

**ORDINANCE NO. 2021-28**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL REPEALING CHAPTER 6 TITLED "ALCOHOLIC BEVERAGES" IN ITS ENTIRETY, AND AMENDING AND RENUMBERING IT AS CHAPTER 3 TITLED "ALCOHOLIC BEVERAGES", AS CONTAINED HEREIN, TO SIMPLIFY THE CODE, REMOVE UNNECESSARY AND OBSOLETE PROVISIONS, AND REGULATE THE USE, POSSESSION, CONSUMPTION AND SALE OF ALCOHOLIC BEVERAGES; PROVIDING A REPEALER CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Wellington Village Council, as the governing body of Wellington has the authority, pursuant to Article VIII, section 3 of the Florida Constitution, and Chapters 166 of the Florida Statutes, is authorized and empowered to adopt legislation to govern the affairs of its citizens; and

**WHEREAS**, Wellington adopted its first Code of Ordinances in 1997, shortly after incorporation, and since that time has adopted revisions as necessary to protect the health, safety and welfare of its citizens; and

**WHEREAS**, Wellington believes that it is in the best interest of the community to make additional modifications to the Code of Ordinances to remove outdated and unnecessary provisions and to simplify the provisions set forth therein.

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

**SECTION 1:** Chapter 6 of Wellington’s Code of Ordinances is hereby repealed in its entirety and is amended and renumbered Chapter 3 titled “Alcoholic Beverages” and is hereby adopted as specifically provided in Exhibit A attached to this Ordinance.

**SECTION 2:** Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof.

other than the part so declared to be invalid.

**SECTION 5:** This Ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021 upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ on second and final reading.

**WELLINGTON**

**FOR**

**AGAINST**

BY: \_\_\_\_\_

Anne Gerwig, Mayor

\_\_\_\_\_

John McGovern, Vice Mayor

\_\_\_\_\_

Michael Drahos, Councilman

\_\_\_\_\_

Michael Napoleone, Councilman

\_\_\_\_\_

Tanya Siskind, Councilwoman

**ATTEST:**

BY: \_\_\_\_\_

Chevelle D. Addie Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_

Laurie S. Cohen, Village Attorney

## EXHIBIT "A"

### Chapter 6—ALCOHOLIC BEVERAGES<sup>(1)</sup>

#### Footnotes:

—(1)—

**Editor's note**—This chapter is based on chapter 3 and section 21-32 of the Palm Beach County Code of Ordinances.

**Cross reference**—Alcohol and drugs in Little Blue Park, § 38-31.

**State Law reference**—Municipalities prohibited from imposing license tax, F.S. § 561.342; enforcement, F.S. ch. 562; local option elections, F.S. ch. 567.

**Sec. 6-1.**—Reserved.

**Editor's note**—Section 1 of Ord. No. 99-07, adopted Mar. 23, 1999, repealed § 6-1 in its entirety. Formerly, § 6-1 pertained to alcoholic beverage license for airports and derived from § 1 of Ord. No. 96-12, adopted May 28, 1996.

**Sec. 6-2.**—Hours of sale.

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 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 guilty of violating the provisions of this section shall be punished by a fine not exceeding \$500.00, or by imprisonment in the Palm Beach County jail for not more than 60 days or by both such fine and imprisonment.

(Ord. No. 96-12, § 1, 5-28-96; Ord. No. 99-07, § 2, 3-23-99; Ord. No. 99-11, § 1, 5-11-99; Ord. No. 99-13, § 1, 6-22-99; Ord. No. 2007-20, § 1, 1-8-08; Ord. No. 2020-04, § 1, 3-10-20)

**State Law reference**—Hours of sale, F.S. § 562.14.

**Sec. 6-3.**—Public possession or consumption.

(a) *Definitions.* In this section, the following terms and phrases shall have the meanings set forth in this subsection, unless the context clearly indicates otherwise:

*Alcoholic beverage* means any beverage containing one-half of one percent or more of alcohol by volume, as determined in accordance with F.S. § 561.01(4)(b).

*Beverage law* means F.S. chs. 561, 562, 563, 564, 565, 567, 568.

*Commercial establishment parking lot* means any private or public area appurtenant to commercial establishments used by the public for parking for, and pedestrian access to, commercial establishments, including drives, parking areas and sidewalks and walkways appurtenant thereto.

*Container* means any can, bottle, carton or other vessel of alcoholic beverage.



~~Public or semipublic area open for vehicular travel means all public and private roads, streets, highways, lanes, alleys, parking lots and parking areas on which the public is expressly or implicitly invited to travel by motor vehicle or which is otherwise open for vehicular travel. The term does not include:~~

~~(1) Areas such as golf courses, go-cart tracks, motocross tracks and similar areas; and~~

~~(2) Private driveways or property serving a single dwelling unit.~~

~~(b) Findings of fact. The uncontrolled consumption of alcoholic beverages in and around commercial establishment parking lots contributes to lewd behavior, verbal harassment, intoxicated disorderly conduct, destruction of property, excessive noise and litter. The uncontrolled consumption of alcoholic beverages in and around commercial establishment parking lots has led to an increase in the number of violent crimes committed on and near those commercial establishment parking lots. Individuals consuming alcoholic beverages in and around commercial establishment parking lots deter the public's use and enjoyment of these areas. No effective means exists to deter the violent, disorderly, destructive or offensive conduct associated with the consumption of alcoholic beverages in and around uncontrolled commercial establishment parking lots other than to prohibit the consumption of alcohol in these areas.~~

~~(c) Consumption prohibited in parking lots; exceptions. It shall be unlawful for any person to drink or consume any alcoholic beverage in or within 500 feet of a commercial establishment parking lot in the village, except in those areas in which such consumption is permitted pursuant to the Beverage Law, special or general act of the state, the Florida Administrative Code, or village ordinance, resolution, or administrative approval. Nothing in this subsection shall prohibit consumption on private property within 500 feet of a commercial establishment parking lot; provided, however, that the owner or person in control of the private property has explicitly consented to such consumption.~~

~~(d) Possession in parking lots prohibited; exception. It shall be unlawful for any person to possess any alcoholic beverage in or within 500 feet of a commercial establishment parking lot in the village except in those areas in which such possession is permitted pursuant to the Beverage Law, special or general act of the state legislature, the Florida Administrative Code, or village ordinance, resolution or administrative approval unless such alcoholic beverage is in the original container with the seal unbroken.~~

~~(e) Exemptions. This section shall not apply to:~~

~~(1) Any person engaged in picking up empty beverage containers for the purpose of collecting the deposit or value of the bottle or can itself, nor to any person taking part in a litter control campaign; or~~

~~(2) The possession of any open container by any licensed distributor or licensed vendor of alcoholic beverages, provided that such alcoholic beverage is being transported solely for commercial purposes.~~

~~(f) Enforcement of section. It shall be the duty and responsibility of all appropriate law enforcement officers to enforce the provisions of this section.~~

~~(Ord. No. 96-12, § 1, 5-28-96)~~

~~Cross reference—Streets, sidewalks and other public places, ch. 54.~~

~~Sec. 6-4. Warning signs.~~

~~(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

*Alcoholic beverage* means alcohol, spirits, liquor, wine or beer, regardless of amount, containing one-half of one percent or more of alcohol by volume.

*Business establishment* means, but is not limited to, any place of business of any club, organization, person, firm, corporation or partnership, such as a golf club; country club; veteran's, fraternal or benevolent organization; grocery store; drugstore; nightclub; bottle club; bar; tavern; restaurant; grill; filling station; convenience store; or other building, structure or location or portion thereof, wherein one person directly or indirectly pays another for the purchase or dispensing of an alcoholic beverage.

*Dispense* means the storing, handling, apportionment, preparation, gift, distribution or serving, directly or indirectly, of any amount of an alcoholic beverage to or for any person by any officer, owner, operator, lessee or employee of a business establishment. For purposes of this definition, permitting or allowing any person to carry alcoholic beverages on the premises of any business establishment to be consumed thereon shall constitute the "dispensing" of such beverages.

*Sale* means any transfer of an alcoholic beverage for a consideration or any gift of an alcoholic beverage in connection with or as a part of a transfer of any property or product not an alcoholic beverage for a consideration.

*Vendor of alcoholic beverages* means any person who owns or operates a business establishment which sells or dispenses any alcoholic beverages for consumption on or off the premises.

(b) *Posting of public health messages.* All persons who own or operate a business establishment which sells or dispenses alcoholic beverages for consumption on or off the premises shall post, in a conspicuous place within the business establishment where alcoholic beverages are displayed, purchased or consumed, one or more signs or notices, not less than 12 inches wide and 18 inches high, which contain the following statement, clearly discernible by persons to whom alcoholic beverages may be sold or dispensed:

*Health Warning*

Alcohol in Beer, Wine, and Liquor Can Cause:

Intoxication

Addiction

Birth Defects

Do Not Drink Before Driving or  
Operating Machinery

Do Not Mix Alcohol With Other  
Drugs (It Can Be Fatal)

Do Not Drink During Pregnancy

(c) *Posting requirements prior to sale or dispensing.* No person shall sell or dispense alcoholic beverages at a business establishment unless and until the sign or notice required by subsection (b) of this section has been posted in accordance with this section.

(d) *Penalty for violation of section.* Any person, firm, corporation, association or agent thereof who shall violate the provisions of this section shall be subject, upon conviction, to punishment as provided in section 1-12.

(Ord. No. 96-12, § 1, 5-28-96)

**Sec. 6-5. Alcoholic beverages in parks.**

(a) *Prohibited generally.* The sale, purchase, consumption and possession of alcoholic beverages as defined in F.S. § 561.01(4) is hereby prohibited in all village parks except as specifically provided in accordance with the provisions set forth in this section.



- (b) ~~Possession in sealed, original packages excepted.~~ Notwithstanding the prohibition set forth in subsection (a) of this section, the possession of alcoholic beverages in sealed original packages in any vehicle, vessel or conveyance for purposes of storing or transporting such and not for purposes of selling or consuming such in a village park shall not be violative of this article.
- (c) ~~Designation of specific areas for possession or consumption.~~ The director of parks and recreation may designate specific areas in which alcoholic beverages may be possessed and/or consumed. Such areas may include, but are not exclusive to, family picnic areas, areas reserved for large group picnics, and facilities for food service. In determining whether an area should be designated for the consumption of alcoholic beverages or whether a designation should remain, the director may consider, among other factors, the general use of the area under consideration and nearby areas, the hours during which the park is open, the conduct of persons utilizing the area so designated or under consideration for designation and nearby areas, and the anticipated conduct of persons who are anticipated to use, or are using, the areas so designated or under consideration for designation. The village council may reverse or amend the decision of the director as it deems appropriate. Kegs of beer or other alcoholic malt beverages shall be allowed only in reserved picnic areas and only with a permit issued by the department of parks and recreation.
- (d) ~~Special events.~~ The director of parks and recreation may permit, in writing, the sale, possession and/or consumption of alcoholic beverages incidental to a special event. Such permission may not exceed four consecutive days. In determining whether the sale, possession and/or consumption of alcoholic beverages should be permitted, the director of parks and recreation may consider, among other factors, the nature of the event, the anticipated number, age and/or conduct of persons attending the event, the days and/or times of the event, uses of areas near the special event, and the anticipated impact the sale, possession and/or consumption of alcoholic beverages would have on the park, its uses and the special event. The village council may reverse or amend the decision of the director of parks and recreation as it deems appropriate.
- (e) ~~Permitted sales.~~ The village council may permit the sale of alcoholic beverages by private entrepreneurs who develop and/or operate facilities upon premises leased from the village within a village park for food service, performing arts, golf courses, and other facilities, as the village council deems appropriate. Such requests shall be directed to the village council for consideration on an individual, case-by-case basis; and approval may be granted, if at all, only by formal council action. The council action shall set forth the type of alcoholic beverages which may be sold, the area in which the sale may occur, the area in which the alcoholic beverage may be possessed and consumed, and the hours and days during which the sale, possession and/or consumption is permitted. The council action may set forth other terms and conditions as the village council deems appropriate. The village council may, at its discretion, revoke or condition such approval, either temporarily or permanently.
- (f) ~~State licensing; lessee requirements.~~ The village may, at its option, obtain in its name the necessary state licensing for the sale of alcoholic beverages. The lessee for whose benefit the license is held shall be responsible for all costs associated with obtaining and renewing such license. The village may, at its option, have such license transferred to the lessee's name; however, such licensing shall immediately revert to the village upon termination, for any reason, of the lessee's lease with the village. The license holder shall take all action and execute all documents necessary to effect transfer to the village.
- (g) ~~Permit conditions.~~ The permission granted under this section shall be subject to all ordinances, laws, rules and regulations applicable in the village; and any grantee shall be responsible for compliance thereto. The permission granted may also be subject to and granted with specified conditions, and the grantee shall be responsible for ensuring compliance thereto. Such conditions may include, but are not limited to, restrictions as to the type of alcoholic beverages sold, possessed and/or consumed; the type or size of containers; crowd size; other activities; areas for sale, possession or consumption; times and/or days; and conduct of individuals bringing alcoholic beverages to the area.
- (h) ~~Intoxicated persons.~~ No intoxicated person shall enter, be or remain in any park; and any such person so found in a park in a drunken condition may be ejected therefrom.



(Ord. No. 96-12, § 1, 5-28-96)

~~Cross reference—Parks and recreation generally, ch. 38.~~

## CHAPTER 3 - ALCOHOLIC BEVERAGES

### Sec. 3-1: Definitions

The following terms and phrases as used in this chapter shall have the meanings set forth in this section, unless the context clearly indicates otherwise:

**Alcoholic Beverage** means any beverage containing one-half of one percent or more of alcohol by volume, as determined in accordance with F.S. § 561.01(4)(b).

**Beverage Law** means F.S. Chapters 561, 562, 563, 564, 565, 567, and 568.

**Business Establishment** means, but is not limited to, any place of business of any club, organization, person, firm, corporation, or partnership, such as a golf club; country club; veteran's, fraternal or benevolent organization; grocery store; drugstore; nightclub; bottle club; bar; tavern; restaurant; grill; filling station; convenience store; or other building, structure or location or portion thereof, wherein one person directly, or indirectly, pays another for the purchase or dispensing of an alcoholic beverage.

**Business Establishment Parking Lot** means any private or public area appurtenant to commercial establishments used by the public for parking for, and pedestrian access to, commercial establishments, including drives, parking areas and sidewalks and walkways appurtenant thereto.

**Container** means any can, bottle, carton, or other vessel of alcoholic beverage.

**Dispense** means the storing, handling, apportionment, preparation, gift, distribution or serving, directly or indirectly, of any amount of an alcoholic beverage to or for any person by any officer, owner, operator, lessee, or employee of a business establishment. For purposes of this definition, permitting or allowing any person to carry alcoholic beverages on the premises of any business establishment, to be consumed thereon, shall constitute the "dispensing" of such beverages.

**Sale** means any transfer of an alcoholic beverage for a consideration, or any gift of an alcoholic beverage, in connection with or as a part of a transfer of any property or product not an alcoholic beverage for a consideration.

**Vendor of Alcoholic Beverages** means any person who owns or operates a business establishment that sells or dispenses any alcoholic beverages for consumption on or off the premises.



### Sec. 3-2: Hours of Sale

No alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place in Wellington holding a license under the Florida Division of Alcoholic Beverages and Tobacco 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. Any person found guilty of violating the provisions of this section shall be punished by a fine not exceeding \$500.00, or by imprisonment in the county jail for not more than 60 day; or by both such fine and imprisonment.

### Sec. 3-3: Public Possession or Consumption

- A. **Findings of Fact:** The uncontrolled consumption of alcoholic beverages in and around business establishment parking lots contributes to lewd behavior, verbal harassment, intoxicated disorderly conduct, destruction of property, excessive noise, and litter. Such uncontrolled consumption of alcoholic beverages has led to an increase in the number of violent crimes committed on and near those business establishment parking lots. Individuals consuming alcoholic beverages in and around business establishment parking lots deter the public's use and enjoyment of these areas. No effective means exists to deter the violent, disorderly, destructive or offensive conduct associated with the consumption of alcoholic beverages in and around uncontrolled business establishment parking lots other than to prohibit the consumption of alcohol in those areas.
- B. **Consumption Prohibited in Parking Lots; Exceptions:** It shall be unlawful for any person to drink or consume any alcoholic beverage in or within 500 feet of a business establishment parking lot in Wellington, except in those areas in which such consumption is permitted pursuant to the Beverage Law, special or general act of the State Legislature, the Florida Administrative Code, or Wellington ordinance, resolution, or administrative approval. Nothing in this subsection shall prohibit consumption on private property within 500 feet of a business establishment parking lot; provided, however, that the owner or person in control of the private property has explicitly consented to such consumption.
- C. **Possession in Parking Lots Prohibited; Exception:** It shall be unlawful for any person to possess any alcoholic beverage in or within 500 feet of a business establishment parking lot in Wellington except in those areas in which such possession is permitted pursuant to the Beverage Law, special or general act of the State Legislature, the Florida Administrative Code, or Wellington ordinance, resolution or administrative approval, unless such alcoholic beverage is in the original container with the seal unbroken.
- D. **Exemptions:** This section shall not apply to:



1. Any person engaged in picking up empty beverage containers for the purpose of collecting the deposit or value of the bottle or can itself, nor to any person taking part in a litter control campaign; or
2. The possession of any open container by any licensed distributor or licensed vendor of alcoholic beverages, provided that such alcoholic beverage is being transported solely for commercial purposes.

E. **Enforcement of Section:** It shall be the duty and responsibility of all appropriate law enforcement officers to enforce the provisions of this section.

#### **Sec. 3-4: Posted Public Health Messages**

A. **Posting of Public Health Messages:** All persons who own or operate a business establishment which sells or dispenses alcoholic beverages for consumption on or off the premises shall post, in a conspicuous place within the business establishment where alcoholic beverages are displayed, purchased or consumed, one or more signs or notices, not less than 12 inches wide and 18 inches high, which contain the following statement, clearly discernible by persons to whom alcoholic beverages may be sold or dispensed:

1. Health Warning
2. Alcohol in Beer, Wine, and Liquor Can Cause
3. Intoxication
4. Addiction
5. Birth Defects
6. Do Not Drink Before Driving or Operating Machinery
7. Do Not Mix Alcohol With Other Drugs (It Can Be Fatal)
8. Do Not Drink During Pregnancy

B. **Posting of Requirements of Law:** Required notice shall consist of one or more signs or notices, each of which is not less than ninety-three (93) square inches (8½ inches × 11 inches), with at least a fourteen-point type, which contains the following information, clearly discernable by persons to whom alcoholic beverages may be sold or dispensed:

1. It is unlawful to purchase alcohol if you are under twenty-one (21) years of age.

2. It is unlawful to sell or dispense alcohol to persons under twenty-one (21) years of age, unless exempt pursuant to F.S. §§ 562.11 or 562.13.
3. The penalties associated with the sale or dispensing of alcoholic beverages to persons under twenty-one (21) years of age include imprisonment in county jail for a period of up to sixty (60) days, a fine up to five hundred dollars (\$500.00), or both.
4. A telephone number to report those who are in violation of the law. Such telephone numbers may include but are not limited to:
  - 561-753-8547—Palm Beach County Sheriff, Wellington office.
  - 561-650-6840 — Division of Alcoholic Beverages and Tobacco.

C. **Posting Requirements Prior to Sale or Dispensing:** No person shall sell or dispense alcoholic beverages at a business establishment unless and until the sign or notice required by subsection A of this section has been posted in accordance with this section.

D. **Penalty for Violation of this Section:** Any person, firm, corporation, association, or agent thereof who shall violate the provisions of this section shall be subject, upon conviction, to penalties as provided in section 1-11 of this Code.

#### Sec. 3-5. - Alcoholic Beverages in Parks

- A. **Prohibited Generally:** The sale, purchase, consumption and possession of alcoholic beverages as defined in F.S. § 561.01(4) is hereby prohibited in all village parks except as specifically provided in accordance with the provisions set forth in this section.
- B. **Possession in Sealed, Original Packages Excepted:** Notwithstanding the prohibition set forth in subsection A of this section, the possession of alcoholic beverages in sealed original packages in any vehicle, vessel or conveyance for purposes of storing or transporting such and not for purposes of selling or consuming such in a Village Park shall not be a violation of this article.
- C. **Designation of Specific Areas for Possession or Consumption:** The Parks and Recreation Director may designate specific areas in which alcoholic beverages may be possessed and/or consumed. Such areas may include, but are not exclusive to, family picnic areas, areas reserved for large group picnics, and facilities for food service. In determining whether an area should be designated for the consumption of alcoholic beverages, or whether a

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designation should remain, the director may consider, among other factors, the general use of the area under consideration and nearby areas, the hours during which the park is open, the conduct of persons utilizing the area so designated or under consideration for designation and nearby areas, and the anticipated conduct of persons who are anticipated to use, or are using, the areas so designated or under consideration for designation. Wellington's Council may reverse or amend the decision of the director as it deems appropriate. Kegs of beer or other alcoholic malt beverages shall be allowed only in reserved picnic areas and only with a permit issued by the Parks and Recreation Department.

- D. **Special Events:** The Parks and Recreation Director may permit, in writing, the sale, possession, or consumption of alcoholic beverages incidental to a special event. Such permission may not exceed four consecutive days. In determining whether the sale, possession, or consumption of alcoholic beverages should be permitted, the Parks and Recreation Director may consider, among other factors: the nature of the event; the anticipated number, age, or conduct of persons attending the event; the days or times of the event; uses of areas near the special event; and the anticipated impact the sale, possession, or consumption of alcoholic beverages would have on the park, its uses and the special event. Wellington's Council may reverse or amend the decision of the Parks and Recreation Director as it deems appropriate.
- E. **Permitted Sales:** Wellington's Council may permit the sale of alcoholic beverages by private entrepreneurs who develop or operate facilities upon premises leased from Wellington within a Wellington park for food service, performing arts, golf courses, and other facilities, as Wellington's Council deems appropriate. Such requests shall be directed to Wellington's Council for consideration on an individual, case-by-case basis; and approval may be granted, if at all, only by formal council action. The council action shall set forth the type of alcoholic beverages that may be sold, the area in which the sale may occur, the area in which the alcoholic beverage may be possessed and consumed, and the hours and days during which the sale, possession, or consumption is permitted. The council action may set forth other terms and conditions as deemed appropriate. Wellington's Council may, at its discretion, revoke or condition such approval, either temporarily, or permanently.
- F. **State Licensing; Lessee Requirements:** Wellington may, at its option, obtain in its name the necessary state licensing for the sale of alcoholic beverages. The lessee for whose benefit the license is held shall be responsible for all costs associated with obtaining and renewing such license. Wellington may, at its option, have such license transferred to the lessee's name; however, such licensing shall immediately revert to Wellington upon termination, for any reason, of the lessee's lease with Wellington. The license holder shall take all action and execute all documents necessary to effect transfer to Wellington.

- G. **Permit Conditions:** The permission granted under this section shall be subject to all ordinances, laws, rules and regulations applicable in Wellington; and any grantee shall be responsible for compliance thereto. The permission granted may also be subject to and granted with specified conditions, and the grantee shall be responsible for ensuring compliance thereto. Such conditions may include, but are not limited to, restrictions as to the type of alcoholic beverages sold, possessed or consumed; the type or size of containers; crowd size; other activities; areas for sale, possession or consumption; times and/or days; and conduct of individuals bringing alcoholic beverages to the area.
- H. **Intoxicated persons:** No intoxicated person shall enter, be or remain in any park; and any such person so found in a park in a drunken condition may be ejected therefrom.

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