

TAB 9

**Alcohol Ordinance
Workshop to receive public input
September 1, 2009
September 28, 2009**

POINT PAPER

Problem: Based on recent discussions regarding a specific alcohol permit application Commission requested that staff review our current ordinance regarding sale of alcoholic beverages within the City.

Update: Based on Commission comments during the September 14, 2009 workshop, the ordinance's language has been amended to reflect that the consistent measurement to be used will be from the entrance of a place selling alcohol to the nearest public street, then along public streets to the nearest property line of a church or school.

Background: As a result of recent discussion between staff and Commission regarding a specific application for an alcohol permit, we were advised to re-evaluate the entire alcohol ordinance for potential modification. Staff has reviewed the current ordinance and provided an outline of the laws governing alcohol sales (see Exhibit A). There are essentially four main components to the ordinance as follows:

Hours of sale
Selling Locations
Consumption
Under 21

Each of the areas identified above has been summarized as part of the outline. In addition, a copy of the entire ordinance is included for your review (see Exhibit B). Commission and staff asked for public input on the ordinance before any modifications were considered. Staff is looking for direction on two separate but related issues:

- Does the Commission wish to change the current separation requirements to allow full service restaurants to serve beer and wine? Such a change would address potential issues regarding a number of existing restaurants.
- Are there any other changes within the ordinance that Commission would like to see changed or clarified?

Alternatives:

Staff and Commission to discuss alternatives

Recommendation: To be determined

Budget Impact: None Identified

ORDINANCE 09-1000

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR CONSISTANT MEASUREMENTS FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES FROM CHURCHES AND SCHOOLS; 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 the nearest public street, then travelling along the public streets to the nearest property line 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	September 14, 2009
PUBLICATION DATE	September 18, 2009
SECOND READING	September 28, 2009

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 28th day of September, 2009.

By: _____
Shirley Groover-Bryant, Mayor

ATTEST:

By: _____
James R. Freeman, City Clerk