



Item No. 2e

AGENDA ITEM REQUEST FORM

Town Manager

Connie Hoffmann

Department Submitting Request

Dept Head's Signature

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- Nov 9, 2010
- Dec 7, 2010
- Jan 25, 2011
- Feb 22, 2011
- Mar 22, 2011

- Oct 29 (5:00 pm)
- Nov 30 (5:00 pm)
- Jan 14 (5:00 pm)
- Feb 11 (5:00 pm)
- Mar 11 (5:00 pm)

- Nov 22, 2010
- Dec 14, 2010
- Jan 11, 2011
- Feb 8, 2011
- Mar 8, 2011

- Nov 12 (5:00 pm)
- Dec 3 (5:00 pm)
- Dec 30 (5:00 pm)
- Jan 28 (5:00 pm)
- Feb 25 (5:00 pm)

SUBJECT TITLE: Ordinance 2011-08 Sale of Alcoholic on Sunday for On-Premise Consumption

EXPLANATION: At the February 8, 2011 Roundtable meeting the Commission asked staff to do research on this issue and the Town Attorney to prepare amendments to the Code of Ordinances to allow Sunday sale of alcohol for on-premise consumption. The ordinance is attached and it provides for sale of alcohol for on-premise consumption beginning at 9 a.m. on Sundays. That time was arbitrarily chosen, and can obviously be changed by the Commission.

We have been advised that the ordinance that Fort Lauderdale recently passed allows sale of alcohol for on-premise consumption beginning at 7 a.m. any day of the week. Wilton Manors does the same. Pompano Beach and Oakland Park currently prohibit sales until 12 noon on Sunday.

The Police Chief has opined that the sale of alcohol on Sunday mornings for on-premise consumption will have "little to no impact" on the law enforcement, but did suggest that it not be allowed before daylight.

The Town Attorney made other revisions to this section of the code for the sake of clarity.

Commission direction is requested on the draft ordinance.

EXHIBITS: Draft Ordinance 2011-08

Reviewed by Town Attorney
 Yes No

Town Manager Initials CH

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ORDINANCE 2011-08

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 3, "ALCOHOLIC BEVERAGES," OF THE TOWN'S CODE OF ORDINANCES BY AMENDING SECTION 3-4 "LIMITATIONS AS TO HOURS OF SALE." TO REVISE THE HOURS OF SALE OF ALCOHOL; AND PROVIDING FOR SEVERABILITY, CODIFICATIONS, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Lauderdale-By-The-Sea (the "Town") desires to encourage and support the local tourism industry which is vital to the economic stability of the Town; and

WHEREAS, the Town is a destination for travelers from a wide variety of cultures and time zones; and

WHEREAS, the Town finds there is a need to amend its Code of Ordinances to address the hours available for the sale of alcoholic beverages for on premise consumption on Sundays, to provide for sale of alcoholic beverages during the Sunday brunch hours at local restaurants.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing "Whereas" clauses are ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

SECTION 2. Amending Section 3-4. Section 3-4 "Limitations as to hours of sale." of Chapter 3 "Alcoholic Beverages" is hereby amended as follows:

Section 3-4. – Limitation as to hours of sale.

~~It shall be unlawful for any person licensed by the State or any employee of such licensee, during the period beginning with and including January 1 and ending with and including April 15, to sell, offer for sale, deliver, or serve any liquors, beer or wine, regardless of alcoholic content, on any weekday between the hours of 2:00 a.m. and 9:00 a.m., or on Sundays between the hours of 2:00 a.m. and 12:00 noon; and during the remaining months of the year, to sell, offer for sale, deliver, or serve any liquors, beer or wine, regardless of alcoholic content, on any~~

ORDINANCE 2010-08

~~weekday between the hours of 2:00 a.m. and 9:00 a.m., or on Sundays between the hours of 2:00 a.m. and 12:00 noon.~~

(a) Off the Premise Consumption. No liquors, beer or wine, regardless of alcoholic content, may be sold, consumed, served, or permitted to be sold, consumed or served, for Off the Premise Consumption, in any place or by any person, licensed by the State or any agent of such licensee, on any weekday, including Saturday, between the hours of 2:00 a.m. and 9:00 a.m., or on Sundays between the hours of 2:00 a.m. and 12:00 noon

(b) On the Premise Consumption. No liquors, beer or wine, regardless of alcoholic content, may be sold, consumed, served, or permitted to be sold, consumed, or served, for On the Premise Consumption, in any place or by any person, licensed by the State or any agent of such licensee, on any of the seven days of the week, between the hours of 2:00 a.m. and 9:00 a.m.

SECTION 3. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. Codification. This Ordinance shall be codified.

SECTION 5. Conflicts. All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. Effective Date. This Ordinance shall become effective upon adoption on second reading.

Passed on the first reading, this ____ day of _____, 2011.

Passed and adopted on the second reading, this ____ day of _____, 2011.

Mayor Roseann Minnet

	First Reading	Second Reading
Mayor Minnet	_____	_____
Vice-Mayor Dodd	_____	_____
Commissioner Clotney	_____	_____
Commissioner Sasser	_____	_____

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70 Commissioner Vincent _____

71 Attest:

72 _____
73 Town Clerk, June White CMC
74 (CORPORATE SEAL)

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76 Approved as to form:

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78 _____
79 Town Attorney, Susan L. Trevarthen

DRAFT