



**MEMORANDUM**  
OFFICE OF THE  
**COUNTY EXECUTIVE**  
COUNTY OF PLACER

Second Reading

**TO:** Honorable Members of the Board of Supervisors

**FROM:** Thomas M. Miller, County Executive Officer  
By: Jennifer Merchant, Principal Management Analyst

**DATE:** April 15, 2008

**SUBJECT:** Adopt an Ordinance that will Amend Chapter 9 Public Peace, Safety & Welfare; Article 9.08 Offenses Against Public Peace and Decency, to include 9.08.030 to ban alcohol on portions of the Truckee River during designated summer holiday periods.

---

**ACTION REQUESTED:** Adopt an Ordinance that will Amend Chapter 9 Public Peace, Safety & Welfare; Article 9.08 Offenses Against Public Peace and Decency, to include 9.08.030 to ban alcohol on portions of the Truckee River during designated summer holiday periods.

**BACKGROUND:** On February 5, 2008, your board approved Resolution 2008-27, requesting state legislation to authorize a proposed alcohol ban on the Truckee River. The action was taken because state law currently allows alcohol use on navigable waterways throughout the state, unless expressly prohibited by statute. Irresponsible alcohol use along the Truckee River during peak holiday periods has created a public safety hazard, degradation of the tourism experience and a negative impact on the environment.

State Senator Dave Cox, R-Fair Oaks, sponsored SB 1159, which authorizes the Placer County Board of Supervisors to impose an alcohol ban on the Truckee River between Fanny Bridge and River Ranch during designated summer holiday periods. SB 1159 is supported locally by the USDA Forest Service Lake Tahoe Basin Management Unit, the North Lake Tahoe Chamber of Commerce, Tahoe City Downtown Association, and various local businesses, include those that operate on the Truckee River.

Implementation of the ordinance will require a Board resolution for the purpose of selecting dates during which the ban would be imposed. Once the Ordinance has been approved by your Board, staff will return with a Resolution for your consideration, approving the dates during which the ordinance will be effective for 2008 and 2009. The proposed dates are July 4, 5 and 6, 2008 and July 3, 4, and 5, 2009.

**FISCAL IMPACT:** State and local law enforcement efforts are already broadened over the holiday period throughout the North Lake Tahoe area. Public safety officials

agree that this proactive step will have a chilling affect on the number of people on the Truckee River significantly decreasing the number of alcohol-related incidents and additional necessary enforcement action. Related costs associated with law enforcement efforts in enforcing the proposed ban are not expected to be greater than existing.

SB 1159 does require the posting of signs to notify the public. This can be accomplished in conjunction with an existing Department of Public Works signage program and is expected to require only a nominal expense.

**RECOMMENDATION:** Adopt an Ordinance that will Amend Chapter 9 Public Peace, Safety & Welfare; to include Article 9.08.030 Offenses Against Public Peace and Decency to ban alcohol on portions of the Truckee River during designated summer holiday periods; and approve a Resolution regarding July 4, 2008 and 2009 Holiday Enforcement Periods.

cc: Brian Wirtz, Deputy County Counsel

Attachments: Ordinance  
Placer County Code, Chapter 9, Article 9.08.030  
Support Letters

**Before the Board of Supervisors  
County of Placer, State of California**

**In the matter of: AN ORDINANCE ADDING  
SECTION 9.08.030 TO ARTICLE 9.08 OF THE  
PLACER COUNTY CODE PROHIBITING POSSESSION  
OF OPEN ALCOHOLIC CONTAINERS ALONG  
THE TRUCKEE RIVER DURING DESIGNATED  
HOLIDAY PERIODS**

Ord. No. \_\_\_\_\_

First Reading: \_\_\_\_\_

**The following ORDINANCE was duly passed by the Board of Supervisors**

**of the County of Placer at a regular meeting held \_\_\_\_\_, by the  
following**

**vote on roll call:**

**Ayes:**

**Noes:**

**Absent:**

**Signed and approved by me after its passage.**

**Attest:  
Clerk of said Board**

**Chairman, Board of Supervisors**

---

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF  
CALIFORNIA, DOES HEREBY ORDAIN as follows:**

**Section 1:** Section 9.08.030 is hereby added to Article 9.08 of the Placer County Code and shall read as follows:

**ARTICLE 9.08: OFFENSES AGAINST PUBLIC PEACE AND DECENCY (continued)**

...

**SEC. 9.08.030 POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ALONG SPECIFIED REACHES OF THE TRUCKEE RIVER DURING CERTAIN SUMMER HOLIDAY PERIODS PROHIBITED:**

**A. Prohibition; Geographic Extent**

No person may consume any alcoholic beverage or possess any can, bottle, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed in the following designated area along the Truckee River:

1. Those areas extending from the edge of the water upland for a distance of three (3) feet on both sides of the river, beginning at the outfall of Lake Tahoe and ending at the upstream edge of the Alpine Meadows Bridge.
2. This prohibition shall also extend to all islands, rock outcroppings, and any other land or structures within the confines of the river.
3. This prohibition includes all bridges and pipeline crossings not otherwise exempted herein.

**B. Timing of Prohibition.**

This prohibition shall only apply during summer holiday periods that the Board of Supervisors shall designate by Resolution.

**C. Exemptions**

1. The provisions of this prohibition shall not apply to the Highway 89 Bridge.
2. The provisions of this prohibition shall not apply to businesses that possess a valid liquor license issued by the California Department of Alcohol Beverage Control.

3. The provisions of Section 9.08.020 shall not be applicable to this section.

**D. Penalty**

Violation of this section is an infraction, punishable by a fine not to exceed \$150 for the first violation, \$500 for the second violation, and \$1,000 for the third violation occurring in any calendar year.

**Section 2:** The foregoing specified ordinance shall become effective thirty (30) days after the date of final passage of this ordinance.

**Article 9.04**

**OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT**

**Sections:**

- 9.04.010 **False or fraudulent statements or misrepresentations.**
- 9.04.020 **False or misleading writings or documents.**
- 9.04.030 **Dogs used by sheriff personnel.**

**9.04.010 False or fraudulent statements or misrepresentations.**

It is unlawful for any person to knowingly falsify or conceal any fact, or make any false or fraudulent statement or misrepresentation in any matter or proceeding within the jurisdiction of any department or agency of the county. (Prior code § 12.10-1)

**9.04.020 False or misleading writings or documents.**

It is unlawful for any person to knowingly use any false or misleading writing or document in any matter or proceeding within the jurisdiction of any department or agency of the county. (Prior code § 12.10-2)

**9.04.030 Dogs used by sheriff personnel.**

It is unlawful for any person wilfully to strike, injure, abuse, obstruct, or distract any dog used by the Placer County sheriff's department if that person knows, or reasonably should know, that the dog is under the control of, and being used by an officer of the sheriff's department in the performance of any of the functions or duties of that department or of that officer. (Prior code § 12.70)

**Article 9.08**

**OFFENSES AGAINST PUBLIC PEACE AND DECENCY**

**Sections:**

- 9.08.010 **Possession or consumption of alcoholic beverages in designated area prohibited.**
- 9.08.020 **Possession or consumption of alcoholic beverages in designated area prohibited—Exceptions.**

**9.08.010 Possession or consumption of alcoholic beverages in designated area prohibited.**

Any person consuming any alcoholic beverage or possessing any can, bottle, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed in the following designated area shall be guilty of an infraction:

A. That area of land located in Kings Beach, California known as Agatam County Beach described as follows:

Beginning at a point on the low water line of Lake Tahoe at the intersection of the south-westerly extension of the south-easterly boundary of Lot 8 Block BF of Brockway Vista subdivision (M.O.R. Bk. D, Pg. 16),

Thence from said point of beginning north-easterly along said south-easterly boundary of said Lot 8 and the north-easterly extension thereof to a point on the north-easterly boundary of Brockway Vista Avenue, Placer County Road X7038;

Thence north-westerly along said north-easterly boundary of Brockway Vista Avenue to the south corner of Lot 141 Block BE of said Brockway Vista subdivision;

Thence north-easterly along the south-easterly line of said Lot 141 to the east corner of said Lot 141 of Brockway Vista subdivision;

Thence north-westerly along the north-easterly boundaries of Lots 141, 142, 143 and 144 Block BE of Brockway Vista subdivision to the north corner of Lot 144, to a point on the south-easterly side of Coon Street, Placer County Road X7026;

Thence north-easterly along the south-easterly boundary of Coon Street to its intersection with the south-westerly boundary of California State Highway 28;

Thence north-westerly along said south-westerly boundary of California State Highway 28 to the easterly corner of Lot 42 Block B of said Brockway Vista subdivision, said point being the north-easterly corner of the Kings Beach State Recreation area;

Thence along the easterly boundary of said Kings Beach State Recreation Area to a point on the low water line of Lake Tahoe;

Thence south-easterly along the low water line of Lake Tahoe to the point of beginning.

Excepting therefrom any land owned by the state of California for which an adopted management plan or other authorized action expressly provides for, or otherwise governs, the consumption of alcoholic beverages, or any land or buildings owned by the state of California

for which a lease or rental agreement does not prohibit the consumption of alcoholic beverages.

B. That area of land located in Kings Beach, California known as Buck's/Speedboat County Beach located at the end of Speedboat and Harbor Avenues in Brockway, Lake Tahoe.

C. That area of land located in Kings Beach, California known as Secline Beach including the beach, day-use area, streets and parking lot. (Prior code § 12.5)

**9.08.020 Possession or consumption of alcoholic beverages in designated area prohibited—Exceptions.**

Exceptions to Sec. 12.5 of this code may be granted in writing by the county executive officer or his or her designee upon consultation with the director of parks and recreation of the North Tahoe public utility district, operator of the adjoining Kings Beach State Recreation Area. (Prior code § 12.5-1)

**Article 9.12**

**PROPERTY OFFENSES**

**Sections:**

- 9.12.010 Possession or use of glass containers or maintaining open fires in designated areas prohibited.
- 9.12.020 Trespassing.
- 9.12.030 Skateboards, roller skates and in-line skates.
- 9.12.040 Payment of reward for conviction of littering or shooting violation.
- 9.12.050 Solar shade control.

**9.12.010 Possession or use of glass containers or maintaining open fires in designated areas prohibited.**

A. Any person possessing or using glass bottles, jars, tumblers, or vessels of whatever nature, empty or not, or maintaining any open fire in the following designated areas shall be guilty of an infraction, except that persons may pick up glass containers left or discarded by others and remove or deposit same in an approved trash receptacle:

That area of land located in and around Lake Tahoe, California maintained as the following county beaches:

1. Agatam Beach Area;
2. Coon Street Picnic;
3. Moon Dunes Beach;
4. National Avenue Picnic Area;

5. Patton Beach,
6. Secline Beach including the beach, day-use area, streets and parking lot;
7. Speedboat/Buck's Beach.

B. Exceptions to subsection A of this section may be granted in writing by the county executive officer or his or her designee upon consultation with the director of parks and recreation of the North Tahoe Public Utility District, operator of the adjoining Kings Beach State Recreation Area. (Prior code §§ 12.6, 12.6-1)

**9.12.020 Trespassing.**

A.1. Every person who remains, or allows his or her personal property to remain on the real property of another after being requested by the owner of such real property to leave or remove such personal property, shall be guilty of a public offense. These provisions shall not be applicable to law enforcement or fire personnel acting within the course and scope of their employment, nor to persons on the real property pursuant to process of law.

2. Such request may be oral or written if made in person and shall be immediately effective.

3. For the removal of personal property, if the owner thereof is not personally present, such request shall be in writing and attached to the personal property to be removed. It shall be effective in seventy-two (72) hours, or when the writing is actually received, whichever comes first.

4. The provisions of this subsection shall be in addition to any other punishments or remedies provided by law.

B. It is unlawful for any person to enter upon unimproved real property belonging to another person unaccompanied by such other person without having in possession written, signed authorization from such other person for such entry. Such written authorization shall be produced upon demand of any peace officer enforcing the provisions of this section. Any charge under this subsection shall be dismissed when the person charged produces in court such written, signed authorization from such other person for such entry. (Prior code § 12.18)

**9.12.030 Skateboards, roller skates and in-line skates.**

A. It is unlawful to ride or propel any skateboard, roller skate, in-line skate or any similar device upon any sidewalk or street in the county so as to interfere with pedestrian or vehicular traffic.

B. It is unlawful to ride or propel any skateboard, roller skate, in-line skate or any similar device upon any

