

**STAFF REPORT**  
**City of Lancaster**

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MVB

Date: December 13, 2016

To: Mayor Parris and City Council Members

From: Britt Avrit, CMC, City Clerk

Subject: **Consideration of adoption of Ordinance No. 1015**

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**Recommendation:**

Adopt **Ordinance No. 1015**, amending Chapter 17.42 of the Lancaster Municipal Code, relating to alcoholic beverage establishments and repealing Ordinance No. 1013.

**Fiscal Impact:**

There is no immediate fiscal impact associated with this recommendation. After some history with the new process, staff will amend the pertinent departmental budget(s) if new costs are identified and not able to be absorbed in existing budgets.

**Background:**

On June 14, 2016, the City Council adopted Ordinance 1013 relating to public nuisance activities and conditions occurring at and immediately adjacent to alcoholic beverage establishments where purchases, specifically small, single serve items, are made for off-site consumption. As part of the adoption of the ordinance, the City Council responding to business owners and industry professionals' concerns, agreed to delay the effective date of the ordinance until January 1, 2017. The intent of the delay was to allow for the creation of a "working group", in coordination with City staff, to explore and identify an alternate, responsive solution to the public nuisance activities associated with alcoholic establishments.

As a result of the great discussion about and understanding of the industry, input from the working group, many internal staff discussions, and involvement of the Sheriff's Department, a draft ordinance was crafted with a primary focus on business/establishment owner performance standards and an administrative citation remedy. The intent of the ordinance is to strengthen the City's ability to deal with "deemed" approved establishments and to establish a more global approach to addressing public nuisances, specific to alcohol sales — allowing the City to "administratively" deal with such establishments who create and allow such nuisances.

As a result of all efforts, discussions, and commitments, the working group concluded that the existing Ordinance No.1013, while well-intentioned, was not the best approach available to address the identified concerns, and a different approach was needed.

Ordinance 1015 seeks to focus on business operation and compliance to reduce nuisance effects, rather than blanket restrictions on the size or number of alcoholic beverage containers, and provides an administrative tool for the City to achieve compliance, up to and including establishments that continue to be a public nuisance losing their deemed approved status and the ability to sell certain types and sizes of alcohol.

At the October 25, 2016 City Council meeting, the City Council approved the introduction of Ordinance No. 1015 by the following vote:

AYES: Council Members Malhi, Underwood-Jacobs, Vice Mayor Crist, Mayor Parris  
NOES: None  
ABSTAIN: None  
ABSENT: Mann

**Attachment:**  
Ordinance No. 1015