

REQUESTED COMMISSION ACTION:

Consent	<input checked="" type="checkbox"/>	Ordinance	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Consideration/ Discussion	<input type="checkbox"/>	Presentation	<input type="checkbox"/>
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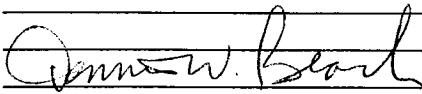
SHORT TITLE Ordinance repealing in its entirety Section 110.01, "Hours of Sale," if approved at the Referendum election of January 31, 2012.

Summary of Purpose and Why:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 110, "ALCOHOLIC BEVERAGES," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REPEALING SECTION 110.01, "HOURS OF SALE," IN ITS ENTIRETY; PROVIDING THAT IF THE AMENDMENT IS APPROVED BY A MAJORITY OF THE VOTERS AT THE REFERENDUM ELECTION OF JANUARY 31, 2012, THEN SUCH AMENDMENT SHALL BECOME EFFECTIVE UPON CERTIFICATION AND ACCEPTANCE OF THE ELECTION RESULTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

- (1) Origin of request for this action: _____
- (2) Primary staff contact: Gordon B. Linn, City Attorney Ext. 4614
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: _____

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
City Attorney	4/25/11		See City Attorney's Comm. #2011-1004
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

City Manager 

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
1 st Reading	1 st Reading	Results:	Results:
_____	_____	_____	_____
2 nd Reading	_____	_____	_____
_____	_____	_____	_____



City Attorney's Communication #2011-1004
April 25, 2011

TO: Dennis W. Beach, City Manager
FROM: Jill R. Mesojedec, FRP, Paralegal
VIA: Gordon B. Linn, City Attorney *GBL*
RE: Ordinance Amending Chapter 110, "Alcoholic Beverages"

Attached herewith please find the following captioned Ordinance:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 110, "ALCOHOLIC BEVERAGES," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REPEALING SECTION 110.01, "HOURS OF SALE," IN ITS ENTIRETY; PROVIDING THAT IF THE AMENDMENT IS APPROVED BY A MAJORITY OF THE VOTERS AT THE REFERENDUM ELECTION OF JANUARY 31, 2012, THEN SUCH AMENDMENT SHALL BECOME EFFECTIVE UPON CERTIFICATION AND ACCEPTANCE OF THE ELECTION RESULTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

This Ordinance has been advertised and it is requested that this matter be placed on the agenda for the City Commission of May 10, 2011. A City Commission agenda cover sheet is attached for your convenience.

Please feel free to contact me if I may be of further assistance.

Jill R. Mesojedec

JILL R. MESOJEDEC

/jrm
l:cor/manager/2011-1004

Attachments

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 110, "ALCOHOLIC BEVERAGES," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REPEALING SECTION 110.01, "HOURS OF SALE," IN ITS ENTIRETY; PROVIDING THAT IF THE AMENDMENT IS APPROVED BY A MAJORITY OF THE VOTERS AT THE REFERENDUM ELECTION OF JANUARY 31, 2012, THEN SUCH AMENDMENT SHALL BECOME EFFECTIVE UPON CERTIFICATION AND ACCEPTANCE OF THE ELECTION RESULTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission has duly considered amending an ordinance which was previously approved by referendum and by the passage of this Ordinance desires to approve such amendment as indicated herein; and

WHEREAS, Section 85.05 of the City's Charter provides for the method of amending such an ordinance; and

WHEREAS, the City Commission of the City of Pompano Beach has deemed it to be in the best interest of the citizens and residents of the City of Pompano Beach that the proposed amendment to the City's Code of Ordinances shall be submitted to a vote of the electors; and

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. A referendum question amending Section 110.01, "Hours of Sale," of Chapter 110, "Alcoholic Beverages," of the Code of Ordinances of the City of Pompano Beach, shall be presented to the electorate of the City of Pompano Beach at a referendum election of the City of Pompano Beach on January 31, 2012, and if the referendum question is approved by a majority of the electorate at said election, the amendment proposed shall be legally effective upon certification and acceptance of the election results. A notice of said referendum election shall be given by publication in a newspaper of general circulation in the City of Pompano Beach no later than fifteen (15) days prior to the election. The notice of the referendum election shall set forth only the title of this ordinance. The ballot for the referendum election shall set forth the following referendum question:

PROPOSED AMENDMENT

Shall Section 110.10 of the Pompano Beach Code of Ordinances be amended by repealing said section which provides for the hours of sale and other conditions relating to sale and consumption of alcoholic beverages thereby allowing the Commission to set the conditions and hours of sale of alcoholic beverages in the city?

YES _____

NO _____

If approved, Section 110.01 of the City Code of Ordinances shall read as follows:

~~§ 110.01 HOURS OF SALE.~~

~~(A) No retail business authorized under the provisions of the state beverage law to sell, offer for sale, deliver, or otherwise distribute alcoholic beverages, for consumption off the premises only, nor any employee thereof, shall sell, offer for sale, deliver, or otherwise distribute any alcoholic beverage on any weekday between the hours of 2:00 a.m. and 7:00 a.m., or on Sunday between the hours of 2:00 a.m. and 12:00 noon.~~

~~(B) No retail business authorized under the provisions of the state beverage law to sell, offer for sale, deliver, or otherwise distribute alcoholic beverages for consumption on the premises, nor any employee thereof, shall allow the establishment to be open for business on any weekday between the hours of 2:00 a.m. and 7:00 a.m. or on Sunday between the hours of 2:00 a.m. and 12:00 noon, nor allow any customer, patron, or other person, except employees, to remain upon the premises during the aforementioned hours. However, any restaurant bar shall be allowed to be open on~~

~~Sundays prior to 1:00 p.m., but shall not sell, deliver, or otherwise distribute alcoholic beverages until 12:00 noon.~~

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

SECTION 2. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2011.

PASSED SECOND READING this _____ day of _____, 2011.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

GBL/jrm
4/13/11
l:ord/ch110/2011-232