

ORDINANCE NO. O-18-67

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, FLORIDA, AMENDING SECTION 21-96(d) OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA REGARDING ALCOHOL SALES, TO MODIFY HOURS FOR SALE OF BEER AND WINE FOR OFF PREMISES CONSUMPTION ON SUNDAY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; CODIFICATION, AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Polk County Board of County Commissioners adopted Ordinance 18-050 on August 7, 2018 which among other things expanded the hours that the sale of beer and wine for off premises consumption on Sunday would be allowed; and

WHEREAS, the City Commission of the City of Winter Haven finds that the hours for the sale of beer and wine for off premises consumption on Sunday as modified by the Polk County Board of County Commissioners are in the best interests of the citizens and residents of the City of Winter Haven, Florida; and

WHEREAS, the City Commission of the City of Winter Haven finds that proposed revisions to Section 21-96(d) of the City of Winter Haven Code of Ordinances promote the public health, safety, and general welfare of the community and thus that it is expedient to amend and revise language pertaining to hours for the sale of beer and wine for off premises consumption on Sunday throughout the City.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA, AS FOLLOWS:

1. That the above Whereas clauses are hereby incorporated herein and are a factual basis for the passage of this Ordinance.

2. That Section 21-96(d) of the City of Winter Haven Code of Ordinances is hereby amended to read as follows (new text is underlined and deleted text is ~~stricken through~~):

(d) *Hours for sale or service.* Alcoholic beverages may be sold, consumed, served, or permitted to be served in any place holding a license issued by the division of alcoholic beverages and tobacco and provided such a use is a legally permitted use and/or a legally non-conforming use within the appropriate zoning district(s) within the City during the following hours.

- Monday 7:00 a.m. until 2:00 a.m. Tuesday next.
- Tuesday 7:00 a.m. until 2:00 a.m. Wednesday next.
- Wednesday 7:00 a.m. until 2:00 a.m. Thursday next.
- Thursday 7:00 a.m. until 2:00 a.m. Friday next.
- Friday 7:00 a.m. until 2:00 a.m. Saturday next.
- Saturday 7:00 a.m. until 2:00 a.m. Sunday next.
- Sunday ~~12:00 noon~~ 7:00 a.m. until ~~12:00 midnight~~ Sunday 2:00 a.m. Monday next for the sale of beer and wine for off premises consumption only otherwise Sunday 12:00 noon until 12:00 midnight Sunday for the sale and service of alcoholic beverages including but not limited to liquor, beer and wine on premises.

In the event that New Year's Eve shall fall on Sunday, the hours for sale of alcoholic beverages for on-the-premises consumption as provided above shall be extended until 2:00 a.m. Monday next.

3. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect.

4. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

5. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Winter Haven Code of Ordinances; and that sections of this ordinance may be renumbered or relettered and the word *ordinance* may be changed to *section*, *article*, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the City Manager or his/her designee without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

6. This ordinance shall become effect immediately upon passage by the City Commission after Second Reading/Public Hearing.

INTRODUCED on first reading/public hearing this 11th day of September, 2018.

PASSED on second reading/public hearing this 25th day of September, 2018.



Vanessa Castello
CITY CLERK

CITY OF WINTER HAVEN, FLORIDA
Paul L. North
MAYOR-COMMISSIONER

Approved as to form:

[Signature]
CITY ATTORNEY