

ORDINANCE NO. 2022-407

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 CERTAIN PROVISIONS OF CHAPTER 6 OF THE CODE OF ORDINANCES RELATING TO BEVERAGE REGULATIONS, CLOSING HOURS AND HOURS OF SALES; 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. Section 6-32 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 6-32. Proximity of places of business.**

(a) No person shall sell or offer for sale, at wholesale or retail, any alcoholic beverages at any place or location in the city within 500 feet of any church building, school building or established licensee. The method of measuring the distance from the church building, school building or established licensee to the place of business where alcoholic beverages are to be offered for sale shall be from the front door of the church building, school building or established licensee to the front door of the building where alcoholic beverages are to be offered for sale; and such measurement shall be over the nearest usually traveled pedestrian route. This section shall not apply to the proximity of businesses selling only beer or wine, as defined and regulated by chapters 563 or 564, F.S., respectively, for consumption off the premises.

(b) Notwithstanding the provisions hereof, any person licensed to sell alcoholic beverages on the effective date of Ordinance No. 90-171, or any person obtaining a special permit from the council shall be permitted to make such sales as are authorized on the effective date thereof. In addition, any church permitted to be established and/or operated on the

effective date of this section shall be allowed, notwithstanding the provisions of this section.

(c) In addition to the permission granted in subparagraph (b) above, any nonconforming use existing as of the date of this section shall be allowed to continue except as limited by section 6-3 of the city's land development regulations which are made specifically applicable to this section.

(d) Should a church move within 500 feet of any existing establishment licensed to sell alcoholic beverages without consumption on the premises or to sell alcoholic beverages for consumption on the premises, or both, the existing establishment shall be exempt from the provisions of subsection (a) of this section and such establishment shall be permitted to expand its facility from time to time irrespective of the distance restrictions in subsection (a).

(e) Notwithstanding anything to the contrary in this section, the distance requirement between licensees shall not be applicable between any license used in conjunction with the operation of a restaurant and an established licensee.

Section 2. 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 (except beer) for off-premises consumption are not permitted to sell between 2:00 a.m. and 7:00 a.m. each day. Businesses may sell beer, as defined and regulated by Ch. 563, F.S., at any time of the day when they are open to the public provided such sale is for off-premises consumption only.

(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 3. 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 separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance. If any penalty of this section is deemed inconsistent with any Florida statute, the provisions of the Florida Statute shall prevail.

Section 4. Scrivener's Errors.

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 5. 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 6. 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 7. Repeal of Conflicting Codes, Ordinances, and Resolutions.

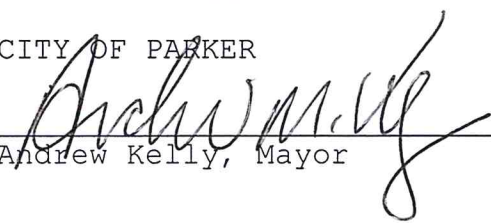
All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 8. 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 18<sup>TH</sup> day of October, 2022.

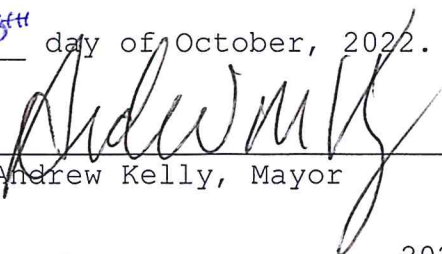
CITY OF PARKER

  
\_\_\_\_\_  
Andrew Kelly, Mayor

ATTEST:

  
\_\_\_\_\_  
Jami Hinrichs, City Clerk

Examined and approved by me, this 18<sup>TH</sup> day of October, 2022.

  
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Andrew Kelly, Mayor

10/18/2022