



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Introduction of Ordinance No. 1660 Relating to the Prohibition of Glass Bottles or Similar Containers, Alcoholic Beverages and/or Tobacco Products in Certain Posted Parks or Facilities

MEETING DATE: May 6, 1998

PREPARED BY: City Attorney

RECOMMENDATION: That the City Council introduce Ordinance No. 1660 relating to the prohibition of glass bottles or similar containers, alcoholic beverages and/or tobacco products in certain posted parks or facilities.

BACKGROUND: At its meeting of November 4, 1997, the Parks and Recreation Commission was presented with a proposal which would result in the prohibition of alcoholic beverages and tobacco products in certain posted parks or facilities. Subsequent to that meeting, a recommendation to implement such a prohibition was presented to the City Council on December 17, 1997. At that meeting the Council considered the recommendation of the Parks and Recreation Commission and authorized staff to proceed with developing an ordinance, which would implement the Parks and Recreation Commission proposal.

This office has been working with the Parks and Recreation Director to chart a course which would allow the Parks and Recreation Director to implement the program recommended by the Parks and Recreation Commission and approved by the City Council. This ordinance, if adopted subsequent to its introduction, would provide the Parks and Recreation Director with the authority to implement the policy as recommended by the Parks and Recreation Commission and approved by the City Council.

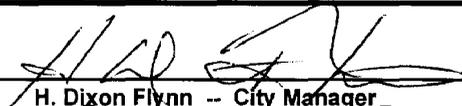
FUNDING: None

Respectfully submitted,



Randall A. Hays, City Attorney

APPROVED: _____


H. Dixon Flynn -- City Manager

ORDINANCE NO. 1660

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING LODI MUNICIPAL CODE CHAPTER 12.12, SECTION 12.12.045 RELATING TO THE PROHIBITION OF GLASS BOTTLES OR SIMILAR CONTAINERS, ALCOHOLIC BEVERAGES AND/OR TOBACCO PRODUCTS IN CERTAIN POSTED PARKS OR FACILITIES

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Lodi Municipal Code Chapter 12.12 "Parks", Section 12.12.045 - is hereby amended to read as follows:

12.12.045 Glass bottles or similar containers, alcoholic beverages and/or tobacco products—Prohibited in certain posted parks or facilities.

The Parks and Recreation Director may designate, by appropriate signs, those parks or facilities in which it shall be illegal to utilize or possess glass bottles or similar containers, alcoholic beverages and/or tobacco products of any nature. In such posted facilities, it is unlawful for any person to have in his or her possession any bottle or similar glass container or to possess or consume any alcoholic beverage or to smoke or otherwise use tobacco products.

Section 2. - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 1998

JACK A. SIEGLOCK
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1660 was introduced at a regular meeting of the City Council of the City of Lodi held May 6, 1998 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1998, by the following vote:

Ayes:	Council Members –
Noes:	Council Members -
Absent:	Council Members –
Abstain:	Council Members -

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form:

RANDALL A. HAYS
City Attorney