

ORDINANCE NO. C-15

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CITY CODE OF ORDINANCES CHAPTER 5, "ALCOHOLIC BEVERAGES," ARTICLE I, "IN GENERAL," CODE SECTION 5-3, "CONSUMPTION, POSSESSION IN BEACH AREA" TO DELETE CERTAIN PRIVATELY OWNED BEACH FROM THE DEFINITION OF "BEACH AREA" IN CODE SECTION 5-3 (B) (1); PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE _____.

WHEREAS, prior to this amendment, the definition of "Beach Area" in City Code Section 5-3 (b) (1) included a certain portion of the public beach that is privately owned and unencumbered by any "public beach easement; and

WHEREAS, the owner of that portion of the "Beach Area" which is in private ownership that is not encumbered with any "public beach easement" has requested that the portion of the "Beach Area" be deleted from the definition in Code Sec. 5-3 (b) (1) of "Beach Area"; and

WHEREAS, the City Commission of the City of Fort Lauderdale finds and declares that excluding that portion of privately owned beach, which is not encumbered by a "public beach easement," from the definition of "Beach Area" in Code Sec. 5-3 (b) (1) serves a valid municipal purpose;

THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AS FOLLOWS:

SECTION 1. That Chapter 5, Alcoholic Beverages, Article I, In General, Section 5-3, Consumption, Possession in Beach Area of the Code of Ordinances of the City of Fort Lauderdale, Florida (hereinafter, "Code") is amended to read as follows:

Sec. 5-3. Consumption, possession in beach area.

- (a) *Prohibition.* It shall be unlawful for any person to consume any alcoholic beverages, or manually possess any unsealed or open container of any kind which contains any alcoholic beverage, while or within any public place, or while on or within any vehicle located in a public place, which public place is located within the beach area.

- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection:
- (1) *Beach area* means and includes all that property within the city which is bounded on the east by a line fifty (50) yards east of the shoreline of the Atlantic Ocean, on the west by the eastern shoreline of the Florida Intracoastal Waterway, on the north by the northern right-of-way line of East Oakland Park Boulevard, and on the south by the northern shoreline of the Port Everglades Inlet, save and except that area bounded on the east by the mean high water mark of the Atlantic Ocean, on the west by the easternmost right-of-way of State Road A-1-A, with the northern and southern boundary thereof as described in those instruments recorded at Deed Book 372. Page 360 and Official Records Book 1213, Page 643 of the Public Records of Broward County, Florida, said instruments being on file in the Office of the City Clerk, and said area generally known as Bonnet House Private Beach, being 700 feet of privately owned beach, unencumbered by any public beach easement rights.
 - (2) *Public place* means and includes any public street, avenue, boulevard, roadway, alley, sidewalk, park, parking lot, beach, land or area, or any other public place (except a completely enclosed structure, other than a public rest room facility) which is owned and controlled by the city, located within the beach area.

. . .

Sec. 5-4. – Consumption, possession, on public streets

It shall be unlawful for any person to consume any alcoholic beverage or manually possess any unsealed or open container of any kind which contains any alcoholic beverage while on any public street or sidewalk unless within premises licensed for sale and consumption of alcoholic beverages, or at special events where alcoholic beverages are to be dispensed, approved by the City Commission in accordance with City Code section 15-183.

SECTION 2. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions; words, symbols, and letters double underlined are additions added after first reading; words, symbols and letters ~~double stricken~~ are deletions from the version presented at first reading.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING THIS ___ day of _____, 2015.

PASSED SECOND READING THIS ___ day of _____, 2015.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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Exhibit 3
CAM 15-0564