M E M O R A N D U M

Date: March 31, 2015

TO: David Bullock, Town Manager

FROM: Trish Granger, Town Clerk

SUBJECT: Ordinance 2015-12, Amending Town Code Chapter 110, Section 110.01(A)(7), Alcohol Sales

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At the February 2, 2015, Regular Meeting, the Town Commission directed Staff to bring forward an agenda item amending Chapter 110, Section 110.01(A)(7) to more closely align with regulations in neighboring municipalities and Sarasota County on the sale of alcoholic beverages on Sundays.

Town Staff researched the restrictions in place in the surrounding Counties and Cities and developed Ordinance 2015-12 for Commission consideration that would accomplish the alignment of the regulations.

Ordinance 2015-12 was discussed at the March 23, 2015 Regular Workshop Meeting and forwarded for first reading and discussion at the April 6, 2015 Regular Meeting.

Please don’t hesitate to contact me if you have any questions.

ORDINANCE NO. 2015-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA, CHAPTER 110, ALCOHOLIC BEVERAGES, SECTION 110.01(A), HOURS OF SALE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 110 of the Code of Ordinances ("Code") of the Town of Longboat Key currently provides restrictions on the days and hours of sale of alcoholic or intoxicating beverages in the town; and

WHEREAS, the Florida Statutes §562.14 regulates the time for sale of alcoholic and intoxicating beverages restricting the time of sale and consumption during the hours between midnight and 7:00 a.m. unless otherwise restricted by a county or municipal ordinance; and

WHEREAS, Sarasota County adopted Ordinance No. 2014-089 and the Cities of Sarasota, North Port, and Venice recently adopted similar ordinances which modified the regulated time of sale, serving, or consumption of alcoholic beverages on licensed premises to be consistent with Sarasota County's regulation; and

WHEREAS, Manatee County and the Cities of Anna Maria, Holmes Beach, Bradenton, and Palmetto do not regulate the time of sale, serving, or consumption of alcoholic beverages on licensed premises during the hours of 7:00 a.m. to noon on Sunday; and

WHEREAS, the Town Commission has received requests to align the Town's Code with surrounding communities and the Town Commission finds that such requests are reasonable.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The above Whereas clauses are hereby ratified and confirmed as true and correct.

SECTION 2. Chapter 110, Alcoholic Beverages, Section 110.01(A), Hours of Sale, is hereby amended as follows:

110.01 - Hours of sale.

(A) It shall be unlawful for any person to sell, offer for sale, serve, dispense, consume, or allow to be consumed any alcoholic or intoxicating beverages in the town, in any place or establishment licensed by the state for the sale of alcoholic or intoxicating beverages, except between and during the following hours:

(1) 7:00 a.m. on Monday to 2:00 a.m. on Tuesday.

(2) 7:00 a.m. on Tuesday to 2:00 a.m. on Wednesday.
(3) 7:00 a.m. on Wednesday to 2:00 a.m. on Thursday.
(4) 7:00 a.m. on Thursday to 2:00 a.m. on Friday.
(5) 7:00 a.m. on Friday to 2:00 a.m. on Saturday.
(6) 7:00 a.m. on Saturday to 2:00 a.m. on Sunday.
(7) 7:00 a.m. ~~12:00 noon~~ on Sunday to 2:00 a.m. on Monday~~; however, beer, ale, and wine may be sold or served from 7:00 a.m. on Sunday to 2:00 a.m. on Monday.~~
(8) 7:00 a.m. on December 31 of any year, unless the day falls on a Sunday, in which case the hours shall be from the hour set forth in subsection (7) to 4:00 a.m. of January 1 of any year.

SECTION 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected.

SECTION 4. All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. This Ordinance shall take effect upon adoption by the Town Commission.

Passed on the first reading the ____ day of _____ , 2015.

Adopted on the second reading and public hearing the ___ day of _____, 2015.

_____
Jack G. Duncan, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

PROPOSED ORDINANCE 2015-02

- Town Code currently restricts the sale of alcohol or intoxicating beverages on Sunday from 7:00 a.m. to Noon
- **Amendment Proposed:**

  Amend Chapter 110, §110.01(A)(7) – Hours of Sale:

(7) 7:00 a.m. ~~12:00 noon~~ on Sunday to 2:00 a.m. on Monday~~; however, beer, ale, and wine may be sold or served from 7:00 a.m. on Sunday to 2:00 a.m. on Monday~~.

Regulating the Time For Sale of Alcoholic and Intoxicating Beverages

- Florida Statutes, Chapter 562, Beverage Law Enforcement

562.14 Regulating the time for sale of alcoholic and intoxicating beverages; prohibiting use of licensed premises.

(1) Except as otherwise provided by county or municipal ordinance, no alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the division between the hours of midnight and 7 a.m. of the following day. This section shall not apply to railroads selling only to passengers for consumption on railroad cars.

Comparison With Surrounding Communities

County	Hours of Operation	Notes
Sarasota	7:00 a.m. - 2:15 a.m. (sale/serving) 7:00 a.m. - 2:30 a.m. (consumption)	Ord. 2014-089 - Repealed Sunday restriction. Adopted 11-05-14
Manatee	7:00 a.m. - 2:30 a.m.	No specific Sunday restriction
Charlotte	6:00a.m. - 2:00 a.m.	No specific Sunday restriction
Collier	7:00 a.m. - 2:00 a.m.	January 1st extended hours to 5:00 a.m.
Hillsborough	7:00 a.m. - 3:00 a.m.	Sunday - No alcohol before 11:00 a.m.
Lee	7:00 a.m. - 2:00 a.m.	No specific Sunday restriction

Comparison With Surrounding Communities

Municipality	Hours of Operation	Notes
City of North Port	7:00 a.m. - 2:30 a.m.	Ord. 2015-08 - Repealed Sunday restriction. Adopted 01-26-15
City of Sarasota	7:00 a.m. - 2:30 a.m.	Ord. 15-5114 - Repealed Sunday restriction. Adopted 01-05-15
City of Venice	7:00 a.m. - 2:30 a.m.	Ord. 2015-05 – Repealed Sunday restriction. Adopted 01-27-15
City of Holmes Beach	7:00 a.m. - 2:30 a.m.	7 Days Per Week

Comparison With Surrounding Communities

Municipality	Hours of Operation	Notes
City of Anna Maria	7:00 a.m. - 2:30 a.m.	7 Days Per Week
City of Bradenton	7:00 a.m. - 2:30 a.m.	7 Days Per Week
City of Palmetto	6:00 a.m. - 2:30 a.m.	7 Days Per Week
Town of Longboat Key	7:00 a.m. - 2:00 a.m.	Sunday: no alcohol before 12:00 p.m. with the exception of beer, ale and wine/January 1st extended hours to 4:00 a.m.

End of Agenda Item