

ORDINANCE NO. C-16-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SUBSECTION 5-29(b) OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "PERMITS REQUIRED FOR PREMISES TO REMAIN OPEN PAST MIDNIGHT; SUSPENSION OF PERMITS" TO MODIFY THE PROCESS FOR REVIEW AND SUSPENSION OF PERMITS THAT AUTHORIZE THE EXTENSION OF THE HOURS FOR THE SALE, OFFERING FOR SALE, DELIVERING, SERVING OR PERMITTING CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF FORT LAUDERDALE, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE AND SEVERABILITY.

WHEREAS, Section 5-29(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida establishes permit requirements for vendors and businesses desiring to remain open for business between the hours of midnight and 2:00 a.m. on any weekday, and between midnight and 3:00 a.m. on a Saturday and Sunday for the sale, services or delivery or offer to sell, serve or deliver of any beer, wine or alcoholic beverages; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida desires to add provisions to Section 5-29(b) of the Code of Ordinances of the City of Fort Lauderdale for purposes of determining compliance with state law and county and city ordinances at the time of application for and/or renewal of a permit by a vendor licensed under Florida beverage laws, including inspection of premises by the City's code enforcement officers;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 5-29(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 5-29 Permitted Hours of Sale, Consumption and Service.

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CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

(b) *Permits required for premises to remain open past midnight; suspension of permits.*

(1) *Permits required.*

- a. All vendors licensed under the state beverage laws desiring to remain open for business for the purposes of selling, offering for sale, delivering, serving or permitting consumption of alcoholic beverages between the hours of midnight and 2:00 a.m. on any weekday, and between midnight and 3:00 a.m. on Saturday and Sunday, shall make application with the ~~business tax division~~ city for an extended hours of operation permit. The ability to sell, offer for sale, deliver or permit to be consumed upon the premises any alcoholic beverage beyond the permitted hours of sale, consumption and service specified in subsection 5-29(a) of this code of ordinances, is hereby declared to be and is a privilege that can be denied to any vendor who, by their conduct and record, have demonstrated indifference for safety and welfare of others or disrespect for the ordinances of the city. For the fiscal year 2000/2001, vendors shall submit an application within thirty (30) days from the effective date of this ordinance.
- (2) The application form shall be provided by the city. The vendor shall complete the application by providing the information requested about the vendor, including but not limited to the name and address where notices related to this section are to be mailed. Permit holders are required to amend the license application that is on file with the City of Fort Lauderdale within thirty (30) days of any change in the information set forth on the application form.
- (3) The city manager or designee shall review the application and applicable state, county and city records, if the application is complete and the vendor is found to be in compliance with the provisions of state law and with any county and city ordinance, a permit ~~shall~~ may be issued to the vendor to remain open between the hours of 12:01 a.m. and 2:00 a.m. on weekdays, or between 12:01 a.m. and 3:00 a.m. on Saturday and Sunday. The City is authorized to make such investigation and inspection of the property on which the vendor will operate as the City may determine necessary in order to determine that the property and business operation are in compliance with the provisions of state law and with any county and city ordinances.

SECTION 2. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4. That this Ordinance shall be in full force and effect immediately upon its final passage.

PASSED FIRST READING this the ____ day of _____, 2016.

PASSED SECOND READING this the ____ day of _____, 2016.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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