

ORDINANCE 2016-01

AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING THE CODE OF ORDINANCES OF POLK CITY, FLORIDA; AMENDING SECTION 6-3 OF THE CODE OF ORDINANCES OF POLK CITY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. MODIFICATION OF SECTION 6-3 OF THE CODE OF ORDINANCES OF POLK CITY. The City Commission hereby amends Section 6-3 of the Code of Ordinances of Polk City, Florida to read as follows:

**"Sec. 6-3. - Consumption or possession in certain public and semi-public areas.**

*(a) Prohibited Consumption in Certain Public and Semipublic Areas.* It shall be unlawful for any person to consume or have in his or her possession any alcoholic beverage in an open container on any public street, thoroughfare, sidewalk, except in a licensed establishment. ~~sidewalk cafe, or on any public or semipublic parking area in the incorporated area of the town, unless the owner of such property consents in writing to the consumption of alcoholic beverages on such property.~~

*(b) Prohibited Consumption on City-owned Property.* The use, consumption or possession of any alcoholic beverages on or in city-owned property is hereby prohibited and declared to be unlawful. The City Manager may suspend the operation of such prohibition by a special written permit authorizing the use, consumption or possession of alcoholic beverages at receptions, dances, private weddings, bazaars, carnivals, celebrations, civic functions, fund raising endeavors, city-sponsored events, or other related activity on or in city-owned civic centers, buildings, structures and premises. In deciding whether to issue a permit, the city manager shall consider the number and age of persons likely to be in attendance, the likelihood of injury, the ability to provide police and fire protection, the ability to provide medical services, the ability to implement effective crowd control measures, the availability of sanitary facilities, the likelihood of accumulation of litter and/or debris, and the proximity of location to religious or educational institutions, hospitals, youth or public recreation centers or areas, playgrounds, child care centers and residential areas. The city manager shall establish a procedure to review applications which shall include the Police Department, Fire Department and the Parks and Recreation Department. Applicants for a special permit may be required to post a five hundred dollar (\$500.00) damage deposit by cashier's check, pay for Police security and obtain event insurance naming Polk City as an additional insured. Applicants for a special permit pursuant to this subsection shall pay a reasonable fee to be established by the City Manager.

(b)- (c) *Violation; penalty.* Any violation of any of the provisions of this section shall be punishable as provided in F.S. § 125.69.

**SECTION 2. SEVERABILITY.** If any portion or portions of this Ordinance are declared to be invalid, the remaining portions shall have the same force and effect as though such invalid portion or portions had not been included.

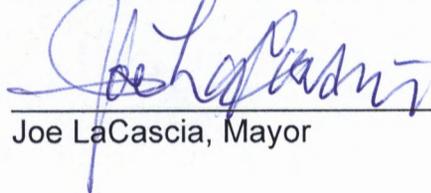
**SECTION 3. CONFLICT.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effective in accordance with general law.

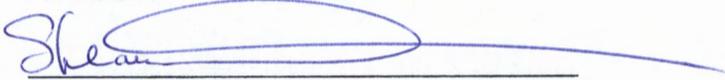
PASSED ON FIRST READING this 19<sup>th</sup> day of January, 2016.

PASSED ON SECOND READING this 15<sup>th</sup> day of February, 2016.

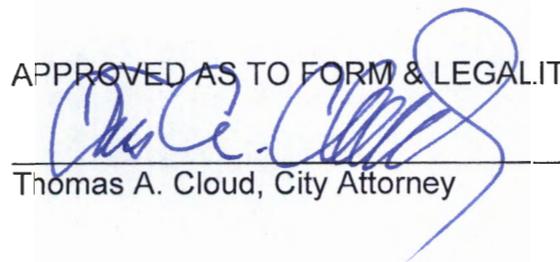
CITY OF POLK CITY, FLORIDA

  
\_\_\_\_\_  
Joe LaCascia, Mayor

ATTEST:

  
\_\_\_\_\_  
Sheandolen P. Dunn, Deputy City Clerk

APPROVED AS TO FORM & LEGALITY

  
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Thomas A. Cloud, City Attorney