

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD,  
FLORIDA, AMENDING CHAPTER 113 OF THE CODE OF  
ORDINANCES ENTITLED "ALCOHOLIC BEVERAGES" TO  
PERMIT THE CONSUMPTION OF ALCOHOL IN CITY  
COMMUNITY FACILITIES.

WHEREAS, Chapter 113 of the Code of Ordinances establishes alcoholic  
beverage regulations; and

WHEREAS, on December 1, 2021, the City Commission requested Department  
of Parks, Recreation and Cultural Arts staff to provide a recommendation to streamline  
facility use permit procedures for the consumption of alcoholic beverages in City  
facilities and formalize the City's position on the sale and consumption of alcoholic  
beverages at the City's golf courses; and

WHEREAS, the City wishes to revise Section 113.06 entitled "Public  
Consumption Prohibited; Exception", to allow for the consumption of alcoholic  
beverages in the Department of Parks, Recreation and Cultural Arts indoor facilities  
with a valid Facility Use Permit, City golf courses, and the Hollywood Art and Cultural  
Center, on which on-premises consumption of alcoholic beverages is permitted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed  
as being true and correct and are incorporated in this Ordinance.

Section 2: That Chapter 113 of the Code of Ordinances entitled "Alcoholic  
Beverages" is hereby amended as follows:

**TITLE XI: BUSINESS REGULATIONS**

\* \* \*

**CHAPTER 113. ALCOHOLIC BEVERAGES**

\* \* \*

Coding: Words in ~~struck-through~~ type are deletions from existing text; underscored words are  
additions to existing text.

## § 113.06 PUBLIC CONSUMPTION PROHIBITED: EXCEPTIONS

\* \* \*

(A) It shall be unlawful for any person to consume, and for any person to carry in any cup, glass, can, bottle or other open or uncovered container, any alcoholic beverage in any park or recreational area open to the public or on any street, beach, sidewalk, alley or public right-of-way. This section shall not apply to:

(1) ~~any~~ Any premises that has a valid sidewalk café table permit and is duly licensed pursuant to state ~~State~~ law on which on-premises consumption of alcoholic beverages is permitted, or on any privately-owned property;

(2) Department of Parks Recreation and Cultural Arts indoor facilities with a valid Facility Use Permit;

(3) City Golf Courses; or

(4) Hollywood Art and Culture Center.

(B) It shall be unlawful for any person, organization or corporation to sell alcoholic beverages in any park or recreational area or on any street, beach, sidewalk, alley or public right-of-way. This section shall not apply to City Golf courses and the Hollywood Art and Culture Center pursuant to the state law on which the sale of alcoholic beverages is permitted.

~~(B)~~(C) (1) Any person, organization or corporation who or which wishes to be excluded from the prohibition of the above division (A and B) for a period of time not to exceed seven days, may apply to the City Manager or ~~his/her~~ designee for a variance. The criteria to be used by the City Manager or ~~his/her~~ designee shall include:

- (a) The purpose for which the variance is requested.
- (b) The dates, times and locations of such purpose.
- (c) Provisions for security and crowd control.
- (d) Proximity to residential areas.

(2) The variance may be granted if the above criteria tend to lessen the impact of such public consumption on any neighboring residential property, and tends not to disturb the health, safety, welfare, peace and comfort of the citizens of the City ~~city~~. The less likely the variance to create a nuisance based upon the above criteria, the more likely the variance to be granted.

(3) Appeals from the determination of the City Manager or his/her designee, as to the denial of a variance for consumption of alcoholic beverages during special events within the City ~~city~~ shall be made to the City Commission. These appeals shall have priority and shall be heard at the next regular meeting of the City Commission.

(4) The hearing on such appeals shall be de novo. The City Commission shall hear evidence as to the manner by which the City Manager or his/her designee evaluated the criteria set out in divisions ~~(B)~~(C)(1) and (2) above. The City Commission shall sustain or reverse the decision of the City Manager or his/her designee in accordance with the City Commission's judgment as to whether the applicant meets the standards set out in divisions ~~(B)~~(C)(1) and (2) above. The City Commission shall make a final decision in the matter and the City Manager or his/her designee shall give written notice thereof to the applicant.

Section 3: That it is the intention of the City Commission and it is ordained that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised \_\_\_\_\_, 2022.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 113 OF THE CODE OF ORDINANCES ENTITLED "ALCOHOLIC BEVERAGES" TO PERMIT THE CONSUMPTION OF ALCOHOL IN CITY COMMUNITY FACILITIES.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY for the use and reliance  
of the City of Hollywood, Florida, only.

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DOUGLAS R. GONZALES  
CITY ATTORNEY