

## ORDINANCE 2018-16

AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING THE CODE OF ORDINANCES OF POLK CITY, FLORIDA; AMENDING SECTION 6-61 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 6-61 OF THE CODE OF ORDINANCES OF POLK CITY.** The City Commission hereby amends Section 6-61 of the Code of Ordinances of Polk City, Florida to read as follows:

**"Sec. 6-61. - Generally.**

(a) ***Beer and wine.*** Alcoholic beverages may be sold, consumed or served, or permitted to be served or consumed, at any place holding a 1 APS, 2 APS, 1 COP or 2 COP license under the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, within the city only between the following hours:

- (1) Monday, 7:00 a.m. until 2:00 a.m. the following Tuesday.
- (2) Tuesday, 7:00 a.m. until 2:00 a.m. the following Wednesday.
- (3) Wednesday, 7:00 a.m. until 2:00 a.m. the following Thursday.
- (4) Thursday, 7:00 a.m. until 2:00 a.m. the following Friday.
- (5) Friday, 7:00 a.m. until 2:00 a.m. the following Saturday.
- (6) Saturday, 7:00 a.m. until 2:00 a.m. the following Sunday.
- (7) Sunday, 7:00 a.m. until 2:00 a.m. the following Monday. ~~12:00 noon until 12:00 midnight.~~

If New Year's Eve shall fall on a Sunday, the hours for sale of alcoholic beverages for on-premises consumption shall be extended until 2:00 a.m. the following Monday.

(b) ***Others generally.*** Alcoholic beverages having an alcoholic content of greater than one percent by weight, except malt beverages and wine, may be sold, consumed or served, or permitted to be served or consumed, at any place holding a license under the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, within the city only between the following hours:

- (1) Monday, ~~10:00~~ 7:00 a.m. until 2:00 a.m. ~~12:00 midnight~~ the following Tuesday.
- (2) Tuesday, ~~10:00~~ 7:00 a.m. until 2:00 a.m. ~~12:00 midnight~~ the following Wednesday.
- (3) Wednesday, ~~10:00~~ 7:00 a.m. until 2:00 a.m. ~~12:00 midnight~~ the following Thursday.
- (4) Thursday, ~~10:00~~ 7:00 a.m. until 2:00 a.m. ~~12:00 midnight~~ the following Friday.
- (5) Friday, ~~10:00~~ 7:00 a.m. until 2:00 a.m. ~~12:00 midnight~~ the following Saturday.
- (6) Saturday, ~~10:00~~ 7:00 a.m. until 2:00 a.m. ~~12:00 midnight~~ the following Sunday.
- (7) Sunday 7:00 a.m. until 2:00 a.m. the following Monday ~~sales shall not be permitted.~~

(c) ~~Certain Sunday sales prohibited. There shall not be sales or service on Sundays of beverages in sealed containers containing alcohol of more than 14 percent by weight for consumption off-premises.~~

(cd) *Violation; penalty.* Violations of this section shall be punishable by a fine of not more than \$500.00 or imprisonment for not more than 60 days, or both such imprisonment and fine."

**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.

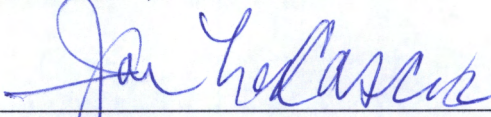
**SECTION 3. CONFLICT.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

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

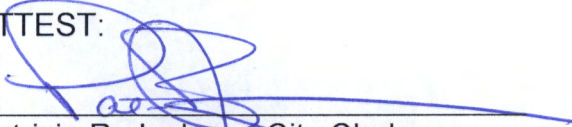
**PASSED ON FIRST READING** this 22nd day of January, 2019.

**PASSED ON SECOND READING** this 18th day of March, 2019.

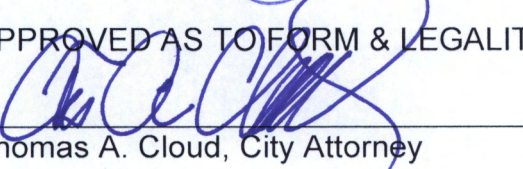
**POLK CITY, FLORIDA**

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

ATTEST:

  
\_\_\_\_\_  
Patricia R. Jackson, City Clerk

APPROVED AS TO FORM & LEGALITY

  
\_\_\_\_\_  
Thomas A. Cloud, City Attorney