

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

In the matter of: An Ordinance Amending
Placer County Code Chapter 9, Article 9.08,
Section 9.08.030(B) on an Interim Uncodified
Basis Related to an Alcohol Ban on the
Truckee River

Ordinance No.: _____

Introduced: _____

The following **Urgency Ordinance** was duly passed by the Board of Supervisors of the County
of Placer at a regular meeting held on _____, 2020 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, California Business and Professions Code ("B&P") section 25608.10 authorizes the Placer County ("County") Board of Supervisors ("Board") to prohibit the "consumption of an alcoholic beverage or possession of an open alcoholic beverage container on the land portions along the Truckee River described as follows: "[o]n the portion of the Truckee River, from the outfall of Lake Tahoe upstream of the Highway 89 Bridge in Tahoe City to the Alpine Meadows Bridge"; and

WHEREAS B&P section 25608.10 was enacted by the State legislature as an “urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution” and supported by the following facts of necessity: “In order to protect the health and safety of the public due to the problem of consumption of alcohol during certain summer holiday periods on a portion of the Truckee River, it is necessary for this act to take effect immediately.” (2008 Cal. Legis. Serv. Ch. 44 (S.B. 1159); and

WHEREAS, County Code Chapter 9, Article 9.08, Section 9.08.030, enacted by the Board in 2008, is entitled “Possession or consumption of alcoholic beverages along specified reaches of the Truckee River during certain summer holiday periods prohibited and is identical in content to B&P section 25608.10; and

WHEREAS, Chapter 9, Article 9.08, Section 9.08.030 was enacted for the health, safety or welfare of the County and its residents to address the significant and historic problems with large numbers of crowds congregating on the Truckee River and consuming alcohol, which in turn has led to historic alcohol-related misconduct and associated public health, safety and environmental degradation issues on the Truckee River; and

WHEREAS, both state law and the Placer County Code authorize the Board to determine what specific “summer holiday periods” will apply to an alcohol ban on the Truckee River and Section 9.08.030 further authorizes local enforcement of said ban and imposition of penalties for violations of the same; and

WHEREAS, due to the COVID-19 pandemic, the Governor enacted a State of Emergency on March 4, 2020 and subsequently adopted Executive Order No 33-20 on March 19, 2020, requiring residents of the State to shelter in place, which executive order is still in force and effect; and

WHEREAS, use of the Truckee River has increased substantially during the COVID-19 pandemic which has caused an increased amount alcohol use, alcohol-fueled misconduct, trash in the form of beer cans and other alcohol containers, and general disregard for social distancing while recreating on the Truckee River; and

WHEREAS, high numbers of the public using the County area of the Truckee River and corresponding increased use of alcohol has caused safety concerns for families who wish to use the river, in addition to the potential environmental degradation of the “islands, rock outcroppings and other land or structures within the confines of the river”, (Section 9.08.030(A)(2); and

WHEREAS, absent the Board’s action, the risk of an increase in health, welfare and safety concerns and incidents on the Truckee River are likely to escalate; and

WHEREAS, the Board hereby elects to exercise its authority under B&P section 25608.10 and County Code Chapter 9, Article 9.08, Section 9.08.030(B) to define the “summer holiday period” for 2020 as it pertains to an alcohol ban on the Truckee River as set forth herein; and

WHEREAS, the Board finds there is an immediate need to preserve the public peace, health and safety as described above to support the enactment of an urgency ordinance to establish a summer holiday period for 2020 on the Truckee River.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA
ORDAINS AS FOLLOWS:**

Section 1: Placer County Code Chapter 9, Article 9.08, Section 9.08.030(B) is amended on an interim uncodified basis for the effective period of this ordinance as follows:

B. Timing of Prohibition. This prohibition shall ~~only apply during~~ the summer holiday periods ~~that the board of supervisors shall designate by resolution~~ **from July 27, 2020 to and including October 15, 2020.**

Section 2: The Board hereby declares, based on the findings set forth above, that there is an immediate need to preserve the public peace, health and safety constituting the urgency for adoption of this ordinance pursuant to Government Code section 25123(d). Accordingly, this ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption until October 15, 2020, unless otherwise repealed or extended.

Section 3: The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.