

SUNRISE, FLORIDA

ORDINANCE NO. 153-08-D

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA AMENDING CHAPTER 3 "ALCOHOLIC BEVERAGES," ARTICLE 2 BY AMENDING SECTION 3-9 EXTENDED HOURS LICENSE PROCESS TO DELAY THE EFFECTIVE DATE OF THE ORDINANCE UNTIL APRIL 8, 2009; PROVIDING THAT ALL OTHER PROVISIONS OF ORDINANCE 153-08-A AND THE CODE OF ORDINANCES OF THE CITY OF SUNRISE, FLORIDA, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is within the police power of the City to regulate the hours of service of alcohol as permitted by Florida law, in the interest of the health, safety and general welfare of the residents of the City; and

WHEREAS, the late-night sale, service and consumption of alcohol creates public health, safety, and welfare concerns; and

WHEREAS, the City Commission of the City of Sunrise, Florida ("the City Commission"), recognizing that Section 562.45, Florida Statutes, allows municipalities to restrict the hours of sale, service, and consumption of alcoholic beverages, adopted Ordinance 153-08-A, in order to restrict the hours of on-premises sale, service, and consumption of

alcoholic beverages throughout the City, except for those permitted through an extended hours license; and

WHEREAS, in order to effectuate the intent of the City Commission, it is in the best interest of the residents of the City of Sunrise to delay the effective date of the Ordinance until April 8, 2009; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of a public hearing; and

WHEREAS, the City Commission held a public hearing, pursuant to the published notice described above, at which all citizens so desiring had an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Section 3-9(b) "Extended hours license procedure" of the City's Code of Ordinances is hereby amended to read as follows:

Sec. 3-9. Extended hours license procedure.

* * *

(b) Revocation of existing extended hours licenses and approvals, and establishment of extended hours licensing procedure. The ability to sell, offer for sale, deliver, or permit to be consumed upon the premises any alcoholic beverage beyond the hour of 12:00 midnight on any day of the week is hereby declared to be and is a privilege subject to suspension, termination, and the imposition of conditions as provided below, and no person may reasonably rely upon the continuation of that privilege. Any person or vendor who wishes to remain open beyond 12:00 a.m. to sell and dispense alcoholic beverages for consumption on premises on any day after April 8, 2009~~the date of this ordinance~~, including any person or vendor to whom an authorization or approval for extended hours of sale, service, or consumption has previously been granted by the City, shall be required to make an application

and receive approval for an extended hours
license, ~~effective six months following the~~
~~effective date of this Ordinance.~~

Section 3. Other Provisions. Except as amended
above, all other provisions of Ordinance 153-08-A, as
amended, and the Code of Ordinances of the City of Sunrise,
Florida, shall remain in full force and effect.

Section 4. Conflict. All ordinances or parts of
ordinances, all City Code sections or parts of City Code
sections, and all resolutions or parts of resolutions in
conflict with this Ordinance are hereby repealed to the
extent of such conflict.

Section 5. Severability. Should any provision of this
Ordinance be declared by a court of competent jurisdiction
to be invalid, the same shall not affect the validity of
the ordinance as a whole, or any part thereof, other than
the part declared to be invalid.

Section 6. Inclusion in the City Code. The provisions
of this Ordinance shall become and be made a part of the
Code of Ordinances of the City of Sunrise, Florida, the
sections of the Ordinance may be renumbered or relettered
to accomplish such intentions, and the word "Ordinance"

shall be changed to "Section," "Article" or other appropriate word.

Section 7. Effective Date. This Ordinance shall be retroactive to take effect October 8, 2008.

PASSED AND ADOPTED upon this first reading this 22ND day of SEPTEMBER, 2008.

PASSED AND ADOPTED upon this second reading this 14TH day of OCTOBER, 2008.

Mayor Steven B. Feren

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

SECOND READING

MOTION: ROSEN
SECOND: ALU__

MOTION: ROSEN
SECOND: ALU__

ALU: YEA
WISHNER: ABSENT
ROSEN: YEA
SCUOTTO: YEA
FEREN: YEA

ALU: YEA
WISHNER: YEA
ROSEN: YEA
SCUOTTO: YEA
FEREN: ABSENT

Approved by the City Attorney
As to Form and Legal Sufficiency _____
Stuart R. Michelson