

ORDINANCE 1229

**AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 4.16.180(s) OF CHAPTER 4.16 OF TITLE 4 OF THE TRACY MUNICIPAL CODE MAKING THE UNAUTHORIZED CONSUMPTION OF ALCOHOL IN A CITY PARK A MISDEMEANOR AND THE UNAUTHORIZED POSSESSION OF AN OPEN CONTAINER OF ALCOHOL IN A CITY PARK AN INFRACTION**

WHEREAS, Tracy Police have reported an increase of violations of individuals bringing in and drinking alcohol in Tracy parks despite properly posted signage prohibiting this violation; and

WHEREAS, Members of the public are complaining about individuals consuming alcohol and becoming intoxicated in the park when families are there trying to use the park for their enjoyment; and

WHEREAS, Issuing citations for infractions for the consumption of alcohol in parks is not serving as a deterrent to repeat offenders,

WHEREAS, Prosecuting these violations as misdemeanors will send a strong message to curtail such activity and will also facilitate getting help for individuals who may need it through the Tracy Police Restorative Policing Program.

The City Council of the City of Tracy does ordain as follows:

SECTION 1: Subsection (s) of Section 4.16.180 of Chapter 4.16 of Title 4 of the Tracy Municipal Code is hereby amended to read as follows:

“Alcoholic beverages are prohibited in mini and neighborhood parks adjacent to joint use areas of elementary schools. It shall be unlawful and a misdemeanor to consume any alcoholic beverage, in any park without first obtaining the permission of the City Council or a permit from the Parks and Recreation Department. It shall be unlawful to possess any can, bottle or other receptacle containing any alcoholic beverage as defined by the Alcoholic Beverage Control Act of the State of California that has been opened, or a seal broken or the contents of which have been partially removed in any park without first obtaining the permission of the City Council or a permit from the Parks and Recreation Department. Signs will be posted and shall read "ALCOHOL CONSUMPTION OR POSSESSION PROHIBITED IN CITY PARK WITHOUT A PERMIT BY T.M.C. 4.16.180(s)";

SECTION 2. This Ordinance shall take effect thirty days after its final passage and adoption.

SECTION 3. This Ordinance shall be published once in a newspaper of general circulation, within fifteen days from and after its final passage and adoption.

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The foregoing Ordinance 1229 was introduced at a regular meeting of the Tracy City Council held on the 20th day of December, 2016, and was finally adopted by the Council at the regular meeting held on the 3rd day of January, 2017, by the following vote:

AYES: COUNCIL MEMBERS: RANSOM, VARGAS, YOUNG, RICKMAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

Signed By: Robert Rickman, Mayor

Attest: Nora Pimentel, City Clerk