

ORDINANCE NO. 2020-04

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL
AMENDING CHAPTER 6, SECTION 6-2, "ALCOHOLIC
BEVERAGES, HOURS OF SALE" OF THE VILLAGE'S CODE OF
ORDINANCES; PROVIDING A CONFLICTS CLAUSE;
PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN
EFFECTIVE DATE

WHEREAS, the Council of Wellington, Florida, as the governing body of a municipality, pursuant to Section 5(a) Article VIII of the Florida Constitution and Chapters 561 through 568 of the Florida Statutes, known as the "Florida Beverage Law" may, by ordinance, provide for the regulation of certain activities of any licensee within that municipality; and

WHEREAS, the Council of Wellington, Florida, pursuant to the authority in Florida Statute 125.01(1)(o), is empowered to establish and enforce regulations for the sale of alcoholic beverages within the municipal limits of the Village pursuant to general law; and

WHEREAS, Florida Statute Section 562.14 of the Florida Beverage Law provides for regulation of the hours of business licensees that are located within county or municipal boundaries; and

WHEREAS, the Council finds that revision of the restrictions on the hours of sale, consumption and service of alcoholic and intoxicating beverages for licensees under the Florida Beverage Law that are located within the Village of Wellington is in the common interest of the citizens of the Village of Wellington; and

WHEREAS, the Council has taken the recommendations from the Wellington staff and the comments from the public into consideration when considering the amendments to the Code of Ordinances that are the subject of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON, FLORIDA, THAT:

SECTION 1. Chapter 6 (Alcoholic Beverages), Section 6-2 (Hours of Sale) of Wellington's Code of Ordinances is hereby modified, as follows:

Sec. 6-2. - Hours of sale.

~~(a) On premises consumption.~~ No alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place in the village holding a license under the State of Florida Division of Alcoholic Beverages and Tobacco ~~for on premises consumption, nor shall the licensed premises be rented, leased or otherwise used;~~ between the hours of 3:00 a.m. and 7:00 a.m. Violation of the provisions of this Section shall be grounds for revocation of the beverage license issued by the Division of Alcoholic Beverages and Tobacco. Any person found

1 guilty of violating the provisions of this Section shall be punished by a fine not
2 exceeding \$500, or by imprisonment in the Palm Beach County jail for not more
3 than 60 days or by both such fine and imprisonment.
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5 ~~(1) On Monday, between the hours of 3:00 a.m. and 7:00 a.m.~~

6 ~~(2) On Sunday, between the hours of 3:00 a.m. and 12:00 noon.~~

7 ~~(3) On Saturday, between the hours of 3:00 a.m. and 7:00 a.m.~~

8 ~~(4) On any day of the week other than Saturday, Sunday and Monday~~
9 ~~between the hours of 2:00 a.m. and 7:00 a.m., except as stated below in~~
10 ~~subsection (5).~~

11 ~~(5) On New Years Day (January 1), between the hours of 3:00a.m. and 7:00~~
12 ~~a.m.~~

13
14 ~~(b) Off premises consumption. No alcoholic beverages may be sold in any place in the~~
15 ~~Village holding a license under the State of Florida Division of Alcoholic Beverages~~
16 ~~and Tobacco for off premises consumption:~~

17 ~~(1) On Sunday between the hours of 2:00 a.m. and 12:00 noon.~~

18 ~~(2) On any day of the week other than Sunday between the hours of 2:00~~
19 ~~a.m. and 7:00 a.m.~~

20
21 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
22 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
23 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
24 Ordinance shall prevail to the extent of such conflict.
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26 **SECTION 3.** Should any section, paragraph, sentence, clause, or phrase of this
27 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall
28 not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the
29 part so declared to be invalid.
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31 **SECTION 4.** This Ordinance shall become effective immediately upon adoption of the
32 Village Council following second reading.
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PASSED this 25th day of February, 2020 on first reading.

PASSED AND ADOPTED this ____ day of _____, 2020, on second and final reading.

WELLINGTON

	FOR	AGAINST
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BY: _____	_____	_____
Anne Gerwig, Mayor		
_____	_____	_____
Michael J. Napoleone, Vice Mayor		
_____	_____	_____
John T. McGovern, Councilman		
_____	_____	_____
Michael Drahos, Councilman		
_____	_____	_____
Tanya Siskind, Councilwoman		

ATTEST:

BY: _____
 Chevelle D. Addie, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
 Laurie Cohen, Village Attorney