

**ORDINANCE 2013- 2**  
**AMENDING CHAPTER 7, SECTION 2(b) OF THE CODE OF ORDINANCES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA AMENDING CHAPTER 7, SECTION 2, *CODE OF ORDINANCES OF THE CITY OF PALM COAST*; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on November 21, 2000, the City Council adopted Ordinance 2000-56 which prohibited the purchase, sale, possession and consumption of alcoholic beverages in or on the premises of any public playground, recreational area or park; and

**WHEREAS**, Ordinance 2000-56 permitted the consumption of beer and wine at the Palm Coast Community Center and at Florida Park Community Park if in compliance with rules and regulations for their consumption issued by the City Manager or designee ; and

**WHEREAS**, since the adoption of Ordinance 2000-56, the City has built more public facilities where public and private events are held; and

**WHEREAS**, the City desires to amend Ordinance 2000-56, codified at Chapter 7, Section 2(b) to continue to prohibit the possession or consumption of alcohol in City Parks or recreation areas but to allow the City Manager or his designee to issue a permit for the purchase, sale, possession and consumption of alcoholic beverages in or on the premises of any public park or recreation area; and

**WHEREAS**, on May 15, 2007, City Council adopted Ordinance 2007-12 , codified at Chapter 42, Section 169 which only allowed the consumption of alcohol by any person when a permit is issued by the City for a particular event occurring in a City park or recreational facility; and

**WHEREAS**, Ordinance 2000-56 is in conflict with Ordinance 2007-12 by allowing the consumption of alcohol by permit in only two of our public recreational facilities; and

**WHEREAS**, the City desires to repeal Section 42-169 of the Code of Ordinances for Code consistency and given preemption by State laws.

**NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of Palm Coast, Florida:

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

**SECTION 2. AMENDMENT TO CHAPTER 7, SECTION 2(b) PROHIBITION, OF THE CODIFIED CODE OF CITY ORDINANCES.** Section 7-2(b) of the *Code of Ordinances* of the City of Palm Coast is hereby amended by strikethrough as deletions and underlining as additions as shown below:

~~(b) *Prohibition.* It shall be unlawful for any person to purchase, sell or offer for sale, have in their possession or consume any alcoholic beverages, as defined in this section, in or on any public playground, public recreation area or public park within the City. Consumption of beer and wine at the Palm Coast Community Center and at Florida Park Community Park shall only be permitted in compliance with rules and regulations for the use of the Palm Coast Community Center and Florida Park Community Park as issued by the City Manager or designee.~~

(b) *Prohibition.* It unlawful for a person to possess or consume any alcoholic beverage or beverages, as defined in Section 856.015 or Section 561.01, Florida Statutes, in any City Park or recreation area unless a permit for such is issued by the City Manager or his designee for a particular event occurring in such City Park or recreation area.

**SECTION 3. REPEAL SECTION 42-169 OF CODE OF ORDINANCES.** Section 42-169 of the Code of Ordinances of the City of Palm Coast is hereby repealed.

**SECTION 4. SEVERABILITY.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**SECTION 5. CODIFICATION.** It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to Section," "Article," or other appropriate word.

**SECTION 6. CONFLICTS.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this 5th day of March 2013.

Adopted on the second reading after due public notice and hearing City of Palm Coast this 19th day of March 2013.

**CITY OF PALM COAST, FLORIDA**

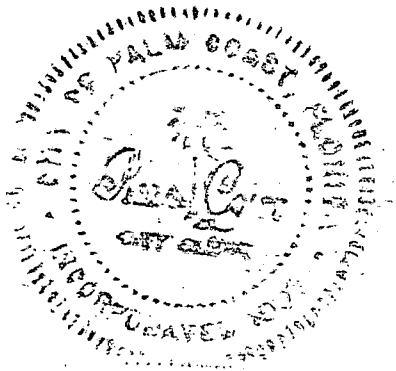
ATTEST:

  
VIRGINIA A. SMITH, CITY CLERK

  
JON NETTS, MAYOR

Approved as to form and legality

  
William E. Reischmann, Jr., Esq.



**Flagler/Palm Coast  
NEWS-TRIBUNE**

Published Each Wednesday and Saturday  
Flagler County, Florida

**State of Florida,  
County of Flagler**

Before the undersigned authority personally appeared

**Cynthia Anderson**

who, on oath says that she is .....

**LEGAL COORDINATOR**

of The Flagler/Palm Coast NEWS-TRIBUNE, a twice  
weekly newspaper, published in Flagler County, Florida; that  
the attached copy of advertisement, being a  
.....

**NOTICE OF PUBLIC HEARING**

**NT 1048127**

in the Court,  
was published in said newspaper in the issues.....

**MARCH 9, 2013**

Affiant further says that The Flagler/Palm Coast News-  
Tribune is a newspaper published in said Flagler County,  
Florida, and that the said newspaper has heretofore been  
continuously published in said Flagler County, Florida, each  
Wednesday and Saturday and has been entered as second-  
class mail matter at the post office in Flagler Beach, in said  
Flagler County, Florida, for a period of one year next  
preceding the first publication of the attached copy of  
advertisement; and affiant further says that he has neither  
paid nor promised any person, firm or corporation any  
discount, rebate, commission or refund for the purpose of  
securing this advertisement for publication in the said  
newspaper

.....  
.....

Sworn to and subscribed before me

This 11<sup>TH</sup> of MARCH

A.D. 2013

.....  
.....

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**Legal Notices**

CITY OF PALM COAST  
NOTICE OF PUBLIC HEARING  
Notice is hereby given, that a  
public hearing will be held be-  
fore the City Council of the City  
of Palm Coast on March 19,  
2013, beginning 9:00 a.m. in  
Council Chambers, at 305 Palm  
Coast Parkway Northeast, Palm  
Coast, Florida. The purpose of  
the hearing is to hear all inter-  
ested parties and act upon the  
adoption of Ordinance Number  
2013-xx entitled:

AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF  
PALM COAST, FLORIDA  
AMENDING CHAPTER 7, SEC-  
TION 2, CODE OF ORDINANCES  
OF THE CITY OF PALM COAST;  
PROVIDING FOR CONFLICTS;  
PROVIDING FOR SEVERA-  
BILITY; PROVIDING FOR CODI-  
FICATION; AND PROVIDING  
FOR AN EFFECTIVE DATE.

This Ordinance is available for  
review at Palm Coast City Offi-  
ces, 160 Cypress Point Pkwy.,  
Suite B106, Palm Coast, Florida.  
In accordance with the Ameri-  
cans with Disabilities Act, per-  
sons needing assistance to par-  
ticipate in these proceedings  
should contact Virginia Smith at  
386-986-3713 at least 48 hours  
prior to the meeting.

If any person decides to appeal  
any decision made by Council  
with respect to any matter con-  
sidered at such hearing, he or  
she will need a record of the  
proceedings, and for such pur-  
pose, he or she may need to en-  
sure that a verbatim record of  
the proceedings is made, which  
record includes the testimony  
and evidence upon which the  
appeal is to be based.

NT1048127. Mar. 9, 2013. 1t