

SUNRISE, FLORIDA

ORDINANCE NO. 153-08-B

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA AMENDING CHAPTER 3 "ALCOHOLIC BEVERAGES," ARTICLE I "ALCOHOLIC BEVERAGES", SECTION 3-8 "DEFINITIONS"; CREATING SECTION 3-9 "UNDERAGE PATRONS PROHIBITED IN STAND ALONE BARS AND NIGHTCLUBS"; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is within the police power of the City to regulate the presence at stand-alone bars and nightclubs of individuals under the age of twenty-one (21); and

WHEREAS, Florida law prohibits the sale of alcoholic beverages to individuals under the age of twenty-one (21); and

WHEREAS, the City Commission of the City of Sunrise, Florida, has determined that the public health, safety and welfare will be best served by prohibiting the admission of persons under the age of twenty-one (21) to stand-alone bars and nightclubs as defined in the City's Code of Ordinances; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of a public hearing; and

WHEREAS, the City Commission held a public hearing, pursuant to the published notice described above, at which all citizens so desiring had an opportunity to be heard.

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

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Chapter 3 "Alcoholic Beverages", Article I "Alcoholic Beverages", Section 3-8 "Definitions", of the City's Code of Ordinances is hereby amended to read as follows:

Section 3-8. Definitions.

* * *

Stand alone bar. Stand alone bar shall mean any establishment licensed by the state of Florida for consumption of alcohol on the premises, which is devoted during any time of operation predominantly or totally to serving alcoholic beverages, and in which the serving of food, if any, is merely incidental to the consumption of any such beverage; and the licensed establishment is not located within, and does not share any common entryway, or common indoor area with any business

for which the sale of food or any other product or service is more than an incidental source of gross revenue. An establishment constitutes a stand alone bar in which the service of food is merely incidental in accordance with this definition if the establishment derives no more than ten (10) per cent of its gross revenue from the sale of food consumed on the licensed premises. This definition does not include sporting facilities where events sanctioned by nationally recognized regulatory athletic or sports associations are held; nor hotels, motels, and bona fide restaurants whose primary business is the service of full course meals and which derive greater than ten (10) per cent of gross revenue from the sale of food consumed on the licensed premises, where such businesses are licensed by the state's division of hotels and restaurants.

* * *

Section 3. Chapter 3 "Alcoholic Beverages", Article I "Alcoholic Beverages", Section 3-9 "Underage patrons prohibited in stand-alone bars and nightclubs" of the City's Code of Ordinances is hereby created to read as follows:

Section 3-9. Underage patrons prohibited in stand alone bars and nightclubs.

KAR0115

3

C08026
ORDINANCE NO. 153-08-B

~~scored through~~ words are deletions
underscored words are additions

(a) It shall be unlawful for any person under the age of twenty-one (21) to enter or remain within a stand alone bar or nightclub, while that establishment is selling or serving alcoholic beverages for consumption on the premises.

(b) It shall be unlawful for any person to present any false, altered or otherwise fraudulent proof of age to attempt to gain entry to any stand alone bar or nightclub while that establishment is selling or serving alcoholic beverages for consumption on the premises.

(c) It shall be unlawful for any stand alone bar or nightclub, or any employee or agent thereof, to knowingly admit, or permit to remain within the establishment, any person under the age of twenty-one (21) while that establishment is selling or serving alcoholic beverages for consumption on the premises.

(d) It shall be a defense to alleged violations of this section that the person under the age of twenty-one (21) obtained access through a fraudulent identification, and the stand alone bar or nightclub used reasonable efforts to prevent the use of fraudulent identifications. Under these

circumstances, only the persons who gained access to the stand-alone bar or nightclub by presenting fraudulent identification shall be considered in violation of this section. Violations of this section shall be prosecuted pursuant to Section 1-15 of the Code of Ordinances.

(e) Nothing herein shall be deemed to in any way prohibit any person under the age of twenty-one (21) from:

(1) Being present in a stand alone bar or nightclub as an employee of that establishment to perform work duties;

(2) Being present in a stand alone bar or nightclub pursuant to an agreement with that establishment to provide some service, including providing security, maintenance, or entertainment to the establishment or its patrons;

(3) Being present in a stand alone bar or nightclub for the purposes of making a delivery of goods to that establishment; or

(4) Being present in a stand alone bar or nightclub while performing a public or legal duty, such as law enforcement, fire suppression, building inspection, or health

inspection.

Section 2. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 4. Inclusion in the City Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately at the time of its passage and adoption.

PASSED AND ADOPTED upon this first reading this 22ND day of JANUARY, 2008.

PASSED AND ADOPTED upon this second reading this 12TH day of FEBRUARY, 2008.

Mayor Steven B. Feren

Authentication:

KAR0115

6

C08026
ORDINANCE NO. 153-08-B

~~scored through~~ words are deletions
underscoring words are additions

Felicia M. Bravo
City Clerk

FIRST READING

SECOND READING

MOTION: ALU
SECOND: ROSEN

MOTION: WISHNER
SECOND: ALU

ALU: YEA
WISHNER: ABSENT
ROSEN: YEA
SCUOTTO: YEA
FEREN: YEA

ALU: YEA
WISHNER: YEA
ROSEN: YEA
SCUOTTO: YEA
FEREN: YEA

Approved by the City Attorney
As to Form and Legal Sufficiency

Kimberly A. Register