

ORDINANCE NO. 1320

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATED TO THE HOURS OF SALE OF ALCOHOLIC BEVERAGES; PROVIDING THAT DURING THE MONTH OF MARCH, 2015, THE HOURS OF SALE WITHIN THE CITY OF ALL ALCOHOLIC BEVERAGES SHALL CEASE AT 2AM; RE-ESTABLISHING THE FINAL HOUR OF SALE TO BE 4AM EFFECTIVE APRIL 1, 2015; REPEALING ALL ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING THAT THIS ORDINANCE SHALL NOT BE CODIFIED; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WITNESSETH:

WHEREAS, during a determinable period each spring the City experiences a high volume of college aged visitors who come to the City seeking relaxation and entertainment during a break from the rigors of academia; and

WHEREAS, the City finds that this period of college spring break, while varying by a few weeks every year, is ascertainable in any given year by a review of approved school calendars that are well circulated in the fall prior to each spring semester; and

WHEREAS, years of experience have demonstrated that the migration of students is typically concentrated in a period of approximately four consecutive weeks during the overall six to eight week period of recesses; and

WHEREAS, the City finds that the critical mass of college spring break 2015 will occur predominately during the month of March, 2015; and

WHEREAS, the City also finds that by making the change ordained in this law effective during a calendar month, which is an easily recalled period of time, the City will reduce confusion in the business and the consumer communities and serve the public interest by facilitating voluntary compliance, thereby reducing the need for reactive enforcement during a time when law enforcement resources are already heavily burdened; and

WHEREAS, during the critical mass period each college spring break these visitors are drawn *en masse* to the sandy gulf beach and the attractions of the community, where considerable efforts are put forth by both local and non-local businesses to entertain these crowds; and

WHEREAS, the City finds that the prolonged consumption of alcohol is a marked pastime of many of these young visitors while they are here; and

WHEREAS, the City has observed and finds that after dark these young visitors tend to

congregate in the City's bars in order to continue the day's festivities long into the night and early morning hours; and

WHEREAS, the City finds that alcoholic beverages purchased between the hours of 2:00 AM and 4:00 AM for consumption off-premises during college spring break are most likely to be consumed that same night in order to continue the festivities late into the night, and that the consumption of these beverages and the activities associated with their consumption are likely to occur in public places in the presence of strangers from all walks of life, all of which creates volatile and potentially dangerous situations in parking lots and places difficult to police; and

WHEREAS, the City finds that minors congregate outside liquor stores and retail establishments selling alcoholic beverages in an effort to procure those beverages through an adult willing to purchase for them (sometimes referred to as a "Hey Mister"), that this practice increases during college spring break, and that minors soliciting strangers in the wee hours of the morning to engage in illegal activity places these young visitors at risk of harm; and

WHEREAS, the City finds that upon closure of bars at 4:00 am the streets and ways of the City are filled with students under the influence of alcohol who are made vulnerable by that condition and their unfamiliarity with their surroundings, often creating opportunities for these students to be preyed upon by persons engaged in criminal activities; and

WHEREAS, state law provides that bars must close their business during the times that the sale of alcoholic beverages is prohibited by local ordinance (Section 562.14 Florida Statutes); and

WHEREAS, based upon prior experiences with college spring break, the City anticipates that by requiring the sale of all alcoholic beverages to cease and bars to close at 2:00 am the overwhelming majority of students who wish to continue the festivities will return to their lodgings to do so, or simply retire for the evening, in either case they will get "home" earlier and safer; and

WHEREAS, the City trusts the owners and managers of the lodgings catering to college spring break students will continue to assume responsibility for the security of these guests upon their return to their lodgings; and

WHEREAS, by encouraging the student spring breakers to return earlier to their lodgings the City finds that law enforcement officers will be given an increased opportunity to deal with those visitors who are without local accommodations and whose lack of lodging has in the past been directly linked to the creation of criminal mischief after local businesses have closed.

NOW THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. During the month of March, 2015, the hours during which alcoholic or intoxicating beverages may be sold shall be abbreviated by two hours. To this end, Section 3-4 of the Code of Ordinances of the City of Panama City Beach, related to the hours of sale for alcoholic beverages is amended to read as follows:

Sec. 3-4. Hours of sale.

~~From and after the passage of this section, n~~No alcoholic or intoxicating beverages may be sold, consumed or served, or permitted to be served or consumed in any place holding a license under the State Beverage Department of Florida, between the hours of ~~2:00~~ 4:00 a.m. and 7:00 a.m. on the same day, ~~except that beer and wine as defined and regulated by Florida Statutes, Chapter 563 and 564, respectively, may be sold between 4:00 a.m. and 7:00 a.m. on the same day provided such sale is for off-premises consumption only.~~

SECTION 2. On and after April 1, 2015, the hours during which alcoholic or intoxicating beverages may be sold shall be returned to those previously established and codified in the Section 3-4 of the City's Code of Ordinances, such that on and after April 1, 2015, Section 3-4 of the Code of Ordinances of the City of Panama City Beach, related to the hours of sale for alcoholic beverages is amended to read as follows:

Sec. 3-4. Hours of sale.

No alcoholic or intoxicating beverages may be sold, consumed or served, or permitted to be served or consumed in any place holding a license under the State Beverage Department of Florida, between the hours of 2:00 4:00 a.m. and 7:00 a.m. on the same day, **except that beer and wine as defined and regulated by Florida Statutes, Chapter 563 and 564, respectively, may be sold between 4:00 a.m. and 7:00 a.m. on the same day provided such sale is for off-premises consumption only.**

SECTION 3. This ordinance is of limited duration and therefore shall not be codified.

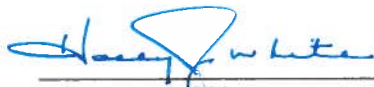
SECTION 4. All ordinances in conflict with this ordinance are repealed to the extent of such conflict.

SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 23rd day of October 2014.

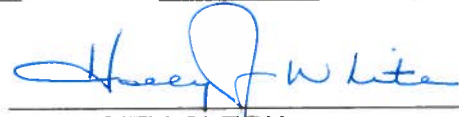

MAYOR

ATTEST


CITY CLERK

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CITY CLERK