

CITY COMMISSION OF THE CITY OF DADE CITY

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA, AMENDING SECTION 10-2 OF THE CODE OF ORDINANCES TO CHANGE THE HOUR OF SALES AUTHORIZED FOR ALCOHOLIC BEVERAGES ON SUNDAYS TO PERMIT SALES BEGINNING AT 7:00 A.M., AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, On November 23, 2020, the Board of Commissioners of Pasco County passed an ordinance that changed the hours during which alcohol sales are permitted ON Sunday mornings within the unincorporated portion of Pasco County to permit the start time for the sale of alcohol from 11:00 a.m. to 7:00 a.m.; and

WHEREAS, the County's amendatory ordinance made Sunday sales available at the same starting time as the other six days of the week; and

WHEREAS, the City staff has received a request from some Dade City businesses that have a liquor license within the corporate limits of the City to have the City Commission consider allowing the sale of alcoholic beverages on Sunday mornings during the same hours as permitted by the new Pasco County ordinance; and

WHEREAS, the request is predicated on the need to permit Dade City businesses to maintain a competitive balance with other liquor licensees in Pasco County and the desire to avoid confusion for their patrons.

WHEREAS, Florida law authorizes municipalities to set the permitted hours of sales for alcoholic beverages in Section 562.45, *Florida Statutes*; and

WHEREAS, the City Commission conducted a public hearing on February 9, 2021, and on on this ordinance as required by Section 166.341(3)(a), *Florida Statutes*.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DADE CITY, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The recitals set forth in this Ordinance are included to reflect the findings of fact of the City Commission and are made a part of this Ordinance.

SECTION 2. AMENDMENT OF SECTION 10-2. Section 10-2 of the Code of Ordinances of the City of Dade City is amended to read as follows with the deletion of the stricken provisions set forth in this Section:

Sec. 10-2. - Hours of sale.

No alcoholic or intoxicating beverages may be sold, consumed, served or permitted to be served or consumed in any place holding a license from the state within the corporate limits of the city between the hours of 2:00 a.m. and 7:00 a.m. of the same date. ~~No intoxicating beverages may be sold, served or permitted to be served or consumed in any place holding a license from the state within the corporate limits of the city between 2:00 a.m. Sunday morning and 11:00 a.m. the same day.~~

SECTION 3. CONFLICTS. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.


SECTION 4. CODIFICATION. This Ordinance shall be incorporated into the Dade City Code of Ordinances as Section 10-2. Any section, paragraph number, letter or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance and the City Code may be made freely.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective pursuant to the Dade City Charter and Florida law.

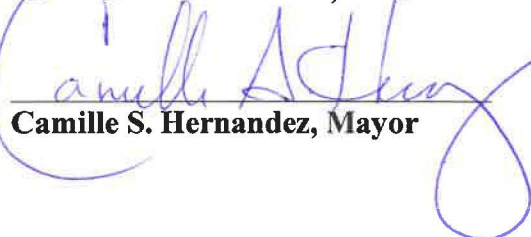
Adopted by the City Commission after introduction and first reading on February 9, 2021, and following second reading and adoption on February 23, 2021.

ATTEST:




Angelia Guy, City Clerk

CITY OF DADE CITY, FLORIDA



Camille S. Hernandez, Mayor

Approved as to form and legality:



Thomas A. Thanas
Interim City Attorney