

LEGISLATIVE DIGEST

[Administrative Code - Repealing Deemed Approved Off-Street Alcohol Use Nuisance Ordinance]

Ordinance amending the Administrative Code to repeal Chapter 26, known as the Deemed Approved Off-Sale Alcohol Use Nuisance Regulations, and thereby repealing certain City provisions regulating establishments that sell alcoholic beverages for off-site consumption.

Existing Law

Chapter 26 of the Administrative Code, known as the Deemed Approved Off-Sale Alcohol Use Nuisance Regulations (the “Deemed Approved Ordinance”), automatically designated all businesses or entities that engage in the sale of alcoholic beverages for off-site consumption to be deemed approved as long as those liquor establishments adhere to the performance standards prescribed in the ordinance. Those performance standards require liquor establishments to take certain actions to reduce illegal activity in and around the establishment. The Deemed Approved Ordinance also established an administrative hearing process for establishments that violated the performance standards. Deemed Approved liquor establishments also pay an annual fee that helps fund education and outreach performed by the Department of Public Health. Establishments that timely pay the fee for three years, have no change in ownership during that period, and adhere to the performance standards, are eligible to have the fee indefinitely waived.

Amendments to Current Law

The proposed ordinance would repeal Chapter 26 in its entirety.

Background Information

In 1994, the Legislature enacted California Business and Professions Code Section 25612.5, which established retail operating standards for liquor stores, bars, and taverns, but also allowed local jurisdictions to implement more stringent standards. In 2006, the City enacted the Deemed Approved Ordinance, which generally incorporated and duplicated the operating standards in Section 25612.5. Since enactment of the ordinance, liquor establishments have largely complied with performance standards. Additionally, many liquor establishments are eligible for the fee waiver, but do not apply for a waiver.