

ORDINANCE NO. 10-2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 6-6 OF THE TOWN CODE PERTAINING TO THE SALE OF ALCOHOL NEAR CERTAIN USE TO BRING THE TOWN'S REGULATIONS INTO CONFORMANCE WITH FLORIDA STATE STATUTE 562.45(2)(A); PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted regulations and criteria in Chapter 6 of the Town's Code of Ordinances which prohibits the sale of alcohol within 500 feet of churches, schools, and day care centers; and

WHEREAS, Town Manager has recommended to the Town Commission that Section 6-6 of Chapter 6 be amended so that it is consistent with the provisions of Florida State Statute 562.45(2)(A); and

WHEREAS, the Town Commission, has considered the Town Manager's recommendation and has determined that it is appropriate and furthers the public health, safety and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are hereby incorporated as true and correct findings of fact of the Town Commission.

Section 2.

Sec. 6-6. Sale of alcohol near certain uses prohibited.

(a)

No person or entity may sell alcoholic beverages for consumption either on or off the premises where the place of sale is within 500 feet of real property that is being used as ~~an church, public or private day care center,~~ elementary school, middle school, high school, or secondary school, ~~or park.~~ Provided, however, that businesses located on Park Avenue between 7th Street and 10th Street shall be exempt from this 500-foot distance regulation.

(b)

The measurement provided in subsection (a) of this section shall be measured by drawing a straight line between the closest property lines of the place of sale and the real property being used as ~~an church, public or private day care center,~~ elementary school, middle school, high school or secondary school, ~~or park.~~

(c)

~~For purposes of this section, Kelsey Park, Lake Shore Park and the Lake Park Harbor Marina shall be excluded from the definition of "park" provided that any c~~Consumption of alcohol in Kelsey Park, the Lake Park Harbor Marina, or Lake Shore Park must be pursuant to a special event permit, or permanent concession sales located on the premises, which authorizes the sale and consumption of alcohol in Kelsey Park, the Lake Park Harbor Marina, or Lake Shore Park.

Section 3. Severability. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 4. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5. **Codification.** The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance maybe renumbered or re-lettered to accomplish such.

Section 6. **Effective date.** This Ordinance shall take effect immediately upon passage.

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Upon First Reading this 19 day of October, 2016, the foregoing Ordinance was offered by Commissioner Flaherty who moved its approval. The motion was seconded by Commissioner Lynch and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 23 DAY OF October, 2016

Upon Second Reading this 3 day of November, 2016, the foregoing Ordinance, was offered by Commissioner O'Rourke, who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 10-2016** duly passed and adopted this 3 day of November, 2016.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez
(Town Seal)
SEAL

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA

The Palm Beach Post

Palm Beach Daily News



RECEIPT

LEGAL NOTICE OF PROPOSED ORDINANCE TOWN OF LAKE PARK

Please take notice that on Wednesday, November 2, 2016, 2016 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

**ORDINANCE NO. 10-2016
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 6-6 OF THE TOWN CODE PERTAINING TO THE SALE OF ALCOHOL NEAR CERTAIN USE TO BRING THE TOWN'S REGULATIONS INTO CONFORMANCE WITH FLORIDA STATE STATUTE 562.45(2)(A); PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida
PUB: The Palm Beach Post
10-23/2016 #665088