

ORDINANCE NO. 165

AN ORDINANCE DECLARING CERTAIN DETRIMENTAL FACTORS AND DANGERS WITHIN RIGHTS-OF-WAYS WITHIN THE CITY OF PORT ST. JOE, FLORIDA, MAKING CERTAIN FINDINGS OF FACT; PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC STREETS OR RIGHTS-OF-WAYS INCLUDING SIDEWALKS, WITHIN THE LIMITS OF THE CITY OF PORT ST. JOE; PROVIDING PENALTIES FOR VIOLATIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there exists within the City of Port St. Joe, Florida, ways or rights-of-way for streets and highways and sidewalks for the purpose of travel and access to public and private property within the City of Port St. Joe, by its citizens and the public generally, and for installation and maintenance of utilities as such rights-of-way are customarily used, and

WHEREAS, these rights-of-way from time to time, and sometimes unexpectedly, become congested so that free and uniform passage of persons and vehicles is substantially hindered and often totally obstructed, and

WHEREAS, the safety, the convenience and the welfare of the citizens of the City of Port St. Joe and of the public generally require said vehicular traffic move in a steady and orderly fashion, and

WHEREAS, congregation of persons, the loitering of persons, and the occupancy of rights-of-way by persons for social purposes inconsistent with the proper use and function of the rights-of-way are detrimental to the steady and orderly flow of travel, and demonstrably interfere with such passage, including without limitation the passage of emergency vehicles, such as fire, ambulance, police and utility repair crews, as well as those of the City, and

WHEREAS, there are numerous and ample public parks, areas and beaches within the City for the gathering of persons for social purposes not connected with the usual function or purposes or rights-of-way, and

WHEREAS, the consumption of alcoholic beverages within public highways, streets, or other such rights-of-way significantly and directly contributes to the congregation or loitering or occupancy of said rights-of-way by persons for social purposes as hereinabove mentioned, and

WHEREAS, such congregation or occupancy is dangerous to the safety of the persons of both those so occupying for social purposes as well as being dangerous to the safety of the traveling public, and this ordinance is enacted to protect the safety of the person and property of both classes, and

WHEREAS, the express conclusion of the people of the City of Port St. Joe is that the danger and impairment of the health, safety and welfare of the citizens of the City of Port St. Joe and the public generally caused by the consumption of alcohol within said rights-of-way substantially and conclusively outweighs the benefit of enjoyment by those engaging in the consumption of alcohol in the rights-of-way, especially since there exists ample and sufficient other areas for such enjoyment out-of-doors,

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA:

Section 1. From and after the effective date of this ordinance, no person shall drink or otherwise consume any alcoholic beverage or substance within the rights-of-way of streets, highways, sidewalks, avenues or other similar ways, within the City of Port St. Joe, Florida, and such consumption is made unlawful.

Section 2. Upon conviction, persons guilty of violating this ordinance shall be punished by a fine not to exceed \$500.00 or be imprisoned for not more than 60 days or both such fine and imprisonment.

Section 3. This ordinance shall take effect as provided by law.

INTRODUCED in the regular meeting of the City Commission on the fourth day of March, 1986 and adopted and passed by the City Commission of the 18th day of March, 1986.

CITY OF PORT ST. JOE, FLORIDA

By: _____

Mayor-Commissioner

Attest: _____

Auditor-Clerk