



Legislation Details (With Text)

File #:	11-0279	Version:	1	Name:	CD-9,1,2,6 - "Deemed Approved" ord
Type:	Agenda Item	Status:		Status:	Approved
File created:	3/11/2011	In control:		In control:	City Council
On agenda:	3/22/2011	Final action:		Final action:	3/22/2011
Title:	<p>Recommendation to respectfully request City Manager to incorporate the recommended "Deemed Approved" conditions into the City's Nuisance Abatement and Administrative Citation process in order to address public nuisance activity at retail alcohol outlets. The "Deemed Approved" conditions should include the following standards:</p> <ul style="list-style-type: none">• The outlet must maintain upkeep so that its operating characteristics are compatible with the surrounding neighborhood.• The outlet must not contribute to nuisance activities, such as disturbances of the peace, drug dealing, public drinking and inebriation, gambling, loitering, prostitution and sale of stolen goods.• The premises are properly maintained and do not adversely affect the health, peace, or safety of persons residing or working in the surrounding area.• Nuisance activities such as litter, graffiti, and unruly behavior associated with public consumption of alcoholic beverages within the premises or in close proximity of the premises, be resolved with the best interests of the community.• The premises' owner, the employees, or agents do not participate in, or assist persons participating in, illegal activities within the premises or within the boundaries of the premises' property line including the sidewalk and areas between the premises and the street, including, but not limited to, disturbance of the peace, illegal drug activity, illegal sale of firearms, public drunkenness, drinking in public, harassment of passers-by, gambling, prostitution, sale or receipt of stolen goods, or theft, and assaults or batteries.• Violations of any applicable provision of city, state or federal regulation, ordinance or statute are not committed on the premises.• Premises upkeep and operation are compatible with and will not adversely affect the liveability or appropriate development of surrounding properties and the surrounding neighborhood.				
Sponsors:	COUNCILMEMBER STEVEN NEAL, NINTH DISTRICT, COUNCILMEMBER ROBERT GARCIA, FIRST DISTRICT, VICE MAYOR SUJA LOWENTHAL, SECOND DISTRICT, COUNCILMAN DEE ANDREWS, SIXTH DISTRICT				
Indexes:	Ordinance request				
Code sections:					
Attachments:	1. 032211-R-10sr Revised.pdf				

Date	Ver.	Action By	Action	Result
3/22/2011	1	City Council	approve recommendation	Pass

Recommendation to respectfully request City Manager to incorporate the recommended "Deemed Approved" conditions into the City's Nuisance Abatement and Administrative Citation process in order to address public nuisance activity at retail alcohol outlets. The "Deemed Approved" conditions should

include the following standards:

- The outlet must maintain upkeep so that its operating characteristics are compatible with the surrounding neighborhood.
- The outlet must not contribute to nuisance activities, such as disturbances of the peace, drug dealing, public drinking and inebriation, gambling, loitering, prostitution and sale of stolen goods.
- The premises are properly maintained and do not adversely affect the health, peace, or safety of persons residing or working in the surrounding area.
- Nuisance activities such as litter, graffiti, and unruly behavior associated with public consumption of alcoholic beverages within the premises or in close proximity of the premises, be resolved with the best interests of the community.
- The premises' owner, the employees, or agents do not participate in, or assist persons participating in, illegal activities within the premises or within the boundaries of the premises' property line including the sidewalk and areas between the premises and the street, including, but not limited to, disturbance of the peace, illegal drug activity, illegal sale of firearms, public drunkenness, drinking in public, harassment of passers-by, gambling, prostitution, sale or receipt of stolen goods, or theft, and assaults or batteries.
- Violations of any applicable provision of city, state or federal regulation, ordinance or statute are not committed on the premises.
- Premises upkeep and operation are compatible with and will not adversely affect the liveability or appropriate development of surrounding properties and the surrounding neighborhood.

Background

- According to the 2010 census, the city of Long Beach has one alcohol license per every 400 residents over the age of 18.
- The city of Long Beach has one off-sale alcohol license per every 1000 residents over the age of 18.
- Studies have shown a link between alcohol availability and violence, fatal car accidents, and other law violations. With a "deemed approved" ordinance, communities can place conditions of operation upon outlets that, after due process, are determined to contribute to some kind of nuisance.

Deemed Approved Standards generally hold that:

- The outlet must not adversely affect to the health and safety of the local community
- The outlet must maintain upkeep so that its operating characteristics are compatible with the surrounding neighborhood
- The outlet must not contribute to nuisance activities, such as disturbances of the peace, drug dealing, public drinking and inebriation, gambling, prostitution, sale of stolen goods

What Happens to Outlets that Do Not Comply with these Standards?

Outlets that fail to comply with the deemed approved standards as part of the enforcement process will be subject to fines and penalties and civil court action pursued by the City Attorney.

There is no fiscal impact. Any fines generated should be used to fund programs that assist local businesses in offering healthier food options to the community.

Approve recommendation.

COUNCILMEMBER STEVEN NEAL
NINTH DISTRICT

COUNCILMEMBER ROBERT GARCIA
FIRST DISTRICT

VICE MAYOR SUJA LOWENTHAL
COUNCILMEMBER, SECOND DISTRICT

COUNCILMEMBER DEE ANDREWS
SIXTH DISTRICT