

CITY OF BURTON  
LEGISLATIVE COMMITTEE MEETING MINUTES  
JULY 19, 2010, 6:30 P.M., COUNCIL CHAMBERS  
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The Meeting is called to order by Chairwoman Paula Zelenko at 6:40 p.m.

MEMBERS PRESENT: Zelenko, Haskins and Heffner

MEMBERS ABSENT: Wells

OTHERS PRESENT: Atty. R Austin, , Lt. T. Osterholzer and G. Webster, City Clerk.

**PURPOSE OF THE MEETING: Discussion and possible recommendations concerning the Following:**

1. Ordinance 2010-\_\_\_-90.98, An Ordinance prohibiting the Consumption of alcoholic beverages on public streets, sidewalks And parking lots open to the public and providing for civil Penalties for the violation thereof.

**PRESENTATION:**

Mr. Austin stated the ordinance we have in front of us tonight is virtually identical to an existing criminal ordinance. In the Codified Ordinances, Section 132.06, outlaws the consumption of alcohol exactly the way that the proposed ordinance states. The only difference is that the existing ordinance is a criminal ordinance that is punishable by 90 days in the County jail or a fine up to \$500 or both. Lt. Osterholzer is here tonight to answer any questions on behalf of the police department. Lt. Osterholzer asked if it was possible to have a decriminalized version of the same ordinance, making it rather a misdemeanor a civil infraction, punishable as a civil infraction. He agrees with Lt. Osterholzer and would like to add the ordinance as a civil infraction and leave it up to the officer at the scene to decide whether they should be charged criminally or civilly.

Lt. Osterholzer said Back-to-the-Bricks is kind of the driving force behind this ordinance. This ordinance would make it easier on the person being charged and the police department, by having less paper work. They will be able to control the area better and make this event safer. Even though this ordinance would apply all the time it still accomplishes the same goal.

**AUDIENCE PARTICIPATION:**

John Stapish, PO Box 190134, asked if this was going to be applied equally or selectively enforced, because he believes city employees are virtually exempt from any prosecution of any type.

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COMMITTEE DISCUSSION:

Mr. Haskins would like to commend Lt. Osterholzer for looking into this. The ordinance will allow people to enjoy themselves and still allow our police officers to control events such as Back-to-the-Bricks without severely punishing them. Mr. Haskins asked if people are issued a civil infraction, will they be removed from the premises.

Lt. Osterholzer replied that anyone acting disorderly will be removed and lodged at the County jail.

COMMITTEE RECOMMENDATIONS:

Haskins moved and Zelenko seconded the following motion:

1. The Legislative Committee recommendation to send Ordinance 2010-\_\_\_\_-90.98 to the Regular Council Meeting to be addressed by the Council as a Whole.

Motion carried, 2-0

Meeting adjourned at 6:55 p.m.

jra