

**CITY OF SANIBEL**  
**ORDINANCE NO. 20-008**

**AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 6-ALCOHOLIC BEVERAGES, AMENDING SECTION 6-7, CONSUMPTION, POSSESSION OR POSSESSION OF OPEN CONTAINERS PROHIBITED ON PUBLIC WAYS AND AREAS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Sanibel, in its June 2, 2020, City Council meeting, voted to emplace certain temporary prohibitions on the possession or consumption of alcoholic beverages at all City-operated beaches and associated parks; and

**WHEREAS**, since the immediate impetus for this change was significantly increased pressure on the beaches resulting from the COVID-19 pandemic, these restrictions were formalized in Proclamation No. 20-036, as extended; and

**WHEREAS**, the temporary restrictions functioned as planned, significantly curbing inappropriate beach area activities; and

**WHEREAS**, on September 25, 2020, the Governor of Florida issued Executive Order 20-244, which, among other things, suspended all COVID-19-related individual fines and penalties, which had the effect of nullifying the temporary alcohol-related restrictions emplaced by Proclamation No. 20-036; and

**WHEREAS**, the City Council at its October 6, 2020 City Council Meeting, recognizing the effectiveness of the temporary alcohol prohibitions on certain public beaches and beach areas, voted to permanently emplace such restrictions; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Sanibel, Florida:

**SECTION 1.** The Code of Ordinances of the City of Sanibel, Chapter 6, Alcoholic Beverages. Section 6.7 Consumption, possession or possession of open containers prohibited on public ways and areas is hereby amended with underlining indicating additions and ~~strike through~~ indicating deletions, to read as follows:

**Sec. 6-7. - Consumption, possession or possession of open containers prohibited on public ways and areas.**

(a) It is unlawful and prohibited for any person to consume an alcoholic beverage or to have in his/her possession an open container of an alcoholic beverage, all as defined in section 6-1 and the state law in the following locations or circumstances, unless such location has been licensed by the city or other permission from the city has been obtained for consumption of alcoholic beverages:

(1) Any public street or right-of-way, including any bicycle path;

(2) Any public parking lot;

(3) Any city-operated beaches and associated parking or picnic areas with paid public parking, as well as the beach area at the northern terminus of Bailey Road and Dixie Beach Boulevard, and the Sanibel Boat Ramp picnic areas by groups of ten or more individuals, without a special events permit issued by the city; and

~~(3)~~ (4) The public fishing pier;

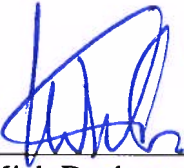
~~(4)~~ (5) The public boat ramp facility, including picnic areas;

(b) The civil penalty for a violation of this section is \$500.00 per violation.

**SECTION 2.** Effective Date. This Ordinance shall be effective 14 days after adoption.

**DULY PASSED AND ORDAINED** by the Council of the City of Sanibel, Florida, this 1st day of December, 2020.

First Reading: November 3, 2020  
Publication Notice: November 17, 2020  
Second Reading: December 1, 2020



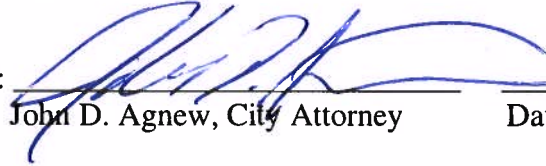
Mick Denham, Mayor

**AUTHENTICATION:**



Scotty Lynn Kelly, City Clerk

**APPROVED AS TO FORM:**



John D. Agnew, City Attorney

Date

12/1/20

**Vote of Council Members:**

Denham	yea
Smith	yea
Goss	yea
Johnson	yea
Muench	yea

Date filed with City Clerk: December 1, 2020