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AIR

ORDINANCE NO. 09-2020

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING THE CODE OF CITY ORDINANCES CHAPTER 6, ALCOHOLIC BEVERAGES, SECTION 6-1 PROVIDING FOR A DEFINITION OF THE TERM "SEMI-PUBLIC PARKING LOT" AND SECTION 6-41 PROVIDING FOR ALLOWING AN EXCEPTION FOR OPEN CONTAINERS AT RESTAURANT WHERE OUTSIDE DINING IS APPROVED; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND PROVIDING FOR EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA AS FOLLOWS:

**Section 1. Purpose and Intent.**

The city code contains a provision in code section 6-41 that makes it illegal for any person to "possess any alcoholic beverage in an open container on any semipublic parking lot," but does not provide a definition for "semi-public" parking lot. Although it appears that such definition is provided in common parlance for similar alcohol regulations throughout the country, in an abundance of caution, the City hereby adds the definition to ensure everyone is on notice.

**Section 2. Amendment of Section 6-1 of the Code of Ordinances to Clarify Definition of Semi-Public Parking Lot.**

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means any distilled spirit or any beverage containing more than one-half of one percent of alcohol by weight. The percentage of alcohol by weight shall be determined in the manner provided in F.S. ch. 561.

Semipublic parking lot shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise, commercial establishment, office building, or apartment building.



CITY OF AVON PARK - ADMIN  
110 E MAIN ST  
AVON PARK FL 33825

**Section 3. Amendment of Section 6-41 of the Code of Ordinances to Allow Limited Open Consumption of Alcoholic Beverages at Restaurant Parking Lots During Pandemics or Similar Emergencies.**

**ARTICLE II. - PUBLIC CONSUMPTION**

Sec. 6-41. - Prohibited acts; exemption.

It shall be unlawful for any person to consume any alcoholic beverage or possess any alcoholic beverage in an open container on any semipublic parking lot, public street or public right-of-way or thoroughfare within the city. Exemptions for special events on semipublic property may be obtained through the city manager's office. This section does not apply to:

- (a) persons engaged in picking up empty beverage containers for the purpose of collecting the deposit or value of the can itself, nor to persons taking part in a litter control campaign; or,
- (b) persons dining at restaurants where outside dining has been approved.
- (c) Special events where the Council has specifically approved possession and consumption of alcohol in open containers.

Sec. 6-42. - Penalty for violation of article.

Any person who violates any provision of this article shall, upon conviction, be punishable as provided in section 1-8.

**Section 4. Severability.**

It is the declared intent of the City Council that, should any section or provision of this Ordinance or any portion thereof, the deletion of which would not adversely affect (in the general sense) the remainder, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared to be invalid, and in doing so, the court shall attempt to adhere to the legislative intent.

**Section 5. Conflicts**

All local laws and ordinances in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

**Section 6. Inclusion in the Code**

It is the intention of the City Council, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the city. Section numbering may be revised to fit the Code

**Section 7. Effective Date**

This Ordinance shall become effective immediately upon passage.

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This Ordinance was read for the first time at the regular  special  session of the City Council held on August 31, 2020 The vote was as follows:

	Yes	No	Abstain	Absent
Commissioner/Mayor Anderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner/ Deputy Mayor Spurlock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Barnard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Sutherland	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

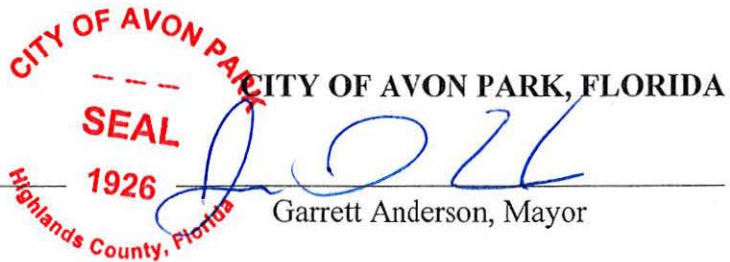
The final reading was held on the 14th day of September, 2020, at a regular  special  session of the City Council, and this Ordinance was adopted  rejected . The vote was as follows:

	Yes	No	Abstain	Absent
Commissioner/Mayor Anderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner/ Deputy Mayor Spurlock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Barnard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Sutherland	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Seal)

ATTEST:

Kim Gay  
Kim Gay, City Clerk



Garrett Anderson, Mayor

APPROVED AS TO FORM:

Gerald T. Buhr  
Gerald T. Buhr, City Attorney