

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

AN ORDINANCE Creating an Alcohol Impact Area in the Core Commercial Areas of the City of Everett, and Requiring a Report to the City Council by November 30, 2015, Regarding the Voluntary Efforts to Reduce Chronic Public Inebriation

_____ Briefing
 _____ Proposed Action
 _____ Consent
 _____ Action
 _____ First Reading
 _____ Second Reading
 _____ Third Reading
 _____ Public Hearing

COUNCIL BILL # _____
 Originating Department Police
 Contact Person Bruce Bosman
 Phone Number 425-257-8404
 FOR AGENDA OF 4-1-15

Initialed by:
 Department Head _____
 CAA _____
 Council President _____

<u>Location</u>	<u>Preceding Action</u>	<u>Attachments</u>	<u>Department(s) Approval</u>
			Legal Police

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

State law allows the Washington State Liquor Control Board (LCB) to recognize a geographic area within the City as an Alcohol Impact Area (AIA). Before recognition by the LCB, however, the City must adopt an ordinance identifying the area as one that has experienced significant problems due to the presence of chronic public inebriation or illegal activity associated with alcohol sales or consumption. The City must attempt to reduce and prevent the chronic public inebriation and illegal activity through voluntary efforts with the liquor licensees in the AIA for six months. If those efforts are unsuccessful, then the City may request that the LCB recognize the AIA and establish mandatory restrictions on liquor licensees in the AIA, including prohibiting the sale of certain alcohol products, or restricting the hours that retailers can sell alcohol to go.

Findings are supportive of an AIA as described in this ordinance. For example, Staff outreach revealed that businesses and neighborhoods in the proposed AIA are supportive of an AIA. And statistics from the fire department show that problems associated with public inebriation are significantly higher in the proposed AIA area (core commercial areas of the City).

RECOMMENDATION (Exact action requested of Council):

Adopt an ordinance creating an alcohol impact area in the core commercial areas of the City of Everett, and require a report to the City Council by November 30, 2015 regarding the voluntary efforts to reduce chronic public inebriation.



ORDINANCE NO. _____

AN ORDINANCE Creating an Alcohol Impact Area in the Core Commercial Areas of the City of Everett, and Requiring a Report to the City Council by November 30, 2015, Regarding the Voluntary Efforts to Reduce Chronic Public Inebriation.

Whereas, the Washington Administrative Code (the "WAC") §314-12-215 authorizes the City to identify areas within its boundaries where there are increased levels of chronic public inebriation and illegal activity associated therewith as Alcohol Impact Areas ("AIAs"); and

Whereas, within an AIA the City seeks to reduce levels of chronic public inebriation and illegal activity associated with alcohol sales or consumption by requesting the voluntary cooperation of businesses engaged in off-premise liquor sales to, in part, stop selling products associated with chronic public inebriation in the AIA; and

Whereas, City data, together with input from City stakeholders, including businesses, services, and residents, supports findings that the geographic area identified in section 1 of this ordinance has increased levels of chronic public inebriation and suffers from its effects, such as increased crime, blight, and use of social and public safety services; and

Whereas, these effects negatively affect the health, safety, and welfare of the nearby businesses, residents, and visitors; and

Whereas, the City has participated in the Everett Community Streets Initiative aimed at solving street level social issues including chronic public inebriation and alcohol related crime and blight; and

Whereas, the establishment of an AIA is supportive of the Streets Initiative plan because it seeks to reduce public chronic inebriation through restrictions on the sale of products associated with chronic public inebriation; and

Whereas, neighborhood groups, schools, and businesses in the affected area support the establishment of this AIA; and

Whereas, if, after six months, the City's efforts to voluntarily reduce chronic public inebriation and illegal activity associated with the sale and

consumption of alcohol in the AIA are unsuccessful, the City Council may direct the Chief of Police to request that the Washington State Liquor Control Board place mandatory restrictions on liquor licensees in the AIA such as prohibiting sales of certain products, or restricting hours of sale; and

Whereas, the City Council finds that the establishment of the area described in section 1 of this ordinance as an AIA is appropriate as a part of the City's effort to reduce chronic public inebriation and the illegal activity associated with the sale and consumption of alcohol, and as an action recommended by the Streets Initiative Task Force;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Core Commercial Areas Alcohol Impact Area

- A. The geographical areas in the City of Everett described below, and generally depicted on the map set forth in Exhibit A, are, together, declared to be an Alcohol Impact Area ("AIA") as defined by WAC §314-12-215, and may be referred to as the Core Commercial Areas AIA:
1. South on North Broadway Avenue from 7th Street to Broadway Avenue then continuing south on Broadway Avenue to 23rd Street. Virginia Avenue from 22nd Street to 23rd Street. Colby Avenue from 22nd Street to 23rd Street.
 2. The area bounded by 23th Street beginning at Broadway Avenue, west to Grand Avenue, south to Pacific Avenue, west to Kromer Avenue, south to Laurel Drive, west to Tulalip Avenue, south to 35th Street, east to Norton Ave, south to Grand Avenue, continue south to 46th Street and Evergreen Way, north to Rucker Avenue, continue north to 41st Street, east to S. 3rd Avenue, northeast to Smith Avenue, north to Pacific Avenue, east to Pine Street, north to Everett Avenue, east to Walnut Street, north to 25th Street, west to Cedar Street, north to 23rd Street, west to Broadway Avenue the point of origin.
 3. The area bounded by Wilmington Avenue south to Evergreen Way, south to 52nd Street, east to Claremont Way, north to 50th Street, east to Wilmington Avenue, northwest to Evergreen Way the point of origin.
 4. 46th Street at Evergreen Way, south on Evergreen Way to Airport Road. Pecks Drive from Evergreen Way, east to Cady Road. Madison Street from Evergreen Way, east to Beverly Boulevard. Evergreen Way at East Casino Road, west to West Casino Road, continue west to 5th Avenue West, south to Corbin Drive, southeast to Holly Drive, northeast to East Casino Road. SW Everett Mall Way at Evergreen Way, northeast on SW Everett Mall Way to SE Everett Mall Way,

continue northeast to East mall Drive. 7th Avenue SE at SE Everett Mall Way, south on 7th Avenue SE to 112th Street SE, east to 19th Avenue SE, north to El Capitan Way.

5. The area bounded by Evergreen Way at 108th Street SW, west to Hollow Dale Place, west to Paine Field Way, southeast to 112th Street SW, west to Airport Road, southeast to Evergreen Way, northeast to 108th Street SW the point of origin. The sections of 11200 Evergreen Way to Airport Road and northwest on Airport road are the Everett City limits and therefore will only include the Everett sides of the roadway.

- B. Except as stated in Section 1.A.5 of this Ordinance, the Core Commercial Areas AIA includes businesses on either side of any and all roads, streets, alleys, or other public right-of-ways that are a part of the AIA, including those roads, streets, alleys, or other public right-of-way that are the outermost boundaries of the AIA.
- C. By November 30, 2015, the Chief of Police shall provide a report to the City Council on the voluntary efforts to address chronic public inebriation issues in the Core Commercial Areas AIA. This report may include relevant crime statistics, police reports, emergency response data, detoxification reports, sanitation reports, public health records, and other information that document the success or failure of the voluntary efforts to address chronic public inebriation in the Core Commercial Areas AIA. Based upon the information contained in the report, the City Council may consider the adoption of legislation directing the Chief of Police to request the Washington State Liquor Control Board to impose mandatory restrictions on liquor licensees in the Core Commercial Areas AIA pursuant to WAC §314-12-215. Such legislation must be adopted by the City Council before any representative of the City requests the Liquor Control Board to impose such restrictions.

Section 2. Product Restrictions

Exhibit B to this Ordinance is a restricted products list. This is a list of products the City will seek to restrict the sale of on a voluntary basis. Products may be added to or deleted from the restricted products list administratively by the Chief of Police based on findings that a product is contributing to or no longer contributing to chronic public inebriation in the AIA. A Product that is materially similar to a restricted product but not currently contributing to chronic public inebriation may also be included on the restricted products list.

Section 3. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation, be declared

unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. General Duty

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 5. Savings

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 6. Corrections

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

RAY STEPHANSON, Mayor

ATTEST:

City Clerk

Passed: _____

Valid: _____

Effective: _____

Published: _____

Proposed Alcohol Impact Areas Everett Police Department

Exhibit A

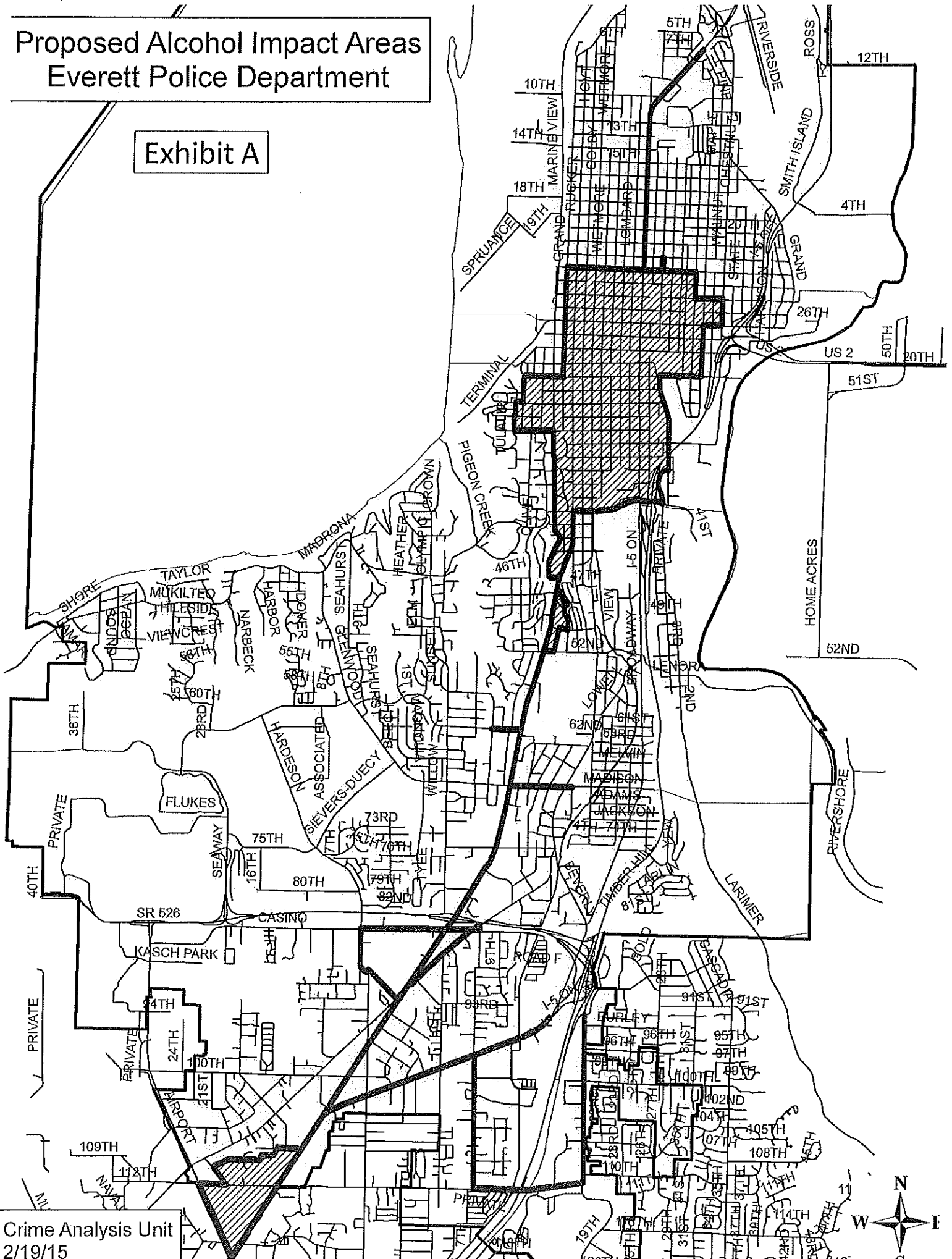


EXHIBIT B

Core Commercial Areas Alcohol Impact Area

Restricted Products List

ALL CONTAINER SIZES AND FLAVORS ARE RESTRICTED

BEER / MALT LIQUOR

Bud Ice

Busch Ice

Colt 45 Malt Liquor

Colt 45 High Gravity

Four Loco

HG 800

Hurricane Ice Malt Liquor

High Gravity Hurricane

Ice House

Joose

Keystone Ice

High Gravity Earthquake

Mickey's Iced Brewed Ale

Mickey's Malt Liquor

Mike's Hard Lemonade

Milwaukee Best Premium Ice

Natural Ice

Olde English 800

Pabst Ice

Steel Reserve