

ORDINANCE NO. 783

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROOKSVILLE, FLORIDA, BY AMENDING CHAPTER 6, "ALCOHOLIC BEVERAGES", ARTICLE I, "IN GENERAL", SEC. 6-4, "HOURS OF SALE"; PROVIDING FOR AMENDMENT OF PARAGRAPH (a); PROVIDING FOR DELETION OF PARAGRAPH (b); PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville is vested with home rule authority pursuant to Article VII, Section 2, of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances; and,

WHEREAS, pursuant to Section 1.03 and Section 2.13 of the Charter of the City of Brooksville, the city has the power to enable it to conduct municipal functions and to adopt ordinances; and,

WHEREAS, the City of Brooksville adopted Code 1988, § 3-4, setting forth the provisions of Chapter 6, "Alcoholic Beverages", of the City of Brooksville Code of Ordinances; and,

WHEREAS, the city desires to amend Chapter 6, "Alcoholic Beverages", to more effectively address health, safety, life, and welfare issues of its citizens with respect to alcoholic beverages hours of sale.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, as follows:

SECTION 1. AMENDMENT TO CHAPTER 6, "ALCOHOLIC BEVERAGES", ARTICLE I, "IN GENERAL", SEC. 6-4, "HOURS OF SALE". The Code of Ordinances of the City of Brooksville, Florida, is hereby amended by the amendment thereto of the following Chapter 6, "Alcoholic Beverages", Article I, "In General", Sec. 6-4, "Hours of Sale":

Chapter 6

ALCOHOLIC BEVERAGES

Article I. In General

Sec. 6-4. Hours of sale.

For location permits as set forth in section 6-43, the hours and times during which alcoholic and intoxicating beverages may be sold, consumed or served or permitted to be served or consumed in any place or on any premises defined as a business establishment shall be between the hours of 6:00 a.m. and 2:00 a.m. the following day during each day of the week.

State law references: Municipalities may regulate hours of sale of alcoholic beverages, F.S. § 562.45(2).

SECTION 2. CONFLICT AND REPEALER. This Ordinance shall be cumulative of all provisions of the ordinances of the City of Brooksville, Florida, except where provisions of this Ordinance are in direct conflict with the provisions of such ordinance, which event all ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.


SECTION 4. AMENDMENT TO CODE. This Ordinance shall be and become a part of the Code of the City of Brooksville, Florida, to amend and supplement Chapter 6 as directed herein.

SECTION 5. CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Brooksville, Florida*, and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section", "Article", or other appropriate words; provided, however, that Sections 2, 3, 4 and 5 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.


SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption by the Brooksville City Council.

CITY OF BROOKSVILLE, FLORIDA

By:


Lara Bradburn, Mayor

ATTEST:


Janice Peters, CMC, City Clerk

PASSED on First Reading January 4, 2010

NOTICE Published on January 22, 2010

PASSED on Second and Final Reading February 1, 2010

Approved as to form for the reliance of the
City of Brooksville only:


Thomas S. Hogan, Jr., City Attorney

VOTE OF COUNCIL:

Bernardini	<u>Aye</u>
Bradburn	<u>Nay</u>
Johnston	<u>Aye</u>
Lewis	<u>Aye</u>
Burnett	<u>Nay</u>