

ORDINANCE NO.14-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 4, SECTION 4-1, ENTITLED "DEFINITIONS"; AMENDING CHAPTER 4, SECTION 4-2, ENTITLED "DRINKING IN PUBLIC PLACES"; AMENDING CHAPTER 4, SECTION 4-3, ENTITLED "SALE NEAR CHURCHES, SCHOOLS, ETC."; AMENDING CHAPTER 4, SECTION 4-5, ENTITLED "HOURS OF SALE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida 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 provisions pertaining to the sale and consumption of alcoholic beverages within the Town, which have been codified at Chapter 4 of the Town's Code of Ordinances; and

WHEREAS, the Town's consultant, the Municipal Code Corporation has conducted a study and analysis of the codified provisions of the Town Code of Ordinances in order to determine which provisions of the Code require amendment, repeal, modification, or revision; and

WHEREAS, the Municipal Code Corporation has identified several provisions of the Code which require amendment in order to, among other things, comply with existing statutory and judicial law, to more accurately describe various aspects of Town administration, to update the terminology of the Code, and to correct inconsistencies, errors, and misnomers presently contained in the Town's Code; and

WHEREAS, the Municipal Code Corporation has recommended to the Town Commission that Sections 4-1 through 4-5 of Chapter 4 of the provisions of the Town's

Code pertaining to the sale and consumption of alcoholic beverages be amended to provide regulations which are consistent with Florida statutory and judicial law; and

WHEREAS, the Town Commission has reviewed the recommendations of the Municipal Code Corporation and Town staff, and has determined that amending Sections 4-1 through 4-5 of Chapter 4 of the Town's Code of Ordinances is necessary to further the public's health, safety and 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 as the findings of fact and conclusions of law of the Town Commission.

Section 2. Chapter 4, Section 4-1 of the Code of Ordinances of the Town of Lake Park, entitled "Definitions," is hereby amended as follows:

Sec. 4-1. Definitions.

The following words, terms and phases, when used in this Code, shall have the meaning respectively ascribed to them in this section, except where the context clearly indicates a different meaning.

Alcoholic beverage shall mean ~~beverages containing more than one-half of one percent of alcohol by weight.~~ distilled spirits and beverages containing one-half of one percent (1%) or more alcohol by volume. The percentage of alcohol by volume shall be determined by measuring the volume of the standard ethyl alcohol in the beverage and comparing it with the volume of the remainder of the ingredients as though the remainder ingredients were distilled water.

Section 3. Chapter 4, Section 4-2 of the Code of Ordinances of the Town of Lake Park, entitled "Drinking in public places," is hereby amended as follows:

Sec. 4-2. Drinking Consumption of alcoholic beverages prohibited in public places.

No person shall ~~drink~~ consume any alcoholic beverage, spirituous, vinous, malt or other intoxicating liquors in or upon any public street, avenue, alley, park, or other public way or place in the town, unless authorized by a special event permit duly issued pursuant to the provisions of this Code. ~~unless approved by the town commission.~~ The Town Marina shall be excluded from the definition of "park" for purposes of this section.

Section 4. Chapter 4, Section 4-3 of the Code of Ordinances of the Town of Lake Park, entitled "Sale near churches, schools, etc.," is hereby amended as follows:

Sec. 4-3. Sale near churches, schools, and parks etc.

(a) ~~No retail dealer license for the sale of person or entity may sell alcoholic beverages for consumption, to be consumed either on or off the premises, shall be issued where the proposed place of business sale is within five hundred (500) feet of real property that comprises a church, public or private elementary school, middle school, or secondary school, or park, or place of business of another licensed retail alcoholic beverage dealer.~~

(b) The measurement provided in subsection (a) shall be measured by drawing a straight line between the closest property lines of the ~~proposed licensed retail liquor dealer and such~~ place of sale, and the real property that comprises a church, public or private elementary school, middle school, or secondary school, or park, or place of business of such other licensed retail liquor dealer.

~~(e) The restrictions of this section shall not apply to the sale of beer, ale or wine at retail.~~

Section 5. Chapter 4, Section 4-5 of the Code of Ordinances of the Town of Lake Park, entitled "Hours of sale," is hereby amended as follows:

Sec. 4-5. Hours of sale.

No person shall buy, sell, serve, consume or deliver, or permit the purchase, sale, service, consumption or delivery, of any alcoholic beverages for consumption on or off the premises of a licensed alcoholic beverage establishment between the hours of 2:00 a.m. and 7:00 a.m. of any day, including Sunday but excepting ~~January first~~ December 31st (New Year's Day Eve) which hours shall be 5:00 a.m. and 7:00 a.m. respectively.

Section 6. 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 7. Codification. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 8. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 21st day of July, 2004 the foregoing ORDINANCE was offered by Vice Mayor G. Chuck Balius who moved its approval. The motion was seconded by Commissioner Paul Garretson, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEFF CAREY	X	
COMMISSIONER ED DALY	X	

Upon Second Reading this 4th day of August, 2004 the foregoing ORDINANCE was offered by Vice Mayor Balius, who moved its adoption. The motion was seconded by Commissioner Garretson, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEFF CAREY	X	
COMMISSIONER ED DALY	X	

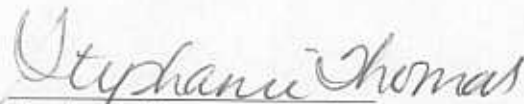
The Mayor thereupon declared Ordinance No. 14-2004 duly passed and adopted this 4th day of August, 2004

TOWN OF LAKE PARK, FLORIDA

BY: 
Mayor Paul Castro

ATTEST:

Approved as to form and legal sufficiency:


Stephanie Thomas, Interim Town Clerk
(Town Seal)


Thomas J. Baird, Town Attorney

