ORDINANCE NO. 2015-373

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES RELATED TO ALCOHOLIC BEVERAGES; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. The Table of Contents of Chapter 6 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Chapter 6

ALCOHOLIC BEVERAGES*

Article I. Regulation of Certain Drugs

Sec. 6-1. METH-CHECK regulation system.
Sec. 6-2--6-30. Reserved.

Article II. Beverage Regulations

Sec. 6-31. Definitions.
Sec. 6-32. Proximity of places of business.
Sec. 6-33. Consumption on public grounds prohibited.
Sec. 6-34. Consumption on public thoroughfares prohibited.
Sec. 6-35. Closing hours and hours of sale.
Secs. 6-36, 6-37. Reserved.
Sec. 6-38. Sanitary conditions.
Secs. 6-39—6-60. Reserved.

Article III. Public Nudity

Sec. 6-61. Definitions.
Sec. 6-62. Intent.
Sec. 6-63. Legislative findings.
Sec. 6-64. Enforcement and penalties.
Sec. 6-65. Injunctive relief.
Sec. 6-66. Nudity, sexual conduct prohibited in establishments dealing in alcoholic beverages.
Sec. 6-67. Nudity prohibited in public places.
Sec. 6-68. Exemption.

Section 2. Section 6-31 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 6-31. - Definitions.

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

Bar means any licensed premises devoted during any time of operation predominantly or totally to serving alcoholic beverages, intoxicating beverages, or intoxicating liquors, or any combination thereof, for consumption on the licensed premises; in which the serving of food, if any, is merely incidental to the consumption of any such beverage; and the licensed premises is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including any business for which the sale of food or any other product or service is more than an incidental source of gross revenue. The service of food is merely incidental if the licensed premises derives no more than ten (10) percent of its gross revenue from the sale of food consumed on the licensed premises.

Church means any recognized institution with a permanent building in regular use for normal church or religious activities and an exempt nonprofit corporation or association as recognized in accordance with the rules and regulations of the Federal Internal Revenue Code.

Division means the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and

Tobacco, and any other governmental agency regulating or licensing the sale or service of alcoholic beverages.

School means any public or parochial educational facility accredited for such purposes by the state or other governmental entity charged with such responsibility.

All terms used in this article, not otherwise specifically defined herein, shall be defined in accordance with F.S. chs. 561 through 565, 567 and 568 (the Beverage Law) and F.A.C. ch. 7A-1.

Section 3. Section 6-35 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 6-35. Closing hours and hours of sale.

(a) All bars must close and remain closed between 2:00 a.m. and 7:00 a.m. on weekdays and Saturdays, and between 2:00 a.m. and 11:00 a.m. on Sundays.

(b) Businesses selling alcoholic beverages for off-premises consumption are not permitted to sell between 2:00 a.m. and 7:00 a.m. each day.

(c) Businesses selling alcoholic beverages for on-premises consumption are not permitted to sell between 2:00 a.m. and 7:00 a.m. on weekdays and Saturdays, and between 2:00 a.m. and 11:00 a.m. on Sundays.

(d) *Applicability.* The requirements of this section shall apply to any business regulated and/or licensed by the division to sell and/or serve alcoholic beverages and to any private club, charitable organization and any fraternal organization dispensing, serving or preparing service, or permitting the dispensing or serving, of alcoholic beverages.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether

for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Scrivener's Error.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 6. Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 7. Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 8. Repeal of Conflicting Codes, Ordinances, and Resolutions.

All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of

Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 9. Effective Date.

This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the 5th day of May, 2015.

CITY OF PARKER

Richard Musgrave, Mayor

ATTEST:

Nancy Rowell, City Clerk

Examined and approved by me, this 5th day of May, 2015.

Richard Musgrave, Mayor