

ORDINANCE 2015-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE I, IN GENERAL OF THE CITY OF ST PETE BEACH CODE OF ORDINANCES BY AMENDING SECTION 6.1, DEFINITIONS, AMENDING THE DEFINITION OF ESTABLISHMENT DEALING IN ALCOHOLIC BEVERAGES AND ADDING NEW DEFINITIONS OF SAND BEACH AREAS AND SOVEREIGNTY SUBMERGED LAND; AMENDING SECTION 6.3, SALE TO CERTAIN PERSONS PROHIBITED, BY PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES TO ANY PERSON BELOW THE LEGAL AGE AS ESTABLISHED BY STATE LAW; AMENDING SECTION 6.5, PUBLIC CONSUMPTION OR POSSESSION RELATING TO RESTRICTIONS AND PERMITTING OF PUBLIC ALCOHOL CONSUMPTION ON PUBLIC LANDS, RIGHTS-OF-WAY, SAND BEACH AREAS AND SOVEREIGNTY SUBMERGED LANDS; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Section 6.1 of Article I, Chapter 6, of the City of St. Pete Beach Code of Ordinances is hereby amended as follows:

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means any beverage containing more than one percent of alcohol by weight.

Club means any group of persons associated together as a duly chartered or incorporated organization, including a social club incorporated by order of the circuit court, which holds a license issued by the state for the sale of alcoholic beverages.

Establishment dealing in alcoholic beverages means any business or establishment licensed by the state for the sale of alcoholic beverages; any area or part of any property, building or structure in which alcoholic beverages are kept for sale, offered for sale, sold, served or dispensed under license by the state; any other area, property, building or structure or part thereof having an entrance, door or other passageway that could in any manner be used or utilized as a means of access, ingress or egress into the area in which alcoholic beverages are kept, offered for sale, sold or dispensed; or which is in any other manner capable of access,

ingress or egress at any time to the area in which alcoholic beverages are kept, offered for sale, sold, served or dispensed. However, the term "establishment dealing in alcoholic beverages," when applied to a hotel or club, as defined in this section, means that area (indoor or outdoor) or part of such hotel or club in which alcoholic beverages are kept, sold, served or dispensed when such area is capable of being closed or in some other manner set apart and forbidden to access, including sand beach areas as defined herein and as depicted in the Vendor's state alcoholic beverage license.

Sale or sell includes any transfer of liquor, wine or beer or other alcoholic beverages for a consideration, and any gift of liquor, beer or wine in connection with or as a part of a transfer of property other than liquor, beer or wine or other alcoholic beverages for a consideration.

Sand beach areas means the zone of unconsolidated material that extends landward from the mean high water line to the place where there is marked change in material or physiographic form.

Sovereignty submerged land include, but are not limited to, tidal lands, sandbars, shallow banks and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters.

Vendor means any person who keeps for sale, sells or dispenses any alcoholic beverages in any quantity in any place or business licensed by the state for the sale of alcoholic beverages, or any person who holds a license from the state for the sale of alcoholic beverages, including the owner, manufacturer, operator, proprietor or licensee or the servant, agent or employee of any one of such.

SECTION 2. Section 6.3 of Article I, Chapter 6, of the City of St. Pete Beach Code of Ordinances is hereby amended as follows:

Sec. 6-3. - Sale to certain persons prohibited.

No person who is a vendor of alcoholic beverages shall sell, furnish or deliver or permit any person in his employ to sell, furnish or deliver any alcoholic beverages in any quantity to any person who is intoxicated or below the legal age as established by state law.

SECTION 3. Section 6.5 of Article I, Chapter 6, of the City of St. Pete Beach Code of Ordinances is hereby amended as follows:

Sec. 6-5. - ~~Public e~~Consumption or possession of alcoholic beverages.

~~(a) As used in this section, the term "beach" means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form. ⁽²⁾~~

~~(b)~~ (a) Except as provided in subsection (d) of this section, it shall be unlawful to drink or consume alcoholic beverages on or upon:

- (1) All public streets.
- (2) All public beach lands. ⁴
- (3) Any public sidewalk.
- (4) Any city park.
- (5) All private sand beach areas upland of the Gulf of Mexico and adjacent to private property. ⁴
- (6) All sovereignty submerged land.

(~~e~~b) Notices. For public beach landses, notice of this section shall be posted in a prominent beach access location by the city. ~~For Where the~~ upland property ~~is~~ used for some commercial use, including but not limited to hotels and resorts on the beach, notice shall be posted by the owner and shall contain language determined to be acceptable by the City Attorney. ~~For upland property used as~~ Where the upland property is a multifamily residential use, the owner or condominium association shall be responsible for posting the notice. ~~For Where the~~ upland property ~~is~~ less than three residential living units, the city shall post the notice at the closest public access to the beach.

(~~d~~c) Containers. It shall be unlawful for any person to carry on or about his person any container of alcoholic beverages, whether or not the container is a bottle, can, carton or other form of container, in those areas described in subsection (~~b~~a) of this section unless a permit has been issued pursuant to subsection (e) of this section otherwise allowing said activity to occur under any certain terms and conditions stated in the permit. This subsection shall not be applicable in those areas described in subsections (~~b~~a)(1), and (3), and (5) of this section if the alcoholic beverage is contained in a sealed container or if the bottle, can, carton or other container has never been opened since the time the beverage was originally bottled at the manufacturer's or bottler's plant. Possession of any container of alcoholic beverages wherein the seal has been broken, the bottle cap or pop-top has been opened or removed or where the container may seem to be open or to have been opened shall constitute prima facie evidence of a violation of this section.

(~~e~~d) ~~Possession of any container of alcoholic beverages wherein the seal has been broken, the bottle cap or pop top has been opened or removed or where the container may seem to be open or to have been opened shall constitute prima facie evidence of a violation of this section.~~

(~~f~~e) Permits. Permits allowing for the consumption of alcohol for special occasions—events, outdoor dining or outdoor drinking areas, or special occasions may be issued as follows:

(1) ~~(1)~~ Special Event Permit on Public Lands. The city commission may ~~approve special permits for~~ authorize the consumption of alcoholic beverages in the areas described in subsections (~~b~~a)(1), (2), (3), and (4) and (5) in connection with the approval of a special event permit issued pursuant to Article II of Chapter 26 of this Code. _____

~~(1)(2)~~ Special Event Permit on Private Lands. Owners of private property upland of the beach sand beach areas may obtain a special event permits for the consumption of

alcoholic beverages for special occasions. The permits shall be issued by the department of planning and development city manager or designee and shall include conditions necessary to protect the safety, health and welfare of the public. The upland owner shall be entitled to no more than three permits per month. The area of the beach subject to the permit shall be marked with approved temporary markers, and the consumption of alcohol shall be confined to the marked area. Permits shall not authorize consumption before 8:00 a.m. and shall terminate no later than 10:00 p.m.

~~(2)(3) (2)–Conditional Use Permit on Public Land.~~ The city commission may authorize the sale and consumption of alcoholic beverages in connection with the approval of a conditional use permit for an outdoor dining area or outdoor drinking area in the area described in subsection (a)(1) and (a)(3) as provided by the City of St. Pete Beach Land Development Code.

~~(3)(4) (3)–Conditional Use Permit on Private Sand Beach Areas.~~ The city commission may authorize the sale and consumption of alcoholic beverages in connection with the approval of a conditional use permit for an outdoor drinking area in the area described in subsection (a)(5) where the upland portion of the subject property is occupied by a temporary lodging use as provided by the City of St. Pete Beach Land Development Code.

SECTION 4. This Ordinance shall be published in accordance with the requirements of law.

SECTION 5. This Ordinance shall become effective immediately upon final passage and adoption.

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