

TAB 2

ORDINANCE 09-1000

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR CONSISTENT MEASUREMENTS FROM CHURCHES AND SCHOOLS FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, within the above-referenced grant of powers, the City of Palmetto (the "City") has the authority to regulate establishments which sell alcoholic beverages and provide separation distances from certain protected uses, such as schools and churches, for the protection of the public health, safety and welfare; and

WHEREAS, the City desires to make the measurement of such distances consistent for such protected uses; and

WHEREAS, consistent with the findings stated above, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO, FLORIDA, as follows:

Section 1. **Findings of Fact.** The above "WHEREAS" clauses are adopted herein as findings of fact.

Section 2. **Amendment Language and Effect on Other Subsection Language.**

A. Section 4-2, Subsection (a) of the City of Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

(a) No intoxicating beverages shall be sold within three hundred feet (300') of an established church or school. This distance shall be measured by following the shortest route of ordinary pedestrian travel from the main entrance of the place of business wherein the intoxicating beverages are sold, to any entrance of a church or school.

B. All other subsections of Section 4-2 of the City of Palmetto Code of Ordinances shall remain in full force and effect and are not amended by this Ordinance.

Section 3. **Repeal of Inconsistent Ordinances.** This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

Section 4. **Severability.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

FIRST READING	
PUBLICATION DATE	
SECOND READING	

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this ____, day of ____, 2009.

By: _____

Shirley Groover-Bryant, Mayor

ATTEST:

By: _____

James R. Freeman, City Clerk