



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance Adding a New Section (12.12.045) to Municipal Code Relating to the Posting of Certain Facilities to Prohibit the Utilization or Possession of Glass Bottles and Similar containers and/or Alcoholic Beverages

MEETING DATE: August 19, 1992

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council approve the attached ordinance relating to posting of certain facilities to prohibit the utilization or possession of glass bottles and similar containers and/or alcoholic beverages.

BACKGROUND INFORMATION: For a number of years, we have posted by general policy, those facilities that have accommodated youth sports activities and events against the bringing in of glass containers and consumption of alcoholic beverages.

It was the feeling of Parks and Recreation Staff and the Commission that we needed more teeth in the policy, so it could rightfully be enforced.

By making it into an ordinance, we now get the kind of enforcement needed at various facilities that primarily accommodate youth sports activities and events. Plus, it gives us the latitude, where and when needed, to post other facilities that should be posted due to youth involvement or specific event/s that would not lend itself to glass bottles, containers, and/or consumption of alcohol. I submit Bob McNatt's memo of July 15, 1992, as additional information on this topic as well as the City Attorney's written advice and recommendations.

FUNDING: Cost of signs only, which I feel can be accommodated through our present parks budget.

Ron Williamson
Parks and Recreation Director

RW:srb
Attachment

APPROVED:

THOMAS A. PETERSON
City Manager



recycled paper

CITY OF LODI
MEMORANDUM FROM THE OFFICE OF THE CITY ATTORNEY
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To: Ron Williamson, Parks and Recreation Director
From: Bob McNatt, City Attorney
Date: July 15, 1992
Subject: ALCOHOLIC BEVERAGES AT YOUTH SPORTS EVENTS. ETC

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I am sorry it took so long for me to respond to your memo of June 12, 1992 on the above topic. It recently resurfaced in my in-basket so I decided I had better handle it.

The problem you describe apparently involves glass bottles or alcoholic beverages in the park during youth sports activities, and also glass bottles in all park facilities at any time.

Unfortunately, there is no magic bullet to handle both of these by policy or resolution. If strong enforcement is needed, that will require an ordinance. It would probably be necessary to include in Chapter 12.12 of the Municipal Code a provision whereby certain facilities could be posted to prohibit glass bottles at any time and/or alcoholic beverages at designated times or events.

If that is the situation, we could probably do so by insertihg (for example) Section 12.12.045 which would read something like:

"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 and alcoholic beverages of any nature. In such posted facilities, it shall be 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."

Please let me know if this squares with your thoughts on the subject. I would be happy to prepare a formal ordinance if you would like to write the Council communication.



BOB McNATT
City Attorney

BM:vc

PR48/TXTA.01V

ORDINANCE NO. 1555

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
ADDING A NEW SECTION 12.12.045 RELATING TO THE POSTING OF
CERTAIN FACILITIES TO PROHIBIT THE UTILIZATION OR POSSESSION OF
GLASS BOTTLES AND SIMILAR CONTAINERS AND/OR ALCOHOLIC BEVERAGES

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 12.12 - PARKS " is hereby amended by adding thereto a new Section 12.12.045 relating to the posting of certain facilities to prohibit the utilization or possession of glass bottles and similar containers and/or alcoholic beverages, to read as follows:

Section 12.12.045. Glass bottles or similar containers and/or alcoholic beverages - 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 and alcoholic beverages of any nature. In such posted facilities, it shall be 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."

SECTION 2. All ordinances and parts of ordinances in conflict herewith Are repealed insofar as such conflict may exist.

SECTION 3. 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

JAMES W. PINNERTON, JR.
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

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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. 1555 was introduced at a regular meeting of the City Council of the City of Lodi held August 19, 1992 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1992 by the following vote:

Ayes: council Members .
Noes: Council Members .
Absent : Council Members "
Abstain: Council Members .

I further certify that Ordinance No. 1555 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

BOBBY W. McNATT
City Attorney

ORD1555/TXTA.01V