

ORDINANCE NO. 2015-0002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA AMENDING CHAPTER 3 – ALCOHOLIC BEVERAGES, SECTION 3-8 – HOURS OF SALE, OF THE CODE OF ORDINANCES; TO REQUIRE THE SPECIFIC USE PERMIT APPLICATION FOR EXEMPTION BE SUBMITTED A MINIMUM OF SIXTY (60) DAYS FROM THE INITIAL EXEMPTION DATE; TO CLARIFY EACH DATE THAT IS REQUESTED CONSTITUTES ONE (1) EXEMPTION DATE; TO REQUIRE THE APPLICANT TO HIRE OFF-DUTY SWORN LAW ENFORCEMENT OFFICER(S), AT THEIR EXPENSE, FOR A MINIMUM OF THREE (3) HOURS PER EXEMPTION DATE; TO PROVIDE THE EXEMPTION TIME SHALL NOT EXCEED 4:00 A.M.; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff periodically reviews City Ordinances and makes recommendations to the City Commission to revise its Ordinances; and

WHEREAS, City Staff recommends that the City Commission amend Chapter 3 - Alcoholic Beverages, Section 3-8. – Hours of Sale, Section of the Code of Ordinances, as more specifically set forth hereinafter; and

WHEREAS, the City Commission deems it to be in the best interest of the City of Wilton Manors to amend Section 3-8 of the Code of Ordinances, as more particularly set forth hereinafter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, THAT:

**Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being true and correct and are incorporated herein by this reference.

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1                   **Section 2:** Section 3-8 – Hours of sale. - of the Code of Ordinances is amended  
2 as follows:

3                   (a) No vendor shall sell or offer for sale or deliver or serve upon the  
4 premises of such vendor any liquor, beer or wine regardless of  
5 alcoholic content on Monday through Friday between the hours of  
6 2:00 a.m. and 7:00 a.m., and on Saturday and Sunday between the  
7 hours of 3:00 a.m. and 7:00 a.m.

8                   (b) No person shall sell or offer for sale or deliver any liquor, beer or  
9 wine, regardless of alcoholic content, by package, bottle or container  
10 on Monday through Friday between the hours of 2:00 a.m. and 7:00  
11 a.m., and on Saturday and Sunday between the hours of 3:00 a.m. and  
12 7:00 a.m.

13                  (c) No vendor shall permit anyone who purchases package goods in the  
14 original container to leave the premises during the prohibited hours,  
15 taking with him in any container any alcoholic beverage originally  
16 purchased by package, bottle or container, so that the same may be  
17 consumed off the premises.

18                  (d) No employee of a state-licensed vendor shall sell or offer for sale or  
19 deliver or serve or permit to be consumed or taken away any alcoholic  
20 beverage of any kind during the prohibited hours.

21                  (e) It shall be deemed a violation of this section for any person, during the  
22 hours prohibited under this section, to gratuitously give away any kind  
23 of alcoholic beverage along with any other product of any nature sold

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1 at any inflated price or otherwise or in the form of a so-called bonus  
2 predicated upon another purchase or as a gift.

3 (f) A person or vendor may apply for a specific use permit which grants a  
4 temporary exemption to the prohibited hours specified herein. Such  
5 application shall specify the date(s) and time(s) for which the  
6 exemption is sought and shall be submitted to the Community  
7 Development Services Department at least sixty (60) days prior to the  
8 initial exemption date and shall be presented to the city commission  
9 for ~~approval~~ consideration at least thirty (30) days prior to the initial  
10 exemption date. Applicants shall specify the reason for the request and  
11 the estimated number of attendees at events related to the request. ~~No~~  
12 Temporary exemptions shall not be in excess of three (3) consecutive  
13 days. No person or vendor shall be granted more than five (5)  
14 exemptions per year. Each date requested shall constitute one (1)  
15 exemption. The applicant may be required to hire off-duty sworn law  
16 enforcement officer(s), at the sole expense of the applicant, for a  
17 minimum of three (3) hours as determined by the Chief of Police or  
18 his/her designee. Concurrently, the applicant shall submit written  
19 application for an off-duty sworn law enforcement officer(s) to the  
20 City of Wilton Manors Police Department a minimum of sixty (60)  
21 days prior to the event date(s) and payment shall be made as directed  
22 by the City of Wilton Manors Police Department and/or the law  
23 enforcement agency supplying off-duty sworn law enforcement

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1                   services. Off-duty security detail rates may vary depending on the  
2                   agency supplying the services, and these rates are subject to change  
3                   from time to time. The number of off-duty sworn law enforcement  
4                   officer(s) shall be at the sole discretion of the Chief of Police, or his /  
5                   her designee. The city commission may consider consistency with the  
6                   comprehensive plan; consistency with zoning; impacts on traffic  
7                   circulation; impacts on pedestrian safety; nuisance factors; screening  
8                   and buffering of adjacent properties; and neighborhood scale and  
9                   character. Furthermore, the city commission may impose any and all  
10                  reasonable requirements, including but not limited to requiring the  
11                  person or vendor to pay for additional city staff, labor, materials,  
12                  and/or off-duty details. The request and/or approval of an exemption  
13                  shall not exceed past 4:00 a.m.

14                  (g) Enforcement. The officers of the city's police department, as well as  
15                  the city's code enforcement officers, shall enforce the provisions of  
16                  this section. Any person who fails to pay the below described civil fine  
17                  within the time allowed or who fails to appear, whether in court,  
18                  before the city's hearing officer, or before the code enforcement board,  
19                  to contest the violation shall be deemed to have waived the right to  
20                  contest the violation, and judgment may be entered against the person  
21                  for an amount not to exceed five hundred dollars (\$500.00), plus court  
22                  costs, administrative costs, and attorneys' fees, if applicable.

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1 (h) Fines for violation. There is hereby established the following schedule  
2 of fines for violations of this section:

3 (i) First offense - \$200.00

4 (j) Second offense - \$300.00

5 (k) Third offense - \$500.00

6 (l) Fourth offense or greater - \$500.00

7 **Section 3:** It is the intention of the City Commission, and it is hereby  
8 ordained that the provisions of this Ordinance shall become and be made a part of the  
9 Code of Ordinances of the City of Wilton Manors, Florida.

10 **Section 4:** All ordinances and resolutions or parts of ordinances and  
11 resolutions in conflict herewith, be and the same are hereby repealed, to the extent of  
12 such conflict.

13 **Section 5:** If any clause, section or other part of this Ordinance shall be held  
14 invalid or unconstitutional by any court of competent jurisdiction, the remainder of this  
15 Ordinance shall not be affected thereby, but shall remain in full force and effect.

16 **Section 6:** This Ordinance shall become effective immediately upon the date  
17 of adoption.

18

19

20 **[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

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1 **PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF**  
2 **WILTON MANORS, FLORIDA, THIS \_\_\_\_\_ DAY OF JANUARY 2015.**

3  
4 **RECORD OF COMMISSION VOTE**

5  
6 MAYOR RESNICK \_\_\_\_\_  
7 VICE MAYOR NEWTON \_\_\_\_\_  
8 COMMISSIONER CARSON \_\_\_\_\_  
9 COMMISSIONER FLIPPEN \_\_\_\_\_  
10 COMMISSIONER GREEN \_\_\_\_\_  
11

12  
13 **PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY**  
14 **COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS \_\_\_\_\_**  
15 **DAY OF \_\_\_\_\_ FEBRUARY 2015.**

16  
17 **RECORD OF COMMISSION VOTE**

18  
19 MAYOR RESNICK AYE  
20 VICE MAYOR NEWTON AYE  
21 COMMISSIONER CARSON AYE  
22 COMMISSIONER FLIPPEN AYE  
23 COMMISSIONER GREEN AYE  
24

25 **CITY OF WILTON MANORS, FLORIDA**

26  
27  
28 By: \_\_\_\_\_  
29 GARY RESNICK, MAYOR

30 **ATTEST:**

31  
32 \_\_\_\_\_  
33 KATHRYN SIMS, CMC  
34 CITY CLERK  
35

36 I HEREBY CERTIFY that I have  
37 approved the form of this Ordinance.  
38

39  
40 \_\_\_\_\_  
41 KERRY L. EZROL, ESQ.  
42 CITY ATTORNEY  
43 1/27/15 MEETING  
44  
45

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