

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 on 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 seven hundred (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.
- (c) *Penalties.* Any person convicted of violating this section shall be punished by imposition of a fine, not to exceed fifty dollars (\$50.00) for a first offense. Upon any subsequent conviction for violation of this section, such person shall be punished by imposition of a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed thirty (30) days, or both.
- (d) *City-approved special events.* The city commission may, by motion, grant approval to individuals or organizations to conduct special events which have a public or quasi-public purpose, as determined by the commission, within the beach area designated in subsection (b) of this section. During such events, alcoholic beverages may be sold by or under the auspices of the individual or organization, and possessed and consumed by patrons of the event, if each of the following conditions is observed:
 - (1) The individual or organization has submitted a written request to the city parks and recreation department a minimum of sixty (60) days prior to the beginning of the event. The request must contain a detailed description of the special event proposed to be conducted, including all elements set forth in (d)(4) below. The parks and recreation department will coordinate review of the request by the police, fire, public works and sustainable development departments and such other departments as the city manager shall designate. The city reserves the right to disapprove any such request if it is determined to be inconsistent with the public interest or have an adverse effect upon public safety, health or welfare.
 - (2) The individual or organization has obtained a temporary liquor license from the state.
 - (3) The individual or organization has executed an agreement with the city at least thirty (30) days in advance of the event, which agreement will contain, but not be limited to the following elements:
 - a. A designation of the event dates and hours for sale of alcoholic beverages. The city retains in its sole discretion the right to approve or disapprove such dates and hours.
 - b. A plan for enclosing, restricting or controlling access to the special event area, which must be approved by the police and parks and recreation departments as well as any other governmental agency which may have jurisdiction.

- c. A plan for police protection, crowd and traffic control. The plan and personnel necessary to implement it shall be approved by the police department and furnished at the expense of the organization.
- d. Provisions for sanitary facilities and for safety inspections as determined to be necessary by the fire and building and zoning departments.
- e. A provision which will indemnify and hold the city, its officials and employees harmless from any claim and comprehensive general liability insurance in a minimum amount of one million dollars (\$1,000,000.00) combined single limit coverage, evidenced by a certificate approved by the city's risk manager.
- f. A provision which reserves the right of the city to immediately revoke permission and to suspend or terminate the event or any portion of it if any of the elements of the agreement are violated.
- g. Any other provision, term, plan or condition deemed necessary by the city.

Events sponsored or cosponsored by the city and conducted upon municipal property or at municipal facilities may also be approved by the city commission, subject to compliance with the foregoing requirements, as applicable.

(Code 1953, § 28-1; Ord. No. C-85-96, § 2, 11-22-85; Ord. No. C-86-81, § 1, 10-7-86; Ord. No. C-87-82, § 1, 11-3-87; Ord. No. C-96-68, § 1, 12-17-96; [Ord. No. C-12-12, § 1, 5-1-12](#); [Ord. No. C-15-19, § 1, 6-2-15](#))

State Law reference— Possession of open containers of alcoholic beverages in vehicles, F.S. § 316.1936.