

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "BUSINESSES" BY AMENDING SECTION 18-27(a) TO ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS OF 7:00 A.M. AND 4:00 A.M.; REPEALING SECTION 18-27(b), WHICH PROHIBITED ALCOHOL SALES BETWEEN 4:00 AM AND 12:00 NOON ON SUNDAYS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds that repeal of a requirement which prohibits the sale of alcoholic beverages until 12:00 noon on Sunday would serve to promote the health, safety and welfare of the citizens and visitors of Key West;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That section 18-27 of the Code of Ordinances is hereby amended as follows*:

Sec. 18-27. Hours of sale.

(a) No alcoholic beverages shall be sold, served or consumed within the city limits by any person or vendor between the hours of 4:00 a.m. and 7:00 a.m. ~~each day except Sunday.~~

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

~~(b) No alcoholic beverages shall be sold, served or consumed within the city limits by any person or vendor between the hours of 4:00 a.m. and 12:00 noon on Sunday.~~

~~(e)~~ (b) During the restricted hours set forth in subsections (a) and ~~(b)~~ of this section, any person other than the vendor or his employee found on the premises where alcoholic beverages are sold, served or consumed shall be presumed to be drinking on the premises.

~~(d)~~ (c) These restrictions shall not apply to private residences unless licensed to serve or to sell alcoholic beverages.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2011.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2011.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2011.

Filed with the Clerk _____, 2011.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK