

ORDINANCE NO. 19-16

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TREASURE ISLAND, FLORIDA, BY AMENDING SECTION 58-50 "CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES ON THE PUBLIC BEACH" TO REVISE THE AREA OF REGULATION; PROVIDING FOR SEVERABILITY; CONFLICT, CODIFICATION; AND AN EFFECTIVE DATE

WHEREAS, pursuant to the authority of the City's Charter and its home rule powers, the City Commission of the City of Treasure Island, Florida possesses the power to amend the Code of Ordinances for the City of Treasure Island, Florida; and

WHEREAS, the City of Treasure Island, Florida is a small beach community, with a population of approximately 6,900 year-round residents; and

WHEREAS, the influx of a large number of spring-breakers, beach visitors and other tourists consuming alcohol at various times and dates of the year on Sunset Beach, particularly on the weekends and certain holidays, have historically created a significant and severe disruption to the health, safety and general welfare of the residents and visitors of Sunset Beach; and

WHEREAS, some of these beach visitors frequenting a portion of the City's public beach located on Sunset Beach, which is predominately a residential area, have created numerous problems that appear to be the direct result of the use and abuse of alcohol; 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 were not limited to, illegal parking, traffic, littering, underage drinking, trespassing on and damage to private property, aggressive behaviors and related criminal and other public health, safety and welfare concerns; and

WHEREAS, in response to the health, safety, and welfare issues caused by the consumption of alcohol on specific portions of Sunset Beach, in 2011 the City Commission of the City of Treasure Island, FL adopted an ordinance enacting section 58-50 of the Code of Ordinances for the City of Treasure Island, Florida, as subsequently amended, to regulate consumption and possession of alcohol on the City's public beach in those designated portions of Sunset Beach; and

WHEREAS, since the adoption that ordinance, the inappropriate and illegal activities, including underage drinking, public intoxication, disruption of Sunset Beach residents' quiet enjoyment of their property, creation of an environment unsuitable for children, and the corresponding overflow of related problems on the public beach into the immediate neighborhoods, has been controlled and reduced through much of the

designated area and virtually eliminated in the portion of the designated area that is between the 8500 block of Gulf Boulevard West to the southern property line of Lot 7 Sunset Beach Unit 2; and

WHEREAS, the purpose of the continued regulation of the consumption and possession of alcohol on specific portions of Sunset Beach, is specifically directed to preventing the health, safety, and welfare concerns identified above; and

WHEREAS, the City Commission of the City of Treasure Island desires to amend the area of the public beach that is being regulated based on current data reflecting areas where violations of the existing ordinance are actively occurring; and

WHEREAS, in 2018, the City's Police Department issued 44 Local Ordinance Violations of section 58-50 of the Code of Ordinances for the City of Treasure Island, Florida in the area ranging from the 8500 Block to the 9800 Block of the designated area of Sunset Beach; and

WHEREAS, from January 1, 2019 to October 1, 2019, the City's Police Department has issued 67 Local Ordinance Violations section 58-50 of the Code of Ordinances for the City of Treasure Island, Florida ranging from the 8600 Block to the 9700 Block of the designated area of Sunset Beach; and

WHEREAS, in 2018 and 2019, there have been no Local Ordinance Violations of section 58-50 of the Code of Ordinances for the City of Treasure Island, Florida ranging from the 8500 block of Gulf Boulevard West to the southern property line of Lot 7 Sunset Beach Unit 2; and

WHEREAS, the Police Chief, after reviewing the record available confirmed that the City's law enforcement department has no concerns or objections to removing the area from the southern property line of 8572 W. Gulf Blvd. to the southern property line of Lot 7 Sunset Beach Unit 2 from the regulated area; and

WHEREAS, based on this data and the opinions of the law enforcement, the City Commission desires to reduce the regulated area to where the violations are occurring, thereby adjusting the southern boundary of the regulated public beach from southern right-of-way line of 99th Avenue to the southern property line of 8572 W. Gulf Blvd. and extending seaward from the 1968 Mean High Water Line to the extent of the City's jurisdictional limits; and

WHEREAS, nothing in this Ordinance is intended to supersede or conflict with any existing agreements with the State of Florida or court decisions regarding the regulated area; and

WHEREAS, the City Commission of the City of Treasure Island, after due consideration, has determined amending Section 58-50 "Possession or Consumption of Alcohol on the Public Beach," is in the best interest of the City of Treasure Island.

NOW, THEREFORE, THE CITY OF TREASURE ISLAND DOES ORDAIN:

SECTION 1. The recitals set forth in the "Whereas" clauses above are ratified and confirmed as true and correct, and are hereby adopted as legislative findings by the City Commission of the City of Treasure Island, Florida for the adoption of this Ordinance.

SECTION 2. Section 58-50 "Possession or Consumption of Alcohol on the Public Beach" of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 58-50. - Possession or consumption of alcohol on the public beach.

The city hereby regulates the possession and/or consumption of alcoholic beverages on the public beach from the south right-of-way line of 99th Avenue, extending south to the southern property line of 8572 W. Gulf Blvd. (currently identified as tax parcel 25-31-15-00000-330-0700 which is located south of 85th Avenue A), and extending extended west to the mean high water line seaward from the 1968 Mean High Water Line (as defined in Plat Book 2, Page 24-28, of the Public Records of Pinellas County, Florida) to the extent of the city's jurisdictional limits, as follows;

- (1) ~~It shall be~~ is 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~~ is 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~~ constitutes prima facie evidence of a violation of this section.
- (3) ~~These restrictions~~ contained in subsection (1) and (2) ~~shall~~ apply only between the hours of 8:00 a.m. and 4:00 p.m. on Saturdays and Sundays, and the Memorial Day, July 4th, and Labor Day legal holidays.
- (4) These restrictions will be in effect from the 1st 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 3. SEVERABILITY. It is declared to be the intent of the City Commission that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for

any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. CONFLICT. This action supersedes all codes and ordinances of the City or portions of, in conflict with or inconsistent with this ordinance, to the extent of such inconsistency or conflict.

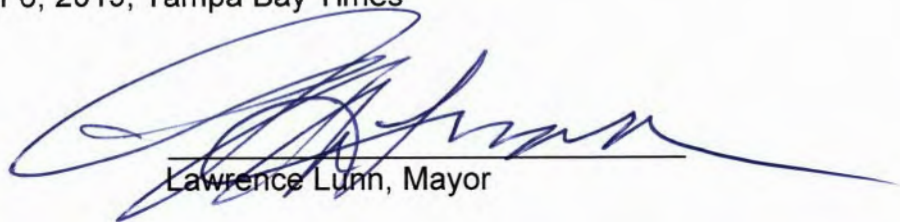
SECTION 5. CODIFICATION. Section 2 of this Ordinance shall be codified in the Code of Ordinances for the City of Treasure Island, Florida. The codifier is authorized to renumber or reclassify such other provision of the Code of Ordinance to accomplish such intention. The codifier is authorized to make editorial changes not affecting the substance of this Ordinance in the substitution of article, ordinance, section, paragraph, or such other appropriate word or phrase in order to accomplish such intention.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect on December 18, 2019.

FIRST READING: December 3, 2019

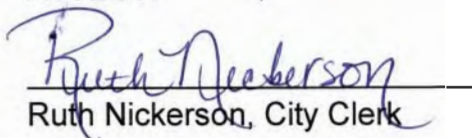
SECOND READING AND PUBLIC HEARING: December 17, 2019

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Lawrence Lunn, Mayor

ATTEST:



Ruth Nickerson, City Clerk