

MEMORANDUM

TO: The Honorable Jeff Danner, Chair, and City Council Members

FROM: John C. Wolfe, City Attorney



DATE: October 8, 2009

RE: Ordinance Amending Section 21-38 of the City Code

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Attached is a proposed amendment to Section 21-38 of the City Code that the Parks Department is requesting be scheduled for first reading on the October 15, 2009 and the public hearing to be held on November 5, 2009. The proposed ordinance will allow the consumption and sale of alcoholic beverages at certain City Parks and facilities when activities are sponsored or cosponsored by the City or have received approval from the City. This request is made at this time so that the amendments will be effective prior to this year's boat show and other upcoming events.

Should you have any questions, please feel free to contact me.

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Attachment

AN ORDINANCE AMENDING SECTION 21-38 OF THE ST. PETERSBURG CITY CODE; ALLOWING THE CONSUMPTION AND SALE OF ALCOHOLIC BEVERAGES AT CERTAIN CITY PARKS AND FACILITIES WHEN ACTIVITIES ARE SPONSORED OR COSPONSORED BY THE CITY OR WHICH HAVE RECEIVED A FACILITY USE AGREEMENT OR PARK PERMIT OR OTHER APPROVAL FROM THE CITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. Section 21-38 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 21-38. Alcoholic beverages.

- (a) Sales, service, dispensing, possession, use and/or consumption of alcoholic beverages on Park property is prohibited except in accordance with this section.
- (b) Sales, service, dispensing, possession, use and/or consumption of alcoholic beverages is permissible by the City, a person or entity acting in accordance with the terms of an agreement with the City or a permit from the City, or their duly authorized agents, lessees or concessionaires, in connection with the use or operation, and on the premises of the facilities listed below. Facility as used herein means the actual location together with the abutting property and the public parking areas serving that location.
 - (1) Mangrove Bay Golf Course Facility (for on premise consumption only),
 - (2) Mahaffey Theater (for on premise consumption only),
 - (3) Al Lang Field at Progress Energy Park (for on premise consumption only),
 - (4) That portion of Poynter Park leased to the Salvador Dali Museum, Inc. (for off premise consumption of beer and wine only and on premise consumption),
 - (5) Ships Store at Demens Landing (for off premise consumption of beer and wine only), and

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(6) Albert Whitted Park for events conducted by the management of the Mahaffey Theater or the Dali Museum with a park permit, or for a City sponsored event (for on premise consumption only).

(c) Sales, service, dispensing, possession, use and/or consumption of alcoholic beverages (for on premise consumption only) is permissible, if such activity is in accordance with a facility use agreement approved by the POD, at the following facilities.

(1) Azalea Adult Recreational Center,

(2) Bay Vista Adult Recreational Center,

(3) Sunshine Multi Service Senior Center,

(4) Garden Club of St. Petersburg in Coconut Park, and

(5) Lake Maggiore Environmental Education Center.

(d) A permit to sell, serve, dispense, possess, use and/or consume beer or wine (for on premise consumption only) may be issued in connection with City sponsored or co-sponsored events in;

(1) Straub Park,

(2) Spa Beach,

(3) Demens Landing Park,

(4) Maximo Park,

(5) the Pier approach (east of Bayshore Drive),

(6) Poynter Park,

(7) Dell Holmes Park,

(8) Vinoy Park and Mole,

(9) Edgewater Waterfront Park,

(10) that portion of North Shore Park lying east of Bayshore Drive to the seawall and north of Seventh Avenue Northeast (extended) to the seawall (excluding the playground area),

(11) Albert Whitted Park,

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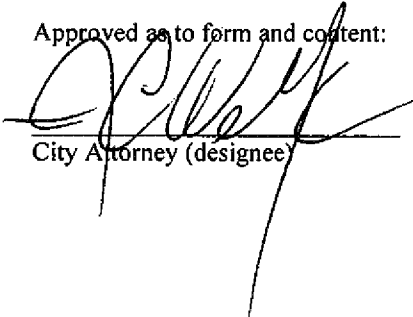
(12) that portion of Lake Maggiore Park abutting the Education Center at 1101 Country Club Way South.

- (e) The POD may impose reasonable conditions necessary for the health, safety and welfare of the persons utilizing these facilities and the general public. Such conditions may include but are not limited to requiring private security officers or off duty police officers, requiring general liability insurance and requiring liquor liability insurance.
- (f) Compliance with applicable laws is required for sales, service, dispensing, possession, use and consumption of alcoholic beverages.

Section 2. Words that are underlined are additions to, and words that are in margin balloons are deletions from, the existing St. Petersburg City Code.

Section 5. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:



City Attorney (designee)