MEETING DATE: May 20, 2014

Submit Department(s): Glenn County Sheriff's Office

Contact: Sheriff Larry Jones
Phone: 934-6441

BRIEF SUBJECT/ISSUE DESCRIPTION:
Hold discussion and introduce Ordinance permanently prohibiting the consumption of alcoholic beverages and possession of alcoholic beverage containers along specified portions of the Sacramento River during the Labor Day weekend.

AGENDA PLACEMENT
APPOINTMENT – Appearance by: (Specify Name & Title)
Sheriff Larry Jones
Undersheriff Richard Warren

Required __5__ Minutes

Business – No ☐ Consent ☐ Correspondence ☐ Reports & Notices

AFFECED DEPARTMENT(S)
☐ Receive Concurrence

ATTACHMENTS
☐ Board Report
☐ Letter
☐ Minute Order
☐ Contract
☐ Transfer
☐ Grant Application
☐ Resolution
☐ Ordinance
☐ Proclamation
☐ Policy Update
☐ Code Update
☐ Other

LEGAL/PERSOENL/FISCAL
☐ County Counsel
☐ Personnel
☐ Finance

CLERK INSTRUCTIONS
☐ Return Minute Order
☐ Return Certified Copy Of:
☐ Other:
Ordinance

PUBLIC HEARINGS & COMMITTEE VACANCIES
Public Hearings:
☐ Published
☐ Affidavit on file w/Clerk
☐ Affected Parties Notified

Committees:
☐ Vacancy Posted
☐ Application Attached

LEGISLATION
☐ State ☐ Federal
Bill#:
☐ Latest Version of Bill
☐ Draft Letter Attached
☐ List of Supporters/Opposers
☐ Statement of Relevance to County Interests
☐ Description Attached

FUNDING SOURCE/IMPACT
☐ General Fund Impact
☐ Other:
☐ Budgeted
☐ Transfer Attached
☐ 4/5ths Vote Required
☐ Contingency Request

contracts, leases & AGREEMENTS
☐ New
☐ Renewal
☐ Amendment
☐ Insurance Certificate
☐ Contract
Date of Original Contract:
Contract No.:
Fiscal Year:

RECOMMENDED ACTION/MOTION:
Recommendation of Sheriff Larry Jones to hold discussion and introduce "AN ORDINANCE BY THE GLENN COUNTY BOARD OF SUPERVISORS PERMANENTLY PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF ALCOHOLIC BEVERAGE CONTAINERS ALONG SPECIFIED PORTIONS OF THE SACRAMENTO RIVER DURING THE LABOR DAY HOLIDAY WEEKEND". (Read title and waive further reading).

Reviewed By (if applicable):

Personnel Director
Department of Finance

CC:
COUNTY OF GLENN
BOARD REPORT

May 6, 2014
Recommendation of Sheriff Larry Jones to hold discussion and introduce

"AN ORDINANCE BY THE GLENN COUNTY BOARD OF SUPERVISORS PERMANENTLY PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF ALCOHOLIC BEVERAGE CONTAINERS ALONG SPECIFIED PORTIONS OF THE SACRAMENTO RIVER DURING THE LABOR DAY HOLIDAY WEEKEND."

EXECUTIVE SUMMARY:

With the passage of last year's urgency resolution banning alcohol consumption along specified portions of the Sacramento River during the Labor Day Holiday Weekend we saw a sharp decline in incidents that required law enforcement, rescue, and medical responses during the annual "Labor Day Float" on the River.

We believe this positive outcome was due, at least in part, to the urgency resolution passed by the Board. This turn around in the "attitude and the atmosphere" of those taking part in the Float was a positive change and presented the public with a much safer environment in which to enjoy the Sacramento River.

Therefore, it is our recommendation that the Board pass a permanent Resolution banning alcohol consumption and the possession of alcoholic beverage containers along specified portions of the Sacramento River during Labor Day Holiday Weekend.

RECOMMENDATION(S):

Adopt Ordinance as presented.

HISTORY AND BACKGROUND:

See attached AIT and backup from previous year's Ordinance passed as a temporary measure.

FISCAL/PERSONNEL IMPACT(S):

ANALYSIS/DISCUSSION:

All items transmitted by a County Department or Agency for inclusion in the agenda for Board of Supervisors action must include all background and analysis necessary for the Board to make an informed decision. Failure to provide adequate information, analysis, or backup could result in the matter not being added to the agenda and returned to the department for additional information.
ORDINANCE NO. _____

AN ORDINANCE BY THE GLENN COUNTY BOARD OF SUPERVISORS PERMANENTLY PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF ALCOHOLIC BEVERAGE CONTAINERS ALONG SPECIFIED PORTIONS OF THE SACRAMENTO RIVER DURING THE LABOR DAY HOLIDAY WEEKEND

THE BOARD OF SUPERVISORS OF THE COUNTY OF GLENN, a political subdivision of the State of California, does ordain as follows:

SECTION I: Findings. The Board finds and declares as follows:

A. The Sacramento River is a navigable waterway that is often used by members of the public, between the low and high water marks, for boating, fishing, and water-related recreation.

B. During the Labor Day holiday weekend, tens of thousands of people float down the stretch of the Sacramento River that flows between Glenn and Butte counties, from the upstream edge of the Highway 32 bridge traversing the Sacramento River to the mouth of Big Chico Creek, on inner tubes and makeshift rafts, while consuming large amounts of alcohol. The individuals who participate in these unsanctioned events also congregate on the islands and gravel bars along that section of the river, including a gravel bar commonly known as Beer Can Beach.

C. The massive amount of alcohol consumption that takes place at these events results in fights, unruly behavior, public intoxication, nudity, defecation, and massive littering.

D. The individuals who participate in the events also use public roadways to travel to and from the river, and often drive while under the influence.

E. State and local agencies, including law enforcement, and medical and rescue personnel, must engage in a massive effort to respond to the fighting, unruly behavior, and
medical emergencies that result from these unsanctioned events, which puts an enormous strain on the resources of the responding agencies.

F. In addition, the excessive amount of garbage left behind causes a significant impact on the environment, and negatively impacts the enjoyment of others who choose to recreate on the river.

G. For the above reasons, Assembly Member Dan Logue drafted Assembly Bill 494, which prohibits the possession of alcoholic beverage container(s) on specified portions of the Sacramento River during certain summer periods, so long as the Glenn and Butte County Boards of Supervisors enact ordinances prohibiting the consumption of alcoholic beverages or possession of open alcoholic beverage containers on specified land portions adjoining the identified stretch of the Sacramento River.

H. The California Governor signed Assembly Bill 494 into law on August 1, 2011, which added Section 25608.12 to the Business and Professions Code.

I. Section 25608.12 of the Business and Professions Code states in relevant part as follows:

(a) On the portion of the Sacramento River, from the Highway 32 Bridge to the mouth of Big Chico Creek, a person in a vessel, as defined by Section 651 of the Harbors and Navigation Code, or a bather, as defined by Section 651.1 of the Harbors and Navigation Code, shall not possess a container with an alcoholic beverage, whether opened or closed, during the summer holiday periods that the Glenn County Board of Supervisors and the Butte County Board of Supervisors prohibit the consumption of alcoholic beverage or possession of an open alcoholic beverage container on the land portions along this portion of the Sacramento River.

(b) For purposes of this section, “container” means a bottle, can or other receptacle.

(c) A violation of this section is punishable as an infraction pursuant to subdivision (b) of Section 25132 of the Government Code.

J. It is anticipated that this upcoming Labor Day holiday weekend will once again attract tens of thousands of people to the Sacramento River if a prohibition on the consumption
of alcoholic beverages and possession of open alcoholic beverage containers is not enacted by both Butte and Glenn County.

SECTION II: Chapter 10.10 of the Glenn County Code is amended to now read as follows:

Chapter 10.10

CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS ALONG SPECIFIED PORTIONS OF THE SACRAMENTO RIVER

ARTICLE II Offenses regarding public consumption of alcohol or possession of alcoholic containers along specified portions of the Sacramento River

Sections:

10.10.010 Definitions
10.10.020 Sacramento River
10.10.030 Violation an Infraction

ARTICLE II Offenses regarding public consumption of alcohol or possession of alcoholic containers along specified portions of the Sacramento River

10.10.010. Definitions. For the purpose of Chapter 10.10, the following terms shall have the following meanings:

A. “Container” means a bottle, can, or other receptacle.

B. “Person” shall include: Any natural person, association, corporation, cooperative, partnership, collective, limited liability company, or any other social or business entity.

C. “Labor Day holiday weekend” means the period of time beginning at 12:01 a.m. of the Saturday proceeding the first Monday in September of each and every year through 11:59 p.m. of the first Monday in September of each and every year.

10.10.020. Consumption of alcoholic beverages and possession of alcoholic beverage containers prohibited along specified portions of the Sacramento River.
A. It shall be unlawful for any person to consume an alcoholic beverage or possess an open alcoholic beverage container during the Labor Day holiday weekend in the following designated areas along the Sacramento River within Glenn County.

1. Those areas extending from the edge of the water upland for a distance of fifty feet on the bank of the river, beginning at the upstream edge of the Highway 32 Bridge traversing the Sacramento River between Butte and Glenn counties and ending at the mouth of Big Chico Creek.

2. This prohibition includes all bridges and pipeline crossings not otherwise exempted herein.

B. As a result of Section 10.10.020 A.1. and 2., it shall further be unlawful for a person in a vessel, as defined by Section 651 of the Harbors and Navigation Code, or a bather, as defined by Section 651.1 of the Harbors and Navigation Code, from having in his/her possession a container with an alcoholic beverage, whether opened or closed, during the afore-described Labor Day holiday weekend. (See Business and Professions Code Section 25608.12)

C. These prohibitions shall only apply during the Labor Day holiday weekend, as defined in Section 10.10.010.

10.10.030. Violation an infraction.

Every person who violates any of the provisions of this chapter is guilty of an infraction.

SECTION III: Severability. If any provision of this ordinance or the application thereof to any person or circumstances is for any reason held to be invalid by a court or competent jurisdiction, such provision shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions or other applications of the Ordinance which can be given effect without the invalid provision or application thereof.
SECTION IV: Effective Date and Publication. This ordinance shall take effect on and after thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary of the Ordinance shall be published once, with the names of the members of the Board of Supervisors voting for and against it in accordance with Government Code section 25124, in the Sacramento Valley Mirror, a newspaper published in the County of Glenn, State of California.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the Glenn County Board of Supervisors on _____________ and adopted on _________ by the following vote:

AYES:
NOES:
ABSENT OR ABSTAIN:

MIKE MURRAY, Chairman
Glenn County Board of Supervisors

ATTEST:

__________________________
JAMIE CANNON
Clerk of the Board of Supervisors
County of Glenn, California

APPROVED AS TO FORM:

__________________________
HUSTON T. CARLYLE, JR., County Counsel
County of Glenn, California
HISTORICAL BACKGROUND
The following Minute Order of the Board of Supervisors is being sent to you for information or possible action. If you have any questions concerning this matter, please call the Board's office.

Minute Order of the Board of Supervisors
March 19, 2013 Regular Meeting
County of Glenn, State of California

22. Ordinance – Alcoholic Beverages on Sacramento River
Also Present: Supervisor John Viegas
Matter: Recommendation of Supervisor Viegas to hold discussion and introduce Ordinance "An Ordinance by the Glenn County Board of Supervisors Prohibiting the Consumption of Alcoholic Beverages and Possession of Alcoholic Beverage Containers Along Specified Portions of the Sacramento River During the Labor Day Holiday Weekend" (Read title of Ordinance and waive further reading)

Proceedings:
  a. Supervisor Viegas reviewed the aforesaid matter;
  b. Kevin Flannery, Willows resident, spoke in opposition to Ordinance;
  c. Byron Denton, Orland resident, spoke in support of Ordinance;
  d. Sheriff Jones spoke in support of Ordinance;
  e. Dan James, Hamilton City Fire Department, spoke in support of Ordinance;
  f. Supervisor McDaniel having read title of Ordinance and waiving further reading of Ordinance, on motion of Supervisor McDaniel, seconded by Supervisor Murray, it was ordered by the following roll call vote to introduce Ordinance:
     Supervisor Foltz - No
     Supervisor McDaniel – Yes
     Supervisor Murray – Yes
     Supervisor Soeth – No
     Supervisor Viegas – Yes
COUNTY OF GLENN
AGENDA ITEM TRANSMITTAL

MEETING DATE: March 19, 2013
Submitting Department(s):
Board of Supervisors – Supervisor John Viegas

BRIEF SUBJECT/ISSUE DESCRIPTION:
Hold discussion and introduce Ordinance prohibiting the consumption of alcoholic beverages and possession of alcoholic beverage containers along specified portions of the Sacramento River during the Labor Day holiday weekend, pursuant to Assembly Bill 494.

Contact: John Viegas
Phone: 934-6400

AGENDA PLACEMENT

APPOINTMENT – Appearances by: (Specify Name & Title)

Required 15 Minutes

☒ Business – No ☐ Consent
☐ Correspondence ☐ Reports & Notices

AFFECTED DEPARTMENT(S)
Finance

☐ Receive Concurrence

ATTACHMENTS
☒ Board Report
☐ Letter
☐ Minute Order
☒ Contract
☐ Transfer
☐ Grant App.
☐ Resolution
☒ Ordinance
☐ Proclamation
☐ Policy Update
☐ Code Update
☐ Other
☒ Assembly Bill 484

LEGAL/PERSONNEL/FISCAL
☒ County Counsel
☐ Personnel
☐ Finance

CLERK INSTRUCTIONS
☐ Return Minute Order
☐ Return Certified Copy Of:

☐ Other:

PUBLIC HEARINGS & COMMITTEE VACANCIES

Public Hearings:
☐ Published
☐ Affidavit on File w/Clerk
☐ Affected Parties Notified

Committees:
☐ Vacancy Posted
☐ Application Attached

LEGISLATION
☐ State ☐ Federal

FUNDING SOURCE/IMPACT
☐ General Fund Impact
☐ Other:
☐ Budgeted
☐ Transfer Attached
☐ 4/5ths Vote Required
☐ Contingency Request

CONTRACTS, LEASES & AGREEMENTS
☐ New ☐ Renewal
☐ Amendment
☐ Insurance Certificate
☐ Contract Report

Date of Original Contract:
Contract No.:
Fiscal Year:

RECOMMENDED ACTION/MOTION:
Recommendation of Supervisor Viegas to hold discussion and introduce Ordinance "An Ordinance by the Glenn County Board of Supervisors Prohibiting the Consumption of Alcoholic Beverages and Possession of Alcoholic Beverage Containers Along Specified Portions of the Sacramento River During the Labor Day Holiday Weekend". (Read title and waive further reading).

Reviewed By (if applicable):

Department Head

Personnel Director

Department of Finance

cc:
Assembly Bill No. 494
CHAPTER 158

An act to add Section 25608.12 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor August 01, 2011. Filed Secretary of State August 01, 2011. ]

LEGISLATIVE COUNSEL'S DIGEST


(1) The Alcoholic Beverage Control Act regulates the possession, sale, and consumption of alcohol. The act makes it a crime to violate any of its provisions.

This bill would prohibit specified persons on certain portions of the Sacramento River from possessing a container, as defined, with an alcoholic beverage during the summer holiday periods that the Glenn and Butte County Boards of Supervisors prohibit the consumption of an alcoholic beverage or possession of an open alcoholic beverage container on the land portions along those portions of the river. The bill would require Glenn and Butte Counties to provide notice on the land portions along the Sacramento River that this conduct is punishable as an infraction.

Because this bill would create a new crime and require Glenn and Butte Counties to provide notice on the land portions along the river that this conduct is punishable as an infraction, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25608.12 is added to the Business and Professions Code, to read:

25608.12. (a) On the portion of the Sacramento River, from the Highway 32 Bridge to the mouth of Big Chico Creek, a person in a vessel, as defined by Section 651 of the Harbors and Navigation Code, or a bather, as defined by Section 651.1 of the Harbors and Navigation Code, shall not possess a container with an alcoholic
beverage, whether opened or closed, during the summer holiday periods that the Glenn County Board of Supervisors and the Butte County Board of Supervisors prohibit the consumption of an alcoholic beverage or possession of an open alcoholic beverage container on the land portions along this portion of the Sacramento River.

(b) For purposes of this section, "container" means a bottle, can, or other receptacle.

(c) A violation of this section is punishable as an infraction pursuant to subdivision (b) of Section 25132 of the Government Code.

(d) Glenn County and Butte County shall provide notice on the land portions along the Sacramento River described in subdivision (a) that a violation of this section is punishable as an infraction.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique problem of prevalent consumption of alcohol during certain summer holiday periods on this portion of the Sacramento River.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIIIIB of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIIIIB of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect the health and safety of the public due to the problem of consumption of alcohol during certain summer holiday periods on a portion of the Sacramento River, it is necessary for this act to take effect immediately.
AB 494 Assembly Bill - Bill Analysis

BILL ANALYSIS

SENATE RULES COMMITTEE
Office of Senate Floor Analyses
1026 9th Street, Suite 574
(916) 651-1520 Fax: (916)
327-4478

AB 494

THIRD READING

Bill No: AB 494
Author: Lopez (R), et al.
Amended: 7/12/11 in Senate
Vote: 27 - Urgency

SENATE GOVERNMENTAL ORGANIZATION COM. : 12-2, 6/28/11
AYES: Wright, Anderson, Berryhill, Calderon, Cannella,
Curdett, De Leon, Evans, Hernandez, Strickland, Wyland,
YES
NO VOTE RECORDED: Padilla

SENATE APPROPRIATIONS COMMITTEE : Senate Rule 28.8

ASSEMBLY FLOOR : 75-1, 5/31/11 - See last page for vote

SUBJECT : Alcoholic beverages: possession: Sacramento River

SOURCE : Butte County Board of Supervisors
Chico City Council

DISSENT : This bill prohibits possession of alcoholic beverages, whether open or closed, on non-motorized vessels along a portion of the Sacramento River (from the Highway 89 Bridge to the Mouth of Big Chico Creek) during 'summer holiday periods.'

ANALYSIS : The enactment of the 21st Amendment to the United States Constitution in 1933 repealed the 18th Amendment and ended the era of Prohibition. Accordingly, CONTINUED

states were granted the authority to establish alcoholic beverage laws and administrative structures to regulate the sale and distribution of alcoholic beverages.

Existing law establishes the Department of Alcoholic Beverage Control (ABC) and grants it exclusive authority to administer the provisions of the ABC Act in accordance with laws enacted by the legislature. This involves licensing individuals and businesses associated with the manufacture, importation and sale of alcoholic beverages in this state and the collection of license fees or occupation taxes for this purpose.

Existing law prohibits possession of alcoholic beverages, whether open or closed, on non-motorized vessels along the American River between the Hazel Avenue and Watt Avenue bridges during three summer holiday periods - Memorial Day, 4th of July, and Labor Day.

Existing law prohibits possession of alcoholic beverages, whether open or closed, on non-motorized vessels along the Truckee River (from the Highway 89 Bridge in Tahoe City to the Alpine Meadows Bridge) during 'summer holiday periods.'

Existing law makes possessing open alcoholic beverage containers, as specified, in any city or county park, city or county owned public place, recreation and park district, or regional park or open-space district an infraction, subject to a local ordinance prohibiting such possession, with specified exceptions.

Existing law prohibits operating any vessel (every description of watercraft used or capable of being used as a means of transportation on water, with specified exceptions) or riding on water skis, or similar recreational equipment, while under the influence of alcohol and/or drugs, and prohibits these operations by...
anyone with a blood alcohol level of 0.08 percent or higher.

Existing law makes any violation of the ABC Act a misdemeanor, if no punishment or penalty is expressly provided for in statute and specifies that all peace officers in the state are required to enforce the

provisions of the ABC Act. In such cases, a misdemeanor is punishable by up to a $1,000 fine, or by both imprisonment (up to six months in county jail) and fine.

Existing law provides that every violation determined to be an infraction is punishable by a fine not exceeding $100 for a first violation, $200 for a second violation of the same ordinance within one year and $500 for each additional violation of the same ordinance within one year.

Existing law, Harbors and Navigation Code Section 651.1, defines "boating" to mean a person floating, swimming, wading, or body surfing, with or without the use of a flotation device, including, but not limited to, floating upon or with the aid of a surfboard, paddle board, surf mat, inner tube, life preserver, or air mattress, except a flotation device which is designed to be propelled by sail, mechanical means, power, oars, or paddle.

This bill prohibits possession of alcoholic beverages, whether open or closed, on non-motorized vessels along a portion of the Sacramento River (from the Highway 32 Bridge to the mouth of Big Chico Creek) during "summer holiday periods." Specifically, this bill:

1. Prohibits a person in a non-motorized vessel on the portion of the Sacramento River, from the Highway 32 Bridge to the mouth of Big Chico Creek, from possessing a container with an alcoholic beverage (whether open or closed), during the summer holiday periods that the Glenn and Butte County Board of Supervisors prohibit alcohol on the land portions along this particular stretch of the river.

2. Specifies that a violation of this provision is an "infraction" pursuant to Government Code Section 25112.

3. Requires Glenn and Butte County to provide notice on the land portion along the Sacramento River described above that this conduct is a violation punishable as an infraction during the specified holiday periods.

4. Defines "container" to mean a bottle, can, or other receptacle.

Background

This bill allows the Butte and Glenn County Boards of Supervisors to determine the legality of alcohol possession during summer holiday periods on a portion of the Sacramento River that runs between Butte and Glenn Counties. This bill provides that if both the Butte and Glenn Boards of Supervisors enact ordinances prohibiting alcohol possession on the county land along this portion of the river, possession will also be prohibited in the river (which is state property) in this same area. A violation would be an infraction punishable by a $100 fine for first offense and by a $200 fine for a second offense in the same year.

The author's office notes that this particular portion of the Sacramento River flows through Chico and as recognized as the 'go to spot' for college students and young adults to party during summer holidays. On a single day as many as 15,000 locals and students from around the north state float down the river on inner tubes, inflatable rafts, and other assorted flotation devices to 'Beer Can Beach.' The main attraction is not the river but the massive amount of drinking that takes place. Public intoxication, nudity, defecation, and massive littering occur on/in the water. These crowds then climb out of the water and drive home.
often under the influence which poses a public safety and environmental risk, with emergency rescues rarely keeping this event from becoming lethal.

PRIOR RELATED LEGISLATION

SB 1169 (Cox). Chapter 41. Statutes of 2008, prohibits possession of alcoholic beverages, whether open or closed, on non-motorized vessels along the Truckee River (from the Highway 89 Bridge in Tahoe City to the Alpine Meadows Bridge) during summer holiday periods.
AB 952 (Jones). Chapter 19. Statutes of 2007, prohibits possession of alcoholic beverages, whether open or closed, on non-motorized vessels along the American River between the Basal Avenue and Watt Avenue bridges during three summer holiday periods - Memorial Day, 4th of July, and

CONTINUED

LABOR DAY.

FISCAL EFFECT: Appropriation: No Fiscal Comm.: Yes
Local: Yes

SUPPORT: (Verified 7/11/11)
Butte County Board of Supervisors (co-sponsor)
Chico City Council (co-sponsor)
Butte County Fire Department
Butte College, Office of the President, Diana Van Der Ploeg
California Police Chiefs Association
California State Sheriffs' Association
California State University, Chico, Office of the President, Paul J. King
California State University, Chico, Office of the V.P.
Student Affairs
Drew Calandrella
Chico Chamber of Commerce
Chico Police Department, Chief Mike Malone
City of Chico
Sheriff-Coroner of Butte County, Jerry H. Smith

ARGUMENTS IN SUPPORT: The author's office states that local law enforcement does not have sufficient personnel to adequately police the area and issue individual citations and make arrests once this event has gotten underway and has requested that they be authorized to stop it before it begins. In addition, communities in these areas have reported a significant drop in irresponsible behavior and an increase in the number of families that frequent the river on summer holidays.

The author's office emphasizes that this bill is also necessary because local agencies do not have the authority to ban alcoholic beverages on the state's navigable waters.

ASSEMBLY FLOOR:
AYES: Achadjian, Allen, Ammiano, Atkins, Baal, Bill Barlow, Bernal, Bock, Blumenfield, Bonilla, Bradford, Brownley, Buchanan, Butler, Campos, Carter, Cardillo, Chabot, Conway, Cook, Davis, Dickinson, Donnelly, Eng, Feuer, Fletcher, Fong, Fuentes, Furutani, Gutierrez, Galgiani, Gerga, Gordon, Grove, Hagman, Haldeman,

CONTINUED


NO VOTES RECORDED: Alejo, Charles Calderon, Gorell, Norby

FU: 00 7/13/11 Senate Floor Analyses

SUPPORT/OBJECTION: SEE ABOVE

*** END ***
Article IB. - Consumption of Alcoholic Beverages and Possession of Open Alcoholic Beverage Containers Along Portions of the Sacramento River

7-9.3 - Definitions.
7-9.4 - Consumption of alcoholic beverages and possession of open alcoholic beverage containers prohibited along portions of the Sacramento River.

7-9.3 - Definitions.

For the purpose of this article, the following terms shall have the following meanings:

(a) "Container" means a bottle, can, or other receptacle.
(b) "Person" shall include any natural person, association, corporation, cooperative, partnership, collective, limited liability company, or any other social or business entity.
(c) "Labor Day holiday weekend" means the period of time beginning at 12:01 a.m. of the Saturday preceding the first Monday in September of each year, through 11:59 p.m. of the first Monday in September of each year.

(Ord. No. 4032, § 2, 8-23-11)

7-9.4 - Consumption of alcoholic beverages and possession of open alcoholic beverage containers prohibited along portions of the Sacramento River.

(a) It shall be unlawful for any person to consume an alcoholic beverage or possess an open alcoholic beverage container during the Labor Day holiday weekend in the following designated areas along the Sacramento River within Butte County.
(1) Those areas extending from the edge of the water upland for a distance of fifty (50) feet on the bank of the river, beginning at the upstream edge of the Highway 32 Bridge traversing the Sacramento River between Butte and Glenn Counties and ending at the mouth of Big Chico Creek.
(2) This prohibition includes all bridges and pipeline crossings not otherwise exempted herein.

(b) This prohibition shall only apply during the Labor Day holiday weekend, as defined in Section 7-9.3(c).

(c) The provisions of this prohibition shall not apply to businesses that possess a valid liquor license issued by the California Department of Alcohol Beverage Control and patrons of the exempt business who are on the business' property.

(d) Violation of this section is an infraction, punishable by a fine not to exceed one hundred dollars ($100.00) for the first violation, two hundred dollars ($200.00) for the second violation occurring in any calendar year, and five hundred dollars ($500.00) for the third violation occurring in any calendar year.

(Ord. No. 4032, § 2, 8-23-11)
ORDINANCE NO. ____

AN ORDINANCE BY THE GLENN COUNTY BOARD OF SUPERVISORS
PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND
POSSESSION OF ALCOHOLIC BEVERAGE CONTAINERS ALONG SPECIFIED
PORTIONS OF THE SACRAMENTO RIVER DURING THE
LABOR DAY HOLIDAY WEEKEND

THE BOARD OF SUPERVISORS OF THE COUNTY OF GLENN, a political
subdivision of the State of California, does ordain as follows:

SECTION I: Findings. The Board finds and declares as follows:

A. The Sacramento River is a navigable waterway that is often used by members of
the public, between the low and high water marks, for boating, fishing, and water-related
recreation.

B. During the Labor Day holiday weekend, tens of thousands of people float down
the stretch of the Sacramento River that flows between Glenn and Butte counties, from the
upstream edge of the Highway 32 bridge traversing the Sacramento River to the mouth of Big
Chico Creek, on inner tubes and makeshift rafts, while consuming large amounts of alcohol. The
individuals who participate in these unsanctioned events also congregate on the islands and
gravel bars along that section of the river, including a gravel bar commonly known as Beer Can
Beach.

C. The massive amount of alcohol consumption that takes place at these events
results in fights, unruly behavior, public intoxication, nudity, defecation, and massive littering.

D. The individuals who participate in the events also use public roadways to travel to
and from the river, and often drive while under the influence.

E. State and local agencies, including law enforcement, and medical and rescue
personnel, must engage in a massive effort to respond to the fighting, unruly behavior, and
medical emergencies that result from these unsanctioned events, which puts an enormous strain on the resources of the responding agencies.

F. In addition, the excessive amount of garbage left behind causes a significant impact on the environment, and negatively impacts the enjoyment of others who choose to recreate on the river.

G. For the above reasons, Assembly Member Dan Logue drafted Assembly Bill 494, which prohibits the possession of alcoholic beverage container(s) on specified portions of the Sacramento River during certain summer periods, so long as the Glenn and Butte County Boards of Supervisors enact ordinances prohibiting the consumption of alcoholic beverages or possession of open alcoholic beverage containers on specified land portions adjoining the identified stretch of the Sacramento River.

H. The California Governor signed Assembly Bill 494 into law on August 1, 2011, which added Section 25608.12 to the Business and Professions Code.

I. Section 25608.12 of the Business and Professions Code states in relevant part as follows:

(a) On the portion of the Sacramento River, from the Highway 32 Bridge to the mouth of Big Chico Creek, a person in a vessel, as defined by Section 651 of the Harbors and Navigation Code, or a bather, as defined by Section 651.1 of the Harbors and Navigation Code, shall not possess a container with an alcoholic beverage, whether opened or closed, during the summer holiday periods that the Glenn County Board of Supervisors and the Butte County Board of Supervisors prohibit the consumption of alcoholic beverage or possession of an open alcoholic beverage container on the land portions along this portion of the Sacramento River.

(b) For purposes of this section, "container" means a bottle, can or other receptacle.

(c) A violation of this section is punishable as an infraction pursuant to subdivision (b) of Section 25132 of the Government Code.

J. It is anticipated that this upcoming Labor Day holiday weekend will once again attract tens of thousands of people to the Sacramento River, and that if a prohibition on the
consumption of alcoholic beverages and possession of open alcoholic beverage containers is not
enacted by both Butte and Glenn County, the dangers to public peace, health and/or safety, and
the strain on local agencies, will continue.

**SECTION II:** Chapter 10.10 of the Glenn County Code is amended to now read as
follows:

**Chapter 10.10**

CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF OPEN ALCOHOLIC
BEVERAGE CONTAINERS ALONG SPECIFIED PORTIONS OF THE SACRAMENTO RIVER

**ARTICLE II** Offenses regarding public consumption of alcohol or
possession of alcoholic containers along specified portions of the
Sacramento River

Sections:

10.10.010  Definitions
10.10.020  Sacramento River
10.10.030  Violation an Infraction

**ARTICLE II** Offenses regarding public consumption of alcohol or possession of alcoholic
containers along specified portions of the Sacramento River

10.10.010.  Definitions. For the purpose of Chapter 10.10, the following terms shall have
the following meanings:

A.  “Container” means a bottle, can, or other receptacle.

B.  “Person” shall include: Any natural person, association, corporation, cooperative,
    partnership, collective, limited liability company, or any other social or business entity.

C.  “Labor Day holiday weekend” means the period of time beginning at 12:01 a.m. of the
    Saturday proceeding the first Monday in September in the year 2013, through 11:59 p.m. of
    the first Monday in September of said year.

10.10.020.  Consumption of alcoholic beverages and possession of alcoholic beverage
containers prohibited along specified portions of the Sacramento River.
A. It shall be unlawful for any person to consume an alcoholic beverage or possess an open alcoholic beverage container during the Labor Day holiday weekend in the following designated areas along the Sacramento River within Glenn County.

1. Those areas extending from the edge of the water upland for a distance of fifty feet on the bank of the river, beginning at the upstream edge of the Highway 32 Bridge traversing the Sacramento River between Butte and Glenn counties and ending at the mouth of Big Chico Creek.

2. This prohibition includes all bridges and pipeline crossings not otherwise exempted herein.

B. As a result of Section 10.10.020 A.1. and 2., it shall further be unlawful for a person in a vessel, as defined by Section 651 of the Harbors and Navigation Code, or a bather, as defined by Section 651.1 of the Harbors and Navigation Code, from having in his/her possession a container with an alcoholic beverage, whether opened or closed, during the afore-described Labor Day holiday weekend. (See Business and Professions Code Section 25608.12)

C. These prohibitions shall only apply during the Labor Day holiday weekend, as defined in Section 10.10.010.

10.10.030. Violation an infraction.

Every person who violates any of the provisions of this chapter is guilty of an infraction.

SECTION III: Severability. If any provision of this ordinance or the application thereof to any person or circumstances is for any reason held to be invalid by a court or competent jurisdiction, such provision shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions or other applications of the Ordinance which can be given effect without the invalid provision or application thereof.
SECTION IV: Effective Date and Publication. This ordinance shall take effect on and after thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary of the Ordinance shall be published once, with the names of the members of the Board of Supervisors voting for and against it in accordance with Government Code section 25124, in the Sacramento Valley Mirror, a newspaper published in the County of Glenn, State of California.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the Glenn County Board of Supervisors on March 19, 2013, and adopted on ______ by the following vote:

AYES: 
NOES: 
ABSENT OR ABSTAIN:

JOHN K. VIEGAS, Chairman
Glenn County Board of Supervisors

ATTEST:

SHERYL THUR, County Clerk
and ex officio Clerk, Board of Supervisors
County of Glenn, California

APPROVED AS TO FORM:

[Signature]
HUSTON T. CARLYLE, JR., County Counsel
County of Glenn, California
The following Minute Order of the Board of Supervisors is being sent to you for information or possible action. If you have any questions concerning this matter, please call the Board’s office.

**Minute Order of the Board of Supervisors**  
**August 30, 2011, Regular Meeting**  
**County of Glenn, State of California**

**10. Public Hearing – Urgency Ordinance re Alcohol on the Sacramento River**

Also Present: Supervisor Steve Soeth  
Matter: Pursuant to Affidavit of Publication on file in the Office of the County Clerk, hold Public Hearing to consider adopting Urgency Ordinance “Prohibiting the Consumption of Alcoholic Beverages and Possession of Open Alcoholic Beverage Containers Along Specified Portions of the Sacramento River During the Labor Day Holiday Weekend”.

Proceedings:

a. The Chairman called the aforesaid matter for Public Hearing;

b. Sheriff Larry Jones reviewed the aforesaid matter, stated this is a continuing problem, and that closing an Emergency Room due to abuse of alcohol during this event is unacceptable;

c. County Counsel submitted a revised page 4 of the Ordinance to change Section 10.10.020 to read “Sacramento River”;

d. Discussion was held regarding lack of coverage to other areas of the County as a result of this event. Sheriff Jones stated Beer Can Beach is Glenn County’s jurisdiction, and where troubles begin;

e. The Chairman opened the Public Hearing to public input with the following persons speaking in favor of Urgency Ordinance:

(1) Bill Connelly, Butte County Supervisor
(2) Mike Maloney, Chief of Police, Chico
(3) Roger Hart, Vice Chairman, Chico Chamber of Commerce
(4) Bob Maloney, Glenn County District Attorney

f. The Chairman closed the Public Hearing to public comments;

g. The Chairman asked the Clerk if there were any exhibits, whereby the Clerk advised there were none;

h. The motion of Supervisor Murray, seconded by Supervisor McDaniel, to adopt Ordinance failed by the following roll call vote:

  Supervisor Foltz: No
  Supervisor McDaniel: Yes
  Supervisor Murray: Yes
  Supervisor Viegas: Yes
  Supervisor Soeth: No
Ordinance No. 4032

AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF BUTTE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND
POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS ALONG SPECIFIED
PORTIONS OF THE SACRAMENTO RIVER DURING THE LABOR DAY HOLIDAY
WEEKEND.

The Board of Supervisors of the County of Butte ordains as
follows:

Section 1. Findings. The Board finds and declares as follows:
(a) The Sacramento River is a navigable waterway that is often
used by members of the public, between the low and high water
marks, for boating, fishing, and water-related recreation.
(b) During the Labor Day holiday weekend, tens of thousands of
people float down the stretch of the Sacramento River that flows
between Glenn and Butte counties, from the upstream edge of the
Highway 32 bridge traversing the Sacramento River to the mouth
of Big Chico Creek, on inner tubes and makeshift rafts, while
consuming large amounts of alcohol. The individuals who
participate in these unsanctioned events also congregate on the
islands and gravel bars along that section of the river,
including a gravel bar commonly known as Beer Can Beach.
(c) The massive amount of alcohol consumption that takes place at these events results in fights, unruly behavior, public intoxication, nudity, defecation, and massive littering.
(d) The individuals who participate in the events also use public roadways to travel to and from the river, and often drive while under the influence.
(e) State and local agencies, including law enforcement, and medical and rescue personnel, must engage in a massive effort to respond to the fighting, unruly behavior, and medical emergencies that result from these unsanctioned events, which puts an enormous strain on the resources of the responding agencies.
(f) In addition, the excessive amount of garbage left behind causes a significant impact on the environment, and negatively impacts the enjoyment of others who choose to recreate on the river.
(g) For the above reasons, and with the support of the Chico Chamber of Commerce, law enforcement from multiple jurisdictions, and emergency rescue agencies, the Board of Supervisors has sought and obtained assistance from Assembly Member Dan Logue, who subsequently drafted Assembly Bill 494, which prohibits the consumption of alcoholic beverages or possession of open alcoholic beverage containers on the identified land portions of the Sacramento River during certain summer holiday periods, so long as the Glenn and Butte County
Boards of Supervisors enact ordinances prohibiting the
consumption of alcoholic beverages or possession of open
alcoholic beverage containers on the land portions adjoining the
identified stretch of the Sacramento River.

(h) The California Governor signed Assembly Bill 494 into law
on August 1, 2011, which added Section 25608.12 to the Business
and Professions Code.

(i) It is anticipated that this upcoming Labor Day holiday
weekend will once again attract tens of thousands of people to
the Sacramento River, and that if a prohibition on the
consumption of alcoholic beverages or possession of open
alcoholic beverage containers is not enacted by both Butte and
Glenn County, that the dangers to public peace, health and
safety, and the strain on local agencies, will continue. It is
therefore necessary to adopt this ordinance on an urgency basis
to have the specified alcohol prohibition in place prior to the
upcoming Labor Day holiday weekend.

Section 2. Article IB, entitled “Consumption of alcoholic
beverages and possession of open alcoholic beverage containers
along portions of the Sacramento River”, commencing with Section
7-9.3, is added to Chapter 7, entitled “Boats and Public
Waters”, of the Butte County Code. Article IB. is added to the
Butte County Code to read as follows:
"Article IB. Consumption of alcoholic beverages and
possession of open alcoholic beverage containers along
portions of the Sacramento River

7-9.3. Definitions. For the purpose of this Article, the
following terms shall have the following meanings:
(a) "Container" means a bottle, can, or other receptacle.
(b) "Person" shall include: Any natural person,
association, corporation, cooperative, partnership,
collective, limited liability company, or any other social
or business entity.
(c) "Labor Day holiday weekend" means the period of time
beginning at 12:01 a.m. of the Saturday preceding the first
Monday in September of each year, through 11:59 p.m. of the
first Monday in September of each year.

7-9.4. Consumption of alcoholic beverages and
possession of open alcoholic beverage containers prohibited
along portions of the Sacramento River.
(a) It shall be unlawful for any person to consume an
alcoholic beverage or possess an open alcoholic beverage
container during the Labor Day holiday weekend in the
following designated areas along the Sacramento River
within Butte County.
(1) Those areas extending from the edge of the water upland
for a distance of fifty feet on the bank of the river,
begining at the upstream edge of the Highway 32 Bridge
traversing the Sacramento River between Butte and Glenn counties and ending at the mouth of Big Chico Creek.

(2) This prohibition includes all bridges and pipeline crossings not otherwise exempted herein.

(b) This prohibition shall only apply during the Labor Day holiday weekend, as defined in Section 7-9.3(c).

(c) The provisions of this prohibition shall not apply to businesses that possess a valid liquor license issued by the California Department of Alcohol Beverage Control and patrons of the exempt business who are on the business' property.

(d) Violation of this section is an infraction, punishable by a fine not to exceed one-hundred dollars ($100.00) for the first violation, two-hundred dollars ($200.00) for the second violation occurring in any calendar year, and five hundred dollars ($500.00) for the third violation occurring in any calendar year."

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is for any reason held to be invalid by a court or competent jurisdiction, such provision shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions or other applications of the Ordinance which can be given effect without the invalid provision or application thereof.
Section 4. Authority and Urgency Findings. This ordinance is enacted by the Board of Supervisors pursuant to the California Constitution, Article XI, section 7; Butte County Charter, Article I, Section 1; and Government Code Sections 25131 and 25123(d) by a four-fifths or greater vote, as an urgency measure to protect the public health, safety and welfare, and shall take effect immediately. The reasons for such urgency are set forth in Section 1 above, and incorporated herein by reference.

Section 5. Effective Date and Publication. This ordinance shall be effective immediately upon its passage. The Clerk of the Board is authorized and directed, before the expiration of fifteen (15) days after its passage, to publish this Ordinance once, with the names of the members of the Board of Supervisors voting for and against it, in the Chico Enterprise Record, a newspaper published in the County of Butte, State of California.

PASSED AND ADOPTED by the Board of Supervisors of the County of Butte, State of California, on the 23rd day of August, 2011, by the following vote:

AYES: Supervisors Connelly, Wahl, Kirk, Yamaguchi and Chair Lambert

NOES: None

ABSENT: None

NOT VOTING: None
ATTEST:

PAUL HAHN,
Chief Administrative Officer

By [Signature]