

ORDINANCE NO. 2024-23

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 6, SECTION 6-3 RELATING TO THE LIST OF PROPERTIES EXEMPT FROM THE GENERAL PROHIBITION OF POSSESSION AND CONSUMPTION OF ALCOHOL ON PUBLIC PROPERTY OWNED OR CONTROLLED BY THE CITY OF PORT ORANGE AND ESTABLISHING CERTAIN PARAMETERS FOR THE CONSUMPTION THEREOF; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council wishes to encourage and support the redevelopment and activation efforts to create commercial/entertainment destination areas within the Port Orange Town Center Community Redevelopment Area (CRA); and

WHEREAS, the City Council recognizes the demand for alcoholic beverages associated with certain entertainment and sporting venues; and

WHEREAS, the City Council, in furtherance of said efforts, wishes to amend the list of properties/locations owned by the City of Port Orange that an individual can possess and consume an open container of an alcoholic beverage; and

WHEREAS, the City Council intends to establish certain parameters for the newly added property as it relates to the consumption of an alcoholic beverage in an open container; and

WHEREAS, for purposes of this Ordinance text with underlined (underlined) type shall constitute additions to the original text and text with strike-through (~~strike-through~~) type shall constitute deletions to the original text;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

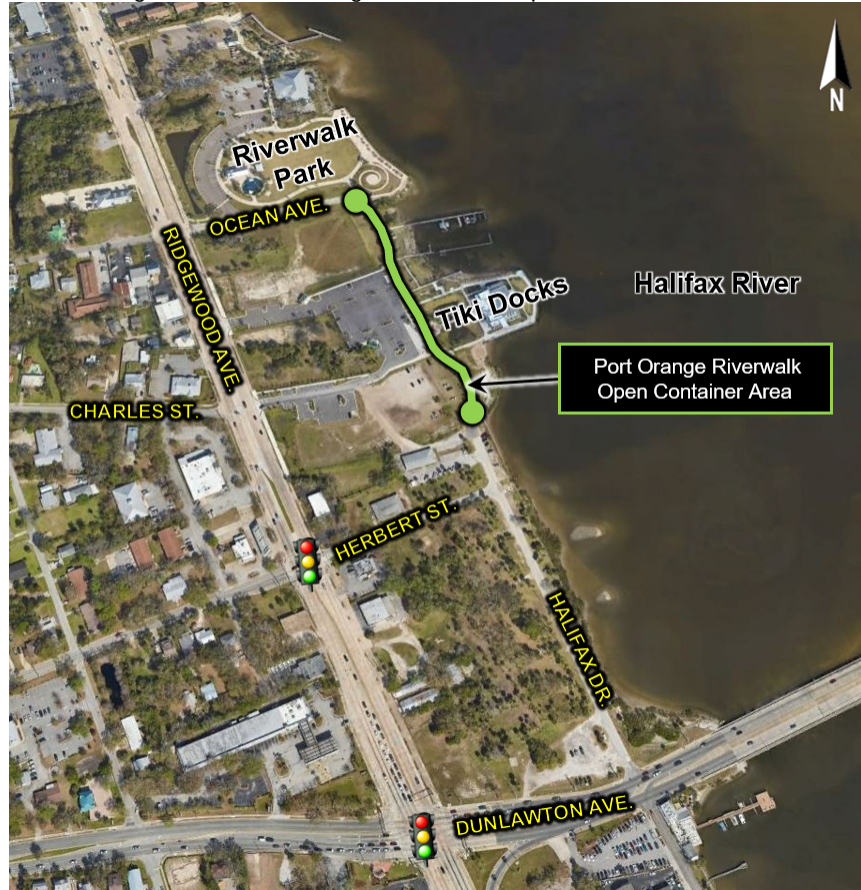
SECTION 1. The City Council of the City of Port Orange, Florida hereby amends Chapter 6, Article I, Section 6-3 of the Code of Ordinances to read as follows:

Sec. 6-3. Drinking in public.

- (a) *General prohibition.* It shall be unlawful for any person to possess any open container of alcoholic beverage or to consume any alcoholic beverage on the streets, sidewalks or thoroughfares, or on any public property, including, but not limited to, any public building, facility, park, playground, recreational facility, right-of-way, parking lot, and any other property owned or controlled by the City of Port Orange, unless expressly permitted in compliance with provisions of this section. This prohibition shall not apply to and no permit shall be required for possession or consumption of an alcoholic beverage at the following properties:
- (1) The municipal golf course;
 - (2) The premises located at Riverside Pavilion and legally described in a lease agreement between the city and an organization which is incorporated and active as a corporation not for profit pursuant to F.S. ch. 617;
 - (3) The Palmer College of Chiropractic, Florida campus located on City Center Parkway as described in that certain referenced lease agreement recorded in Official Records Book 4944 at Page 1791 of the Public Records of Volusia County, Florida;
 - (4) Upon any public property in the city utilized for functions held by the city, Florida League of Cities, Volusia League of Cities, Volusia Council of Governments or other governmental entities; ~~and~~
 - (5) Any city-owned property expressly designated by the city council, by formal written authorization, as a place where alcohol may be consumed, subject to the terms and conditions set forth in said authorization, and subject to strict compliance with federal, state and local laws governing alcoholic beverages; and
 - (6) Port Orange Riverwalk Open Container Area. The city does hereby create an area comprised of the concrete and paver walkway located between the terminus of the Ocean Avenue right-of-way at the Halifax River and the terminus of the concrete and paver walkway at Halifax Drive, as shown in Figure 1 below, hereinafter designated as the Port Orange Riverwalk Open Container Area, subject to strict compliance with federal, state and local laws governing alcoholic beverages and the following limitations:
 - a. Possession of open containers of alcohol within the Port Orange Riverwalk Open Container Area is subject to the following:
 1. A person who legally obtains an alcoholic beverage from a licensed premises, licensed by the state for the sale of alcoholic beverages, pursuant to Florida Statutes, and said premises is located adjacent to the Port Orange Riverwalk Open Container Area, may possess and/or consume the alcoholic beverage within the Port Orange Riverwalk Open Container Area so long as the alcoholic beverage is in an Approved Container.
 2. No person may possess more than one open container of an alcoholic beverage in an Approved Container within the Port Orange Riverwalk Open Container Area.

3. Possession and consumption of alcoholic beverages within the Port Orange Riverwalk Open Container Area shall be between the hours of 11:00 a.m. and 12:00 a.m. (midnight), each day.
4. Except as provided in this subsection, possession of any open container containing an alcoholic beverage within the Port Orange Riverwalk Open Container Area shall be unlawful and punishable in accordance with the appropriate laws.

Figure 1 - Port Orange Riverwalk Open Container Area



(b) *Definitions.*

Approved Container means a cup that bears the logo of the licensed premises at which the alcoholic beverage was purchased, is no larger than 16 ounces, for use in the Port Orange Riverwalk Open Container Area.

[The remainder of the section is unchanged]

SECTION 2. The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Port Orange, and the Sections of this Ordinance may be

renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5. This ordinance shall become effective immediately upon final passage by the City Council.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, MMC, City Clerk

Passed on first reading on the day of _____, 2024

Passed and adopted on second and final reading on the day of _____, 2024

Reviewed and Approved: _____
Shannon K. Balmer, Senior Assistant City Attorney