

ORDINANCE NO. 99-50

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA REGULATING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AS DEFINED BY SECTION 561.01, FLORIDA STATUTES, ON PUBLIC PROPERTY; PROVIDING FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, it is found that without proper limitation and regulation, possession or consumption of open containers of "Alcoholic Beverages" as defined by Section 561.01, Florida Statutes on County-owned real property or rights-of-way is contrary to the public health, safety, and welfare in that public safety measures and services peculiar to each such situation must be provided after reasonable pre-notice to St. Johns County of the necessity of such services and measures, including, but not limited to lighting, security and restroom availability; and

WHEREAS, it is found that possession of open containers of aforesaid "Alcoholic Beverages" on County owned real property without proper safeguards and aforesaid public services, is contrary to the public health, safety, and welfare because such circumstances unduly contribute to the

(i) collection of debris on such property;

(ii) disturbance of the peace and tranquility of the public, legitimate businesses, and neighborhoods of the county;

(iii) increased threat to public health resulting from the unavailability or inadequacy of restroom facilities.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA that:

1. FINDINGS. The above stated Recitals are hereby incorporated herein by reference and adopted as Findings in support of this Ordinance.

2. DEFINITIONS. In this Ordinance the following words terms and phrases shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

"Alcoholic Beverage" shall mean Alcoholic Beverages as defined by Section 561.01, Florida Statutes, as such may be amended from time to time in the future.

"County Administrator" shall mean the County Administrator of St. Johns County and/or his or her designees.

"Open Container" shall mean any receptacle which holds an Alcoholic Beverage and which is open to the air or is closed to the air by a device other than the original seal in the condition it was released for sale by the manufacturer or bottler.

"Public Property" shall mean real property within St. Johns County which is outside the limits of any municipality, of which the record owner is St. Johns County, a political subdivision of the State of Florida. "Public Property" shall also include that portion of any real property which is subject to a right-of-way, easement or license allowing use by the general public or the government of St. Johns County, whether or not such use is exclusive or non exclusive to any such persons or entities. "Public Property" shall not, however, include any real property, right of way or easement the record owner of which is the United States of America or the State of Florida, or their agencies; including, but not limited to, State and federal road rights of way, the beaches of the Atlantic Ocean between the mean high and low tide lines, and Municipal, County, State or Federally owned or regulated navigable waterways and submerged lands.

3. REGULATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY. It shall be unlawful for any person to drink or otherwise consume an Alcoholic Beverage, or possess an Open Container on Public Property except during specifically designated hours, on certain dates, in specifically limited areas; as authorized by a written permit issued by the County Administrator or by a concession agreement authorized by the Board of County Commissioners. In granting any such permit, the County Administrator shall

(i) not discriminate against any class of persons entitled to equal protection under state or federal, statutory or constitutional law;

(ii) endeavor to ensure that the particular circumstances of the permitted event adequately provide for public safety. The County Administrator may add conditions to such permit for protection of the public; and

(iii) charge a standard fee approved and modifiable by Resolution of the Board of County Commissioners, unless the Board of County Commissioners waives such fee for public purposes or such fee is waived pursuant to hardship criteria and authority provided to the County Administrator by the Board of County Commissioners.

4. The County Administrator shall cause clear and obvious signage to be placed in all County Parks or County beach and water access rights of way and on other County lands he deems appropriate warning the public of the restrictions of this Ordinance.

5. ENFORCEMENT AND PENALTIES.

a. Possession of an Open Container by any person in an area where such possession is prohibited by this Ordinance shall be prima facie evidence of violation of this Ordinance.

b. This Ordinance may be enforced by any means permitted by State law or County ordinance, including, but not limited to, the provisions of Part I of Chapter 162, Florida Statutes. It may also be prosecuted as a civil infraction by citation pursuant to the provisions of Part II of Chapter 162, Florida Statutes, and St. Johns County Ordinances 94-36 and 95-28 as amended from time to time. The Sheriff of St. Johns County and the Sheriff's designees are hereby designated as code enforcement officers for the purpose of enforcing the provisions of this ordinance in the manner authorized by Part II of Chapter 162, Florida Statutes and St. Johns County Ordinances 94-36 and 95-28 as amended from time to time. This Ordinance may also be prosecuted in the same manner as misdemeanors are prosecuted in accordance with Section 125.69, Florida Statutes.

6. EFFECTIVE DATE. This Ordinance shall take effect on October 1, 1999.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 13 day of July, 1999.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone  
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia DeGrande  
Deputy Clerk

Effective Date: October 1, 1999



COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **Linda Y. Murray**  
who on oath says that she is an Accounting Clerk of the St. Augustine Record,  
a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a

**NOTICE OF PUBLIC HEARING**

in the matter of

**OPEN CONTAINER ORDINANCE**

in the \_\_\_\_\_ Court, was published in said newspaper in the issues of  
**June 28, 1999**

Affiant further says that the St. Augustine Record is a newspaper published  
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper  
heretofore been continuously published in said St. Johns County, Florida, each  
day and has been entered as second class mail matter at the post office in the  
City of St. Augustine, in said St. Johns County, for a period of one year preceding  
the first publication of the copy of advertisement; and affiant further says that  
she has neither paid nor promised any person, firm or corporation any discount,  
rebate, commission or refund for the purpose of securing the advertisement for  
publication in the said newspaper.

Sworn to and subscribed before me this **28TH** day of **JUNE** 1999,

by Linda Y. Murray who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

Zoe Ann Moss  
(Signature of Notary Public)



Zoe Ann Moss  
MY COMMISSION # CC641814 EXPIRES  
August 22, 2001  
BONDED THRU TROY FAIN (SCAF), INC.

Zoe Ann Moss

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing at a special meeting on Tuesday, July 13, 1999, at 1:30 p.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance:  
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA REGULATING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AS DEFINED BY SECTION 561.01, FLORIDA STATUTES, ON PUBLIC PROPERTY, PROVIDING FINDINGS OF FACT, PROVIDING DEFINITIONS, PROVIDING FOR ENFORCEMENT AND PENALTIES, PROVIDING AN EFFECTIVE DATE.  
The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. 1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.  
NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings should contact ADA Coordinator at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32085. For hearing impaired individuals, Telecommunication Device for the Deaf (TDD), 823-2501 or Florida Relay Service 1-800-855-8770, no later than 3 days prior to the date of the hearing.  
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK  
By: Patricia DeGrando, Deputy Clerk  
June 28, 1999