

Requested by: City Manager's Office
Prepared by: City Clerk

ORDINANCE NO. 2022-32

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE II, ALCOHOLIC BEVERAGE ESTABLISHMENTS, SECTION 6-40, CONSUMPTION OF ALCOHOLIC BEVERAGES OR POSSESSION OF AN OPEN CONTAINER ON PUBLIC PROPERTY AND RIGHT-OF-WAY PROHIBITED; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on February 22, 2022, the City of Venice passed Ordinance No. 2022-05 which amended the City Code of Ordinances ("Code") to allow, during daylight hours, persons on a public beach or within Humphris Park or on the Venice Fishing Pier to possess an open container or drink or consume an alcoholic beverage provided it is a non-glass container; and

WHEREAS, Section 6-40 of the City Code contains a provision sunsetting the allowance for such open containers or drinks on February 28, 2023; and

WHEREAS, the City has reviewed the effect of allowing limited open containers and drinks and has determined that there have been no measurable adverse impacts; and

WHEREAS, the City Council desires to eliminate the sunset provision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 6, Alcoholic Beverages, Article III, Consumption or possession in public places, Section 6-40, Consumption of alcoholic beverages or possession of an open container on public property and right-of-way prohibited, is hereby amended as follows:

Sec. 6-40. - Consumption of alcoholic beverages or possession of an open container on public property and right-of-way prohibited.

It shall be unlawful for any person to drink or consume an alcoholic beverage or possess an open container within the city upon any public street, public parking area or sidewalk, public park, public beach or other publicly owned or operated recreational area, within any public building or upon any other public property, or upon any areas available for use by the public for motor vehicular parking purposes where such areas adjoin or are adjacent to any establishment where alcoholic beverages are sold or dispensed. The provisions of this section shall not apply to:

(1) Activities of lessees or concessionaires of the city or county, provided that the exemption pertaining to leases and concessionaires shall only apply to the possession of an open container or the drinking or consumption of an alcoholic beverage within the leasehold area or within the boundaries of a concession; or

(2) Activities of persons who are at a special event permitted under chapter 62 of this Code, when such special event permit authorizes the sale, consumption, or possession of alcoholic beverages, when such person is present within the permitted area for said special event within the timeframe said special event is taking place, and so long as the person complies with all municipal ordinances, and state laws; or

(3) Activities of persons at premises with a café permit under chapter 62 of this Code where such premises has obtained a current and valid state license to serve and permit consumption of alcoholic beverages upon its premises; or

(4) During daylight hours, persons on a public beach or within Humphris Park or on the Venice Fishing Pier who possess an open container or drink or consume an alcoholic beverage provided it is a non-glass container. ~~Unless otherwise extended or terminated by the city council, this subsection shall sunset on February 28, 2023.~~

SECTION 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 4. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 5. This ordinance shall take effect immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 13TH DAY OF DECEMBER 2022.

First Reading: November 29, 2022

Final Reading: December 13, 2022

Adoption: December 13, 2022

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council at a meeting thereof duly convened and held on the 13th day of December, 2022, a quorum being present.

WITNESS my hand and the official seal of said City this 13th day of December 2022.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney