

RER/jmb
04/15/10
#19C

AN ORDINANCE 2010-04-15-0328

AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CITY CODE OF SAN ANTONIO, TEXAS TO PROHIBIT OPEN CONTAINERS AND PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN 1000 FEET OF THE HAVEN FOR HOPE CAMPUS AND PROHIBITING THE SALE, POSSESSION, CONSUMPTION OR DISTRIBUTION OF ALCOHOLIC BEVERAGES IN GARCIA PARK.

WHEREAS, the City of San Antonio has identified a threat to public health and safety in the presence of open containers and public consumption of alcoholic beverages in public areas surrounding the Haven for Hope Campus; and

WHEREAS, state law permits cities to enact regulations prohibiting open containers and public consumption of alcoholic beverages in public areas within 1000 feet of those homeless shelters and substance abuse treatment centers; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 4, Alcoholic Beverages, of the City Code of San Antonio, Texas is hereby amended by the addition of the following definitions to Section 4-1:

Central business district means, as related to a homeless shelter or substance abuse center, a compact and contiguous geographical area in the city used for commercial purposes that has historically been the primary location in the city where business has been transacted.

Haven for Hope Campus means the homeless shelter property, the boundaries of which are set out on the map attached to this ordinance as Attachment I.

Homeless shelter means a supervised publicly or privately operated shelter or other facility that is designed to provide temporary living accommodations to individuals who lack a fixed regular and adequate residence.

Substance abuse treatment center means a public or private hospital or facility, licensed or operated by the State of Texas for the treatment of chemical dependency or a controlled substance or alcohol.

SECTION 2. Chapter 4, Alcoholic Beverages, of the City Code of San Antonio, Texas is hereby amended by the addition of Section 4-4.4 to read as follows:

Section 4-4.4 – PUBLIC POSSESSION OF AN OPEN CONTAINER OR CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN 1,000 FEET OF THE HAVEN FOR HOPE CAMPUS.

- a) A person commits an offense if the person:
 - 1) is on a public street, public alley, or public sidewalk within 1,000 feet of the property line of the Haven for Hope Campus; and
 - 2) possesses a container for an alcoholic beverage that is no longer sealed, (“open container”) or consumes an alcoholic beverage.
- b) Each offense under section 4-4.4 above may be subject to prosecution for a Class C misdemeanor and a fine not to exceed \$500.00.

SECTION 3. Section 22-1(b)(35) of the City Code of San Antonio, Texas is repealed in its entirety, and the sale, possession, consumption or distribution of alcoholic beverages in Garcia Park shall henceforth be unlawful.

SECTION 4. The city manager is authorized to erect and post signs forewarning persons that they are within 1000 feet of the Haven for Hope Campus and that possession of an open container or the public consumption of alcoholic beverages is prohibited.

SECTION 5. The City Clerk of the City of San Antonio is hereby directed to publish public notice of this ordinance in accordance with Section 17 of the City Charter of the City of San Antonio. The publication shall consist of the full text of this ordinance, or a

substantive condensed statement of the nature and purpose of this ordinance, and the penalty for violation of its provisions.

SECTION 6. This ordinance shall take effect five days after the date of publication as provided above.

PASSED AND APPROVED this 15th day of April, 2010.


M A Y O R
Julián Castro

ATTEST:

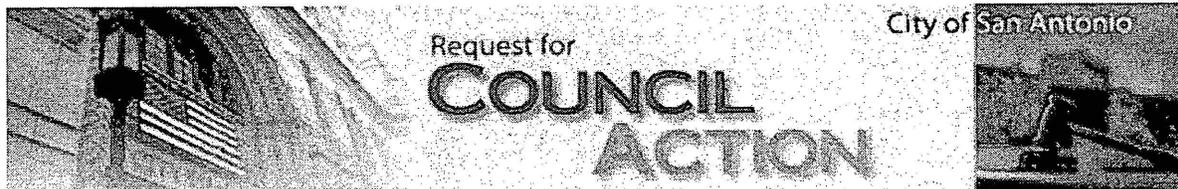


Letidia M. Vacek, City Clerk

APPROVED AS TO FORM:



Michael Bernard, City Attorney

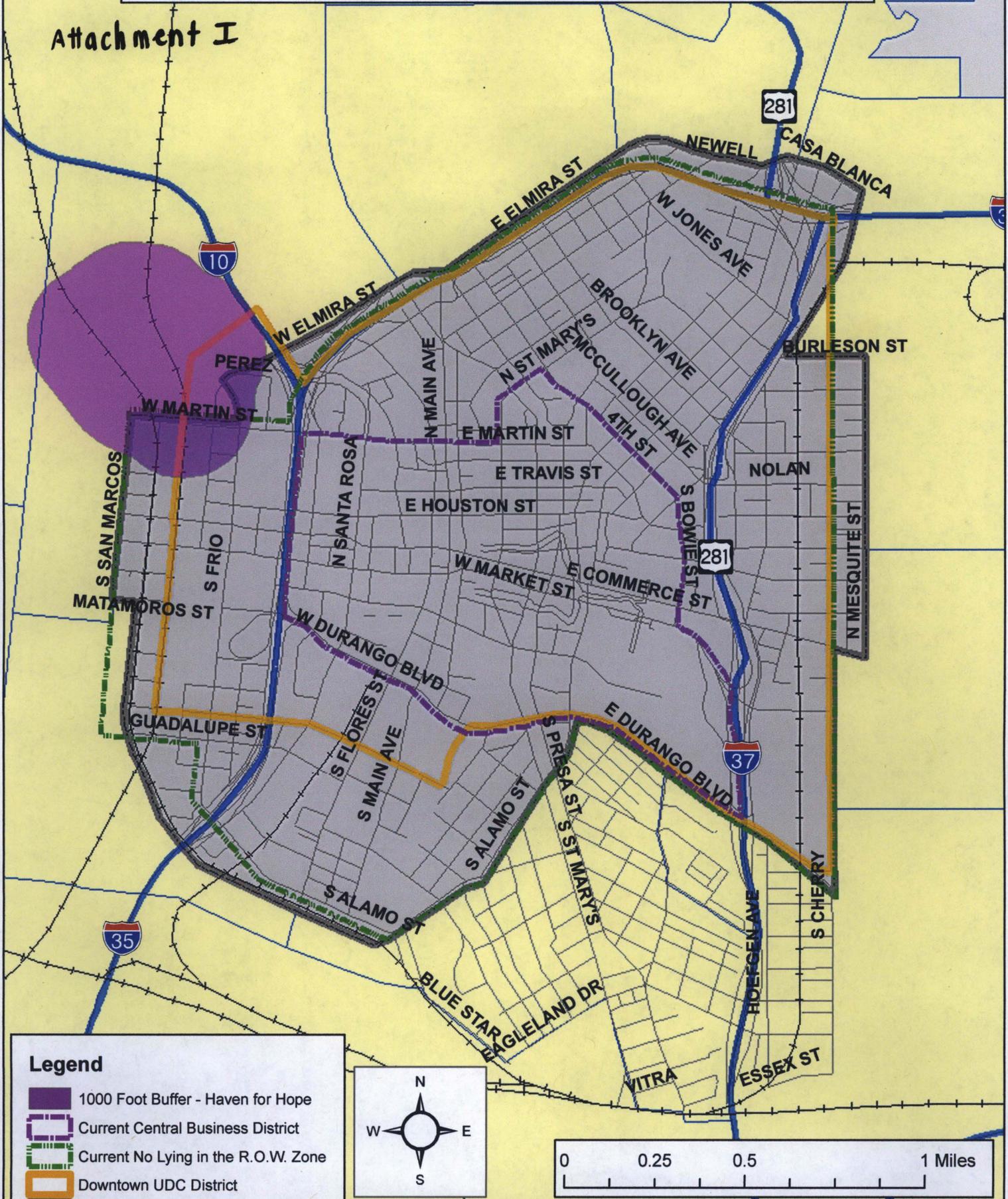


Agenda Voting Results - 19C

Name:	5, 6A, 6B, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19A, 19B, 19C, 21, 22, 23, 24, 25						
Date:	04/15/2010						
Time:	09:50:23 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 4, alcoholic beverages, of the San Antonio City Code to prohibit open containers and public consumption of alcoholic beverages within 1,000 feet of the Haven for Hope campus as permitted by State Law.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Leticia Cantu	District 4		x				
David Medina Jr.	District 5		x				x
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

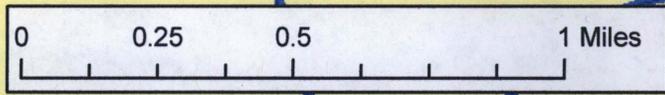
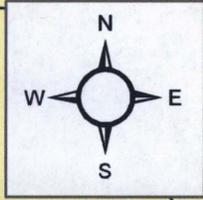
San Antonio Central Business District

Attachment I



Legend

- 1000 Foot Buffer - Haven for Hope
- Current Central Business District
- Current No Lying in the R.O.W. Zone
- Downtown UDC District
- Proposed Central Business District
- Railroads



Map Produced by the Strategic Mapping and Analysis Office, San Antonio Police Department. April, 2010.