ORDINANCE NO. 2022-367

AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING TITLE III, CHAPTER 2 OF THE WINDSOR MUNICIPAL CODE TO ALLOW FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE PUBLIC RIGHT OF WAY WHEN PERMITTED BY THE TOWN

WHEREAS, the Windsor Municipal Code prohibits the consumption of any alcoholic beverages at any time on any public highway, road, street, sidewalk, lane, alley or parking lot open for public use within the Town of Windsor; and

WHEREAS, on June 3, 2020, to help address some of the negative economic impacts related to COVID-19 on local businesses, the Town Council discussed the idea of using public streets, sidewalks and parking areas for outdoor dining for local restaurants and food/beverage-oriented businesses. At that meeting, the Council directed staff to draft an urgency ordinance to temporarily waive the strict application of Section 3-2-100 of the Windsor Municipal Code, which prohibits the consumption of alcoholic beverages on public streets, sidewalks and parking areas; and

WHEREAS, on June 17, 2020, the Town Council adopted Ordinance 2020-345 Amending Title III, Chapter 2 of the Windsor Municipal Code to allow for the temporary consumption of alcoholic beverages on public streets, parking areas, and sidewalks during specified days and times to mitigate the economic impacts to businesses as a result of COVID-19; and

WHEREAS, in the summer of 2020, the Town hosted a series of "Downtown Street Eats" in which McClelland Dr, was closed to allow restaurants to serve food and alcoholic beverages in the public right-of-way; and

WHEREAS, in July 2020, the Town staff created the Outdoor Dining and Commerce Program which established requirements and guidelines associated with the use of the public right-of-way and the creation of parklets. This program along with the adoption of Ordinance 2020-345 provided restaurants with the ability to provide food and alcohol to their customers in a socially distant manner; and

WHEREAS, on June 16, 2021, the Town Council adopted Urgency Ordinance 2021-350 Amending Title III, Chapter 2 of the Windsor Municipal Code and extending the allowance for the temporary consumption of alcoholic beverages on public streets, parking areas, and sidewalks until December 1, 2021; and

WHEREAS, on November 17, 2021, the Council adopted Urgency Ordinance 2021-356 Amending Title III, Chapter 2 of the Windsor Municipal Code and extending the allowance for the temporary consumption of alcoholic beverages on public streets, parking areas, and sidewalks until December 31, 2022; and

WHEREAS, the allowance for the temporary consumption of alcoholic beverages on public streets was adopted and extended twice using California Government Code Section 36937,

which authorizes the Town Council to introduce and adopt an ordinance it declares to be necessary as an urgency measure to preserve the public peace, health, and safety; and

WHEREAS, the majority of COVID-19-related health orders used as the basis for adopting an urgency ordinance have now been lifted; and

WHEREAS, the Town Council desires to allow all the consumption of alcoholic beverages in public-right-of-way when specifically permitted by the Town; and

WHEREAS, the Town Council finds and determines that allowing the consumption of alcoholic beverages during specific days and times on designated public streets, parking areas, and sidewalks is essential to support economic development.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor does hereby ordain as follows.

SECTION 1. Recitals.

The above recitals are hereby incorporated by reference and declared to be true and correct.

SECTION 2. Amendments.

Title III, Chapter 2 of the Windsor Municipal Code entitled "Alcoholic Beverages" is hereby amended to read and provide as follows:

"3-2-100 - Consumption of Alcoholic Beverages on Public Streets or Public Places.

It shall be unlawful for any person to consume any beer, wine or other alcoholic beverages at any time on any public highway, road, street, sidewalk, lane, alley or parking lot open for public use within the Town of Windsor, with the following exception:

Notwithstanding the foregoing, the consumption of any beer, wine or other alcoholic beverages is allowed on any, road, street, lane, alley or parking lot open for public use where and when permitted by the Town.

1. Operating hours for the consumption of any beer, wine or other alcoholic beverages on any public highways, roads, streets, lanes, alleys, or parking lots is only allowed between the hours of 8 a.m. and 10 pm and will be strictly enforced.

SECTION 3. Compliance with the California Environmental Quality Act.

The Council finds that the adoption and implementation of this ordinance is exempt from environmental review pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3), the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed amendment is temporary and does not allow for or encourage any new land uses or more

development than is already anticipated under the Town's 2040 General Plan and can be seen with certainty that there is no possibility that the amendments in question may have a significant effect on the environment.

SECTION 4. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 5. Effective Date.
This Ordinance shall become effective thirty (30) days from the date of its passage.

SECTION 6. Publication or Posting.

The Town Clerk of the Town of Windsor shall cause this ordinance to be published, or to be posted in at least three (3) public places in the Town of Windsor, in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 16th day of November 2022, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, REYNOZA, WALL, VICE MAYOR LEMUS AND MAYOR SALMON**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

SAM SALMON, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK