.~~040—060~~ Penalties and fines.

**12.40.010 Alcohol prohibited on public premises.**

It shall be unlawful for any person to ~~drink, consume, transport, carry, or possess~~posses, sell or consume any alcoholic beverage, ~~except in the original package with the seal unbroken, on any~~ on City ~~public~~premises, except as permitted under Section 12.40.040 of this chapter. [Ord. 08-O-618 § 2.]

**12.40.020 Alcoholic beverage defined.**

The term “alcoholic beverage,” as used in this chapter, shall be construed to mean and include any liquid intended for human consumption containing more than one-half of one percent by volume of alcohol. [Ord. 08-O-618 § 3.]

**12.40.030 ~~Public-City~~ premises defined.**

For the purpose of this chapter, “public premises” shall include city parks, city buildings, city parking lots, and other premises under the control of the city, but shall not include public highways. [Ord. 08-O-618 § 4.]

**12.40.040 Permitted uses.**

- A. Possession, sale or consumption of alcoholic beverages on City premises may only be authorized through the issuance of a Park Use Permit, Event Permit, or Capella Use Permit with the following specific conditions:
1. Only malt beverages, wine or cider shall be allowed under the aforementioned permits. All such permits must be approved by the Chief of Police, or Chief’s designee.
  2. The sale of any alcoholic beverage on City premises shall also require a Temporary Sales License issued by the Oregon Liquor Control Commission (OLCC) and approved by the Chief of Police or Chief’s designee for drinking within a licensed area. All rules and regulations of the Oregon Liquor Control Commission shall be strictly enforced.
  3. The possession, sale or consumption of alcoholic beverages shall be conducted only within a well defined boundary as depicted by permittee in an exhibit to be attached to the Park Use Permit, Event Permit or Capella Use Permit.
- B. No permit shall be issued authorizing the consumption, sale or possession of alcoholic beverages on any City athletic field, including spectator areas, or within 100 feet of Kidtown in Azalea Park.

#### **12.40.050 Authority to revoke permit**

Any officer of the Brookings Police Department shall have the authority to immediately revoke any Park Use Permit, Event Permit or Capella Use Permit if said officer determines that:

- A. An activity taking place at the permitted location is creating a danger to public safety.
- B. The event is being conducting in a manner which is creating a nuisance.
- C. Illegal activities are taking place.

#### **12.40.040 Penalties and fines.**

~~Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500.00. Pursuant to BMC Chapter 1.05, General Penalty.~~ [Ord. 08-O-618 § 5.]

**IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON  
ORDINANCE 13-O-716**

**IN THE MATTER OF ORDINANCE 13-O-716, AN ORDINANCE AMENDING BROOKINGS MUNICIPAL CODE CHAPTER 12.40, ALCOHOL PROHIBITED ON PUBLIC PREMISES, OF TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, IN ITS ENTIRETY.**

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Chapter 12.40 in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Brookings Municipal Code Chapter 12.40, Alcohol Prohibited on Public Premises, in its entirety.

Section 2. Amends Chapter 12.40 : Chapter 12.40 is amended to read as follows:

**Chapter 12.40  
ALCOHOL REGULATIONS FOR CITY PREMISES**

Sections:

- 12.40.010 Alcohol prohibited on City premises.
- 12.40.020 Alcoholic beverage defined.
- 12.40.030 City premises defined.
- 12.40.040 Permitted uses.
- 12.40.050 Authority to revoke permit.
- 12.40.060 Penalties and fines.

**12.40.010 Alcohol prohibited on public premises.**

It shall be unlawful for any person to drink, consume, transport, carry, or possess, sell or consume any alcoholic beverage, on City premises except as permitted under Section 12.40.040 of this chapter. [Ord. 08-O-618 § 2.]

**12.40.020 Alcoholic beverage defined.**

The term “alcoholic beverage,” as used in this chapter, shall be construed to mean and include any liquid intended for human consumption containing more than one-half of one percent by volume of alcohol. [Ord. 08-O-618 § 3.]

**12.40.030 City premises defined.**

For the purpose of this chapter, “public premises” shall include city parks, city buildings, city parking lots, and other premises under the control of the city, but shall not include public highways. [Ord. 08-O-618 § 4.]

**12.40.040 Permitted uses.**

- A. Possession, sale or consumption of alcoholic beverages on City premises may only be authorized through the issuance of a Park Use Permit, Event Permit, or Capella Use Permit.
1. Only malt beverages, wine or cider shall be allowed under the aforementioned permits. All such permits must be approved by the Chief of Police or Chief’s designee.
  2. The sale of any alcoholic beverage on City premises shall also require a Temporary Sales License issued by the Oregon Liquor Control Commission (OLCC) and approved by the Chief of Police or Chief’s designee for drinking within a licensed area. All rules and regulations of the Oregon Liquor Control Commission shall be strictly enforced.
  3. The possession, sale or consumption of alcoholic beverages shall be conducted only within a well defined boundary as depicted by permittee in an exhibit to be attached to the Park Use Permit, Event Permit or Capella Use Permit.
- B. No permit shall be issued authorizing the consumption, sale or possession of alcoholic beverages on any City athletic field, including spectator areas, or within 100 feet of Kidtown in Azalea Park.

**12.40.050 Authority to revoke permit**

Any officer of the Brookings Police Department shall have the authority to immediately revoke any Park Use Permit, Event Permit or Capella Use Permit if said officer determines that:

- A. An activity taking place at the permitted location is creating a danger to public safety.
- B. The event is being conducting in a manner which is creating a nuisance.
- C. Illegal activities are taking place.

**12.40.060 Penalties and fines.**

Pursuant to BMC Chapter 1.05, General Penalty. [Ord. 08-O-618 § 5.]

First Reading:	_____	Passage:	_____
Second Reading:	_____	Effective Date:	_____

Signed by me in authentication of its passage this \_\_\_\_\_, day of \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
Mayor Ron Hedenskog

\_\_\_\_\_  
City Recorder Joyce Heffington



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Legal

To Publish: Wednesday, Sept 18, 2013

## **Public Notice**

NOTICE IS HEREBY GIVEN that on September 23, at 7:00pm in City Hall Council Chambers, 898 Elk Drive, during a regular Common Council meeting, Brookings City Council will consider for adoption by title only the following:

- In the matter of Ordinance 13-O-716, an ordinance amending Brookings Municipal Code Chapter 12.40, Alcohol Prohibited on Public Premises, of Title 12, Streets, Sidewalks and Public Places, in its entirety.

All persons wishing to address these matters may do so in person at the meeting, or by submitting prior written evidence to the City Recorder, City Hall, 898 Elk Drive, Brookings, OR 97415. Copies of the ordinance and associated staff report will be available for inspection in the City Recorder's office, at the Chetco Community Library, and at [www.brookings.or.us](http://www.brookings.or.us), under Council Agendas.

All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with 10 days advance notification.

Please contact 469-1102 if you have any questions regarding this notice.