

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, MAKING REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 14 (OFFENSES) REGARDING THE CREATION OF A RIVERWALK SPECIALTY CENTER; AMENDING SECTION 14-150.1.2, CONSUMPTION AND POSSESSION OF OPEN CONTAINERS ON STREETS, SIDEWALKS, ALLEYS AND OTHER PUBLIC PROPERTY; AMENDING SECTION 14-150.1.3, POSSESSION, CONSUMPTION ON PROPERTY OPERATED OR SUPERVISED BY THE PARKS AND RECREATION DEPARTMENT; TEMPORARY ALCOHOLIC BEVERAGE SPECIAL USE PERMITS GRANTED FOR PUBLIC AREA, FACILITY, OR PROPERTY OPERATED OR SUPERVISED BY THE PARKS AND RECREATION DEPARTMENT; AND AMENDING SECTION 14-150.1.6, CONSUMPTION OF ALCOHOLIC BEVERAGES ON PREMISES WITHIN FIVE HUNDRED FEET OF PROPERTY ZONED FOR OFF PREMISES CONSUMPTION PROHIBITED; AND CREATING SECTION 14-150.1.9, RIVERWALK SPECIALTY CENTER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Tampa has determined that the Riverwalk is a unique asset of the City of Tampa, and to promote that asset it is important to create a Specialty Center, as defined by State Law for purposes of alcoholic beverage consumption, and hereby designates the Riverwalk Specialty Center; and,

WHEREAS, the City Council of the City of Tampa has determined that the following amendment promotes and protects the general health, safety, and welfare of the residents of the City of Tampa; and,

WHEREAS, a duly noticed public hearing as required by law was held by the City Council of the City of Tampa, at which public hearings all residents and interested persons were given an opportunity to be heard.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That "Sec. 14-150.1.2. Consumption and possession of open containers on streets, sidewalks, alleys and other public property." is hereby amended by adding the underlined language as follows:

1                   **“Sec. 14-150.1.2. Consumption and possession of open containers on streets,**  
2 **sidewalks, alleys and other public property.**

3  
4           ...(c) Subsections (a) and (b) do not apply when:

- 5  
6           (1) The street, sidewalk, alley, or other public property receives a temporary  
7 or permanent alcoholic beverage special use permit pursuant to chapter 27,  
8 and if applicable section 14-150.1.3, of this Code; or  
9  
10          (2) A portion of a sidewalk has been leased and permitted as a sidewalk café  
11 as provided for in chapter 22 of this Code; or  
12  
13          (3) A portion of the street, connecting sidewalk or alley has been marked  
14 and/or designated as a crossing for a public golf course.  
15  
16          (4) The property is part of the Riverwalk Open Container Area, as defined in  
17 Sec. 14-150.1.9, and the consumption or possession is in compliance with  
18 that section....”  
19

20           **Section 2. That “Sec. 14-150.1.3. Possession, consumption on property**  
21 **operated or supervised by the Parks and Recreation Department; Temporary**  
22 **alcoholic beverage special use permits granted for public area, facility, or property**  
23 **operated or supervised by the Parks and Recreation Department.”** is hereby  
24 amended by adding the underlined language as follows:  
25

26           **“Sec. 14-150.1.3. Possession, consumption on property operated or**  
27 **supervised by the Parks and Recreation Department; Temporary alcoholic beverage**  
28 **special use permits granted for public area, facility, or property operated or**  
29 **supervised by the Parks and Recreation Department.**  
30

31           (a) It is unlawful for any person to bring upon, possess or to consume any type of  
32 alcoholic beverages in any area, facility or property which is operated or  
33 supervised by the parks and recreation department, unless such property is  
34 permitted for the sale of alcoholic beverages pursuant to law, or as provided in  
35 subsection (c) or (d). Violation of this subsection is a civil infraction punishable  
36 as a Class I violation as specified in Tampa Code section 23.5-5. Violation of this  
37 subsection is deemed an irreparable or irreversible violation and may result in an  
38 immediate citation....  
39

40           ...(d) Alcoholic beverages may be consumed and possessed in the Riverwalk Open  
41 Container Area, as defined in Sec. 14-150.1.9., as long as the consumption or  
42 possession is in compliance with that section.”  
43

44           **Section 3. That “Sec. 14-150.1.6. Consumption of alcoholic beverages on**  
45 **premises within five hundred feet of property zoned for off premises consumption**

1 **prohibited.”** is hereby amended by adding the underlined language and deleting the  
2 stricken language as follows:  
3

4 **“Sec. 14-150.1.6. Consumption of alcoholic beverages on premises within five**  
5 **hundred feet of property zoned for off premises consumption prohibited.**  
6

7 (a) It shall be unlawful for anyone to consume alcoholic beverages within five  
8 hundred (500) feet of the outside of an establishment or property whose alcoholic  
9 beverage zoning classification permits the sale of alcoholic beverages in sealed  
10 containers for consumption off the premises, provided, however, that this  
11 prohibition shall not apply if the property within five hundred (500) feet of said  
12 establishment or property is within an enclosed building; is occupied by  
13 residential structures; is occupied by an establishment authorized to sell alcoholic  
14 beverages for consumption on premises; ~~or~~ is zoned for the temporary sale of  
15 alcoholic beverages pursuant to section ~~3-53~~ 27-132 of the City of Tampa Code,  
16 or is contained within the Riverwalk Open Container Area, as defined in Sec. 14-  
17 150.1.9, and the consumption is in compliance with that section....”  
18

19 **Section 4. That “Sec. 14-150.1.9. Riverwalk Specialty Center.”** is hereby  
20 created as follows:  
21

22 **“Sec. 14-150.1.9. Riverwalk Specialty Center.**  
23

24 **1. Definitions**  
25

- 26 a) Alcoholic beverage means distilled spirits and all beverages containing  
27 one-half of 1 percent or more alcohol by volume.  
28  
29 b) Approved container means a plastic cup that bears the Riverwalk Logo  
30 and is no larger than 16 oz., and such cup is approved by the City.  
31  
32 c) Licensed Premises means the area licensed by the state for the sale of  
33 alcoholic beverage, pursuant to Florida Statutes, as may be amended.  
34  
35 d) Licensee means a legal or business entity, person, or persons that hold a  
36 license issued by the Florida Division of Alcohol and Tobacco for the sale  
37 of alcoholic beverages.  
38  
39 e) Open container means any container of alcoholic beverage which is  
40 immediately capable of being consumed from, or the seal of which has  
41 been broken.  
42  
43 f) Riverwalk Open Container Area means the location on the Riverwalk,  
44 including Riverwalk Connectors, as shown on Exhibit A, where  
45 possession and consumption of alcoholic beverages are permitted between  
46 the hours of 11:00 a.m. and 1:00 a.m. in conformance with this section.

1  
2 g) Riverwalk Specialty Center means the area shown on Exhibit A that  
3 includes Licensed Premises on or near the Riverwalk where one may exit  
4 the Licensed Premises with open containers onto the Riverwalk Open  
5 Container Area.  
6

7 2. Creation of Riverwalk Specialty Center. Pursuant to Title XXXIV, Chapter 561,  
8 Section 2(b) of Florida Statutes, the City does hereby create and establish a  
9 Specialty Center around the Tampa Riverwalk with the areas and boundaries as  
10 set forth and designated on Exhibit A.  
11

12 3. Possession of Open Containers of Alcohol within the Riverwalk Open Container  
13 Area.  
14

15 a) A person who legally obtains an alcoholic beverage from a Licensed  
16 Premise within the Riverwalk Specialty Center may possess and/or  
17 consume the alcoholic beverage within the Riverwalk Open Container  
18 Area.  
19

20 b) A person may not enter a Licensed Premise with an open container of  
21 alcoholic beverage. Notwithstanding, one may enter a Licensed Premise  
22 within the Riverwalk Open Container Area with an open container of  
23 alcoholic beverage only on that portion of the Licensed Premise within the  
24 Riverwalk Open Container Area.  
25

26 c) Except in areas of the Riverwalk Open Container Area which are part of a  
27 Licensed Premise,  
28

29 i) A person may not possess or consume an open container of  
30 alcoholic beverage within the Riverwalk Open Container Area  
31 except in an Approved Container.

32 ii) No person may possess more than two (2) open containers of  
33 alcoholic beverage.  
34

35 4. Open Container In Public Parks Not Allowed. Except by valid permit or license,  
36 no person shall possess or consume on any public park within the Riverwalk  
37 Specialty Center any open container of alcoholic beverage. However, if a Special  
38 Event permit which allows alcoholic beverages has been issued by the City for a  
39 park within the Riverwalk Specialty Center, then that park may be included  
40 within the Riverwalk Open Container Area for the duration of the Special Event,  
41 provided such is requested by the Special Event permit holder and approved as  
42 part of the Special Event permit. During the time of such Special Event, alcohol  
43 may be consumed on the Riverwalk Open Container Area in a container other  
44 than the Approved Container, provided the person has a wristband issued by the  
45 holder of the Special Event permit.  
46

1 5. Alcoholic Beverages purchased outside the Riverwalk Specialty Center not  
2 allowed in open containers in the Riverwalk Specialty Center. Unless done in  
3 accordance with this section, any open container or consumption of alcohol within  
4 the Riverwalk Specialty Center shall be unlawful and punishable in accordance  
5 with the appropriate laws."  
6

7 **Section 5.** That should a court of competent jurisdiction declare any part of  
8 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by  
9 such determination as to the invalid part.

10  
11 **Section 6.** That all ordinances or parts of ordinances in conflict herewith are  
12 hereby repealed to the extent of any conflict.

13  
14 **Section 7.** That this ordinance shall take effect immediately upon becoming a  
15 law.

16  
17 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
18 TAMPA, FLORIDA, ON \_\_\_\_\_.

19  
20 ATTEST:

21  
22 \_\_\_\_\_  
23 CHAIRMAN/CHAIRMAN PRO-TEM  
24 CITY COUNCIL

25  
26  
27 \_\_\_\_\_  
28 CITY CLERK/DEPUTY CITY CLERK

29  
30 APPROVED BY ME ON \_\_\_\_\_

31  
32  
33  
34 \_\_\_\_\_  
35 BOB BUCKHORN, MAYOR

36  
37 APPROVED AS TO LEGAL  
38 SUFFICIENCY BY:

39  
40  
41 \_\_\_\_\_  
42 E/S  
43 REBECCA M. KERT  
44 ASSISTANT CITY ATTORNEY

45 K:/Debbie/Chapter 14/Riverwalk/Riverwalk ordinance\_10132014\_V1

