

City of Davis - Open Container Ordinances in Parks and Other Public Recreational Areas

Background: *The City of Davis is currently looking at modifications to its open container ordinance. We are looking for input from other communities about how similar ordinances operate.*

Survey Results - September 2006 (Submitted by Interim Chief Steve Pierce)

Department/ Respondent	Does your open container ordinance prohibit open containers of alcohol in parks and other public recreational areas?	If not, what are the exceptions and why are those areas not included in your ordinance?	Has the public expressed concerns about how your city's open container rules and restrictions affect them?	(If available) How many calls for service do you respond to annually for violations or potential violations of your ordinance?	Comments
Daly City, Gary McLane	Yes, municipal code attached to email. It has been in place for some time.			Most of our calls relate to consumption in parks, usually before and after softball games.	We work with our Parks and Rec dept. to educate the players. Aside from that it is used more on an "on-view" basis and is a good tool.
Mill Valley, Bob Ritter	Our ordinance (8:15:010) prohibits open containers in public (areas open to the public, including parks, etc) unless they have a permit issued by ABC for special events, one example, the wine tasting event in downtown Mill Valley.		The Public is supportive in most cases, and we would generally give warning if they truly did not know about our ordinance (i.e. a picnic in the park and wine is being consumed.)	We respond to less than 15 - 20 calls per year and most enforcement contacts are on sight.	This ordinance was put into place about 30 years ago to combat the locals (young adults) who were hanging out in the parks and other public places, basically drinking beer, (getting drunk and disturbing the residents) etc.
Folsom, Larry Saunders	Yes, Last year Folsom CC adopted an alcohol ordinance which prohibits an open container in most public places without a permit.		No complaints, most understand the need.	Officers proactively enforce. Probably 12 cites in last 4 months.	The permit process is so that there is still an avenue for residents to still have alcohol at park events that are scheduled in advance. The thought is the problem drinker who's in the park everyday and maybe living there, will be eliminated. The permit fee is only \$10.
Chico, Sergeant Linda Dye	The city parks prohibit all alcohol containers - open or closed and this ordinance actually pre-dates the open container prohibition on the rest of city property.		In general the public supports the open container ordinance. It has been an excellent tool to work towards reducing alcohol problems in the residential areas around the Chico State campus. There has never been any backlash from any segment of the public to the ordinance or its validity.	We do not necessarily respond to calls for service in regards to an open container. Officers and Park Rangers come across these violations during their routine patrols. During the months of August and September we deploy Officers on foot in the south campus area, specifically to enforce the open container and MIP laws, along with controlling large parties. Over the years we have seen a decrease in the number of open container violations -- although 190 Open Containers and 52 MIP's were issued last year. The Park Rangers issue an average of about 10 citations a month for alcohol in the park, with the highest number during the summertime months.	

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Lakeport, Chief Kevin Burke	We recently changed the municipal code to prohibit open containers of alcoholic beverages in all public places, however, it was really designed for our parks.		A number of citizen groups were concerned when I proposed the change because of traditional large events that occur in the park. Once they learned that any group, or even a couple that wanted to drink wine for lunch, would be able to get a permit at the police lobby for no charge, the concerns were mitigated. We had a lot of problem drinkers in the park and this has ended that. In fact, other than some large concerts in the park, we have had few applications to drink in the park so it has been pretty much alcoholic beverage free.	As far as calls for service, we are a pretty small town, so there may have been a couple calls for service since the Code became effective last June, but generally our officers patrol the park and happen upon our problem drinkers, enforcing the section at that time.	
Vacaville, Lieutenant Jan Makowski	The City of Vacaville has, for many years, had a very successful alcohol ordinance that prohibits alcohol consumption and/or possession of an open container in public.		Initially there was a lot of public concern about the ordinance, but that all died down quickly, especially since many of the problems associated with alcohol were dramatically reduced when the ordinance went into effect.		We also have a provision for granting an exemption to the ordinance for community events, such as our annual Fiesta Days or the Beer and Wine Stroll held downtown. The Police Department grants the exemptions with strict guidelines for the sale and consumption of alcohol.
Foster City, Captain Jon Froomin	Open containers of alcoholic beverages are not to be possessed, nor shall alcoholic beverages be consumed in any park, recreation center, beach, parking lot, or in any park and recreation facility or area except in locations specified by the director of parks and recreation. Applicants must comply with state Alcoholic Beverage Control requirements.		I am unaware of any complaints about the ordinance.	We get very few calls annually related to these sections.	

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Dinuba, Chief Myron Galchutt	The City of Dinuba prohibits alcoholic beverages in parks and all public Areas or Within Public View with strict enforcement.		Only issue that has come up is when civic groups want a beer garden in downtown area for car day and other community activities. These requests have been denied by the City Council.		When I was Police Chief in San Marcos, TX (a college town) they did allow drinking in parks in conjunction with a meal. This created a problem because the officers had to determine what constitutes a meal, and for a college student a meal was a bag of potato chips and a 12-pack. In another community where I was Chief they did allow beer gardens with special application approved by Police Chief. We required double fenced off garden with officer (not security guard) at the bar and an officer at the one entrance to the garden. This was well controlled with no problems the six years I was there and it presented no ambiguity with the interpretation of the ordinance. College towns are tough and drinking problems with young adults away from home for the first time can get out of control real easy. I am sure you will agree that you need a strict ordinance to address this, even if it upsets some people.
Brea, Lieutenant John Burks	Yes, Alcohol is prohibited in city parks and all city-owned parking lots and parking structures.		No, there is public support for a prohibition on alcohol in parks.	We rarely receive calls for service regarding the alcohol ordinance. We write approximately 10 citations for violations per year.	
Pleasanton, Captain Michael Fraser	The City of Pleasanton has a no alcohol in the parks ordinance. With the caveat that the Parks director may waive the prohibition for a special event -- this doesn't happen.		We have never had a viable complaint about the ordinance. Depending on the violation/violators we try the educational approach to the ordinance, but the parks are signed and the officers always have the discretion to enforce the ordinance when they believe it best fits the situation.	I don't have numbers readily available, but the calls for service are generally on the low side. I would guess that our officers on view violations more often than we receive a call.	This has really been a non-issue for us, but the ordinance has been around longer than I have and I have been around for 27 years.
Newport Beach, Captain John Desmond	Yes - copy attached			We heavily enforce this year round and have been doing so much longer than my 28 years on the job.	It's been on the books for over 50 years - although it started as a "drinking in public" ordinance it was eventually modified to include mere possession in the 1980's.
Pomona, Lieutenant William Luemmen	Yes - Our city ordinance with respect to drinking alcoholic beverages is broad in the sense that our parks are covered under "public places". The specific areas regarding parks is the definition of camping or loitering in a park.		The public has not expressed concern about how this section affects them.	We do not track calls for service with regard to drinking in public places.	

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Newark, Lieutenant James Leal	We do have an ordinance that prohibits some open containers in public parks, specifically hard liquor.	Beer, wine and champagne are still allowed. The only exception is referenced under chapter 9.25, which prohibits any alcoholic beverages at one specific park where it was deemed to be hazardous to the good of the community.		I do not have an exact number in front of me, but historically we receive very few calls for service related to open containers or possession of alcohol in our parks or other areas. We do receive a lot of complaints about public intoxication.	We also have an ordinance that prohibits drinking or possession of alcoholic beverages in other public areas such as parking lots, sidewalks, alleys, etc . . .
Blue Lake, Chief Dave Gundersen	Prohibited in 90% of our park system (prohibited 100% in train system, horse area and baseball/softball areas).	Small corner areas of the park where the tables are located. To have open containers (no kegs) you must have a food meal at one of about 10 tables.	No real complaints, I get a yearly complaint from the softball players, but the city council keeps telling them no.	Wild guess, 25 calls per year. We have a large number of signs at each gate, same with smoking.	
Santa Ana, Alan Caddell	Yes. We have SAMC (10-33) that covers drinking alcohol in public and another (31-2.1a) that covers possession in parks and the City zoo.		This has not been a significant concern. I am unaware of any organized resistance to the ordinances.	SAMC 10-33: 2005 - 186, 2006 - 137, and SAMC 31-2.1(a): 2005 - 34, 2006 - 26	
Simi Valley, Sergeant Darin Muehler	Yes - "In any public park owned, operated, or maintained by the Rancho Simi Recreation and Park District."		The only individuals who may have expressed concern regarding our enforcement of the ordinance would have been the subjects receiving the citation. And generally the complaint or voicing of concern ended with the citing officer. To my knowledge, no formal complaints have been made to our Department, the City Attorney or the City Council.	Year to date, our officers have issued nine citations for a violation of this ordinance. Unfortunately our calls for service are not broken down to specifically track this municipal code. (9/25/06)	

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Monterey Park, Lieutenant Tina Gorajewski	The City of Monterey Park has two ordinances that pertain to open containers. One specific to parks is: Chapter 12.04.100 PROHIBITED CONDUCT/PARKS AND RECREATION - It is prohibited to carry, sell or consume, any intoxicating liquor. For the purpose of this title "intoxicating liquor" includes any spirituous, vinous, malt or mixed liquors containing one-half of one percentum, by volume, of alcohol, which are fit for beverage purposes.		Our city has not experienced negative concerns from the public regarding our city's open container rules and restrictions.	For the most part subjects cited are through officer observations and/or form citizen calls reporting crime wherein a subject detained was eventually cited for the violation as a result of the contact. Citations for 12.04.100 are: 2001 = 5, 2002 = 0, 2003 = 0, 2004 = 1, 2005 = 0, 2006 to date = 0	
Woodland, Dan Bellini	Woodland has had ordinances prohibiting consumption of alcoholic beverages for some time now. We had an ordinance that prohibited consumption in the parks and then further expanded this to include public places to try to deal with the problems presented by cruise night.		There was some outcry by the public when we prohibited consumption in public places, but the ordinance has been in place now for so long that we don't hear complaints.	Typically, when we get calls about violations of the ordinance they are for violations occurring in the parks. Some people have gotten sneaky and will try to conceal the alcohol in soda cups etc. but all in all we don't have much problem with the ordinance.	