

**CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS
SPECIAL MEETING
March 26, 2009
6:00 p.m.**

A. PLEDGE OF ALLEGIANCE – Led by Mayor Minning

B. ROLL CALL

Mayor Bob Minning	
Commissioner Phil Collins – Vice Mayor	District 1
Commissioner Ed Gayton	District 2
Commissioner Carol Coward	District 3
Commissioner Alan Bildz	District 4

C. Consideration of an Emergency Ordinance of the City Commission of the City of Treasure Island, Florida, Declaring a Public Emergency Regarding the Drinking Of Alcohol On The Public Beaches on Sunset Beach In Conjunction With Extensive Spring Break and Other Tourists Crowds; Expressing Concern for the Public Health, Safety And Welfare, and Implementing an Immediate Ban on All Alcohol Consumption and Possession at the City's Public Beach Located on Sunset Beach; Providing For Severability; and Providing for an Effective Date.

D. ADJOURNMENT

ORDINANCE 09 - 04

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TREASURE ISLAND, FLORIDA, DECLARING A PUBLIC EMERGENCY REGARDING THE DRINKING OF ALCOHOL ON THE PUBLIC BEACHES IN SUNSET BEACH IN CONJUNCTION WITH EXTENSIVE SPRING BREAK AND OTHER TOURIST CROWDS; EXPRESSING CONCERN FOR THE PUBLIC HEALTH, SAFETY AND WELFARE, AND IMPLEMENTING AN IMMEDIATE, BAN ON ALL ALCOHOL CONSUMPTION AND POSSESSION AT THE CITY'S PUBLIC BEACH LOCATED ON SUNSET BEACH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Treasure Island, FL declares that an emergency exists due to the consumption of alcohol at the City's public beach of Sunset Beach, and the corresponding overflow of related problems on the public beach and into the immediate neighborhoods; and

WHEREAS, the City of Treasure Island, FL a is a small beach community, with a normal population of approximately 7,500 year-round residents; and

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

WHEREAS, the majority of these tourists and beachgoers frequent that portion of the City's public beach located at Sunset Beach which is predominately a residential area, creating numerous problems detailed below, which appear 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 include, but are not limited to, illegal parking, traffic, littering, underage drinking, and related criminal and public health, safety and welfare concerns; and,

WHEREAS, the residents in Sunset Beach have complained about beachgoers blocking their driveway, obstructing ingress and egress to their properties, obstructing the passage of vehicles on the narrow roadways of the area, 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 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 95th Avenue south to 85th Avenue have numbered approximately 1,200 to 1,600 people since early March 2009 and specifically were observed on the beach in this defined area. Further the police have addressed over 550 motor vehicle parking violations since March 6, 2009 in conjunction with the enforcement of multiple local ordinance violations related to matters such as public safety; and,

WHEREAS, the City of Treasure Island does not have the financial resources to add additional Police Officers to patrol and monitor is 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 finds that the consumption of alcohol on the public beach on Sunset Beach exacerbates a variety of problems that are incidental to the above-described crowds and therefore the interests of the community will be best served, and the public health, safety and welfare protected if the City implements a ban on alcohol possession, use and consumption on the City's public beach located at "Sunset Beach"; and,

WHEREAS, Section 1-8 of the Code of Ordinances of the City of Treasure Island provides that nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any temporary or special ordinance; and,

WHEREAS, Section 7.01 of the City Charter of the City of Treasure Island provides that the electorate may cause the repeal of any ordinance via referendum procedure, however, said referendum power does not extend to any emergency ordinances; and,

WHEREAS, Section 3.10 of the City Charter of the City of Treasure Island provides for the enactment procedures of emergency ordinances as well as their automatic repeal on the sixty-first day following the date on which it is adopted unless extended by the City Commission.

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 hereby declares a ban on all alcohol use, possession and consumption on its public beach at Sunset Beach from the north property line of Sunset Vista Park south to Blind Pass as follows: It shall be unlawful for any person to carry on or about his/her person any container of alcoholic beverages, whether or not said container be a bottle, can, carton or other form of container. This paragraph shall not be applicable if the alcoholic beverage is contained in a sealed container, or if the bottle, can, carton or other container has not been opened since the time the beverage was originally packaged at the manufacturer'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, shall constitute prima facie evidence of a violation of this section.

Exemptions. Beer and/or wine only may be consumed in Sunset Vista Park and Beach Pavilion for special events after receipt of permission from the city manager.

SECTION 2. Any violation of this Emergency 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 Emergency Ordinance shall expire in 61 days, per Section 3.10 of the City Charter of the City of Treasure Island.

SECTION 4. 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 5. This Ordinance shall go in effect and be in full force and operation immediately upon its adoption.

FIRST AND FINAL READING and PUBLIC HEARING on the 26th day of March, 2009.

Bob Minning,
Mayor

ATTEST:

Dawn Foss,
City Clerk

APPROVED AS TO CONTENT AND FORM:

Maura J. Kiefer, City Attorney