



An Ordinance amending Title 10, Chapter 10.12 Alcohol prohibited in public places

Goal 2 - Set the Standard for a Safe and Secure City
El Paso Police Department

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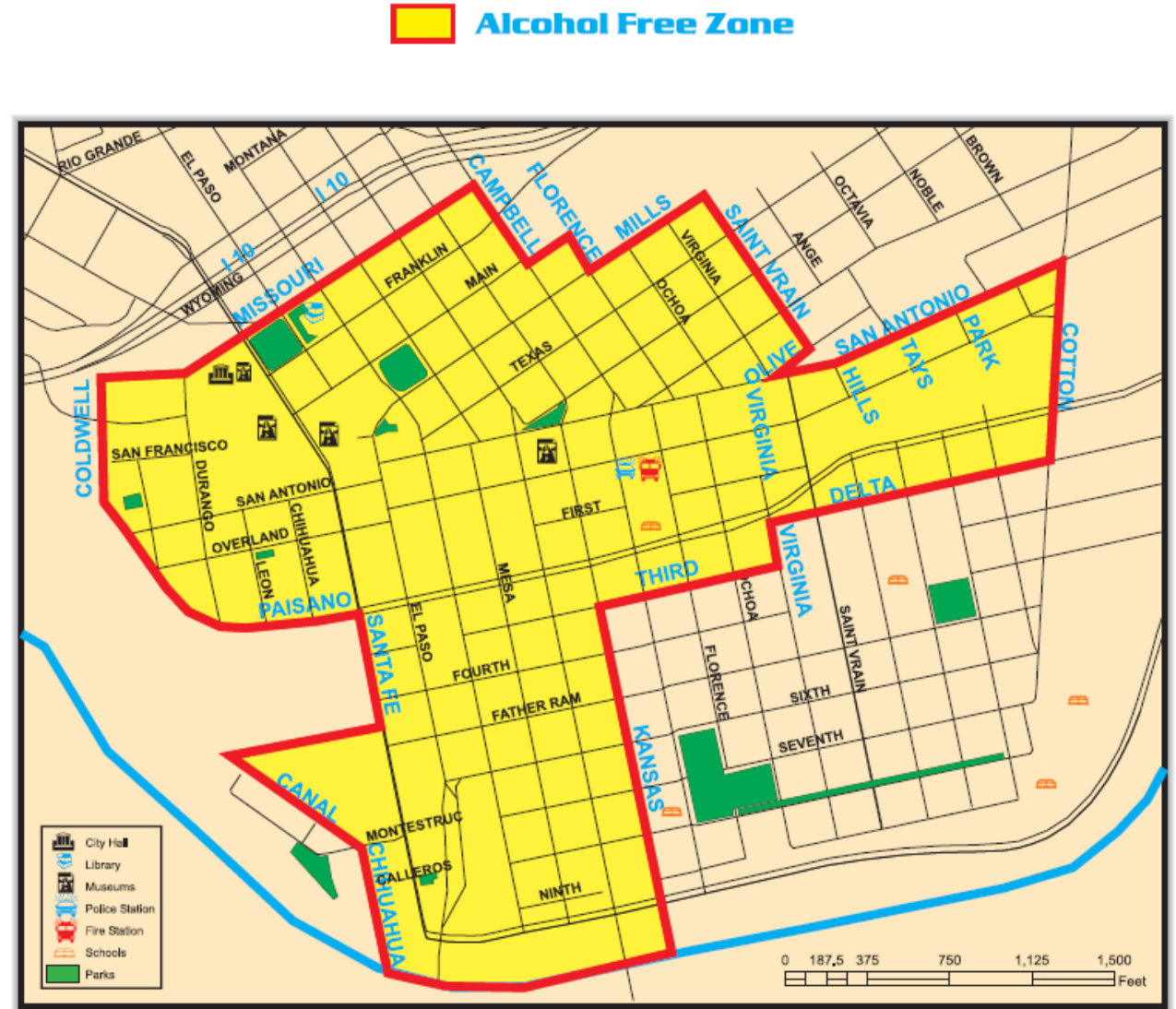


Enforcement under current ordinance Section 10.12.050, sub. 2.b.1

A person commits an offense if he possesses an open container of or consumes an alcoholic beverage in or on any public street, sidewalk, alley, or pedestrian way located in the El Paso Central Business District area as defined in this section.

Class C citations for open container 2020-06.30.2021

Total	1,801
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Purpose

To improve the quality of life for residents and persons experiencing homelessness in and around homeless shelters by reducing nuisances related to drinking in public.

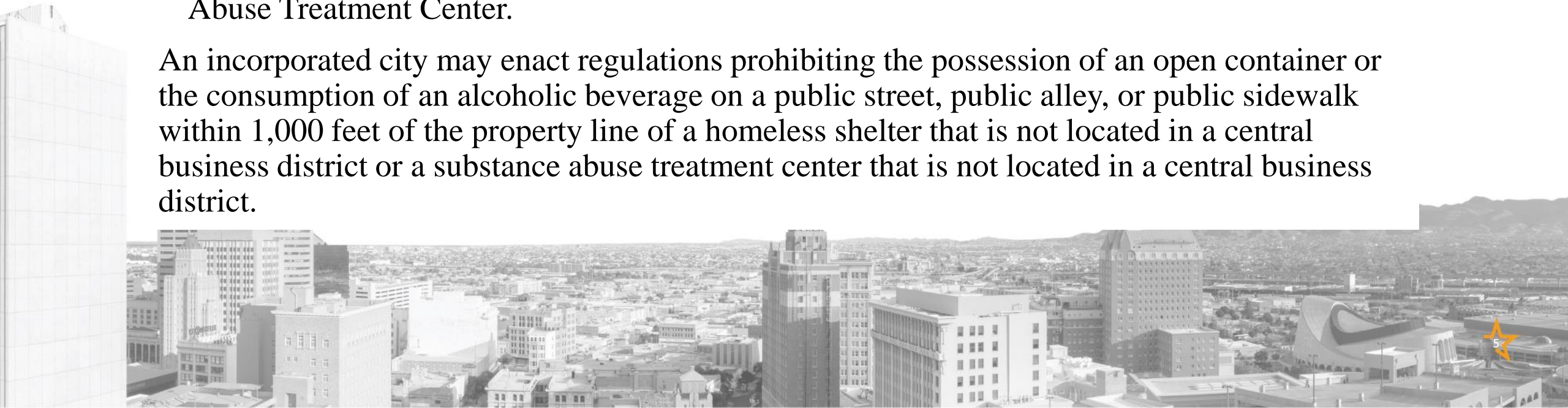
Statutory Authority

- TABC 109.35 Central Business District

In this section, “central business district” means a compact and contiguous geographical area of a municipality in which at least 90 percent of the land is used or zoned for commercial purposes and that is the area that has historically been the primary location in the municipality where business has been transacted.

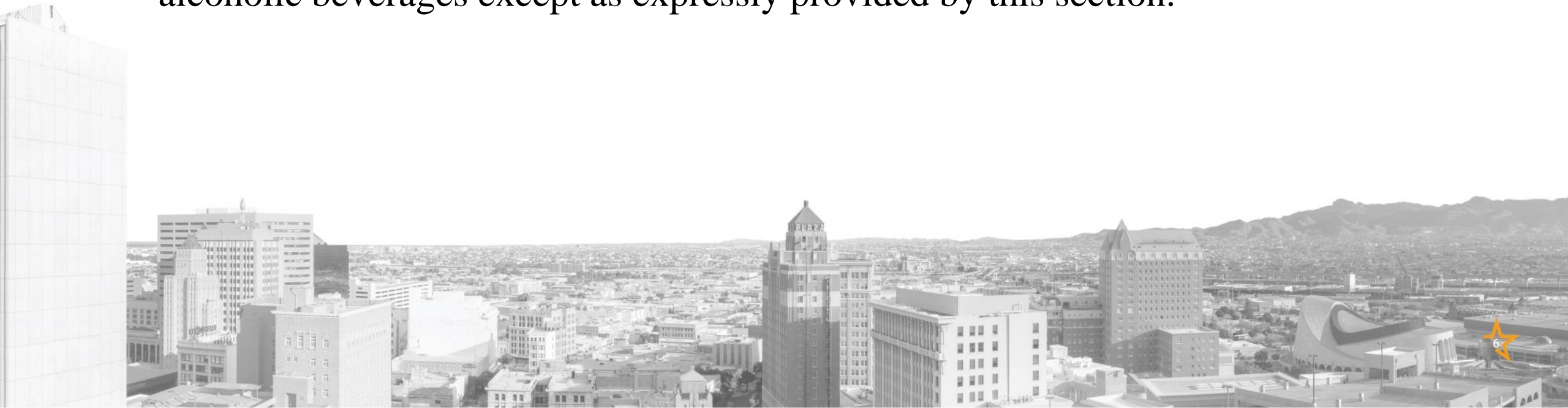
- TABC 109.36 Consumption of Alcoholic Beverages Near Homeless Shelter or Substance Abuse Treatment Center.

An incorporated city may enact regulations prohibiting the possession of an open container or the consumption of an alcoholic beverage on a public street, public alley, or public sidewalk within 1,000 feet of the property line of a homeless shelter that is not located in a central business district or a substance abuse treatment center that is not located in a central business district.



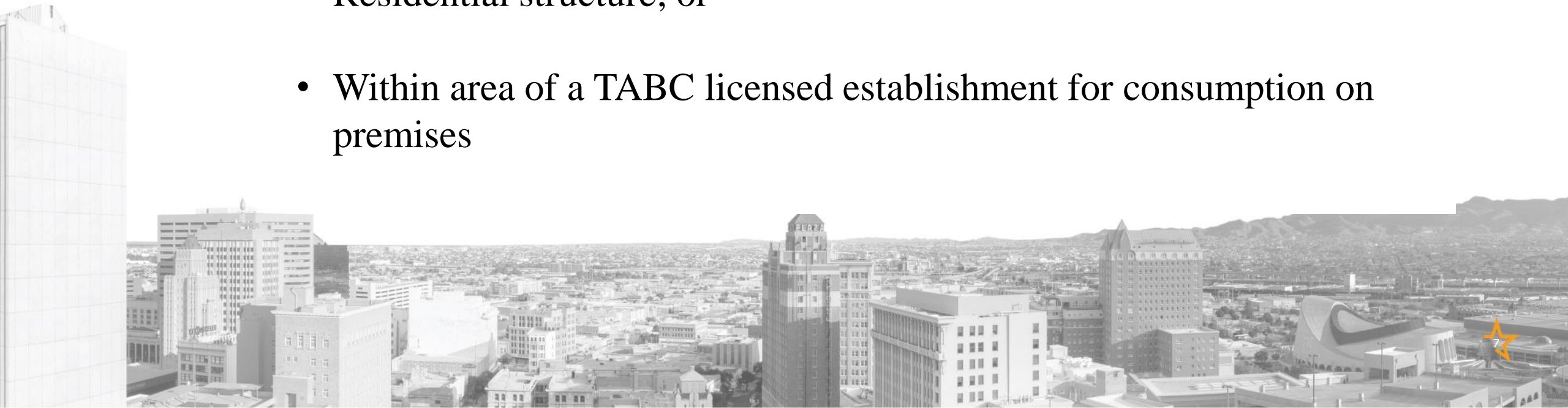
TABC Section 109.35 (c-1)

TABC Section 109.35 (c-1) In accordance with Section [1.06](#) (TABC exclusively governs the manufacture, sale, distribution, transportation, and possession of alcoholic beverages), this section does not authorize municipal regulation of the possession of an open container or the public consumption of alcoholic beverages except as expressly provided by this section.



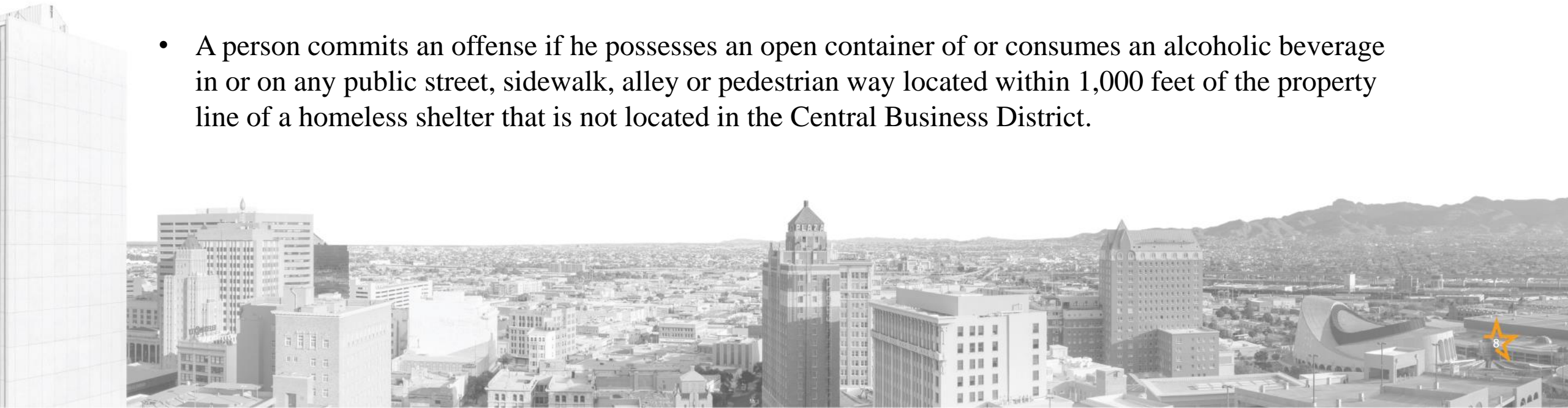
Exceptions

- Special authorized events with valid permit from TABC;
- Inside a building not owned or controlled by the City;
- Residential structure; or
- Within area of a TABC licensed establishment for consumption on premises



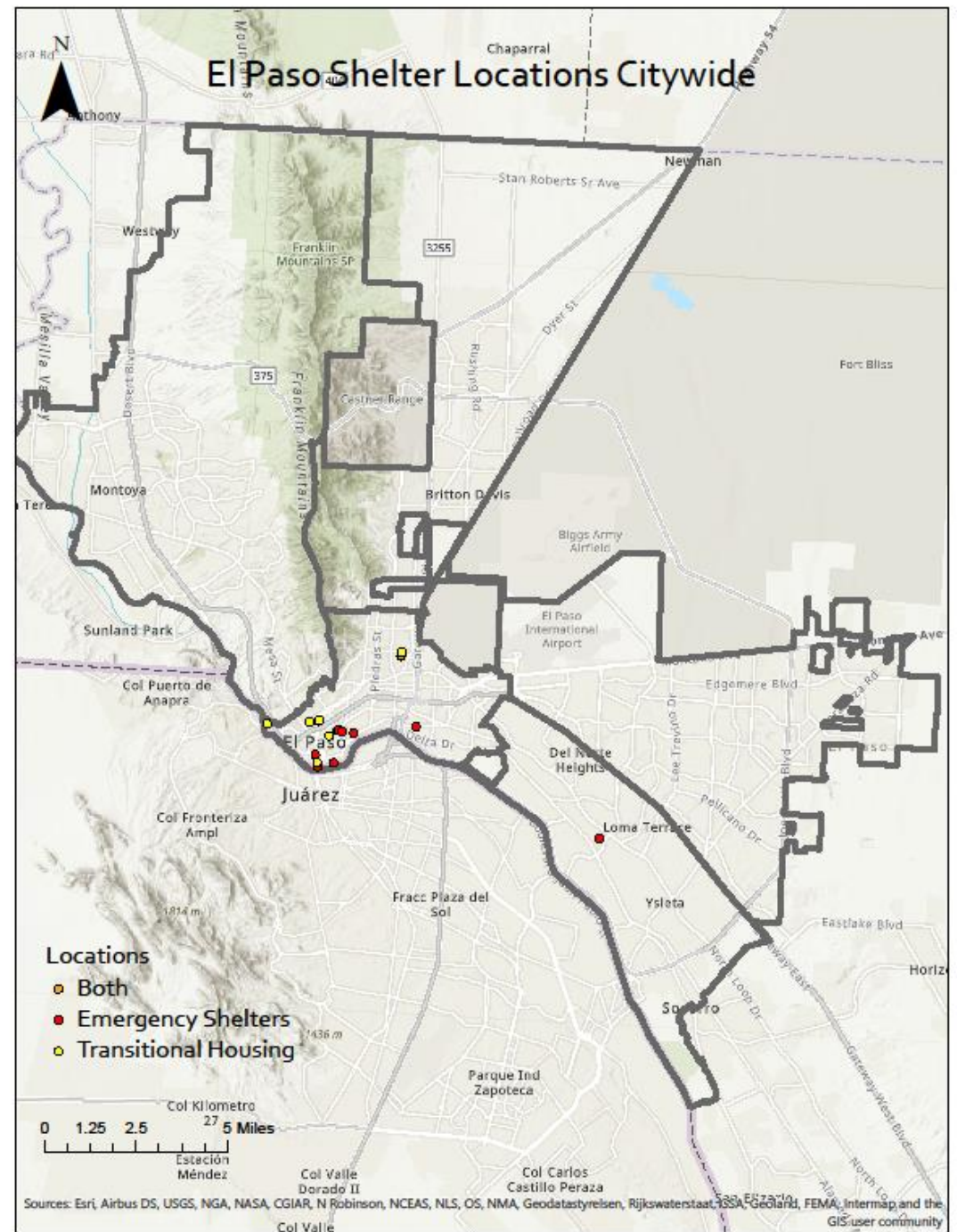
Proposed Additions

- Definition of “homeless shelter” for purposes of this Section 10.12.050 of the City Code, 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.
- Definition of “possesses” or “possession” for purposes of this Section 10.12.050 of the City Code, means actual care, custody, control or management.
- A person commits an offense if he possesses an open container of or consumes an alcoholic beverage in or on any public street, sidewalk, alley or pedestrian way located within 1,000 feet of the property line of a homeless shelter that is not located in the Central Business District.



Homeless Shelters

- Addresses of [shelters listed](#) were received through the Homeless Coalition, and may not encompass all shelters throughout the City due to some confidential locations for vulnerable populations.

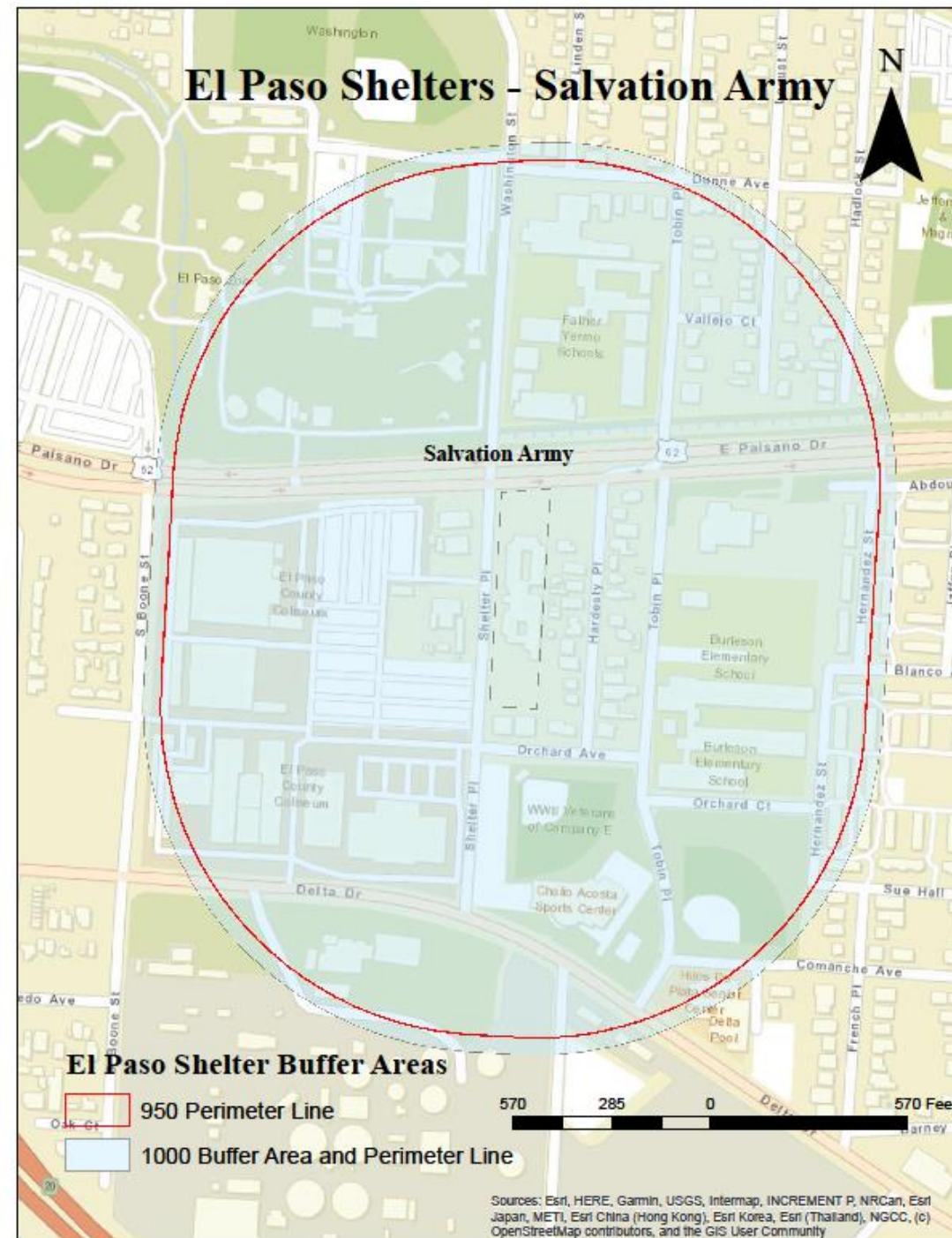


Examples

Within 1,000 feet example

Measurements of distance will be determined utilizing ARC-GIS pre-printed maps that have a 1000 foot buffer over the parcel lines of the properties that will be placed in the Regional Commands.

The amendment only applies to public areas. Private property is not affected.



Examples Cont.



Questions or Comments?



MISSION



Deliver exceptional services to support a high quality of life and place for our community

VISION



Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



VALUES

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople