

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

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 113 OF THE CODE OF ORDINANCES ENTITLED "ALCOHOLIC BEVERAGES" TO REVISE THE REGULATIONS RELATING TO HOURS OF SALE; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, Sections 113.25 and 113.26 of the Hollywood Code of Ordinances currently establish regulations regarding the hours of sale for alcoholic beverages within the City of Hollywood; and

WHEREAS, the Police Department has determined that it is necessary to revise the regulations as they are not achieving the regulatory controls of the City Commission and at times are circumvented by certain establishments whereby it is difficult to enforce the regulations; and

WHEREAS, the City Commission of the City of Hollywood has determined that it is in the public interest to revise the regulations relating to the sale of alcoholic beverages;

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

Section 1: That Chapter 113 of the Hollywood Code of Ordinances is hereby amended as follows:

**CHAPTER 113: ALCOHOLIC BEVERAGES**

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***HOURS OF SALE***

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**§ 113.25 HOURS OF SALE; GENERALLY.**

(A) ~~No person or vendor, except those determined by the City Commission to comply with the requirements for an extended hours license pursuant to §113.26, shall sell or offer for sale or deliver upon the premises of such person or vendor any liquor, beer or wine, regardless of the alcoholic content, on any day of the week between the hours of 2:00 a.m. and 7:00 a.m. No person or vendor, except those determined by the~~

(Coding: words in underscored type are additions to existing text, and words in ~~struck-through~~ type are deletions.)

City Commission to comply with the requirements for an extended hours license pursuant to §113.26, shall sell or offer for sale or deliver, or ~~permit to be consumed~~ upon the premises of such person or vendor, any liquor, beer or wine, regardless of the alcoholic content, on any day of the week between the hours of 2:00 ~~2:30~~ a.m. and 7:00 a.m. Notwithstanding the foregoing, no person or vendor shall be prohibited from selling or offering for sale or delivering any liquor, beer or wine, regardless of alcoholic content, on New Year's Day between the hours of 2:00 a.m. and 4:00 a.m., and no person or vendor shall be prohibited from permitting to be consumed upon the premises of such person or vendor, any liquor, beer or wine, regardless of the alcoholic content, on New Year's Day between the hours of 2:30 a.m. and 4:00 a.m., except insofar as such privilege may be suspended, terminated or conditioned pursuant to this section. The ability to sell, offer for sale, deliver or permit to be consumed upon the premises any alcoholic beverages beyond the hour of 12:00 midnight on any day of the week is hereby declared to be and is a privilege subject to suspension, termination, and the imposition of conditions as provided below, and no person may reasonably rely on a continuation of that privilege.

(1) ~~No person, vendor or distributor or any place of business licensed under the provisions of this chapter or by this State, or any employee thereof, shall permit any person who is not a licensed vendor or employee thereof to remain on the premises beyond the legally authorized closing hour. However, if said premises are divided so that the portion of said premises where alcoholic beverages are kept, stored or dispensed is segregated by partition and locked doors after the legal closing hour, such prohibition shall not apply.~~ Except for those establishments that have an extended hours license pursuant to §113.26, who shall abide by the regulations in §113.26, any person, vendor, or corporation which dispenses alcoholic beverages within the City for consumption on the establishment's licensed premises shall at the hour of 2:00 a.m., cause all outside lights on the premises occupied by it to be extinguished and shall cause all entrances and exits to such establishment to be locked, and the entrances and exits shall not be opened between the hours of 2:00 a.m. and 7:00 a.m., except to admit the proprietor and his/her employees to enter and to permit the egress of the proprietor, employees, and customers of such place from the premises. Customers and patrons within the establishment shall be required to leave the establishment/premises by 2:30 a.m. Nothing herein contained shall be construed so as to permit any place to sell, serve, or permit alcoholic beverages to be sold or served during prohibited hours.

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**§113. 26 EXTENDED HOURS LICENSE.**

\* \* \*

(C) *Operation of establishment.*

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(5) Any person, vendor, or corporation that has been issued an extended hours license or live music extended hours license and dispenses alcoholic beverages within the City for consumption on the establishment's licensed premises shall, at the hour of 4:00 a.m., cause all outside lights on the premises occupied by it to be extinguished and shall cause all entrances and exits to such establishment to be locked, and the entrances and exits shall not be opened between the hours of 4:00 a.m. and 7:00 a.m., except to admit the proprietor and his/her employees to enter and to permit the egress of the proprietor, employees and customers of such place from the premises. Customers and patrons within the establishment shall be required to leave the establishment/premises by 4:30 a.m.. Nothing herein contained shall be construed so as to permit any place to sell, serve, or permit alcoholic beverages to be sold or served during prohibited hours. For each establishment with an extended hours license which is current as of the effective date of this paragraph, this paragraph will not apply unless and until such extended hours license is renewed.

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Section 2: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this ordinance may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: 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 herewith be and the same are hereby repealed to the extent of such conflict.

ORDINANCE AMENDING CHAPTER 113 ALCOHOLIC BEVERAGES

Section 5: That this ordinance shall be in full force and effect thirty (30) days from its passage and adoption.

Advertised on \_\_\_\_\_, 2017.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

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

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida, only.

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ALAN FALLIK, ACTING CITY ATTORNEY