

**TAB 6**

**ORDINANCE 2011-13**

**AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, TO CORRECT A SCRIVENER'S ERROR IN ORDINANCE 2011-02 AMENDING THE LOCATIONS WHERE THE SALE OF ALCOHOLIC BEVERAGES IS PROHIBITED WITHIN THE CITY LIMITS; 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**, Section 562.14, Florida Statutes authorizes the regulation of the sale of alcoholic beverages by municipal ordinance; 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 for the locations where such beverage may be sold for the protection of the public health, safety and welfare; and

**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 to the Code of Ordinances.

Section 4-2(c)(1) of the City of Palmetto Code of Ordinances is hereby amended to correct a scrivener's error dated back to at least 1989, as follows:

Sec. 4-2. - Selling, where prohibited.

(c) It shall be unlawful for any person or the agent or employee of any person to sell or offer for sale, any intoxicating liquor, except beer or wine, at any place in the city except the following:

(1) Along Tenth Avenue from Riverside Drive to Fifth Street

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	June 6, 2011
PUBLICATION DATE	June 10, 2011
SECOND READING	June 20, 2011

**PALMETTO, FLORIDA**, with a quorum present and voting, in regular session assembled, this 20th day of June, 2011.

**CITY OF PALMETTO, FLORIDA, BY AND  
THROUGH THE CITY COMMISSION OF  
THE CITY OF PALMETTO**

By: \_\_\_\_\_  
Shirley Groover Bryant, Mayor

**ATTEST:**

By: \_\_\_\_\_  
James R. Freeman, City Clerk