

CITY OF INDIAN ROCKS BEACH  
ORDINANCE NO. 2017-04

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE I, IN GENERAL, SECTION 6-3, HOURS OF SALE; OF THE CODE OF ORDINANCES, CITY OF INDIAN ROCKS BEACH, FLORIDA, BY GENERALLY ALIGNING THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY WITH PINELLAS COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the hours of sale for alcohol in Pinellas County were historically consistent across all days of the week except for Sunday;

WHEREAS, the Board of Commissioners of Pinellas County recently passed Ordinance 17-09 amending Section 6-29 of the Pinellas County Code relating to the closing hours of business establishments in Pinellas County Dealing in Alcoholic Beverages;

WHEREAS County Ordinance 17-09 established the uniform policy that all business establishments in Pinellas County, licensed or unlicensed, dealing in alcoholic beverages shall remain closed from the hours of 3:00 a.m. to 8:00 a.m. on each day of the week unless any municipality in the County establishes shorter opening hours; and

WHEREAS, the City Commission of the City of Indian Rocks Beach determines that it is in the best interest of the public health, safety, and welfare, and wish to align the City's Code of Ordinances with the County's Code, as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA:

SECTION 1. Chapter 6, Alcoholic Beverages, Article I, In General, Section 6-3, Hours of Operation, of the Code of Ordinances, City of Indian Rocks Beach, Florida, is hereby amended to read as follows:

**Sec. 6-3. Hours of Sale**

(a) *Generally.*

(1) ~~There are hereby established the following hours of closing in the city. All establishments in the city dealing in alcoholic beverages, public or private, either directly or indirectly, shall remain closed from the hours of 2:00 a.m. to 8:00 a.m. on each day of the week.~~

a. ~~All establishments in the city dealing in alcoholic beverages, public or private, either directly or indirectly, shall remain closed from the hour of 2:00 a.m. to 8:00 a.m. on each day of the week except Sunday.~~

b. ~~All such business establishments shall remain closed on each Sunday from the hour of 2:00 a.m. to 11:00 a.m.~~

(2) Nothing contained in this section shall be construed to prevent a vendor of any establishment dealing in alcoholic beverages, or firefighters or law enforcement officers (in performance of their duties) from entering, being or remaining in such establishment and engaged in duties other than the sale or serving of alcoholic beverages.

~~(3)~~ This subsection shall not be construed to impose a requirement other than that the business establishment may not sell or dispense alcoholic beverages except during the hours provided in this subsection.

(b) *Exceptions.* The provisions of this section shall not apply to the following:

(1) Establishments licensed under F.S. §§ 563.02(1)(a), 564.02(1)(a) and 565.02(1)(a) for package sales only are specifically included in the provisions of this section with the exception that such establishments shall not dispense:

a. Beer or wine between the hours of 12:00 midnight and 8:00 a.m. ~~each weekday, and between the hours of 12:00 midnight and 11:00 a.m. Sunday; or~~

b. Liquor between the hours of 12:00 midnight and 8:00 a.m. ~~each weekday, and between the hours of 12:00 midnight Saturday and 8:00 a.m. Monday.~~

~~(2)~~ Establishments licensed to sell alcoholic beverages for consumption on the premises shall not dispense liquor for consumption off-premises between the hours of 1:00 a.m. Sunday and 8:00 a.m. Monday. However, such establishments may dispense packaged beer or wine during such hours for consumption off the premises.

~~(3)~~ (2) Drugstores or prescription shops dealing only in medicine and drugs dispensed for medical purposes are excepted from this section.

(c) This subsection shall be construed to specifically and intentionally opt out of the portion of the Pinellas Countywide ordinance which extended the hours of sale until 3:00 a.m.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon final passage and adoption.

PASSED ON FIRST READING on the 9<sup>th</sup> day of May 2017, by the City Commission of the City of Indian Rocks Beach

PUBLISHED this 1<sup>st</sup> day of June 2017, in the Tampa Bay Times newspaper

ADOPTED ON SECOND AND FINAL READING on the 13<sup>th</sup> day of June 2017, by the City Commission of the City of Indian Rocks Beach, Florida.

---

R. B. Johnson, Mayor/Commissioner

ATTEST:

---

Deanne B. O'Reilly, MMC, City Clerk

Approved as to form and legal sufficiency:

BY:

---

Randy D. Mora, City Attorney

/RDM