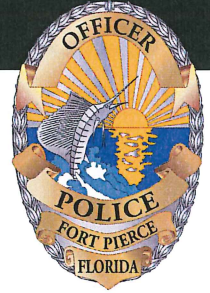


POLICE

FORT PIERCE



MEMORANDUM

To: Robert J. Bradshaw, City Manager
From: Frank J. Amandro, Deputy Chief
Date: October 9, 2014
Re: Update of Entertainment District – Inlet Park

As you are aware, Chief R. Sean Baldwin, Peggy Arraiz, Code Compliance Manager, and Rebecca Grohall, Planning Manager met with businesses located along Seaway Drive near the Jetty Inlet Park, who asked the City to consider code revisions that would create an “entertainment district” in this area. The purpose of such a district was to allow customers to purchase alcohol from their business and then “walk around” the area without violating the law. Of course, this is complicated when the considering Florida State Statutes and permitting requirements for businesses with consumption on premises licenses. Through discussions with business representatives, they crafted a more conservative approach. Initially, they meet with the business owners from the Inlet Grill, Hurricane Grill & Wings, Bluewater Beach Grille, and the Jetty Lounge. The business owners elected Donna Burke, owner of the Bluewater Beach Grille and the Original Tiki Bar & Restaurant as their spokesperson.

I attached proposed changes to City Code Section 3-2 that allow for the consumption of alcohol on sidewalks, when businesses are properly permitted and licensed. This is something we really need to do because any existing sidewalk café operations are technically violating this code. The other proposed change is City Code Section 12-321, to allow these businesses to pull special event permits for the roadway adjacent to their property, just like the exception our code makes for businesses around Marina Square. Please note that we have excluded the Inlet Park from this exception, so that their special events can only be held on the sidewalk or roadway.

Anytime a special events permit is pulled, the small section of Seaway Drive from the roundabout to the dune line would be barricaded. However, the Inlet Park has two points of egress and access. Therefore, residences and visitors will still have access to the Inlet Park.

Chief Baldwin sent Carole Mushier, South Beach Association an email outlining the proposed changes to the aforementioned ordinances for their input and is awaiting her response.

Proposed Revision to Section 3-2

Sec. 3-2. Consumption of alcoholic beverages—In public places generally.

It is unlawful for any person to consume, and for any person other than the licensed beverage salesman or agent, to carry in any cup, can or other open or unsealed container any alcoholic beverage on the streets and sidewalks within the city, except as elsewhere provided in Chapter 12 by special event permit or where permitted for customers on the premises of a business licensed for the consumption of alcoholic beverages on premises and operating with a valid sidewalk café permit issued in accordance with Section 22-302.

(Code 1960, § 3-12; Ord. No. K-07, § 3, 4-17-00)

Proposed Revision to Section 12-321

Sec. 12-321. Supplemental permit required for alcoholic beverage sales or consumption at a special event.

- (a) No person shall sell, distribute, or cause the consumption of alcoholic beverages at a special event which is located within any park area, on property owned, controlled, or maintained by the city, or its dependent special districts, or where the city is a sponsor or co-sponsor of the event, unless an alcoholic beverage special event permit shall have been obtained from the city manager.
- (b) The issuance of an alcoholic beverage special event permit shall be restricted to the following:
- (1) Permits for consumption only may be issued to nonprofit organizations and private parties or entities that are not engaged in fundraising or profit making.
 - (2) Permits for the sale of alcoholic beverages may be issued to nonprofit organizations at public events under the following circumstances:
 - (i) The organization maintains an active registration as a nonprofit corporation with the Florida Department of State, Division of Corporations;
 - (ii) The organization receives a one-, two-, or three-day permit from the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, for the special event;
 - (iii) No organization shall be issued more than three (3) permits per year, and no permitted event may exceed three (3) days in duration;
 - (iv) Only beer, as defined in F.S. § 563.01, and wine as defined in F.S. § 564.01, shall be served.
 - (3) Permits for the sale of alcoholic beverages may be issued to private parties and entities engaged in for profit or fundraising activities only when the special event occurs within Marina Square Park, including the road and walkways adjacent thereto along Avenue A east of Indian River Drive and Melody Lane between Avenue A and Orange Avenue; within Indian River Memorial Park, located between Indian River Drive and the Indian River Lagoon north of Moore's Creeks and south of Seaway Drive, but not including any property under lease from the city; or on and along Seaway Drive east of South Ocean Drive to the dune line of the Atlantic Ocean, but not including any portion of Jetty Park. Such permits may only issued under the following conditions:
 - (i) As an extension of an established business within the designated area, when the applicant:
 - Holds a valid business tax receipt issued by the City of Fort Pierce permitting the operation of a restaurant or bar at a location immediately adjacent to the special event location;
 - Holds a valid special restaurant exemption or consumption on premises license issued by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco;
 - Obtains a temporary extension permit from the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco;

Sean Baldwin 8/28/2014 5:14 PM

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- No such business shall be issued more than twelve (12) permits per year, and no permitted event may exceed one day in duration;
 - Only alcoholic beverages permitted by the applicants special restaurant exemption or consumption on premises license issued by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, may be served.
- (ii) When the applicant operates an established catering or event management business within St. Lucie County, and the applicant:
- Holds a valid business tax receipt issued by the City of Fort Pierce permitting the conduct of such business within the city limits;
 - Holds a valid caterer's License issued by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, which permits the conduct of such business;
 - No such business entity shall be issued more than six (6) permits per year, and no permitted event may exceed five (5) days in duration;
 - Only alcoholic beverages permitted by the applicants' caterer's license issued by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, may be served.
- (c) Such permit shall be obtained in accordance with the following:
- (1) A person seeking approval for such sale and/or consumption activity shall file a supplemental application with the city manager on forms provided by the city.
 - (2) The application shall be filed with the special event permit application and in accordance with the time lines provided for special events.
 - (3) The application for an alcoholic beverage special event permit shall include, in addition to any information otherwise required by this article, the following information:
 - (i) Diagram depicting areas within the event venue within which beverage sales are to occur;
 - (ii) Documentation of state alcoholic beverage licensing.
- (d) Permits issued pursuant to this chapter for sale and/or consumption of alcoholic beverages at a special event shall be subject to the following conditions in addition to those contained in this article:
- (1) The applicant shall provide, in addition to insurance required in this chapter, general liability and other insurance as required by the provisions of Florida Statutes for the sale and/or consumption of alcoholic beverages, including:

Liquor liability—The applicant must provide insurance that includes coverage for liability arising out of such sale, provision, possession or consumption of alcoholic beverages.

 - (i) A separate, stand alone liquor liability insurance policy may be used to also meet the general liability insurance requirement, provided that such liquor Liability policy also provides non liquor-related, general liability coverage in the specified amounts. If there will not be any sale of alcohol, "host liquor liability" coverage contained within the general liability policy will be sufficient to meet this liquor liability requirement.
 - (ii) Neither approval nor failure to disapprove insurance furnished by an applicant shall relieve the applicant from responsibility to provide insurance as required by this chapter.

- (2) The proposed sales and/or consumption activity will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (3) The proposed sales and/or consumption activity will not entail extraordinary or burdensome expense or police operation by the city.
- (4) The use of alcoholic beverages is not expected to result in violence, crime, or disorderly conduct.
- (5) The person responsible for conducting the event on behalf of the applicant shall meet state minimum age licensure requirements and has not been convicted of a felony or a crime involving moral turpitude.
- (6) The applicant has obtained any necessary federal, state or local permits otherwise required to engage in the proposed sales and/or consumption activity.
- (7) Alcoholic beverages shall be served in containers meeting industry standards for such events and shall be so designed and constructed that law enforcement officers may ascertain their contents upon visual inspection and shall not include sport drink bottles, ceramic or glass mugs, closed containers, or other containers not clearly labeled as containing an alcoholic beverage. The application shall provide for proper disposal of litter resulting from the activity.
- (8) The applicant shall comply with all ordinances and conditions associated with permitting of events upon public property.
- (9) The sale and consumption of alcoholic beverages shall be confined to designated and secured areas within the event venue or shall be confined within a secured perimeter for the entire event.
- (10) The applicant shall pay any additional costs of police or other city services attributed to the sale or consumption of alcoholic beverages during the activity.

(Ord. No. L-246, § 2, 2-21-12; Ord. No. L-258, § 1, 6-4-12)