

ORDINANCE NO. 9435-21

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA AMENDING SECTION 6.29 OF THE CLEARWATER CODE OF ORDINANCES TO LIMIT THE HOURS OF THE SALE OF ALCOHOLIC BEVERAGES BY ALCHOLIC BEVERAGE ESTABLISHMENTS IN CLEARWATER BEACH, ISLAND ESTATES, AND SAND KEY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Clearwater Beach was voted the #1 beach in the United States by Tripadvisor.com in 2018 and 2019, and fifth in 2020; and

WHEREAS, in 2019 Tripadvisor.com highlighted a recent review in declaring Clearwater Beach the best beach in the nation: "Clearwater Beach is a very family oriented beach;" and

WHEREAS, the City Council is desirous of maintaining Clearwater Beach's status as one of the nation's premier beach tourism destinations, and late-night on-site consumption of alcohol detracts from that goal; and

WHEREAS, between August 14, 2017 and September 14, 2020 there were a total of 12,978 police service calls in Clearwater Beach, Island Estates, and Sand Key (hereafter, "Clearwater Beach"); and

WHEREAS, of the total police service calls in Clearwater Beach (police District 1) between August 14, 2017 and September 14, 2020, 2,649 were between the hours of 9:00 p.m. and 11:59 p.m.; and

WHEREAS, of the total police service calls in Clearwater Beach (police District 1) between August 14, 2017 and September 14, 2020, 2,432 were in the subsequent 3-hour period between the hours of 12:00 a.m. and 2:59 a.m., which is a 8.2% decrease from the preceding three hour time period of 9:00 p.m. to 11:59 p.m.; and

WHEREAS, of the total police service calls between August 14, 2017 and September 14, 2020 in the remainder of the City, not including Clearwater Beach (police Districts 2 and 3), 14,696 were between the hours of 9:00 p.m. and 11:59 p.m.; and

WHEREAS, of the total police service calls between August 14, 2017 and September 14, 2020 in the remainder of the City, not including Clearwater Beach (police Districts 2 and 3), only 10,202 were in the subsequent 3-hour period between the hours of 12:00 a.m. and 2:59 a.m., which is a 30.2% decrease from the preceding three hour time period of 9:00 p.m. to 11:59 p.m.; and

WHEREAS, the police service call data reveals a disparity in the percentage decrease of calls in Clearwater Beach (police District 1) when compared to the remainder of the City (police Districts 2 and 3), because although currently all alcohol sales end at

3:00 a.m. citywide, alcohol-related police service calls drop off sharply in police Districts 2 and 3 after midnight, in contrast to police District 1 (Clearwater Beach) which remains comparatively constant after midnight until 3:00 a.m.; and

WHEREAS, despite police District 1 (Clearwater Beach) comprising only approximately 1,146 acres compared to police Districts 2 and 3 comprising approximately 19,537 acres, the call data shows that Clearwater Beach has 11.3 calls for service per acre compared to 4 calls for service per acre for the rest of the City; and

WHEREAS, of the total police service calls in Clearwater Beach (police District 1) between August 14, 2017 and September 14, 2020, 815 were for noise complaints, 755 were for intoxicated pedestrians, and 446 were for driving under the influence; and

WHEREAS, the Clearwater Police Department has determined that the major driver of police service calls between 1:00 a.m. and 3:00 a.m. in Clearwater Beach is the sale of alcoholic beverages based on the amount and type of service calls that occur between those hours; and

WHEREAS, the Florida Legislature has declared that counties and municipalities in Florida may enact ordinances that regulate the hours of business and location of place of business of any licensee under the Florida Beverage Law pursuant to § 562.45(2)(a), Fla. Stat.; and

WHEREAS, the opening and closing hours for all alcoholic beverage establishments and the hours of sale of alcoholic beverages in the City is controlled by those established by chapter 6, article II, section 6-29 of the Pinellas County Code of Ordinances; and

WHEREAS, section 6-29 of the Pinellas County Code of Ordinances provides that all establishments in Pinellas County that sell alcoholic beverages must remain closed between the hours of 3:00 a.m. and 8:00 a.m.; and

WHEREAS, section 6-30(b) of the Pinellas County Code of Ordinances provides that "establishments coming under this article which are engaged in a business primarily outside the purview of this article but which maintain a separate department or section within such establishment for the sale of alcoholic beverages shall close only that department or section in conformance with this article;" and

WHEREAS, section 6-31 of the Pinellas County Code of Ordinances provides that municipalities within Pinellas County may establish shorter opening hours for establishments in Pinellas County that sell alcoholic beverages which are within the municipality's municipal boundaries; and

WHEREAS, the City has therefore determined that prohibiting the sale of alcoholic beverages in Clearwater Beach between the hours of 1:00 a.m. and 8:00 a.m. is in the interest of the public health, safety, morals, and welfare of the City's residents;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. That Chapter 6, Alcoholic Beverages, Section 6.29 be amended by adding the underlined language as follows:

Sec. 6.29 – Closing hours.

The opening and closing hours for all alcoholic beverage establishments and the hours for sale of alcoholic beverages shall be those established by chapter 6, article II, sections 6-29 and 6-30 of the Pinellas County Code of Ordinances, or amendments thereto, except that the hours for the sale of alcoholic beverages for all alcoholic beverage establishments located east of the Gulf of Mexico, west of the Causeway Bridge, south of Mandalay Point Road, and north of Sand Key Estates Drive shall be between the hours of 8:01 a.m. and 12:59 a.m.

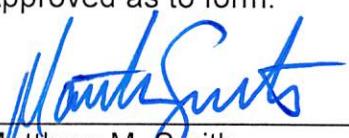
Section 2. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING _____

PASSED ON SECOND AND FINAL
READING AND ADOPTED _____

Frank V. Hibbard
Mayor

Approved as to form:



Matthew M. Smith

Assistant City Attorney

Attest:

Rosemarie Call
City Clerk