



Agenda Item Summary

File ID: 18-0514

PH-2

Meeting Date: 7/10/2018

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE REGARDING BEACHES, PARKS AND RECREATION AND CONSERVATION LANDS

EXECUTIVE SUMMARY:

On October 24, 2017, the Martin County Board of County Commissioners adopted amendments to Chapter 17, Beaches, Parks and Recreation, General Ordinances, Martin County Code. The Board is now asked to adopt an additional amendment related to the consumption of alcoholic beverages west of the dune line at beach parks to meet the needs of the Martin County Parks and Recreation Department, Martin County Sheriff's Office, the Town of Jupiter Island Police Department, and the community.

DEPARTMENT: Parks and Recreation

PREPARED BY: **Name:** Kevin V. Abbate
Title: Parks and Recreation Director

REQUESTED BY:

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

On October 24, 2017, the Martin County Board of County Commissioners adopted amendments to Chapter 17, Beaches, Parks and Recreation, General Ordinances, Martin County Code, including regulations related to the consumption and sale of alcoholic beverages (Section 17.12). Since then, it has been brought to the attention of the Martin County Parks and Recreation Department (PRD) by the Martin County Sheriff's Office and the Town of Jupiter Island Police Department that there is a concern allowing consumption of alcohol west of the dune line at beach parks due to ongoing issues they have experienced. In response to these concerns and to continue to enhance the safety and overall experience of park users, PRD proposes a change to Section 17.12, Consumption and sale of alcoholic beverages within Martin County parks, General Ordinances, Martin County Code. The proposed change prohibits consumption of alcoholic beverages west of the coastal dune line at beach parks except by permit or if purchased from and consumed on premises of a permanent concession facility located at that beach park. The regulations regarding the sale of alcoholic beverages in County parks do not change.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that are arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:**RECOMMENDATION**

Move that the Board adopt the Ordinance.

ALTERNATIVE RECOMMENDATIONS

Move that the Board direct staff to return with alternative changes to Chapter 17, Beaches, Parks and Recreation, General Ordinances, Martin County Code.

FISCAL IMPACT:**RECOMMENDATION**

None

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☒ Ordinance ☐ Resolution
☐ Other: