

ORDINANCE 2011-03

(Amendments to Chapter 5, Alcoholic Beverages – Adding “Fraternal or Civic Organization”)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 5, ALCOHOLIC BEVERAGES; DEFINING FRATERNAL OR CIVIC ORGANIZATION, AMENDING HOURS OF SALE, AMENDING PUBLIC AREAS, EXEMPTING FRATERNAL OR CIVIC ORGANIZATIONS FROM THE REGULATION ON DISTANCE FROM CHURCHES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: **Sec 5-3 Definitions** is amended by adding:
Fraternal or Civic Organization – A lodge or club of a national fraternal or benevolent association.

Operator means the corporation, firm or person legally responsible for the daily operation of an establishment where alcoholic beverages are sold, served or consumed.

Owner means any corporation, firm or person having lawful possession of an establishment where alcoholic beverages are sold, served, or consumed.

SECTION 2: **Sec 5-4 Hours of sale** is amended as follows:

(a), (b) and (c) No change

(d) Alcoholic beverages may be consumed, permitted to be served, or served at a fraternal or civic organization holding a valid license from the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulations and a local business tax receipt issued by the city between the hours of 8:00 a.m. and 2:00 a.m. the following day.

~~(e)~~ renumbered to (e).

SECTION 3: **Sec. 5-5. – Consuming and drinking alcoholic beverages and possessing an open container in public areas** is amended as follows:

It shall be unlawful for any person to ~~drink or~~ consume an alcoholic beverage or possess an open container upon any public alley, highway, right-of-way, roadway, street, public or private parking lot used by the

public, public park or any other public open space except as provided below:

(1) A person may ~~drink or consume~~ an alcoholic beverage or possess an open container ~~served by a restaurant upon public open space adjacent to the restaurant with the approval and issuance of a permit by the city commission. An application for permit must clearly define or delineate the public open space adjacent to the restaurant in which alcoholic beverages may be consumed or possessed. In conjunction with the application, the owner or operator of the restaurant 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 customers that the alcoholic beverages may only be consumed or possessed within the public open space approved by the city commission for consumption of such beverages~~ in public open space approved for such purpose by the city commission under the provisions of Chapter 23.

(2) (Remains unchanged)

SECTION 4:

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

(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 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.

(b) (Remains unchanged)

SECTION 5: 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 6: This ordinance shall become effective upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 15th day of March 2011.


Mayor/Commissioner

Attest:


City Clerk