

**ORDINANCE NO. 08-2009**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGES"; PROVIDING FOR THE AMENDMENT OF SECTION 6-6 ENTITLED "SALE OF ALCOHOL NEAR CERTAIN USES PROHIBITED"; PROVIDING FOR SEVERABILITY; 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 has previously adopted regulations pertaining to the sale and consumption of "Alcoholic Beverages" in the Town; and

**WHEREAS**, the Town Commission has determined that it would be in the best interests of the public to amend Section 6-6 of the Town Code which prohibits the sale of alcohol near certain uses; and

**WHEREAS**, Town staff has recommended to the Town Commission that it amend Chapter 6 to supplement the existing restrictions on the sale and consumption of alcoholic beverages; and

**WHEREAS**, the Town staff has recommended to the Town Commission that it adopt regulations and restrictions, prohibiting the possession and consumption of alcoholic beverages in certain public places within the Town, and

**WHEREAS**, the Town Commission finds that the amending of Chapter 6, to provide a more comprehensive "open container" law regulating the possession and consumption of

alcoholic beverages within the Town would further the health, safety, and welfare of the residents and visitors of the Town of Lake Park.

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

**Section 1.** The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

**Section 2.** Chapter 6, Section 6-6 of the Town Code is hereby amended to read as follows:

**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 a 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 7<sup>th</sup> Street and 10<sup>th</sup> 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 a 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 consumption of alcohol in Kelsey Park, the Lake Park Harbor Marina, or Lake Shore Park must be pursuant to a special event permit 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, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.**    **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**Section 6.**    **Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 15 day of July, 2009, the foregoing Ordinance, was offered by Vice-Mayor Carey who moved its approval. The motion was seconded by Commissioner Daly and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR JEFF CAREY	<u>/</u>	_____
COMMISSIONER ED DALY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____
COMMISSIONER KENDALL RUMSEY	<u>/</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 19 DAY OF July, 2009**

Upon Second Reading this 5 day of August, 2009, the foregoing Ordinance, was offered by Commissioner Osterman who moved its adoption. The motion was seconded by Commissioner Rumsey, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>Absent</u>	_____
VICE MAYOR JEFF CAREY	<u>/</u>	_____
COMMISSIONER ED DALY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____
COMMISSIONER KENDALL RUMSEY	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 08-2009** duly passed and adopted this 5 day of August, 2009.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois  
Mayor, Desca DuBois

ATTEST:

Vivian M. Lemley  
Town Clerk, Vivian M. Lemley  
(Town Seal)

Approved as to form and legal sufficiency:

Thomas L. Baird  
Town Attorney, Thomas L. Baird

FLORIDA