

ORDINANCE NO. : 464

AN ORDINANCE AMENDING SECTION 6-4 OF THE CITY OF PORT ST. JOE CODE OF ORDINANCES; PROVIDING FOR PERMITTING INCLUDING REQUIREMENTS OF PERMIT APPLICATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR FEES, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the people of the City of Port St. Joe, Florida:

1. Section 6-4(d) of the Code of Ordinances is amended by the addition of 6-4(d)(4) which shall read: notwithstanding the foregoing, "other area outside the building" does not include decks, porches, outside dining or waiting areas, pool decks, and other areas maintained by the vendor as part of the operation of the business.

2. Section 6-4(g) is hereby repealed. Adopted as of the date hereof is a new section 6-4(g) which shall read:

(a) Notwithstanding any other provision of Section 6-4, the City of Port St. Joe may issue permits for possession, consumption, and sale of alcoholic beverage on city owned property upon the following terms and conditions:

(1) A person, organization, including a corporation (whether for profit or not for profit), LLC, business entity or other governmental entity is required to have a permit in order to conduct any activity which involves the sale, possession or consumption of alcoholic beverages on city owned property

(2) An applicant shall make an application on forms provided by the City not less than 30 days prior to the date of use of the property.

(3) Within 7 days of receipt of the application along with any applicable fee, the City Manager shall issue the permit or shall deny the permit. Grounds for denial include a determination by city staff that the event is not in the best interests of the citizens of Port St. Joe or does not meet or comply with community standards, a determination by city staff that the event would place an undue burden on city maintenance workers or law enforcement officers or the failure of the person or organization to abide by the terms of a previous permit.

3. Permit Application Requirements:

- (1) Name, address, telephone number, e-mail address, and/or other contact information for the person or organization requesting a permit. In the event that an organization is making application, the name of the director, president or other responsible individual must be included.
- (2) The specific property on which the activity shall take place, along with the date(s) of the event.
- (3) The estimated number of participants at the event.
- (4) If required by the City Manager based on the location, type of activity, and number of participants, proof of event insurance in a form and underwritten by an insurance company acceptable to the City identifying the City as a loss payee.
- (5) If a State of Florida beverage license is required for the activity in question, a copy of the state license shall be submitted with the application.

4. By acceptance of a permit, an individual or organizational permittee agrees as follows:

- (1) To comply with all general and specific conditions of the permit.
- (2) To comply with any of the state laws or local ordinances applicable to the event.
- (3) To indemnify and hold harmless the City from any obligation or liability occurring as a result of the event.
- (4) To return the permitted property to the City in the same condition it was in prior to the event.

6. Notwithstanding any other provision of this Ordinance, possession, consumption and sale of alcohol is not permitted on the following City property:

- (1) Benny Roberts Park
- (2) Lamar Faison Field
- (3) The multi use path shown on the map in Ordinance 463
- (4) Centennial Park located between Allen Memorial Way and Gautier Memorial Lane and Long Avenue and the southern extension of the centerline of Palm Boulevard.

7. The City Commission by resolution may establish fees for permits used hereunder.

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

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

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

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this 7th day of December, 2010.

THE CITY OF PORT ST. JOE

By: 
MEL C. MAGIDSON, JR.
MAYOR-COMMISSIONER

ATTEST:


JAMES A. ANDERSON
CITY CLERK-AUDITOR

The following commissioners voted yea:

The following commissioners voted nay: