

CORVALLIS POLICE DEPARTMENT

MEMORANDUM

May 29, 2007

TO: Urban Services Committee

FROM: Gary Boldizar, Chief of Police



SUBJECT: Sidewalk Cafés Fencing Requirements

ISSUE:

At the May 22, 2007, Urban Services Committee work session a question was asked regarding the police department's operational needs for fencing at the sidewalk cafés that serve alcohol.

BACKGROUND:

Corvallis Municipal Code (CMC) section 8.08.090 (2)(d) requires each business with a sidewalk café serving alcohol to utilize solid or semi-solid portable fencing, planters, or similar approved barrier of thirty-six (36) inches to forty-eight (48) inches in height, to clearly identify the licensed space. CMC section 5.03.040.010.06 states that consumption of alcoholic liquor, possession of open container of alcoholic liquor in public places is prohibited. With the sidewalk area being a public place, consumption of alcohol outside of the specific licensed space of the sidewalk café is prohibited under the Municipal Code.

DISCUSSION:

While fencing around a sidewalk café is not a statewide OLCC requirement, the OLCC does require each licensed establishment to provide a plan for the control of alcohol within the sidewalk café. The OLCC may require specific establishments to install fencing, but others may not be required to utilize fencing. The only thing mandating the fencing for every establishment in Corvallis is the local ordinance.

While the fencing makes the enforcement of CMC 5.03.040.010.06 easier, it is not essential for the enforcement to occur. The fencing does simplify things for the customer in making it easy for them to stay within the law, and for the establishment in their required control of alcohol within the identified licensed space.

RECOMMENDATION:

The police department recommends no changes to CMC 8.08.090(2)(d).