

**ORDINANCE 2020-04  
(Chapter 5 – Alcoholic Beverages)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 5 ALCOHOLIC BEVERAGES TO REPEAL SECTION 5-1; PROVIDE CROSS REFERENCE TO DEFINITIONS IN FLORIDA STATUTE; ADD ARTISANAL PRODUCTION ESTABLISHMENTS AS EXEMPT FROM DISTANCE RULE; AND PROVIDE FOR RENUMBERING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE:**

**BE IT ENACTED** by the City Commission of the City of Lake Wales, Polk County, Florida:

**SECTION 1: § 5-1 Legislative findings and intent** is repealed

**~~§ 5-1. Legislative findings and intent.~~**

~~Alcohol abuse is a factor in violent crimes such as assault and battery and increases the frequency and severity of vehicle crashes. A disproportionate number of calls for service received by the police department originate from establishments that permit the consumption of alcoholic beverages on the premises. An unreasonable amount of law enforcement resources are allocated to these establishments to preserve the public peace. Accordingly, the regulation of alcoholic beverages may reduce crime and disorder.~~

~~In accordance with authority granted by F.S. § 562.14, this chapter is intended to regulate the hours during which alcoholic beverages may be sold, consumed, served or permitted to be served within the city limits at any establishment holding a license from the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation.~~

~~In accordance with authority granted by F.S. § 562.45, this chapter is intended to regulate the location within the city limits of any establishment holding a license from the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation.~~

~~This chapter is further intended to establish prohibited acts relating to the sale, service, possession or consumption of alcoholic beverages within the city limits.~~

~~All police powers granted by F.S. ch. 562 shall be exercised by the city to protect the health, safety and welfare of the public.~~

**SECTION 2: § 5-3 Definitions.** Is amended to include this statement at the beginning of the section:

The definitions in the Florida Statutes known as the state beverage law, as amended from time to time, are adopted by the City Commission and made a part of this chapter by reference.

**SECTION 3: §5-6. (a) Consumption, sale and service of alcoholic beverages within five hundred (500) feet of a church or school prohibited** is amended as follows:

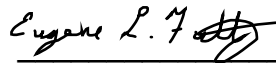
**§ ~~5-6~~ 5-5. Consumption, sale and service of alcoholic beverages within five hundred (500) feet of a church or school prohibited.**

(a) No alcoholic beverages shall be sold or consumed or permitted to served or consumed within the corporate limits of the city at any place of business, location or establishment holding a valid license for the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulations within five hundred (500) feet of any real property that comprises an established church or private or public elementary, middle or secondary school; provided, however, that the above and foregoing shall not apply to a restaurant, as restaurant is defined in state law and section ~~5-3~~ 5-2 herein, where alcoholic beverages are sold as a part of a meal served on the restaurant premises, to any duly licensed grocery store selling wines or beers in packages for consumption off the premises and the requirement for a five-hundred-foot distance ~~from a church~~ shall not apply to wine and beer bars, or to fraternal or civic organizations or to an artisanal production establishment.

**SECTION 4:** If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 5:** This ordinance shall become effective immediately upon passage by the City Commission.

**CERTIFIED AS TO PASSAGE** this 21st day of January, 2020.



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Mayor/Commissioner  
City of Lake Wales, Florida

ATTEST:

\_\_\_\_\_  
City Clerk