

DEPARTMENT: County Counsel

BY: Thomas P. Guarino

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

8/26 Sent to Adopt Ord.

Adopt Ordinance amending Chapter 9.12 of the Mariposa County Code entitled "Public Consumption of Alcoholic Beverages".

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Ordinance No. 292 was adopted by the Board of Supervisors in 1967 creating Chapter 9.12 defining prohibited acts involving public consumption of alcoholic beverages and the penalties for such acts.

Underage drinking may occur in a variety of unsupervised places including parks and parking lots. Prohibiting or restricting alcohol consumption in these public places will likely make it easier for police to prevent or break up underage drinking parties.

Alcohol consumption in unsupervised public places is related to problems such as fighting, vandalism, and public disturbances, especially among youth. Prohibiting or restricting alcohol consumption on public property may reduce such problems.

This matter was previously before the Board and County Counsel was directed to bring back an ordinance for Board consideration. The proposed ordinance has been reviewed by Public Works, Sheriff and District Attorney.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

| | | |
|---|---------------------|--|
| Financial Impact? () Yes (x) No | Current FY Cost: \$ | Annual Recurring Cost: \$ |
| Budgeted In Current FY? () Yes () No () Partially Funded | | |
| Amount in Budget: \$ | | List Attachments, number pages consecutively |
| Additional Funding Needed: \$ | | First and Second Reading of Ordinance |
| Source: | | |
| Internal Transfer | | |
| Unanticipated Revenue | _____ 4/5's vote | |
| Transfer Between Funds | _____ 4/5's vote | |
| Contingency | _____ 4/5's vote | |
| () General () Other | | |

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 1047
Vote - Ayes: _____ Noes: _____
Absent: _____
Approved
() Minute Order Attached () No Action Necessary

8/26 MW

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

CAO: *[Signature]*

MARIPOSA COUNTY ORDINANCE NO. 1047

**AN ORDINANCE AMENDING CHAPTER 9.12
OF THE MARIPOSA COUNTY CODE
ENTITLED "PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES"**

WHEREAS, the Board of Supervisors desire to amend Chapter 9.12 of the Mariposa County Code, and

WHEREAS, this amendment will add language to further prohibit the consumption of alcohol upon the premises of any County Park or facility,

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

SECTION I: Chapter 9.12 of the Mariposa County Code is hereby amended to read as follows:

9.12.010 Prohibited acts.

It is unlawful for any person to consume, or to aid and abet, or to counsel any person to consume, any alcoholic beverage in, on, or upon any public road, street, highway, alley, path, or public parking lots or portion thereof, in any unincorporated town within the county unless the consumption of such alcoholic beverage in, on, or upon such public road, street or highway, or portion thereof, is specifically permitted by order of the board or any duly constituted legal authority having jurisdiction over any such public road, street, highway, public parking lots or portion thereof.

9.12.011 County parks.

No person shall consume, or aid and abet, or counsel any person to consume, any alcoholic beverage upon the premises of any County Park or facility listed herein:

1. Mariposa County Park
2. Mariposa Skate Park
3. Mariposa Amphitheater
4. Mariposa Pool
5. Coulterville County Park
6. Coulterville Pool

9.12.012 Posting.

All county parks and facilities designated in section 9.1 2.011 shall be posted within notice referencing this chapter.

9.12.013 Exceptions.

Exceptions by special authorization may be granted to allow the possession, consumption, and/or sale of alcoholic beverages for special events in posted parks and facilities. The authorization may be issued in accordance with the Mariposa County Recreation Facilities Use Policy or by approval of the Mariposa County Board of Supervisors upon review of the

Public Works Department, Sheriff, and County Risk Management. All liability insurance requirements must be met and all state laws regarding the uses, possession, and/or sale of alcoholic beverages are to be strictly followed.

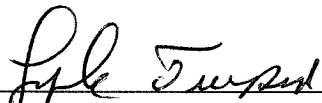
9.12.020 Violation--Penalty.

Each violation of this chapter constitutes a misdemeanor, punishable by imprisonment in the County Jail for term not to exceed six months, or by a fine not to exceed five hundred dollars, or by both such imprisonment and fine.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 9th day of September 2008 by the following vote:


AYES: ABORN, TURPIN, BIBBY, FRITZ, PICKARD
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



LYLE TURPIN, Chairman
Mariposa County Board of Supervisors

ATTEST:


MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:


THOMAS P. GUARINO
County Counsel