

## M E M O R A N D U M

Date: October 5, 2012

**TO:** Dave Bullock, Town Manager  
**FROM:** Kay Thayer, Tennis Center Manager  
**SUBJECT:** Ordinance 2012-24, Amending Chapter 92, Beaches, Parks, and Public Places

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At the September 24, 2012 Special Meeting, the Town Commission approved Ordinance 2012-24 on first reading allowing the Longboat Key Public Tennis Center to begin offering beer and wine for sale. The current Town Code does not allow for any alcoholic beverages on Town property. Ordinance 2012-24 would amend the Town Code to allow beer and wine to be consumed at the Tennis Center, located at 590 Bay Isles Road.

The application for the license has been sent to the Department of Business and Professional Regulation and is being processed.

Training courses are offered by Serving Alcohol, Inc. All affected staff is in the process of completing the training. I have completed the Responsible Alcohol Manager training course from Serving Alcohol, Inc.

If you have any questions, please don't hesitate to contact me.

## ORDINANCE 2012-24

### AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING CHAPTER 92, BEACHES, PARKS, AND PUBLIC PLACES; BY AMENDING SECTION 92.03, POSSESSION OF ALCOHOLIC BEVERAGES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Chapter 92 of the Town of Longboat Key Code of Ordinances provides the use regulations for the Town's beaches, parks, and public places; and

**WHEREAS**, the Town Commission has approved the sale of beer and wine at the Town's public Tennis Center located at 590 Bay Isles Road; and

**WHEREAS**, the Town desires to identify the use regulations and restrictions associated therewith to assist with compliance and enforcement; and

**WHEREAS**, the Town Commission finds that the revisions to Chapter 92 are in the best interest of the citizens of Longboat Key.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:**

SECTION 1. The Whereas clauses above are ratified and approved as true and correct.

SECTION 2. Chapter 92, Beaches, Parks, and Public Places, Section 92.03, Possession of alcoholic beverages, is hereby amended as follows:

(A) *Definitions.* For purposes of Chapter 92, the following terms, phrases, words and derivations shall have the meaning given herein:

*"Alcoholic beverage."* Any beverage containing distilled spirits or one-half of one percent or more alcohol by volume, including beer, wine, malt liquor and liquor.

*"Beached vessel."* Any vessel, as defined in section 93.02, run, driven, or pulled onto the public beach.

*"Open container."* Any can, glass, bottle, carton, cup or other object which is capable of holding or containing liquids and which is so configured that a person can drink therefrom and which contains any amounts of an alcoholic beverage; and shall mean any commercially marketed alcoholic beverage, including beer, wine, or liquor, a container of which is open or has been opened; shall mean any alcoholic beverage or container that is marketed with a seal that must be broken to be open and such seal is broken; or shall mean any open but empty alcoholic beverage containers that are commercially marketed such as beer, wine, liquor, gin, vodka, or other alcoholic beverages.

(B) It shall be unlawful for any person to possess any unsealed or open alcoholic beverage on any public property, on the public beach, on a beached vessel, on a public

beach access, or on Greer (Beer Can) Island Beach Park, the Sister Keys, Town Islands, White Key, Wake Island, and Whale Key, unless specifically exempted in this chapter.

(C) The provisions of this section do not apply to official town functions specifically approved by the town manager or to special events permitted pursuant to section 92.06.

(D) The provisions of this section shall not apply to the sale or consumption of beer or wine purchased and consumed on the premises at the Town's public tennis center located at 590 Bay Isles Road. Sale of beer and wine at the Town's public tennis center, shall be subject to the following restrictions:

(1) All state laws regarding the licensing, sale and consumption of beer and wine shall be complied with;

(2) Beer and wine shall be consumed only in designated areas approved by the Town;

(3) Sales shall be restricted to the tennis center only;

(4) No patron, customer, or visitor shall "carry-in" or "carry-out" any type of alcoholic beverage to or from activities or programs;

(5) Alcoholic beverages may be sold only at such times consistent with normal operating hours or during special activities, programs, or events of the Town's public tennis center.

SECTION 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected.

SECTION 4. All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. This Ordinance shall take effect upon adoption by the Town Commission.

Passed on the first reading the 1<sup>st</sup> day of October, 2012.

Adopted on the second reading and public hearing the \_\_\_ day of \_\_\_\_\_ 2012.

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James L. Brown, Mayor

ATTEST:

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Trish Granger, Town Clerk