

Deemed Approved Ordinance (DAO) Questionnaire

Sponsored by the Huntington Beach Downtown Residents Association (HBDRA) and presented to the City of Huntington Beach Downtown Public Safety Task Force.

CITY: PETALUMA

NAME OF DAO: ARNO (Alcohol Related Nuisance Ordinance)

DAO MUNICIPAL CODE: 10.68.011 DATE ESTABLISHED (MM/YY): 2007

1) Why did your City originally seek to establish a Deemed Approved Ordinance?

To mitigate the negative impacts from alcohol selling establishments in our City that were creating public safety and/or public nuisance issues.

Other, please provide additional information.

2) What was the primary and overriding concern at the time your City first sought to establish a Deemed Approved Ordinance?

An over-concentration of alcohol selling establishments located in our

Downtown Area. Other _____

Other, please provide additional information.

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3) Which of the following negative impacts was your City experiencing prior to establishing your City's Deemed Approved Ordinance?

- Assaults/ Batteries
- Curfew violations
- Disturbance of the peace
- Drinking in public
- Excessive noise levels
- Gambling
- Graffiti
- Harassment of passersby
- Illegal drug activity
- Lewd conduct
- Littering
- Loitering
- Prostitution
- Public drunkenness
- Public urination
- Public vomiting
- Theft
- Traffic violations
- Unruly behavior
- Vandalism
- Other, please provide additional information.

4) Which of the following conditions was your City experiencing prior to establishing your City's Deemed Approved Ordinance?

- An over-concentration of alcohol selling establishments in your Downtown.
- An over-concentration of alcohol selling establishments (not Downtown).
- Too many late night bars closing after midnight.
- A late night, alcohol driven, Entertainment District.
- Restaurants morphing into bars or nightclubs.
- Intrusion into your residential neighborhoods creating negative impacts on public safety and residential quality of life.
- Other, please provide additional information.

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5) How would you describe the impact of your City's Deemed Approved Ordinance in meeting your City's goals and expectations?

- Very Successful.** The DAO is having a significant and positive impact.
- Successful.** We are pleased with the results and expect continued success.
- Limited Success.** We are disappointed but have had some limited success.
- A Total Bust.** We are very disappointed and consider this a failure.
- Too early to tell.** We need more time to fully assess the results.
- Other, please provide additional information.

6) Have there been any lawsuits filed against your City as a result of your City's Deemed Approved Ordinance?

- Yes. No.

If yes, how many? _____

If yes, did the City prevail? Yes: Number _____ No: Number _____

Yes, but no court decision has been rendered yet: Number _____

Other, please provide additional information.

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7) Does your City impose a fee on the alcohol selling outlets to support the cost of your City's Deemed Approved Ordinance?

Yes. No.

If no, why not? No Council Support BECAUSE BUSINESSES COMPLAINED THEY DID NOT WANT TO PAY

If yes, what is the annual fee charged to each outlet? \$ _____

If your City is using a sliding fee schedule, what is the average annual fee charged to each outlet? \$ _____

Other, please provide additional information.

8) Is your City's Deemed Approved Ordinance primarily focused on "on-sale" or "off-sale" establishments?

Both. On-sale only. Off-sale only.

On-sale is our biggest focus. Off-sale is our biggest focus.

Other, please provide additional information.

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- 9) Can you describe some of the positive results or events that have occurred as a direct consequence of having a Deemed Approved Ordinance in your City?

CAUS FOR SERVICE DOWNTOWN HAVE
DECREASED, SPECIFICALLY

- DWIS
- VANDALISM
- PUBLIC INTOX.
- LITTERING, ETC.

- 10) Can you describe any negative results or events that have occurred as a direct consequence of having a Deemed Approved Ordinance in your City?

ABILITY TO HAVE CITY RECOUP
FINES, FOR BUSINESSES THAT
DON'T PAY.

STAFFING POSTS FOR PD IS HIGH

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- 11) With the announcement of your City's Deemed Approved Ordinance, was there any "voluntary" improvement in public safety and nuisance issues prior to the actual implementation and enforcement? In other words, did just the mere existence of a DAO made a positive impact?

Yes. No.

Please provide additional information as needed.

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- 12) Knowing that Huntington Beach might consider establishing a Deemed Approved Ordinance, is there any additional information you would like to share? Some words of encouragement? Some words of caution?

OVERALL IT WAS A GOOD
ORDINANCE, THAT HELPED
REDUCE PROBLEMS DOWN TOWN.

TIM LYONS #1355 Police Lt. 10/23/13
Your Name Title Date

Thank you for taking your time to share your knowledge and experience.
Please fax this form to 714.374.3297 or e-mail to HBDRA@HBDRA.com