

ORDINANCE NO. 245

AN ORDINANCE AMENDING SECTION 6-4 OF THE CODE OF ORDINANCES, CITY OF PORT ST. JOE, FLORIDA, WHICH DEALS WITH SALE, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA:

Section 6-4 of the Code of Ordinances is hereby repealed and new Section 6.4 is enacted as follows:

Section 6-4:

A. Prohibition on streets, sidewalks, alleys, etc.

It is unlawful for any person to purchase, use, offer for sale, possess, consume or carry in any cup, glass, can or other open or unsealed container, any alcoholic beverage on the streets, sidewalks, alleys, city parks, city owned property, or rights-of-way, any public play ground, public recreational area, or public park within the City of Port St. Joe.

- B.** Any owners of private property or any person with the consent of the owners, their agents or representatives, may authorize the enforcement of this section on their property when such activity as described above, i.e. - sale, possession, use or consumption of alcoholic beverages in public view is occurring on or about their property. Written authorization from the owner of said premises shall be prima facie evidence that said owner wants no one on the property selling, possessing, using and/or consuming alcoholic beverages on or about their property.

C. Prohibition in Vehicles

It is unlawful for any person to consume any alcoholic beverage or any mixture containing an alcoholic beverage on the streets, sidewalks, alleys or rights-of-way within the city or on any city-owned property which such person, as operator or passenger, is in or on any vehicles, whether moving or stopped, and such consumption is open to public view.

(D) Consumption in parking areas, lots, etc., outside licensed premises prohibited; vendor's responsibilities

- (1)** It is unlawful for any vendor or for any agent, servant or employee of any such vendor, to permit the consumption of any alcoholic beverages in or upon any parking or other area outside of the building or room mentioned in the vendor's license certificate as the address thereof, when any part of such parking or area

adjacent to the building or premises in which the business license is operated and when such parking or other area is owned, rented, leased, regulated, controlled, or provided, directly or indirectly, by such licensed vendor or by any agent, servant, or employee of such licensed vendor.

- (2) The licensed vendor shall post and maintain a legible, painted or printed sign in at least two separate prominent places on such parking or other areas, with sufficient light directed thereon to be visible during the hours of darkness while such place of business is open, in letters not less than three inches in height, stating:

"Warning"
"Drinking alcoholic beverages on this lot prohibited.
\$500 fine or 60 days in jail - City Ordinance"

The posting of such sign shall constitute prima facie evidence that such vendor is not operating in violation of this subsection.

- (3) It is unlawful for any person to consume an alcoholic beverage in or upon any parking area outside of and adjacent to a vendor's licensed premises when such parking or other area is owned, rented, leased, regulated, controlled or provided, directly or indirectly, by such vendor.

E. Taking open container from licensed premises prohibited; vendor's responsibilities.

It is unlawful for any vendor or his agents or employees, licensed to sell beer, wine, liquor or other alcoholic beverages within the city, to knowingly allow any person to take from the licensed premises any opened beer, wine, liquor or other alcoholic beverage container, or to knowingly allow any person to take from the licensed premises any glass or other open or unsealed container containing an alcoholic beverage or any mixture containing an alcoholic beverage.

F. Alcoholic beverages prohibited - General

- (1) Definition of alcoholic beverage. For purposes of this section, "alcoholic beverage" shall mean all beverages containing more than one percent of alcohol by weight and shall include intoxicating beverages as defined herein. "Intoxicating beverages" shall mean all liquors, wines and beers containing more than three and two-tenths (3.2) percent of alcohol by weight. In all prosecutions for violations of this section, the manufacturer's label on the beverage container shall be prima facie evidence that the substance in such container was and is an alcoholic beverage as defined in this section.

G. Inspection of containers brought into parks; consent to search.

- (1) Definitions. The following terms are hereby defined for the purpose of this section:
 - (a) Container shall mean any cooler, portable ice box, carrier, luggage, can, bottle, bag or box which may reasonably be used to contain alcoholic

beverages. Purses, handbags and wallets are specifically exempted from the foregoing definition of container.

(b) Alcoholic beverage is defined as in Section 6.4F(1).

- (2) **Illegal portage.** It shall be unlawful for any person to bring alcoholic beverages of any kind into the premises of any city park. Such portage shall constitute a violation of this section.
- (3) **Inspection Procedure.** Any enforcement officer may demand of any person seeking entrance to or presence in any city park that such person exhibit the contents of any container in his possession, custody or control for the sole purpose of inspecting such container for the presence of alcoholic beverages. Any person refusing to consent of such inspection of a container in his possession, custody or control shall be denied admittance to a city park. If such person is present in a city park at the time a demand for such inspection is made and refuses to consent to such inspection, such person shall be ordered to leave the city park forthwith.
- (4) **Confiscation.** Should an enforcement officer observe a container over which no person apparently has possession, custody or control, then such officer may take such container into his possession and hold it until claimed and properly identified, at which time such container shall be subject to an alcoholic beverage inspection and the claimant of the container may be cited for a violation of this section if the container is found to contain an alcoholic beverage.

H. Penalties for violation.

Any persons, including any agency or employee, violating any of the provisions of this chapter shall be punished as provided in Section 1-15.

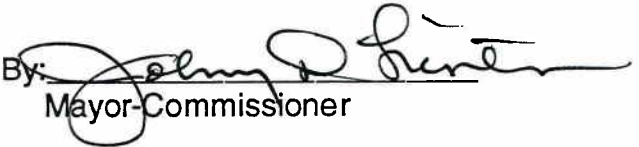
REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.


EFFECTIVE DATE: This ordinance shall become effective as provided by law.

SEVERABILITY: If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

THIS ORDINANCE ADOPTED this 18th day of November, 1997.

CITY COMMISSION OF THE CITY
OF PORT ST. JOE, FLORIDA

By: 
Mayor-Commissioner

Attest: 
Auditor/Clerk

The following commissioners voted yea: Linton, Tharpe, McNair, Norton and Wood

The following commissioners voted nay: none