

ORDINANCE 2008-30

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 5, ALCOHOLIC BEVERAGES, OF THE LAKE WALES CODE OF ORDINANCES TO PROVIDE FOR SUNDAY SALES OF ALCOHOLIC BEVERAGES; TO PROVIDE, UNDER CERTAIN CONDITIONS, FOR OUTDOOR SALES OF ALCOHOLIC BEVERAGES ON PUBLIC OPEN SPACE IN CONJUNCTION WITH RESTAURANT OPERATIONS; TO PROVIDE, UNDER CERTAIN CONDITIONS, FOR CONSUMPTION OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH SPECIAL EVENTS; REPEALING ANY ORDINANCE OR PART THEREOF IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there have been requests that the outdoor sale of alcoholic beverages on public open space be authorized in conjunction with restaurant operations within the City; and

WHEREAS, it is in the economic interest of the City to assist in facilitating the success of local restaurant operations; and

WHEREAS, there have also been prior situations in which the Lake Wales City Commission has authorized the sale and consumption of alcoholic beverages in conjunction with special events held on or near public open space; and

WHEREAS, it is deemed prudent to allow for administrative approvals of sale and consumption of alcoholic beverages on or near public property under certain conditions.

NOW THEREFORE, the City of Lake Wales, Florida, by and through its City Commission, hereby enacts the following:

1. The following numbered provisions of Chapter 5 of the Lake Wales Code of Ordinances are amended as follows:

Sec. 5-4 (b) is amended to provide as follows:

No alcoholic beverage may be sold or consumed or served or permitted to be served or consumed at any establishment holding a license under the state division of alcoholic beverages and tobacco within the limits of the City on Sunday except between the hours of 12:00 noon and 12:00 midnight Sunday.

Sec. 5-4 (c) is omitted.

Sec. 5-5 (a) is amended to provide as follows:

It shall be unlawful for any person to drink or consume an alcoholic beverage or possess an open container of alcoholic beverage on any public street, public or private parking lot(s) used by the public, or any other public open space except as provided below:

- (1) It shall be lawful for a person to drink or consume an alcoholic beverage served by a restaurant holding a license under the state division of alcoholic beverages and tobacco on public open space adjacent to the restaurant and approved by the city commission upon application of the restaurant which holds the license under the state division of alcoholic beverages and tobacco. The application must clearly define or delineate the area adjacent to the restaurant in which alcoholic beverages may be consumed. In conjunction with the application, the alcoholic beverage license holder must provide to the city indemnification in a form acceptable to the city and must also secure a policy providing commercial general liability insurance in an amount not less than One million dollars (\$1,000,000.00) naming the City of Lake Wales as an additional insured. The restaurant shall be responsible for providing notice to its patrons that the alcoholic beverages may only be consumed within the area approved for consumption of such beverages.
 - (2) It shall be lawful for a person to drink or consume an alcoholic beverage or possess an open container of alcoholic beverage on a public street, public or private parking lot used by the public, or any other public open space if approved by the city for a special event. A special event shall be those events sponsored by a legally recognized organization which shall secure for the event a policy providing commercial general liability insurance in an amount not less than One million dollars (\$1,000,000.00) naming the City of Lake Wales as an additional insured. Upon submission of an appropriate application, including proof of the required insurance coverage, the event may be administratively approved by the City Manager.
2. All existing provisions of Chapter 5 not amended hereby shall remain unchanged.
 3. Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
 4. If any provision of this Ordinance or of Chapter 5 not amended hereby is found by a Court of competent jurisdiction to be unenforceable, the remaining provisions shall continue to be enforceable.
 5. This Ordinance shall become effective immediately upon adoption.

CERTIFIED AS TO PASSAGE this 2nd day of September 2008.



Lee A. Wheeler, III, Mayor/Commissioner
City of Lake Wales, Polk County, Florida

ATTEST:


City Clerk