

**ORDINANCE 11-16**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 58, WATERWAYS, ARTICLE II, BEACHES, SECTION 58-50, "CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES ON THE PUBLIC BEACH"; AMENDING THE HOURS OF CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES ON A PORTION OF THE CITY'S PUBLIC BEACH KNOWN AS SUNSET BEACH, AND THE TIME PERIOD THAT SAID REGULATIONS ARE IN EFFECT, IN FURTHERANCE OF THE HEALTH, SAFETY AND WELFARE, OF BEACHGOERS, TOURISTS AND RESIDENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Treasure Island, Florida a is a small beach community, with a population of approximately 6,700 year-round residents; and

**WHEREAS**, the influx of a large numbers of spring-breakers, beachgoers and other tourists consuming alcohol at various times on Sunset Beach, particularly on the weekends and certain holidays, created significant and severe disruption to the health, safety and general welfare of the residents and visitors alike; and,

**WHEREAS**, some of these tourists and beachgoers frequenting that portion of the City's public beach located at Sunset Beach, which is predominately a residential area, created numerous problems, which appeared to arise from the use and abuse of alcohol on and near the City's public beach areas located in Sunset Beach; and,

**WHEREAS**, the subject alcohol-related problems arising from the unfettered use and abuse of alcohol on the public beach at Sunset Beach included, but are not limited to, illegal parking, traffic, littering, underage drinking, aggressive behaviors and related criminal and public health, safety and welfare concerns; and,

**WHEREAS**, the residents in Sunset Beach complained about beachgoers vehicles blocking their driveway, obstructing ingress and egress to their properties, obstructing the passage of vehicles on the narrow roadways of the area; beachgoers drinking alcohol on or near their property and strewing their beer and other alcohol containers around their private property, inappropriate behavior associated with drunkenness, including but not limited to underage drinking, urinating in public on or adjacent to private property, public acts of sexual nature, profanity and general obscenities, most of which appear to arise from, and emanate from the unfettered use and abuse of alcohol on the City's public beach in Sunset Beach; and,

**WHEREAS**, the City Commission is informed by the Treasure Island Police Department that the crowds on Sunset Beach's public beach from approximately 95<sup>th</sup> Avenue south to 85<sup>th</sup>

Avenue have numbered approximately 1,000 to 1,800 people on weekend days from March through the Labor Day Holiday, and specifically were observed on the beach in this defined area. Further the police have addressed multiple local ordinance violations related to public safety matters; and,

**WHEREAS**, the City of Treasure Island does not have the financial resources to add additional Police Officers to patrol and monitor this area of Sunset Beach, and are unable to completely address all potential incidents which can and do arise from such large crowds with concomitant alcohol use; and,

**WHEREAS**, the City Commission found that the consumption of alcohol on the public beach on Sunset Beach exacerbated a variety of problems that are incidental to the above-described crowds; and therefore the interests of the community would be best served, and the public health, safety and welfare protected, by the City regulating the possession and consumption of alcohol on the City's public beach located at "Sunset Beach" more specifically described below; and

**WHEREAS**, the City Commission of the City of Treasure Island, FL adopted Ordinance 11-06 which regulated the consumption and possession of alcohol at the City's public beach in a designated portion of Sunset Beach; and

**WHEREAS**, since the adoption of Ordinance 11-06, the inappropriate and illegal activities, underage drinking, public intoxication, disruption of the quiet enjoyment of property by Sunset Beach residents, that was creating an environment unsuitable for children, and the corresponding overflow of related problems on the public beach into the immediate neighborhoods has been virtually eliminated ; and

**WHEREAS**, the regulations set forth in Ordinance 11-06 are set to be sunsetted at midnight on October 2, 2011; and

**WHEREAS**, the City Commission desires to extend the timeframe for the regulation of possession and/or consumption of alcoholic beverages on the public beach in a designated portion of Sunset Beach; and

**WHEREAS**, the purpose of the Ordinance is specifically directed to regulating the possession and consumption of alcoholic beverages on the public beaches rather than a general prohibition of alcohol possession and consumption.

**NOW THEREFORE, BE IT ORDAINED** by the City Commission of the City of Treasure Island, Florida, as follows:

**Section 1.** The City of Treasure Island Code of Ordinances, Chapter 58 Waterways; Article II, Beaches, Section 58-50 is amended as follows:

**Section 58-50, Possession or Consumption of Alcohol on the Public Beach**

The City of Treasure Island hereby regulates the possession and/or consumption of alcoholic beverages on the public beach from the south property line of Lot 7 Boca Ciega Pass Subdivision extended to the mean high water line (public beach access immediately south of Island Inn), south to the southern property line of Lot 7, Sunset Beach Unit 2, extended west to the mean high water line, as follows;

1. It shall be unlawful for any person to consume or to carry on or about his/her person any container of alcoholic beverage, whether or not said container be a bottle, can, cup, carton or other form of container. This paragraph shall not be applicable if the alcoholic beverage is contained in a container, bottle, can, carton or other receptacle that has not been opened since the time the beverage was originally packaged at the manufacturer's plant.
2. Possession of any container of alcoholic beverage wherein the seal has been broken, the bottle cap or pop-top has been opened or removed, shall constitute prima facie evidence of a violation of this section.
3. These restriction contained in Subsection 1 and 2 above shall apply only between the hours of 8:00 AM and ~~6:00~~ 4:00 PM on Saturdays and Sundays, and the Memorial Day, July 4<sup>th</sup>, and Labor Day legal holidays.
4. These restrictions will be in effect each year from the 1<sup>st</sup> weekend in February through the last weekend in September.
5. Exemptions. Beer and/or wine only may be consumed in Sunset Vista Park and the Beach Pavilion in conjunction with a special event after receipt of permission from the city manager.

**SECTION 2.** Any violation of this Ordinance shall be punishable as provided for in section 1-15 of the Code of Ordinances of the City of Treasure Island, by a fine not to exceed \$500.00 per day and/or imprisonment of up to 60 days in the county jail.

**SECTION 3.** This Ordinance is enacted pursuant to the City's police powers. If a court of competent jurisdiction declares any part of this Ordinance unlawful, such invalidity shall not affect the validity of the remaining portions of this Ordinance. The City shall interpret and enforce this Ordinance in a manner consistent with state and federal law and any court order.

**SECTION 4.** This Ordinance shall go in effect and be in full force and operation immediately upon its adoption.

FIRST READING on the 20<sup>th</sup> day of September, 2011.

SECOND READING and PUBLIC HEARING on the \_\_\_\_\_ day of October, 2011

PUBLISHED in the St. Petersburg Times on the \_\_\_\_\_ day of September, 2011.

\_\_\_\_\_  
Robert Minning, Mayor

**ATTEST:**

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Dawn Foss, City Clerk

APPROVED AS TO CONTENT AND FORM:

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Maura J. Kiefer, City Attorney