

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

ORDINANCE NUMBER ____

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING SECTION 17.12, CONSUMPTION AND SALE OF ALCOHOLIC BEVERAGES WITHIN MARTIN COUNTY PARKS, OF THE GENERAL ORDINANCES, MARTIN COUNTY CODE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County is authorized pursuant to Sections 1 and 6 of Article VIII, Constitution of the State of Florida, and Chapter 125, Florida Statutes, to adopt ordinances; and

WHEREAS, the Board has determined it is appropriate to update its Code of Ordinances from time to time to address current trends, State laws and outdated information; and

WHEREAS, the Board has determined it should be clear that the County has the authority to regulate and permit specific activities to protect the public health, safety and welfare; and

WHEREAS, the Board has determined it is appropriate to update and regulate alcohol in County Parks; and

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

PART ONE: EXISTING SECTION 17.12, CONSUMPTION AND SALE OF ALCOHOLIC BEVERAGES WITHIN MARTIN COUNTY PARKS, GENERAL ORDINANCES, MARTIN COUNTY CODE, SHALL BE AMENDED AS FOLLOWS:

Sec. 17.12. - Consumption and sale of alcoholic beverages within Martin County parks.

17.12.A. Consumption of alcoholic beverages in County parks is allowed under the following conditions:

1. Consumption of alcoholic beverages is only allowed during the hours the park is open to use by the public.
2. Consumption of alcoholic beverages is only allowed in pavilions, play areas, athletic facilities, and parking lots with an approved permit issued by the County.
3. Consumption of alcoholic beverages is prohibited in restroom facilities.

4. Consumption of alcoholic beverages at Sailfish Splash Waterpark is only allowed with an approved permit issued by the County and limited to when the park is closed to use by the public, only within buildings or on the deck areas, and only when all pools or other water features are closed to any use by anyone including those attending, conducting, or participating in the event.
5. Consumption of alcoholic beverages at beach parks is prohibited west of the coastal dune line except by permit or if purchased from and consumed on premises of a permanent concession facility located at that beach park.

17.12.B. Sale of alcoholic beverages in County parks is allowed for special events with an approved permit issued by the County, provided that:

1. The sale of alcoholic beverages is restricted to a County approved vendor licensed to sell alcohol for the event; or
2. The sale of alcoholic beverages is restricted by permit from the State of Florida, Department of Business and Professional Regulation, Department of Alcoholic Beverages for events and activities.
3. Glass containers may be allowed during permitted special events only if approved as part of the permit.

PART TWO: CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART THREE: SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any other person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART FOUR: APPLICABILITY.

This ordinance shall be applicable in the unincorporated area of Martin County.

PART FIVE: FILING WITH THE DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART SIX: EFFECTIVE DATE.

This ordinance is effective upon filing with the Department of State.

PART SEVEN: CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code and the word "ordinance" may be changed to "section," "article" or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that parts two through seven shall not be codified.

DULY PASSED AND ADOPTED THIS 10TH DAY OF JULY, 2018:

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY